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SITTING DAYS—2012

<table>
<thead>
<tr>
<th>Month</th>
<th>Date</th>
</tr>
</thead>
<tbody>
<tr>
<td>February</td>
<td>7, 8, 9, 13, 14, 15, 16, 27, 28, 29</td>
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<tr>
<td>March</td>
<td>1, 13, 14, 15, 19, 20, 21, 22</td>
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<tr>
<td>May</td>
<td>8, 9, 10, 21, 22, 23, 24, 28, 29, 30, 31</td>
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<td>June</td>
<td>18, 19, 20, 21, 25, 26, 27, 28</td>
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<tr>
<td>August</td>
<td>14, 15, 16, 20, 21, 22, 23</td>
</tr>
<tr>
<td>September</td>
<td>10, 11, 12, 13, 17, 18, 19, 20</td>
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<tr>
<td>October</td>
<td>9, 10, 11, 29, 30, 31,</td>
</tr>
<tr>
<td>November</td>
<td>1, 26, 27, 28, 29</td>
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</table>

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

House of Representatives Office holders
Speaker—Hon. Peter Neil Slipper MP
Deputy Speaker—Ms Anna Elizabeth Burke MP
Second Deputy Speaker—Hon. Bruce Craig Scott MP

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

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

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

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

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

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<table>
<thead>
<tr>
<th>Members</th>
<th>Division</th>
<th>Party</th>
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<tr>
<td>Abbott, Hon. Anthony John</td>
<td>Warringah, NSW</td>
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<td>Richmond, NSW</td>
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<td>Members</td>
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<td>Party</td>
</tr>
<tr>
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<td>ALP</td>
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<td>Cowper, NSW</td>
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<tr>
<td>Hawke, Alexander George</td>
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<tr>
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<td>Fowler, NSW</td>
<td>ALP</td>
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<tr>
<td>Hockey, Hon. Joseph Benedict</td>
<td>North Sydney, NSW</td>
<td>LP</td>
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<td>Flinders, VIC</td>
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<tr>
<td>Husic, Edham Nurreddin</td>
<td>Chifley, NSW</td>
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<td>Swan, WA</td>
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<tr>
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<td>Scullin, VIC</td>
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<td>Tangney, WA</td>
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<td>Kennedy, QLD</td>
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<td>Stirling, WA</td>
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<td>Eden-Monaro, NSW</td>
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<td>Ballarat, VIC</td>
<td>ALP</td>
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<td>Bowman, QLD</td>
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<td>ALP</td>
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<td>LP</td>
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<td>Capricornia, QLD</td>
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<td>ALP</td>
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<td>Jagajaga, VIC</td>
<td>ALP</td>
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<td>LP</td>
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<td>Party</td>
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<td>Higgins, VIC</td>
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iv
### Members of the House of Representatives

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<th>Party</th>
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#### PARTY ABBREVIATIONS
- ALP—Australian Labor Party; LP—Liberal Party of Australia; LNP—Liberal National Party;
- CLP—Country Liberal Party; Nats—The Nationals; NWA—The Nationals WA; Ind—Independent;
- AG—Australian Greens

#### Heads of Parliamentary Departments
- Clerk of the Senate—R Laing
- Clerk of the House of Representatives—B Wright
- Acting Secretary, Department of Parliamentary Services—R Grove
### GILLARD MINISTRY

<table>
<thead>
<tr>
<th>Title</th>
<th>Minister</th>
</tr>
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<tbody>
<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>
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<tr>
<td>Minister for Social Inclusion</td>
<td>The Hon Mark Butler MP</td>
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<td>Minister Assisting the Prime Minister on Mental Health Reform</td>
<td>The Hon Mark Butler MP</td>
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<td>Minister for the Public Service and Integrity</td>
<td>The Hon Gary Gray AO MP</td>
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<tr>
<td>Minister Assisting the Prime Minister on the Centenary of ANZAC</td>
<td>The Hon Warren Snowdon MP</td>
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<tr>
<td>Cabinet Secretary</td>
<td>The Hon Mark Dreyfus QC MP</td>
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<tr>
<td>Parliamentary Secretary to the Prime Minister</td>
<td>Senator the Hon Jan McLucas</td>
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<td><strong>Treasurer</strong></td>
<td>The Hon Wayne Swan MP</td>
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<td>(Deputy Prime Minister)</td>
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<td><strong>Minister for Financial Services and Superannuation</strong></td>
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<td>Assistant Treasurer</td>
<td>The Hon Bill Shorten MP</td>
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<td>Parliamentary Secretary to the Treasurer</td>
<td>The Hon David Bradbury MP</td>
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<tr>
<td><strong>Minister for Tertiary Education, Skills, Science and Research</strong></td>
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<tr>
<td>(Leader of the Government in the Senate)</td>
<td>Senator the Hon Chris Evans</td>
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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>
<td><strong>Minister for Small Business</strong></td>
<td>The Hon Brendan O'Connor MP</td>
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<tr>
<td>Minister Assisting for Industry and Innovation</td>
<td>Senator the Hon Kate Lundy</td>
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<td>Parliamentary Secretary for Industry and Innovation</td>
<td>The Hon Mark Dreyfus QC MP</td>
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<tr>
<td>Parliamentary Secretary for Higher Education and Skills</td>
<td>The Hon Sharon Bird MP</td>
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<tr>
<td><strong>Minister for Broadband, Communications and the Digital Economy</strong></td>
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<td>(Deputy Leader of the Government in the Senate)</td>
<td>Senator the Hon Stephen Conroy</td>
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<tr>
<td><strong>Minister for Regional Australia, Regional Development and Local Government</strong></td>
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<tr>
<td>Minister for the Arts</td>
<td>The Hon Simon Crean MP</td>
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<td><strong>Minister for Defence</strong></td>
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<tr>
<td>(Deputy Leader of the House)</td>
<td>The Hon Stephen Smith MP</td>
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<td>Minister for Defence Materiel</td>
<td>The Hon Jason Clare MP</td>
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<tr>
<td>Minister for Veterans' Affairs</td>
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<tr>
<td>Minister for Defence Science and Personnel</td>
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<td>Parliamentary Secretary for Defence</td>
<td>The Hon Dr Mike Kelly AM MP</td>
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<td>Parliamentary Secretary for Defence</td>
<td>Senator the Hon David Feeney</td>
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<tr>
<td><strong>Minister for Immigration and Citizenship</strong></td>
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<tr>
<td>Minister for Multicultural Affairs</td>
<td>The Hon Chris Bowen MP</td>
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<tr>
<td><strong>Minister for Infrastructure and Transport</strong></td>
<td></td>
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<tr>
<td>(Leader of the House)</td>
<td>The Hon Anthony Albanese MP</td>
</tr>
<tr>
<td>Minister for Infrastructure and Transport</td>
<td>The Hon Catherine King MP</td>
</tr>
<tr>
<td>Parliamentary Secretary for Infrastructure and Transport</td>
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<tr>
<td><strong>Attorney-General</strong></td>
<td>The Hon Nicola Roxon MP</td>
</tr>
<tr>
<td><strong>Minister for Emergency Management</strong></td>
<td>The Hon Nicola Roxon MP</td>
</tr>
<tr>
<td>Minister Assisting on Queensland Floods Recovery</td>
<td>Senator the Hon Joe Ludwig</td>
</tr>
<tr>
<td>Minister for Home Affairs</td>
<td>The Hon Jason Clare MP</td>
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<td>Minister for Justice</td>
<td>The Hon Jason Clare MP</td>
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<td><strong>Minister for Families, Community Services and Indigenous Affairs</strong></td>
<td>The Hon Jenny Macklin MP</td>
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<td><strong>Minister for Disability Reform</strong></td>
<td>The Hon Jenny Macklin MP</td>
</tr>
<tr>
<td><strong>Minister for Housing</strong></td>
<td>The Hon Brendan O'Connor MP</td>
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<tr>
<td><strong>Minister for Homelessness</strong></td>
<td>The Hon Brendan O'Connor MP</td>
</tr>
<tr>
<td>Minister for Community Services</td>
<td>The Hon Julie Collins MP</td>
</tr>
<tr>
<td>Minister for the Status of Women</td>
<td>The Hon Julie Collins MP</td>
</tr>
<tr>
<td>Parliamentary Secretary for Disabilities and Carers</td>
<td>Senator the Hon Jan McLucas</td>
</tr>
<tr>
<td><strong>Minister for Foreign Affairs</strong></td>
<td>Senator the Hon Bob Carr</td>
</tr>
<tr>
<td><strong>Minister for Trade and Competitiveness</strong></td>
<td>The Hon Dr Craig Emerson MP</td>
</tr>
<tr>
<td>Parliamentary Secretary for Trade</td>
<td>The Hon Justine Elliot MP</td>
</tr>
<tr>
<td>Parliamentary Secretary for Pacific Island Affairs</td>
<td>The Hon Richard Marles MP</td>
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<tr>
<td>Parliamentary Secretary for Foreign Affairs</td>
<td>The Hon Richard Marles MP</td>
</tr>
<tr>
<td>**Minister for Sustainability, Environment, Water, Population and</td>
<td>The Hon Tony Burke MP</td>
</tr>
<tr>
<td>Communities (Vice-President of the Executive Council)</td>
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</tr>
<tr>
<td>Parliamentary Secretary for Sustainability and Urban Water</td>
<td>Senator the Hon Don Farrell</td>
</tr>
<tr>
<td><strong>Minister for Finance and Deregulation</strong></td>
<td>Senator the Hon Penny Wong</td>
</tr>
<tr>
<td>Special Minister of State</td>
<td>The Hon Gary Gray AO MP</td>
</tr>
<tr>
<td>Minister Assisting for Deregulation</td>
<td>The Hon David Bradbury MP</td>
</tr>
<tr>
<td><strong>Minister for School Education, Early Childhood and Youth</strong></td>
<td>The Hon Peter Garrett AM MP</td>
</tr>
<tr>
<td><strong>Minister for Employment and Workplace Relations</strong></td>
<td>The Hon Bill Shorten MP</td>
</tr>
<tr>
<td>Minister for Early Childhood and Childcare</td>
<td>The Hon Kate Ellis MP</td>
</tr>
<tr>
<td>Minister for Employment Participation</td>
<td>The Hon Kate Ellis MP</td>
</tr>
<tr>
<td>Minister for Indigenous Employment and Economic Development</td>
<td>The Hon Julie Collins MP</td>
</tr>
<tr>
<td>Parliamentary Secretary for School Education and Workplace Relations</td>
<td>Senator the Hon Jacinta Collins</td>
</tr>
<tr>
<td>(Manager of Government Business in the Senate)</td>
<td></td>
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<tr>
<td><strong>Minister for Agriculture, Fisheries and Forestry</strong></td>
<td>Senator the Hon Joe Ludwig</td>
</tr>
<tr>
<td>Parliamentary Secretary for Agriculture, Fisheries and Forestry</td>
<td>The Hon Sid Sidebottom MP</td>
</tr>
<tr>
<td><strong>Minister for Resources and Energy</strong></td>
<td>The Hon Martin Ferguson AM MP</td>
</tr>
<tr>
<td><strong>Minister for Tourism</strong></td>
<td>The Hon Martin Ferguson AM MP</td>
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<tr>
<td><strong>Minister for Climate Change and Energy Efficiency</strong></td>
<td>The Hon Greg Combet AM MP</td>
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<tr>
<td>Parliamentary Secretary for Climate Change and Energy Efficiency</td>
<td>The Hon Mark Dreyfus QC MP</td>
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<tr>
<td><strong>Minister for Health</strong></td>
<td>The Hon Tanya Plibersek MP</td>
</tr>
<tr>
<td><strong>Minister for Mental Health and Ageing</strong></td>
<td>The Hon Mark Butler MP</td>
</tr>
<tr>
<td><strong>Minister for Indigenous Health</strong></td>
<td>The Hon Warren Snowdon MP</td>
</tr>
<tr>
<td>Parliamentary Secretary for Health and Ageing</td>
<td>The Hon Catherine King MP</td>
</tr>
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<td>Minister for Human Services</td>
<td>Senator the Hon Kim Carr</td>
</tr>
</tbody>
</table>


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<thead>
<tr>
<th>Title</th>
<th>Shadow Minister</th>
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<tbody>
<tr>
<td><strong>Leader of the Opposition</strong></td>
<td>The Hon Tony Abbott MP</td>
</tr>
<tr>
<td>Shadow Parliamentary Secretary Assisting the Leader of the Opposition</td>
<td>Senator Cory Bernardi</td>
</tr>
<tr>
<td><strong>Shadow Minister for Foreign Affairs</strong></td>
<td>The Hon Julie Bishop MP</td>
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<tr>
<td><strong>Shadow Minister for Trade</strong></td>
<td>The Hon Julie Bishop MP</td>
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<td>(Deputy Leader of the Opposition)</td>
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<td>Shadow Parliamentary Secretary for International Development Assistance</td>
<td>The Hon Teresa Gambaro MP</td>
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<tr>
<td><strong>Shadow Minister for Infrastructure and Transport</strong></td>
<td>The Hon Warren Truss MP</td>
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<tr>
<td>(Leader of The Nationals)</td>
<td>Mr Darren Chester MP</td>
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<tr>
<td>Shadow Parliamentary Secretary for Roads and Regional Transport</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>
<td>Shadow Minister for Employment Participation</td>
<td>The Hon Sussan Ley MP</td>
</tr>
<tr>
<td><strong>Shadow Attorney-General</strong></td>
<td>Senator the Hon George Brandis SC</td>
</tr>
<tr>
<td><strong>Shadow Minister for the Arts</strong></td>
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<tr>
<td>(Deputy Leader of the Opposition in the Senate)</td>
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</tr>
<tr>
<td>Shadow Minister for Justice, Customs and Border Protection</td>
<td>Mr Michael Keenan MP</td>
</tr>
<tr>
<td>Shadow Parliamentary Secretary to the Shadow Attorney-General</td>
<td>Senator Gary Humphries</td>
</tr>
<tr>
<td><strong>Shadow Treasurer</strong></td>
<td>The Hon Joe Hockey MP</td>
</tr>
<tr>
<td>Shadow Assistant Treasurer and Shadow Minister for Financial Services and Superannuation</td>
<td>Senator Mathias Cormann</td>
</tr>
<tr>
<td>Shadow Parliamentary Secretary for Tax Reform</td>
<td>The Hon Tony Smith MP</td>
</tr>
<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>
</tr>
<tr>
<td>(Manager of Opposition Business in the House)</td>
<td></td>
</tr>
<tr>
<td>Shadow Minister for Childcare and Early Childhood Learning</td>
<td>The Hon Sussan Ley MP</td>
</tr>
<tr>
<td>Shadow Minister for Universities and Research</td>
<td>Senator the Hon Brett Mason</td>
</tr>
<tr>
<td>Shadow Minister for Youth and Sport</td>
<td>Mr Luke Hartsuyker MP</td>
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<tr>
<td>(Deputy Manager of Opposition Business in the House)</td>
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<tr>
<td>Shadow Parliamentary Secretary for Regional Education</td>
<td>Senator Fiona Nash</td>
</tr>
<tr>
<td><strong>Shadow Minister for Indigenous Affairs</strong></td>
<td>Senator the Hon Nigel Scullion</td>
</tr>
<tr>
<td>(Deputy Leader of the Nationals)</td>
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</tr>
<tr>
<td>Shadow Minister for Indigenous Development and Employment</td>
<td>Senator Marise Payne</td>
</tr>
<tr>
<td><strong>Shadow Minister for Regional Development, Local Government and Water</strong></td>
<td>Senator Barnaby Joyce</td>
</tr>
<tr>
<td>(Leader of the Nationals in the Senate)</td>
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</tr>
<tr>
<td>Shadow Minister for Regional Development</td>
<td>The Hon Bob Baldwin MP</td>
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<tr>
<td>Shadow Parliamentary Secretary for Northern and Remote Australia</td>
<td>Senator the Hon Ian Macdonald</td>
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<td>Title</td>
<td>Shadow Minister</td>
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<td>Shadow Parliamentary Secretary for Local Government</td>
<td>Mr Don Randall MP</td>
</tr>
<tr>
<td>Shadow Parliamentary Secretary for the Murray-Darling Basin</td>
<td>Senator Simon Birmingham</td>
</tr>
<tr>
<td>Shadow Minister for Finance, Deregulation and Debt Reduction</td>
<td>The Hon Andrew Robb AO MP</td>
</tr>
<tr>
<td>(Chairman, Coalition Policy Development Committee)</td>
<td></td>
</tr>
<tr>
<td>Shadow Special Minister of State</td>
<td>The Hon Bronwyn Bishop MP</td>
</tr>
<tr>
<td>Shadow Minister for COAG</td>
<td>Senator Mari se Payne</td>
</tr>
<tr>
<td>(Chairman, Scrutiny of Government Waste Committee)</td>
<td>(Mr Jamie Briggs M P)</td>
</tr>
<tr>
<td>Shadow Minister for Energy and Resources</td>
<td>The Hon Ian Macfarlane MP</td>
</tr>
<tr>
<td>Shadow Minister for Tourism</td>
<td>The Hon Bob Baldwin MP</td>
</tr>
<tr>
<td>Shadow Minister for Defence</td>
<td>Senator the Hon David Johnston</td>
</tr>
<tr>
<td>Shadow Minister for Defence Science, Technology and Personnel</td>
<td>Mr Stuart Robert MP</td>
</tr>
<tr>
<td>Shadow Minister for Veterans' Affairs and Shadow Minister</td>
<td>Senator the Hon Michael Ronaldson</td>
</tr>
<tr>
<td>Assisting the Leader of the Opposition on the Centenary of ANZAC</td>
<td></td>
</tr>
<tr>
<td>Shadow Parliamentary Secretary for Defence Materiel</td>
<td>Senator Gary Humphries</td>
</tr>
<tr>
<td>Shadow Parliamentary Secretary for the Defence Force and Defence Support</td>
<td>Senator the Hon Ian Macdonald</td>
</tr>
<tr>
<td>Shadow Minister for Communications and Broadband</td>
<td>The Hon Malcolm Turnbull MP</td>
</tr>
<tr>
<td>Shadow Minister for Regional Communications</td>
<td>Mr Luke Hartsuyker MP</td>
</tr>
<tr>
<td>Shadow Minister for Health and Ageing</td>
<td>The Hon Peter Dutton MP</td>
</tr>
<tr>
<td>Shadow Minister for Mental Health</td>
<td>Senator Concetta Fierravanti-Wells</td>
</tr>
<tr>
<td>Shadow Parliamentary Secretary for Primary Healthcare</td>
<td>Dr Andrew Southcott MP</td>
</tr>
<tr>
<td>Shadow Parliamentary Secretary for Regional Health</td>
<td>Dr Andrew Laming MP</td>
</tr>
<tr>
<td>Services and Indigenous Health</td>
<td></td>
</tr>
<tr>
<td>Shadow Minister for Families, Housing and Human Services</td>
<td>The Hon Kevin Andrews MP</td>
</tr>
<tr>
<td>Shadow Minister for Seniors</td>
<td>The Hon Bronwyn Bishop MP</td>
</tr>
<tr>
<td>Shadow Minister for Disabilities, Carers and the Voluntary Sector</td>
<td>Senator Mitch Fifield</td>
</tr>
<tr>
<td>(Manager of Opposition Business in the Senate)</td>
<td></td>
</tr>
<tr>
<td>Shadow Minister for Housing</td>
<td>Senator Marise Payne</td>
</tr>
<tr>
<td>Shadow Parliamentary Secretary for Supporting Families</td>
<td>Senator Cory Bernardi</td>
</tr>
<tr>
<td>Shadow Parliamentary Secretary for the Status of Women</td>
<td>Senator Michaelia Cash</td>
</tr>
<tr>
<td>Shadow Minister for Climate Action, Environment and Heritage</td>
<td>The Hon Greg Hunt MP</td>
</tr>
<tr>
<td>Shadow Parliamentary Secretary for Environment</td>
<td>Senator Simon Birmingham</td>
</tr>
<tr>
<td>Shadow Minister for Productivity and Population</td>
<td>Mr Scott Morrison MP</td>
</tr>
<tr>
<td>Shadow Minister for Immigration and Citizenship</td>
<td>The Hon Teresa Ganimbaro MP</td>
</tr>
<tr>
<td>Shadow Parliamentary Secretary for Citizenship and Settlement</td>
<td>Senator Michaelia Cash</td>
</tr>
<tr>
<td>Shadow Parliamentary Secretary for Immigration</td>
<td></td>
</tr>
<tr>
<td>Shadow Minister for Innovation, Industry and Science</td>
<td>Mrs Sophie Mirabella MP</td>
</tr>
<tr>
<td>Shadow Parliamentary Secretary for Innovation, Industry, and Science</td>
<td>Senator the Hon Richard Colbeck</td>
</tr>
<tr>
<td>Title</td>
<td>Shadow Minister</td>
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<tr>
<td><strong>Shadow Minister for Agriculture and Food Security</strong></td>
<td>The Hon John Cobb MP</td>
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<tr>
<td><strong>Shadow Parliamentary Secretary for Fisheries and Forestry</strong></td>
<td>Senator the Hon Richard Colbeck</td>
</tr>
<tr>
<td><strong>Shadow Minister for Small Business, Competition Policy</strong></td>
<td>The Hon Bruce Billson MP</td>
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<td>and Consumer Affairs</td>
<td></td>
</tr>
<tr>
<td><strong>Shadow Parliamentary Secretary for Small Business and Fair</strong></td>
<td>Senator Scott Ryan</td>
</tr>
<tr>
<td>Competition</td>
<td></td>
</tr>
</tbody>
</table>
## CONTENTS

### THURSDAY, 15 MARCH 2012

**Chamber**

**BILLS**—
- Judges and Governors-General Legislation Amendment (Family Law) Bill 2012—
  - First Reading ............................................................. 3029
  - Second Reading ......................................................... 3029
- **BUSINESS**—
  - Rearrangement ................................................................ 3030
- **BILLS**—
  - Higher Education Support Amendment Bill (No. 1) 2012—
    - Second Reading ......................................................... 3030
    - Consideration in Detail ............................................... 3038
    - Third Reading ............................................................ 3040
  - Road Safety Remuneration Bill 2011—
  - Road Safety Remuneration (Consequential Amendments and Related Provisions) Bill 2011—
    - Second Reading ......................................................... 3040
    - Consideration in Detail ............................................... 3067

**STATEMENTS BY MEMBERS**—
- International Purple Day .................................................. 3096
- Apple and Pear Industry .................................................... 3096
- Queensland State Election .................................................. 3097
- Gas Energy ........................................................................ 3097
- Breast Implants .................................................................. 3098
- Fowler Electorate: Miller Health and Family Fun Day .......... 3098
- Macarthur Electorate: Camden Show .................................. 3099
- Geale, Mr Daniel .............................................................. 3099
- Food Production .................................................................. 3100
- Quota International, Canberra ............................................ 3100

**CONDOLENCES**—
- Scott, Hon Douglas Barr ................................................... 3101

**QUESTIONS WITHOUT NOTICE**—
- Carbon Pricing ................................................................. 3103
- Mining ............................................................................... 3104
- Carbon Pricing ................................................................. 3104
- Mining ............................................................................... 3105
- Mining ............................................................................... 3106
- Western Australia: General Practice ................................... 3107
- Workplace Safety ............................................................. 3108
- Member for Dobell .......................................................... 3109
- Small Business ................................................................... 3110
- Future Fund ......................................................................... 3111
- Taxation .............................................................................. 3112
- Future Fund ......................................................................... 3113

**MOTIONS**—
- Future Fund ......................................................................... 3114
CONTENTS—continued

STATEMENT BY THE SPEAKER—
Parliamentary Language................................................................. 3121

DOCUMENTS—
Presentation .................................................................................. 3121

COMMITTEES—
Selection Committee—
Report .......................................................................................... 3122

MATTERS OF PUBLIC IMPORTANCE—
Small Business ............................................................................... 3122

ADJOURNMENT—
South Australia: Weapons ............................................................... 3137
St Patrick's Day .............................................................................. 3138
International Women's Day ............................................................ 3138
World War II .................................................................................. 3139
Economy: Shipping ....................................................................... 3140
2012 Tribute to Northern Territory Women .................................... 3142
Burke, Mrs Annette ....................................................................... 3142
Tasmanian Symphony Orchestra .................................................. 3143

NOTICES ......................................................................................... 3144

Federation Chamber
CONSTITUENCY STATEMENTS—
Solomon Electorate: Defence Housing ............................................ 3146
Charlton Electorate: Infrastructure Projects ..................................... 3147
Latrobe Regional Hospital ............................................................... 3147
Anniversary of the Halabja Poison Gas Attack................................ 3148
Australian Women's Land Army ................................................... 3149
Braddon Electorate: Hospitals ....................................................... 3150
Portland Stroke Support Group .................................................... 3151
Petition: Breastmilk Substitutes .................................................... 3151
Townsville Fire Women's National Basketball League .................... 3153
Afghan Pamir Restaurant .............................................................. 3154

BILLS—
Classification (Publications, Films and Computer Games) Amendment (R 18+ Computer Games) Bill 2012—
Second Reading ........................................................................... 3155

ADJOURNMENT—
Mining ........................................................................................... 3182
Deakin Electorate: Vermont South Special School ............................ 3183
Johnson, The Hon. Robert, MLA .................................................. 3184
Public Holidays ............................................................................. 3186
Grey Electorate: Mining ................................................................. 3187
International Women's Day: United Indian Associations ............... 3188
BILLS
Judges and Governors-General Legislation Amendment (Family Law) Bill 2012
First Reading
Bill and explanatory memorandum presented by Mr Gray.
Bill read a first time.
Second Reading
Mr GRAY (Brand—Special Minister of State and Minister for the Public Service and Integrity) (09:02): I move:
That this bill be now read a second time.
This bill will implement new family law arrangements for the federal judiciary and Governors-General by amending the Judges' Pensions Act 1968 and the Governor-General Act 1974.
The new arrangements will allow the former spouse of a judge or of a Governor-General to receive his or her share of a superannuation benefit as a separate benefit at the time of a family law split. This is consistent with family law, which aims to provide separating parties with a clean break.
Under the Family Law Act 1975, superannuation interests for part of the property of a married or de facto partner can be split between separating parties at the time of a property settlement.
However, the current family law arrangements for judges and Governors-General are inconsistent with family law policy of a clean break. The arrangements are also out of step with the other Commonwealth defined benefit superannuation schemes, which have since 2004, provided separate interest benefits to former spouses of scheme members in a family law split.
For judges, the current 'percentage only' arrangements mean that any split of the pension of a judge in a family law settlement only occurs when pension payments are made to a retired judge. Payments to a former spouse do not commence until the judge retires and cease upon the judge’s death. There is no certainty as to the overall quantum of the benefit that the former spouse is entitled to receive.
For Governors-General, there are currently no scheme specific, separate interest arrangements in place to cover the splitting of superannuation pensions.
The bill will address these issues by putting in place scheme specific arrangements for judges and Governors-General which provide a separate interest benefit in the event of a family law split of the superannuation benefit.
As well as bringing the arrangements into line with family law policy and with the other Commonwealth superannuation schemes, the new arrangements will give the parties greater control over their respective individual benefits.
The proposed changes do not mean that the Commonwealth will be determining property settlements. The Family Court or the separating parties will decide whether the superannuation benefit is to be split and, if so, the amount or percentage of the split. The arrangements in the bill will operate when a splitting order or agreement is made in relation to a superannuation interest in the scheme.
The interest of the judge or Governor-General in the superannuation scheme will be valued at the time of the family law split.
and a separate interest for the former spouse will also be created at this time.

If a pension is not payable to the judge or Governor-General at the time of the split, the pension for the former spouse will be deferred. The deferred pension will become payable when the former spouse reaches his or her retirement age, or before this if he or she is certified as permanently incapacitated. Once the judge or Governor-General retires and commences a pension, that pension will be adjusted to take account of the amount transferred to the former spouse.

If at the time of the family law split a pension is being paid in respect of the judge or Governor General, the pension for the former spouse will be payable immediately and the pension of the judge or Governor-General will be adjusted to take account of the amount transferred to the former spouse.

The bill also includes transitional provisions to cover existing family law cases in the Judges’ Pensions Scheme. The transitional arrangements provide the former spouse with a separate interest pension from the date the legislation comes into force, based on the splitting percentage in the court order or agreement. There are also safeguards to make sure that there would be no unintended consequences for the parties arising from the proposed new arrangements.

The reforms proposed by the bill are an important step to align the family law splitting arrangements for judges and Governors-General with family law principles, and to bring consistency to the family law arrangements across the Commonwealth defined benefit superannuation schemes.

Debate adjourned.

BUSINESS
Rearrangement

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) (09:07): I move:

That business intervening before order of the day No. 3, government business, be postponed until a later hour this day.

Question agreed to.

BILLS
Higher Education Support Amendment Bill (No. 1) 2012
Second Reading

Debate resumed on the motion:

That this bill be now read a second time.

Mrs PRENTICE (Ryan) (09:07): Tertiary education brings invaluable benefits not only to those who pursue a degree but also to the nation. Our Australian universities are world class. Our top-performing institutions consistently rank in the top 50 in the world. Our Group of Eight research-intensive universities are at the forefront of research and innovation. I am proud that my electorate of Ryan is home to the University of Queensland, an institution which is world renowned. It is said that the purpose of education is to turn an empty mind into an open one. As a nation, we should and do take pride in the calibre of our universities. That is why it is important that we encourage participation in tertiary education and break down the barriers for students who want to obtain a degree. It takes commitment and dedication to complete a university degree and for young people especially that commitment and dedication may also prove to be a sacrifice. It is difficult to put a price on the many benefits a tertiary education brings: higher earning potential, increased...
and diverse opportunities, and perhaps most importantly the ability to analyse and to be encouraged and enthused to learn.

The Higher Education Support Amendment Bill (No. 1) 2012 in items 1 to 9 is intended to 'clarify the application and operation of the indexation provisions of the Higher Education Support Act'. As a result of the government's delay, the original service and amenities amendments were not passed by the parliament. Therefore, instead of an original commencement date of 1 January 2010 with subsequent indexation, the start date will now be 1 January 2012. In line with the government's keen intent to take as much money as possible from tertiary students in Australia, the fee as at 1 January 2012 is $263 and indexation will occur from 2013.

Some might say that this is a very minor amendment, that the bill is only about some minor details. But most Australians are learning to their cost that this government is really not very good with attention to detail, especially financial ones. This is a government which still has not told Australians who the so-called top 500 companies are who will be the basis of revenue gathering under the carbon tax—another minor financial detail. And we know the Gillard Labor government was not really paying very much attention when it began to rack up more than $167 billion of accumulated deficits—more minor financial details.

Today, the government are paying a lot of attention, however, to one financial detail: making sure they increase the student amenities fee from $250 per semester to $263. And yet again there will be no choice in the matter—it is a compulsory charge for every single student. Whether you are full time or part time or perhaps only doing one subject after hours one evening a week, depending on your institution you will also pay the same.

In the past, this government under former Prime Minister Rudd demonstrated that, far from being about a fair go, it would not even allow people in this country the choice about how to improve their lives. It removed full-fee-paying places in universities. Under that program, students had the option to pay upfront for their degree. By abolishing that program, it took away a source of funding for universities to reinvest in their students—another minor financial detail.

Australians are already doing it tough and full-time students are one of the worst affected by cost-of-living pressures. And it is not always possible to work more to cover your costs when students are also supposed to be devoting 40 hours a week to their studies. If members opposite had spent more time in their classes at university and less time at their union offices, they would be aware of this. Yes, payments can be deferred through FEE-HELP, but we know that there is no such thing as a free lunch, so in the future students will then incur an interest bill from the government for their FEE-HELP debt.

So the consequence of this increase to fees is another contribution to Australia's net debt. The Labor government have already accumulated $167 billion in deficits, so I guess that their approach is, 'Well, what's a little more added to Australia's bill?'—yet another minor detail.

The coalition does care. This is why, when we form government, we will look to review this service-and-amenities fee, just as the Howard government did. The government want to maintain the proposition that this is a very minor bill, but it will cause major problems for the tertiary education system as well as the science and research industry in this nation. Reintroducing
compulsory student unionism by proxy was bad enough, but the Labor government also halved the rate of upfront discounts for students from 20 per cent to 10 per cent and they halved the reduction for voluntary payments in excess of the minimum requirement. They changed the conditions under which a student is eligible to receive Centrelink benefits to make it virtually impossible for them to get a job, work hard earning money and then study knowing that they have the support of their government. Tertiary students in Australia are not supported by the Labor government.

The Labor government have abandoned their commitment to NCRIS, the National Collaborative Research Infrastructure Strategy, implemented by the Howard government in 2005. The NCRIS provided $542 million between 2005 and 2011 so that universities could actually ensure they had access to world-class technology with which to do their research. Even more importantly, this program meant that world-class professors and researchers had a reason to come to Australia to do their research and to share their knowledge with Australian scientists. In 2011, the government threatened to cut more than $200 million from medical research. In 2012, they are cutting the funding by stealth by not recommitting to this very critical scheme. Knowing the poor and reckless financial mismanagement that the government practises, I would be very concerned if even a single dollar were being taken by them from taxpayers. It is even more fortunate for the residents of Ryan at the University of Queensland that there is a very professional and well-organised team managing the student union who I know will spend the funds wisely and judiciously. I have spoken before in this House of their very laudable successes. Indeed, many businesspeople have commented to me after their dealings with the University of Queensland Liberal Club and Fresh team that they would be more than delighted to employ them in their own companies.

Our university sector is vital and student choice is critical to its success. Education is our children's future, but equally it is our nation's future. Every barrier we remove will be repaid countless times over. Every step we as a nation take to improve access to education will open not just minds but hope, reward and opportunity.

Ms LIVERMORE (Capricornia) (09:15): I rise to support the Higher Education Support Amendment Bill (No. 1) 2012. This bill is a straightforward but necessary bill to clarify some aspects of the Higher Education Support Act, which, among other things, is the vehicle by which our universities are provided with Commonwealth government funding.

To start with, the bill clears up some problems relating to indexation arrangements that arose due to the passage in 2010 of the Higher Education Support Amendment (Indexation) Act. That act had the effect of introducing some ambiguities into the application and operation of the indexation provisions of the Higher Education Support Act. Specifically, the indexation arrangements cleared up in this bill are for amounts including Commonwealth contribution amounts under the Commonwealth Grant Scheme, maximum student contribution amounts, the FEE-HELP limit, the maximum OS-HELP amount, and the maximum amount of the student services and amenities fee on 1 January 2011. The bill makes it clear that indexation should have been applied to all amounts in the act on 1 January 2011, as provided for under the previous indexation
provisions. It also makes clear that the amounts that are indexed on 1 January 2012 are the 2011 indexed amounts.

As I said, the bill is technical in nature but nonetheless the changes included in it will benefit the higher education sector in Australia—and, indeed, you could say that about any bill that the government brings into the parliament relating to higher education. We have been determined as a government to undo the damage done to the sector by the Howard government—damage that started with savage cuts in 1996 and continued as that government pursued a course of chronic underinvestment in universities coupled with constant meddling in their internal administration. This government, in contrast, sees universities as important partners in an agenda that recognises education in all its forms as core to achieving our objectives for economic prosperity and social equity in this country.

Following the advice of the Bradley review we have set ambitious targets for participation in higher education in the medium term. By 2025 we want 40 per cent of Australian 25- to 34-year-olds to have a bachelor level qualification or higher degree. It was with great pleasure that I noted the announcement earlier this month by the education minister that we have achieved significant progress on that measure. Thanks to the government's investment in the higher education sector and much fairer and more generous support for students, there has been a 27 per cent increase in the number of student places at universities since 2007, or an increase of 150,000 extra university students in Australia.

There are further targets for universities to meet in terms of the participation and graduation of people from traditionally underrepresented groups, such as Indigenous people and those from low-socioeconomic backgrounds as well as those from rural areas. I just note in that regard the announcement by my local university, CQ University, just last week of its appointment of the first Pro-Vice-Chancellor, Indigenous Engagement, Dr Bronwyn Fredericks, and welcome Bronwyn back to Central Queensland to take up that very, very important position at the university and one which is going to open up incredible opportunities for Indigenous people throughout Queensland.

The targets that I have talked about are bold targets and they have been matched by equally bold reforms to help the higher education sector to meet them. Chief among those is the shift from 1 January this year to demand-driven funding. No longer will the Commonwealth government decide how many students will study what course at which university, effectively setting caps on course numbers according to how many Commonwealth funded places go to each university; instead, under the demand-driven funding model, universities are free to make their own decisions about how many students they are prepared to enrol in particular courses. Students who meet those enrolment requirements set by a university will attract Commonwealth funding to match those enrolments.

Such a big change has required universities to think about what they have to offer and what they need to do to meet the needs of students in the broader community. To help universities make that transition, the government has made available structural adjustment funding and numerous rounds of funding to boost infrastructure and to reward quality teaching. I am pleased to say that my local university, CQ University, has received a handsome share of that structural adjustment funding in a very competitive and rigorous assessment process. So the education reforms that I have talked about
are evident in our region in a very tangible way.

In response to the reform agenda under way in the higher education sector and to the economic growth going on in our region, CQ University has looked closely at how it can best meet the needs of local industries and communities and provide opportunities for people wanting to fill the skills gaps that exist in so many important occupations in Central Queensland. One way the university is doing that is by greatly increasing the courses on offer in allied health disciplines. Last year the university established programs in ultrasound and sonography, nutrition, mental health nursing, paramedic science, pathology and clinical investigation, among others. These new courses have proved popular, with enrolments meeting the first year targets and continuing to demonstrate strong support from students in 2012.

I am pleased to say that these courses have now been added to. In 2012 the first students were welcomed into courses including physiotherapy, podiatry, speech pathology, chiropractic and occupational therapy. I note that one of the amendments in this bill makes a change to the definition of 'a course of study in dentistry'. Students are able to use FEE-HELP to pay their tuition fees up to the amount of the FEE-HELP limit. There is a higher amount of FEE-HELP available to students enrolled in certain courses, including dentistry. For example, the general FEE-HELP limit in 2012 is $89,706. However, the limit is higher for those students enrolled in a course of study in either veterinary science, medicine and dentistry—up to an amount of just over $112,000.

The important point in this bill is to clarify exactly what is meant by a course of study in dentistry or veterinary science. The change means that only students undertaking courses of study in dentistry or veterinary science that satisfy a minimum academic requirement for registration as a dentist or vet surgeon are eligible for that higher FEE-HELP limit. Students undertaking courses of study that lead to registration as a specialist—in other words, going beyond those minimum registration requirements—are not entitled to the higher FEE-HELP limit.

The reference in this bill to a course in dentistry caught my eye because one of the courses that CQ University has been working very hard to make available from the start of 2012 is a degree in oral health. Graduates from the oral health program will be oral health therapists, qualified to perform preventative and operative dentistry—things like examination, risk assessment, diagnosis of periodontal disease and dental caries, scaling and cleaning, and oral hygiene instruction. This is the only oral health degree program being offered in Queensland. It has shifted from Griffith University, where that university has elected to concentrate on its dentistry program and close down its oral health degree. CQ University has now picked that up.

There are 28 students enrolled in this first year of the degree at CQU. The program has strong links into the sector with clinical placements being made available within Queensland Health, including access to two dental chairs in the school dental service and access to two chairs at the community dental clinic at the base hospital. An additional 12 dental chairs will be located at the CQ University public health clinic. The public health clinic is central to the university's major investment in allied health and it is something I am pleased to say has been strongly supported by our government.

The Gillard government is funding the $20 million needed to establish the allied
health clinic. That is $6 million from Health Workforce Australia and $14 million from the Structural Adjustment Fund. This facility will allow students in disciplines like physiotherapy, podiatry, speech pathology and oral health to participate in supervised clinical placements in the on-campus clinic. Members of the public will be able to access the clinic for treatment, taking pressure off waiting lists for so many allied health services at the same time as supporting our health professionals of the future.

This clinic will make a really significant contribution to health care in the Rockhampton region. It will allow us to train our own home-grown allied health professionals with a much higher chance that they will stay and practice in the region and relieve the chronic shortages that we have suffered in so many areas of health care. Those students will gain their clinical skills by treating members of the public under appropriate supervision, so the addition to our overall health services will be felt immediately.

Heading up the oral health school is someone who is no stranger to Parliament House and this chamber. I thought those members who have been around for a while—not quite the new parliamentary secretary at the table, Ms Bird, who came a bit later, but certainly the member for Lingiari, the Minister for Veterans' Affairs—might like to know that Leonie Short, the former member for Ryan, has joined Central Queensland University as an associate professor. She has guided the new course through its accreditation and now has the satisfaction of overseeing the progress of those 28 new oral health students. I know how lucky we are to have someone of Leonie's experience, not to mention her passion for education, taking the lead on this program. I welcome her to Rockhampton and wish her and her team all the best in getting the oral health degree firmly established as a top choice for students in Central Queensland.

I mentioned at the start of this speech that the bill seeks to clarify the application of indexation provisions in the act for a range of amounts relevant to the higher education sector. One of those amounts is the student services and amenities fee that we have heard so much about from our friends opposite. The fee, of up to $263 per year, can now be charged by universities to offset the cost of providing student services and amenities. I will list some of those because we did not hear any of them from the other side with their obsession with political campaigns and student unions. These fees go to things like child care, food outlets, legal services and sporting facilities on our university campuses.

The fee was reinstated with the passage last year of the Higher Education Support Amendment (Student Services and Amenities) Bill 2011. The battle over a student services fee has been a long one. In fact, it is a battle that most of the opposition MPs have been fighting since their own university days and, as evidenced by this debate, even now you just have to say the words 'student union' and you will have them in a lather. Right on cue, as classes commenced for the year at CQ University, the member for Dawson and the member for Flynn put out their template press releases having a go at their local university for asking students to pay a fee for a range of services made available to them on those campuses.

I will describe for the House what these campuses are like. In Mackay and Rockhampton, two of the relevant campuses, the campuses are on the edge of those cities. They are a reasonable distance from other services such as shops, local government...
offices and service providers. They are not big campuses and do not have thousands and thousands of students. You are talking about much smaller numbers of students than some of the examples that have been given by other members in this debate, like Sydney University with 30,000 students. These are campuses that are a little bit removed from those cities of Rockhampton and Mackay and they do not have a lot of students able to support provision by the private sector of some of those services.

We have heard all the usual ideological arguments from the other side, and certainly from the member for Dawson and the member for Flynn in their media comments and speeches about the evils of student unions. They reminded me that probably the most overt political activity that I can remember on the CQ campus was that engaged in by the member for Dawson with his infamous editorship of The Student Advocate which among other things said how stupid women are. If you want to talk about politics at CQU the member for Dawson is probably the person to talk to.

The fact is that, by law, this student services fee cannot be used for political purposes. It is a fee that students are not required to pay upfront; rather, it can be deferred as part of their FEE-HELP debt to be paid back when they are earning graduate salaries. It is a fee that goes towards providing health services, child care, student advocacy, sporting facilities, counsellors, career advice and accommodation support. It is a fee that drew its strongest support from regional universities that have seen the biggest reductions on campus services due to the Howard government's VSU legislation. Again, the examples were given of the big city universities. They may very well be able to go and find private providers for some of these. Someone who knows a thing or two about regional campuses is the Vice-Chancellor of James Cook University, Sandra Harding, who said: 'Regional students were especially dependent on the services that had been weakened since the abolition of compulsory student union levies. Regional students are more likely to have had to move away from their families to attend university and rely more on the welfare and support services that were provided from the previous fees.'

Our regional universities, like JCU and CQU, know what they need to do to attract students and support them while they are completing their studies. On all its campuses CQU has been investing to create an environment which gives students opportunities to get involved in activities beyond the classroom and experience all that university life has to offer. The members in electorates to my north and south, Dawson and Flynn, might want to support the university and some of its applications for funding rather than take cheap shots at it in this ideological crusade.

The SPEAKER: The question is that this bill be now read a second time. I now give the call to the Hon. the Parliamentary Secretary for Higher Education and Skills and congratulate her on her appointment. I believe this is her maiden summing up.

Ms BIRD (Cunningham—Parliamentary Secretary for Higher Education and Skills) (09:30): That would be correct, Mr Speaker, and thank you very much. I am sure my colleagues on the other side will give me lots of support in the process of doing my first summing up.

Mr Tony Smith interjecting—

Ms BIRD: I am sure you are here to help me. I thank those members who spoke on the Higher Education Support Amendment Bill (No. 1) 2012. I have had the opportunity to hear a significant number of the contributions to the debate on this bill. The
The bill before the House amends the Higher Education Support Act 2003 to clarify the application and operation of indexation arrangements in the act. It updates the definitions of 'course of study in dentistry' and 'course of study in veterinary science' and updates the Melbourne College of Divinity's name in light of its approval to operate under the title MCD University of Divinity.

The bill also allows for technical amendments to the calculation of the voluntary repayment bonus to resolve rounding issues. The terms 'course of study in dentistry' and 'course of study in veterinary science' are used to determine which students are eligible for the higher FEE-HELP limit of $112,132 in 2012. The bill would amend the definitions of 'course of study in dentistry' and 'course of study in veterinary science' to clarify that only students undertaking courses of study in dentistry or veterinary science that satisfy the minimum academic requirements for registration as a dentist, veterinary surgeon or veterinary practitioner are eligible for the higher FEE-HELP limit. The Melbourne College of Divinity has been approved by the Victorian Registration and Qualifications Authority to operate under the name MCD University of Divinity until 31 December 2016.

Students can make a voluntary repayment towards their HELP debt to the tax office at any time. Voluntary repayments of $500 or more currently attract a five per cent bonus on the payment amount. When calculating the effect of a person making a voluntary repayment of his or her HELP debt, the act provides for a person to obtain a five per cent bonus and includes rounding rules in calculating whether a person has repaid their debt and the amount of debt repaid if it is only a partial repayment. Currently the effect of the rounding rule is that (a) when making a full repayment the person benefits from the rounding because the amount of payment required to pay off their debt in full is reduced because the cents are rounded down; and (b) when making a partial repayment the person is disadvantaged because the value of the reduction to the outstanding debt due to a payment is rounded down. The bill amends the act to provide that when calculating the effect of a person making a partial repayment towards his or her HELP debt the amount would be rounded up to the nearest dollar. The cents would continue to be rounded down to determine the amount required for the full repayment of a person's HELP debt amount. Effectively the rounding rules will now always benefit a person making a voluntary repayment.

Many members opposite have taken the opportunity in debate on this bill to once again state their opposition to improved student services and amenities on campus, an issue canvassed by the member for Capricornia, who spoke before me. They have rehashed old flawed arguments in opposition to this bill. This government has not reintroduced compulsory student unionism. We have created a source of funding for vital student services and amenities on campus. No university is required to give any of this funding to student controlled organisations but some of them will, because some student organisations—despite all the obstacles put in their way by members opposite—deliver excellent and important services to students.

Members opposite have also suggested in the debate that this bill represents a fee hike. It simply does not. Government members, during the passage of the original bill, were clear that the maximum fee chargeable by a university would be $263 in 2012. Given the history of the Liberal Party in introducing upfront full fees for domestic undergraduates and their hints that, if they should form a
future government, they will deregulate fees, it does seem a bit hypocritical that they would express such concerns about $263 that can be put on HECS and will not need to be repaid until a student is earning a good wage.

Passage of time meant that there was ambiguity in the act about the application of the indexation provisions to amounts in the act on 1 January 2011. The government made clear its intention on the indexation of these matters in both the explanatory memorandum and the debate in the parliament. These amendments do not change the intent of the parliament in passing this legislation but do add clarity in that indexation should have been applied to amounts in the act on 1 January 2011 and that the amounts that are indexed on 1 January 2012 are the 2011 indexed amounts.

The bill reflects the government's continued commitment to improving Australia's higher education sector and expanding opportunities for Australians to obtain a higher quality higher education. I commend the bill to the House.

Question agreed to.

Bill read a second time.

**Consideration in Detail**

**Bill**—by leave—taken as a whole.

**Mr HARTSUYKER** (Cowper) (09:36): by leave—I move amendments (1) and (2) circulated in the name of the member for Farrer:

1. Schedule 1, item 2, page 3 (lines 6 and 7), omit the item.
2. Schedule 1, item 4, page 3 (lines 10 and 11), omit the item.

These amendments would remove the proposed increase to the student services and amenities fee and references to subsequent indexation of that fee. The coalition remains opposed to the student union fee. We introduced voluntary student union fees in 2005 for the very reason that students deserve the right to choose whether they join an association and whether they wish to pay for the services on offer. Not every student is happy to help fund the orienteering club, the campaign rosters for the union president or the student newspaper. The coalition believes that, while we are not in a position to repeal the fee, this amendment would at least prevent this fee increasing and prevent future indexation of the fee.

**Ms BIRD** (Cunningham—Parliamentary Secretary for Higher Education and Skills) (09:38): The government will not be supporting these amendments. The government's intent with the bill is to clarify indexation arrangements. The ambiguity arose as a result of amendments of the indexation provisions in the act that were made by the Higher Education Support Amendment (Indexation) Act 2010. The amendments proposed by the opposition, if passed, would substantially change arrangements for the student services and amenities fee. They would change section 19-37(5)(e) to say that a student services and amenities fee cannot be more than $250 for a calendar year, starting 1 January 2012. The government is not changing the amount of the student services and amenities fee; it is making clear that the amount of the fee is $263 in 2012. The student services and amenities fee in the Higher Education Legislation Amendment (Student Services and Amenities) Act 2011 was a 2010 amount. It was always intended that this amount would be indexed on 1 January 2011 and in each subsequent year. This intention was clearly highlighted in the explanatory memorandum for the student services and amenities act. The explanatory memorandum provides that the fee will be indexed to $254 in 2011 and indexed annually thereafter. During the debate in the Senate the government explicitly indicated that, under
the proposed arrangements, the fee would be $263 in 2012. Universities are already charging student services and amenities fees up to $263. The opposition’s amendments would mean that universities would be breaching section 19-37. There are substantial penalties for breaching that section of the act. It is not reasonable to change these arrangements retrospectively. We do not support the amendments.

The SPEAKER: The question before the chair is that the amendments be agreed to.

The House divided. [09:44]

(The Speaker—Hon. Peter Slipper)

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Question negatived.

Bill agreed to.

Honourable members interjecting—
The DEPUTY SPEAKER (Hon. BC Scott): Would members who are not remaining in the House please leave quietly and quickly and not conduct conversations outside of their place in this chamber.

Third Reading

Ms BIRD (Cunningham—Parliamentary Secretary for Higher Education and Skills) (09:49): I ask leave of the House to move the third reading immediately.

Leave granted.

Mr Tony Smith: On a point of order, Mr Deputy Speaker: you just requested that members not mill about in the chamber. I would have thought the Leader of the House would—

The DEPUTY SPEAKER (Hon. BC Scott): The Leader of the House is being very disorderly. He is defying the chair. He might excuse himself from the chamber so we can get on with the business before the chair.

Ms BIRD: I move:

That this bill be now read a third time.

Question agreed to.

Bill read a third time.

Road Safety Remuneration Bill 2011

Road Safety Remuneration (Consequential Amendments and Related Provisions) Bill 2011

Second Reading

Cognate debate.

Debate resumed on the motion:

That this bill be now read a second time.

Mr CRAIG KELLY (Hughes) (09:51): In continuation, I will summarise and say that the Road Safety Remuneration Bill 2011 is at best a bandaid solution that will not cure the disease. As Lindsay Fox, the chairman of one of the largest trucking companies in Australia, has come to realise, the problem is actually with the centralisation of market power in our retail sector. Mr Fox said this about our supermarket duopoly:

They are too big … You can't dictate the terms and conditions of what people have got to trade with you. And they are getting to that stage. They are trying to dictate to everyone.

They are expecting everything for nothing. They are going to crucify the farmers, crucify the bread manufacturers …

And they are crucifying our nation's truck drivers. Hopefully this will be a wake-up call to the unions of the dangers to unionists that arise from the radical centralisation of powers that has occurred in many areas of our economy over the last 30 years. For, in the past, unions have been roped into supporting failed competition theory—a theory which has encouraged and rewarded the growing centralisation of power within our economy. Under it, there has been this dangerous belief that it would be easier for unions to organise workers after they had been lined up in rows by duopolies or oligopolies.

But there is a tipping point after which a more highly concentrated market is no longer good—not only for our nation's farmers and our nation's small businesses but also for our unionists and our entire nation. The circumstances our nation's truck drivers find themselves in today demonstrate that we are well past this tipping point. If we are going to restore hope, reward and opportunity to our nation's truck drivers, we can only do so by addressing the problem of the centralisation of market power that has occurred, especially in our retail sector. Sadly this is something that the Labor government refuses to even consider.

Ms O'NEILL (Robertson) (09:53): I rise with great pleasure to speak this morning on the Road Safety Remuneration Bill 2011 and the Road Safety Remuneration (Consequential Amendments and Related
Provisions) Bill 2011. There is so much that goes on in this place every day and sometimes there seems to be an incredible gap between the work we do and what Australians see of the work we do. Sometimes bridging that gap in our discussions here in the chamber can be quite challenging. I believe, however, that the legislation we are considering today is legislation for all those who might be out driving in their car right now listening to this broadcast or for all those who might be sitting at home watching A-PAC. People who move around in our community and who are drivers of ordinary cars and vehicles really do understand the pressure of driving on our roads and they share a concern about the trucks and the truck drivers on the road.

I have just finished 240 hours of driver supervision with my two young daughters. One of the big challenges they faced was overcoming their physical anxiety about being on the road with large trucks. Large trucks are frightening for many new drivers—and, sadly, not every driver is going to make a truck driver's day at work an easy thing either. We all share the roads and it is very important that we manage the way we enable people in the truck-driving industry to do their work in a safe manner. We need to do that to ensure that young drivers, such as my own daughters, can use the roads with a reasonable sense that they can move safely and that the truck drivers they are sharing the road with are not under such time pressures, such health pressures or such economic pressures that they are encouraged to cut corners or to take risks—even to risk losing their lives. I think we need to put on the record the Prime Minister's words:

Australia’s truck drivers work hard to make a living.

They certainly do. She continued:
But they shouldn’t have to die to make a living …

And that is at the heart of why we are here in this chamber today moving this piece of legislation.

What are the facts? Let us not race over these facts as we so often do when we start to talk about statistics. Every year, 330 Australians are killed in truck crashes. That is 330 lives lost and at least 330 families amazingly impacted by that loss. These people in our community—those who have lost family members in truck crashes—know the intricacy of the challenges that face people who work in the trucking industry and know there is every chance that those lives might not have been lost if we in this place had been paying enough attention to providing a framework that was safety oriented. Such a framework might have kept those men and women alive.

When we say 'truck crashes', it is pretty easy for people to think, 'Well, it is truck drivers who died.' But that is not the case. We know that in fact 72 per cent of the people killed when a truck is involved are actually occupants of other vehicles—older drivers, younger drivers, families on holidays, kids crossing a road. We need to do everything in our power, through our legislation, to make sure that truck drivers have every opportunity to move safely and to have the sorts of working conditions that give them the chance of getting home alive to their families at the end of a long day of driving. But it is not just that 330 Australians are killed every year in truck crashes or that 72 per cent of them are people in other vehicles. There are also 5,300 Australians injured every single year in truck crashes.

We know that the deaths and injuries arising from truck crashes are absolutely devastating for families and communities. While you can never put a price on a life and while the loss experienced by those who love the people who die can never be calculated,
there is in fact a number to consider. Each year, the cost to taxpayers of these tragic truck related deaths and injuries is $2.7 billion.

One of the other critical issues we need to address for the ordinary people of Australia is the misuse of unfettered commercial power by massive industry clients like Coles. We are seeing evidence all the time that this is the root cause of death and injury. There are trucking industry clients who could care a whole lot less about the 330 lives, clients who care only about the bottom line of their own business, clients who treat truck drivers as disposable units of labour—as if they have no personhood and as if they have no families. Those trucking industry clients are certainly trying to make sure that truck drivers have no rights to have a safe workplace. They are trying to squeeze the industry so hard that drivers are often forced to work far too long and to drive far too fast just so they can make a living for themselves. A critical number of reports have been presented over the years but I think it is fair to say that we have hit a point of crisis, and that is why we are responding with this legislation today. I want to cite one piece of evidence from a coroner. I have great respect for the work of all politicians in this place, who work together in the interests of our nation, but too often we hear people making points just for political gain without paying attention to the facts and the real evidence. There will be 330 people who will die this year if things stay as they are. We need to make a change, and the reason we need to make a change is this sort of statement:

NSW Deputy Coroner Dorelle Pinch expressed the consequence of the heightened ‘exposure to risk’ that is part of the trucking industry in her 2003 findings regarding the tragic death of employee drivers Anthony Forsythe, Barry Supple and Timothy John Walsh.

Real men, real people who nearly 10 years later have families who still long for their return and who wait, wondering what might have been if they had had safe conditions to work in. The deputy coroner said:

As long as driver payments are based on a (low) rate per kilometre there will always be an incentive for drivers to maximise the hours they drive, not because they are greedy but simply to earn a decent wage.

That is a fact. That is a coroner who has been paying attention to the impact of death and that is the reality that this legislation deals with.

One of the critical reasons that things have advanced to this point is the efforts of the Transport Workers Union. So often in the public debate in this country we hear unions maligned. When people are out doing this work in their trucks, when they are driving around the country and when they are taking these unnecessary risks because of the highly dangerous context they are working in, they need somebody else to be doing the organisation to make sure their stories are told and to make sure that the facts of their challenging existence are recorded somewhere. When things get as bad as they are now in the trucking industry, that is when you absolutely need your union to organise a voice for you.

I really want to pay tribute to Tony Sheldon and the TWU for the work that they do. I know there are some members attending today, and a few are actually in the parliament right now. I am assuming that the men who are sitting here today have all probably spent a bit of time in a cab themselves. The truck drivers I know love their work. You would have to; I could never do that travelling for all those hours every day. They love their work, they want to keep doing their work and they need to do it safely. They want to do that work knowing that somebody has their back, that somebody
is looking after them. That is what the TWU is doing and has done. It has brought the evidence to this place so that we can put it on the record and make sure that we empower the legislative capacity of this place to change things once and for all, to give it a fair go so that, at the end of this year, there are not 330 families sitting there waiting for somebody to drive that truck through the gate but finding that they are just not coming home. We cannot allow that to continue.

I also want to put on the record one of the important findings of the Safe Rates Summit 2011. There are a number of things identified that impact on the behaviour of drivers. Low rates of pay I have spoken about. There are also incentive based rates, which are corrupting ordinary healthy behaviours; unpaid working time, where people are called only to have their trucks stand there waiting to be loaded and waiting to be unloaded and not getting paid for that, which is completely unfair; unreasonable demands; poor queuing practices; and, obviously, the imbalance of market power that I have spoken about.

The Safe Rates Summit indicated that those six critical factors lead to some particular behaviours that make it dangerous for you and me, non-truck drivers, on the road and dangerous for the truck drivers. When you have those sorts of working conditions, it is not surprising that fatigue is a part of the problems that cause crashes. Drug use, very sadly, is a part of the life of some truckies. I know that the TWU has been working very hard in long-term education campaigns to interrupt those behaviours and to make sure that people understand that they should not be taking those risks with their bodies. Speeding is obviously one of the critical things, and we do see that on our roads. When people are pushed to the edge, they will take the wrong decision and speed. There is also poor vehicle condition. When you are on a wing and a prayer all the time, when your rate of pay is screwed down to the lowest possible amount, sometimes there is not the money to service the machine in the way that it needs to be serviced. Sometimes there is not the money to replace the tyres, which are not cheap on these big rigs. Big problems are going to happen if we do not attend to the fact that this industry needs significant review and reform.

Tom from the Central Coast is one person who was interviewed at Marulan. I also want to pay credit to the people who did the research. Sitting at a truck stop and taking evidence probably has not been the most salubrious experience for some of the people who undertook to do the research, but that is what a union can enable to happen. They can invest for the whole group in the sorts of resources that we need to produce the evidence to give us a clear picture of what is going on, and Tom could not have been any clearer:

I am doing 24 hours in unpaid waiting times a week. With trailers being pre-loaded by ... I cannot afford to wait another hour or so unpaid while they unload and reload a set of trailers to get the legal weight. I carry overweight regularly and I don't have a choice.

I am sure that Tom is not happy about that from the tone of what he said there, and as a driver who might be sharing the road with Tom I am not happy about it either. That is why we are here in this place putting forward this legislation. It is our goal to make it impossible for these conditions to continue and to give ordinary workers a fair go. In closing, I would like to refer to the main reasons why this government has introduced a safe remuneration system for drivers. We need, through this legislation, to address the root causes of unsafe driving practices. We know that there are underlying economic factors that encourage unsafe on-road
practices. We know that the commercial dominance of the transport industry's powerful clients, especially big retailers, is corrupting this workplace and making it dangerous for ordinary men and women who work in this industry and bring all of the goods that we get from our supermarkets, who move all the produce from the country to the processing places, who move all of the things that we require around our country. Our goal in this legislation is very clearly to lead to safer roads for all Australians. We know that the current economic and social cost of unsafe roads is overwhelming for drivers, their families and the general community. We on this side of the House understand the importance of looking after ordinary Australian workers and their families.

Mrs GRIGGS (Solomon) (10:08): Today we debate the Road Safety Remuneration Bill 2011 and the Road Safety Remuneration (Consequential Amendments and Related Provisions) Bill 2011. We on this side of the House fully support the introduction of viable methodologies designed to improve road safety, particularly in the road transport industry. In this instance, however, the coalition will be opposing this suite of legislative changes, as this is not anything to do with road safety; it is all about union power.

The legislation would see the establishment of a new tribunal, the Road Safety Remuneration Tribunal, made up of members from the road transport industry and Fair Work Australia. The tribunal would be given broad-ranging powers to investigate and set pay rates and conditions for any segment of the heavy vehicle industry through the issuing of road safety remuneration orders, or RSROs. Additionally, the tribunal would be authorised to deal with disputes on remuneration or related conditions between hirers, or employers, and independent contractors, or employees, where a dispute is not before Fair Work Australia. Resolution can be determined by conciliation and mediation. In the event that an agreement cannot be determined by these mechanisms then arbitration will occur.

The issuing of RSROs by the tribunal may apply minimum remuneration and employment conditions on top of existing relevant awards. Additionally, an RSRO may provide clarity on industry practices such as loading and unloading, waiting times, working hours, load limits and payment methods, as the member for Robertson was just talking about. For example, compensation in terms of remuneration could be provided for delays in unloading of transported goods.

Further, the tribunal may also reduce or remove remuneration incentives which are considered to apply pressure or amount to actions which contribute to unsafe work practices—for example, excessive work hours, speeding and other associated transport risks. It is interesting to note that an RSRO will, if introduced, override an existing Fair Work Australia award or agreement if the RSRO is more beneficial. So is this about road safety or about union control? That is the question we are here to ask.

The tribunal may also grant a safe remuneration approval, a form of collective agreement between specific groups such as independent contractors and hirers. In essence, an SRA is a form of enterprise agreement. This suggests that the legislation is not necessarily about road safety but rather, as I have said, about union control. This legislation and this government assume that remuneration is linked to road safety. This assumption is very difficult, if not impossible, to substantiate.
As I have already stated, the coalition is fully supportive of measures to address road safety concerns, particularly within the road transport sector. However, the impetus behind this particular suite of legislation is not clear. The government's own regulatory impact statement states:

... data at this point in time is limited and being definitive around the causal link between rates and safety is difficult.

To qualify this point further, the report also states:

... speed and fatigue are often identified as the primary cause for a crash but it is a much harder task to prove that drivers were speeding because of the manner or quantum of their remuneration.

We in this House are all fully aware that the bulk of operators in the transport sector are proactive respondents to road safety and measures designed to minimise the impact on drivers and the public of the transporting of goods by road freight. In contrast, we are also fully aware that cowboys exist across all sectors of industry, including the transport industry—not limited to a single contractor but also manifest in the form of companies.

Individual attitudes to risk remain an underlying factor of this debate, one that cannot be simply quantified. It is unclear how the attitudes of drivers to risk will be changed with the intervention of the tribunal and the potential for increased rates of pay. Nor is it possible to determine how much is enough in target earnings before an individual decides they have enough salary.

It is clear that the legislation, although veiled in the premise of being about road safety, is in fact and by definition about industrial relations, particularly as, just before this legislation was brought to the House, it was transferred from the Minister for Infrastructure and Transport to the minister for unions—I mean, the Minister for Employment and Workplace Relations.

We all know that the Northern Territory is remote from the rest of Australia. No matter how you look at it, to get goods to the Top End, to Darwin and Palmerston in my electorate, we remain very heavily reliant on road transport. The distances are vast, the environment is harsh and, every year, the Stuart Highway, the only road up to the Top End, is subject to the forces of nature, particularly heavy rains—which are happening as I speak—and floods, which more often than not result in substantial delays and down time for drivers. Although most of the Stuart Highway is in Minister Snowden's electorate of Lingiari, I would not begrudge any expenditure on Territory roads. I just wish the Gillard Labor government would spend some money on Territory roads. So, please, Gillard government, spend some money on Territory roads. That is going to help my drivers be safe. From a road safety perspective the continued introduction of better road management practices, the increase in roadside stops and other fatigue management measures, as well as the tighter monitoring of measures already in place or on the cusp of being introduced to regulate the industry are far better options. Investing in Territory roads by this government would also be welcomed by Territorians, who each year are cut off from the rest of Australia.

In their submission to the House of Representatives Standing Committee on Infrastructure and Communication, the National Road Transport Operators Association, NatRoad, provided analyses of the higher rates of pay and classic economic theory. Their conclusion indicated that higher rates of remuneration could lead to lower safety outcomes for some of the lowest paid drivers. The rationale behind this theory is that it is generally agreed workers will from time to time increase their labours in response to higher wages. The higher rewards generally increase the incentive to
work with further remuneration, against a
decrease in the relative attractiveness of
leisure time. NatRoad argues in its
submission:
... these workers are likely to increase, rather than
decrease, their labour availability in response to a
Road Safety Remuneration Order (RSRO) which
marginally improved remuneration levels for
these workers ...

The Australian Industry Group also
highlighted this point by suggesting that,
even if a connection between remuneration
and unsafe practices did exist, it was not a
proven response and:
... it does not follow that establishing higher
minimum rates or prohibiting certain methods of
payment will result in drivers changing their
unsafe practices.

Rather, Ai Group suggested that if an
individual driver's on-road behaviour is
influenced by remuneration it is conceivable
that increasing such incentives may increase
the instance of behaviours where individuals
seek to reap greater reward.

Research from the New South Wales RTA
concludes that in 31 per cent of fatal crashes
involving heavy vehicles the driver is at
fault. If we accept this, then it begs the
question: what impact will increased
remuneration for transport drivers have on
the other 69 per cent of fatal crashes, where
the other driver is at fault? I suggest there
will be nil impact; these crashes will
continue to occur even after this legislation is
enacted. Will the addition of a further level
of regulation improve the transport industry?
The industry is already heavily regulated at
both the state and national levels. There is
contractor legislation and workplace health
and safety legislation, to name just two.

In addition to existing governance, the
National Heavy Vehicle Regulator will
commence on 1 January 2013. The
development of this regulator has taken years
of engagement, consultation and negotiation
by successive governments. One important
aspect of the NHVR will be the national
chain of responsibility provisions, which
would make companies directly responsible
for the unsafe behaviours of their drivers. On
1 January this year the Workplace Health
and Safety Act model laws commenced
operation in several states, including in the
Northern Territory. One of the underpinning
principles of the laws is for business to
ensure workplace risk is as low as reasonably
practicable. Given that the laws became
effective just over three months ago, it seems
somewhat pre-emptive and dismissive of the
government to now introduce further levels
of governance to an industry in
circumstances where the new laws have yet
to be proven effective or otherwise, nor has
the opportunity been provided to industry to
implement the new laws and get their house
in order.

Based on this premise, I question the
motivations for the introduction of this Road
Safety Remuneration Bill. Furthermore,
where the Workplace Health and Safety Act
requires the application of as low as
reasonably practicable ALARP principles,
which absolutely require the implementation
of continuous improvement and best practice
philosophies, the introduction of a new level
of governance via this legislation package
seems an unnecessary and additional burden,
particularly when the new model workplace
laws have yet to be given time to be bedded
down across the industry. I note again that
the Ai Group has suggested the new
measures being put forward in this bill may
undermine the operation of the Fair Work
Act to the extent of overriding decisions of
the existing industrial tribunal. Does this not
then put into question the effectiveness of
this Labor government's modern award
process in producing effective outcomes? Is
it the case that the minister believes the
government's Fair Work Act is unable to
effectively function in the heavy vehicle industry space? Or, more simply, is this bill a measure to push up the wages of truck drivers outside the processes already in place?

Many of the submissions to the House committee inquiry supported the points raised about there being existing laws which apply to wages, conditions, contracting arrangements, road use, vehicle standards, fatigue management, speed, mass, dimensions, loading, substance abuse, record keeping as well as workplace health and safety obligations. It would be fair to say, then, that if this bill is successful it will make an industry already well burdened with administrative red tape less flexible, less able to deal with the fluid nature of pricing conditions—diesel fuel prices, for example. Additionally, road safety remuneration orders have the potential to suffocate any efficiency gains and innovations through the application of standards in force at a particular point in time rather than a philosophy of adaptability and flexibility, as is currently the case.

There are other concerns. The Department of Employment and Workplace Relations indicates that, resulting from constitutional limitations, if the bill is passed it will cover over 80 per cent of employees and 60 per cent of owner-drivers within the industry. However the department notes:

... the Government has indicated its intention to expand coverage by exploring the possibility of referrals of power from state governments to enable expansion of the scheme to employees and owner drivers not within Commonwealth legislative power.

The legislation is not supported by either the Queensland or New South Wales governments and therefore renders the notion of expansion as unlikely and a moot point. So who does support this legislation? I bet you will be surprised to know, Mr Deputy Speaker, that the TWU supports these bills before the House. I wonder if it is because these bills are all about union power and not about safety. These bills are all about the Gillard Labor government looking after its vested interests; it is all about the Gillard Labor government looking after its union mates.

These bills before the House have further deficiencies and broader implications, not just for the sector of the transport industry it was intended to regulate. Focus has been on the long-haul heavy vehicle sector of the transport industry; however, the definition provided within the bill for the road transport industry is extremely broad. I note that I am running out of time, so I think that I would like to remind everyone that this bill is definitely not about road safety, it is about union power. As such, I as a member of the coalition will not be supporting this bill.

Mr MARLES (Corio—Parliamentary Secretary for Pacific Island Affairs and Parliamentary Secretary for Foreign Affairs) (10:23): I rise with both a sense of pride and a sense of delight to speak in support of the Road Safety Remuneration Bill 2011. Before I do that, I would like to acknowledge in the gallery above us students from Killester College in Springvale. Welcome to Parliament House, and I really hope that you have a very productive visit today. It is a great thing to be visiting the nation's capital, and I am sure you will enjoy your day here.

I would also like to acknowledge representatives from the Transport Workers Union who are in the gallery as well, led by Michael Kaine, the national federal assistant secretary of the TWU. I also note Senator Glenn Sterle in the gallery, a former TWU official, as of course I am. I raise that in this sense, that it does give me a better understanding, I think, of the particular issues faced by people who are driving on our roads around this country, the dangers
that they face and the particular trials and tribulations that they have in their work. It is really that experience that I hope I bring to this chamber in speaking today.

I want to come back to my friends in the gallery in a moment, but I will first take up some of the comments from the member for Solomon. I find them disturbing, though we understand that those on the other side have a natural predilection against regulation and that is fair enough in the context of where they come from, and it is also the case on this side of the House that we as a government too have made enormous inroads to removing red tape and reducing government regulation. Indeed, it would be good if we saw some more national unity around the states with further harmonisation. If we could get some conservative governments on board for that agenda we would really see some red tape being removed. But when you hear a person say, in relation to what is the single most dangerous industry in this country, that their attitude is to ignore regulation, it does strike me that that represents a certain fundamentalist view which is not helpful in the debate and which is not going to see the deaths and injuries which are occurring on our roads today being stopped. If you are talking about the single most dangerous industry in this country, that their attitude is to ignore regulation, it does strike me that that is exactly what the Road Safety Remuneration Bill is all about.

At the risk of singling out any of those from the Transport Workers Union in the gallery today, I do want to mention Rick Burton, and it is great that Senator Sterle is in the gallery as well. Rick is now the assistant secretary of the West Australian branch of the Transport Workers Union. Both Rick and Senator Sterle come from WA and indeed both have been active in the north-west of WA, the region which is representing the extent to which road transport, and particularly long-distance road transport, is increasingly becoming such an important part of our national economy.

Senator Sterle in his life on the road drove trucks—furniture trucks, I think I am right in saying—from Darwin to Perth. He knows all about what it is to drive long hours without particularly good remuneration and about the pressures upon a driver in those circumstances. Rick in his work throughout WA is seeing currently a stream of long-distance trucks making the trip from Perth up to the top of WA because of the wonderful resources boom which is happening in that part of the world, but he is also seeing the incumbent dangers associated with that stream of road transport. Their experience and their presence here, particularly Rick's presence in making the pilgrimage from Western Australia to Canberra, speaks volumes about why it is so necessary that we move to deal with what is a very dangerous industry indeed and one which needs regulation in the form of the Road Safety Remuneration Bill. I would like to say to Rick and to all who have made the trip: thank you for coming here and bringing this issue to Canberra. You have done your membership and also your country an enormous service in raising this issue and making sure that something is done about it in this place, and I know that Senator Sterle will be carrying on good work in the other place to make sure that this does become the law of the land.

Road transport represents 1.7 per cent of our national GDP. It employs 246,000 people. It is an industry, as I have said, which is growing—growing by virtue of the resources boom but also growing by virtue of the increasing connectedness of our economy. It is growing at a rate of about 5.6 per cent per year. It is unquestionably a
vitaly important part of our national economy. The roads of Australia and the trucks which pass along them are quite literally the arteries which make Australia work. But while being an incredibly important industry, it is an industry which is very dangerous. Somewhere in the order of 1,400 people die on our roads every year. About 250 of those die as a result of an accident involving a truck. More than 1,000 people are injured every year because of accidents associated with trucks. In 2008-09, there were 25 deaths per 100,000 people working in the road transport industry. That figure makes it the single most dangerous industry in our country. It is why we are moving this bill; it is why we need to see some action here; and it is why we have seen the campaign run by the Transport Workers Union.

It has been estimated that the cost to our economy associated with these accidents is $2.7 billion every year. But it is not so much the economic cost—as significant as it is—that tells the story of the cost to our country associated with those injuries and deaths. In recent weeks the TWU has had in this building people, widows, and family members who have experienced firsthand the death of a loved one as a result of a trucking accident. When you talk to those people you understand the sudden, traumatic and total change to their lives these incidents occurring on the roads have caused. As a result of these deaths their lives will never be the same again. They speak much louder than any economic figures, or any statistic, about the need for us to act in this parliament today. Their presence in this building demands a response, and I am very proud to be a part of that response today.

The response to the issue of trying to reduce trucking deaths on our roads, and how we will act to deal with the issue, was articulated by the National Transport Commission in its report titled *Remuneration and safety in the Australian heavy vehicle industry*, which came out in 2008. What became very clear in the evidence garnered in the report was the link between the rates at which people are paid and the conditions under which people work and the accidents that then ensue on our roads. If any of us were to be honest, no matter what side of the House we stand on, that conclusion is hardly rocket science. It is hardly rocket science to say that, if you need to work long hours and push yourself beyond your extremes in order to earn a living wage, at the end of the day that is what you do.

The state coroner, in his summation of findings in relation to accidents involving Anthony Forsythe, Barry Supple and Timothy John Walsh, in 2003, said—and this was reported in the *Remuneration and safety in the Australian heavy vehicle industry* report of 2008:

> As long as driver payments are based on a (low) rate per kilometre there will always be an incentive for drivers to maximise the hours they drive, not because they are greedy but simply to earn a decent wage.

Back in 2000, this parliament, through the Senate, held an inquiry into the safety of road transport in Australia. The committee's report was entitled *Beyond the midnight oil: managing fatigue in transport*. That report included the following observation:

> A number of submissions have argued that the 'payment by results' method used in road transport is a major contributor to driver fatigue. This type of payment may encourage drivers to work longer hours to increase their earnings. The report also stated that it may influence drivers to engage in dangerous practices such as speeding and excessive hours.

Finally, Professor Quinlan, who authored the *Remuneration and safety in the Australian heavy vehicle industry* report of
2008, perhaps put it the most succinctly when he said:

Customer and consignor requirements on price, schedules and loading/unloading and freight contracts more generally, in conjunction with the atomistic and intensely competitive nature of the industry, encourage problematic tendering practices, unsustainable freight rates and dangerous work practices.

That is the link between the conditions of work on our roads and the behaviour of drivers when they are driving. It is a completely understandable link and it is a completely natural response to the fact of needing to push yourself beyond your limits in order to earn a living wage. But, inevitably, that leads to an unsafe situation on our roads.

That is why we now have before us the Road Safety Remuneration Bill, which seeks to fairly and squarely address this issue by making the matter of safety central to the way in which conditions are set for those working in road transport by making it absolutely clear that safe rates are part of the establishment of rates.

Principally, this legislation establishes a Road Safety Remuneration Tribunal. This tribunal will be able to act on its own motion and also can act as a result of an application by any of the parties in the industrial space. The tribunal can do two things. Firstly, it can make road safety remuneration orders, which, if you like, establish a minimum safe rate of pay to ensure that safe behaviours ensue as a result of that rate of pay. This would sit on top of whatever the industrial instruments are within the workplace, be they awards or collective agreements. The first thing, therefore, is to make sure that safe rates orders—that safety as a component of an industrial minimum—can be put in place in the system.

Secondly, the tribunal will give what are described as 'safe remuneration approvals' for an industrial instrument that is sought to be certified within the industrial system. This is to say that, where there is an enterprise agreement or where there is an instrument in relation to owner-drivers or independent contractors within the transport sector, the ability is there to take that to the Road Safety Remuneration Tribunal to have established upfront that the rates of pay contained in the instrument are 'safe rates'. That will therefore represent a 'safe remuneration approval'.

These two heads of power represent the primary basis on which this new Road Safety Remuneration Tribunal will operate. It will have the power to resolve disputes amongst the parties. It will be an independent body of government—an independent body of Fair Work Australia—but, having said that, the ability will be there to have dual appointments between members of Fair Work Australia and the Road Safety Remuneration Tribunal. That is a precedent that we have seen in other areas of industrial regulation within Australia in both the Coal Industry Tribunal and the remuneration tribunal for our armed services. But also, sitting on the Road Safety Remuneration Tribunal will be industry experts who do understand the particular nature of this industry, and compliance will be a function carried out by the Fair Work Ombudsman.

In concluding, this represents an enormous achievement by the Transport Workers Union. They have been diligent and persistent as they should be in pursuit of this legislation. This is a great example of trade unions acting on behalf of their members and achieving something which is wonderful for them and which is so important for the country. I want to acknowledge the national secretary, Tony Sheldon; the assistant secretary, Michael Kaine; and state secretaries Wayne Forno, Wayne Mader, Peter Biagini, Ray Wyatt and Jim McGiveron. I take my hat off to all of them.
They have done a wonderful thing for this country.

Dr JENSEN (Tangney) (10:38): I rise to speak on the Road Safety Remuneration Bill 2011. Before I get to the substance of my speech, I must say that the minister's speech was quite extraordinary in its oversimplification of something that is actually very difficult. He refers to this being the most dangerous industry in Australia. I accept that, but, if you are talking about the most dangerous industry in Australia, you must look at regulations to improve the safety in that industry. In the regulations in this bill, we are not talking about improved roads, we are not talking about improved training and we are not talking about mechanisms or technologies to reduce fatigue. No; it is that drivers need to be paid more and that that is going to fix it. Is that the solution to all of our problems? Is it the case that anywhere we have safety problems we simply increase the pay and that is going to fix the problems?

The bill continues a well-worn path by the Gillard government that involves further regulation, further bureaucracy and further red tape to arbitrarily benefit one sector at the expense of another. This bill seeks to establish a new Road Safety Remuneration Tribunal, which will be afforded broad powers to investigate as well as set pay rates and conditions for any segment of the heavy vehicle industry. It seeks to bring about the imposition of mandatory minimum wages for employed and self-employed truck drivers, with the overarching expectation that this endeavour will result in an improvement in their work performances and, in effect, prevent future road fatalities.

The National Transport Commission report in 2008 concluded that there was a direct correlation between remuneration rates and safety. This conclusion was by default embraced by the government and the Transport Workers Union. Labor then drafted the bill we are now debating. However, critical and independent scrutiny by a number of industry representatives, truck drivers and small-business owners has brought this correlation into question. As members, we are obliged to question the veracity of these claims and the authority of the information upon which this bill is based. With many people in Tangney involved in the transport industry in one way or another, be it directly such as freight firms based in Canning Vale or light industrial businesses around Myaree who rely on the transport industry to ship product intrastate and around the world, this bill is set to significantly impact my electorate. I believe that without bringing the assumptions of this bill under strenuous scrutiny we would be remiss in our duties.

There is no denying that in many instances, across a wide range of professional industries, the more an individual earns the better their performance. This, however, is not the full story. I wish to make three key points. Firstly, the correlation between higher wages and improved performance only remains valid up to a point. If taken too far, it can just as well lead to complacency and lack of performance—exactly the opposite of the intention of this bill. For this reason, many economists tend to be sceptical of the minimum wage. They contend that it seeks to pay certain individuals a greater pay than should otherwise be paid based on skill, time and effort involved in performing certain tasks. Secondly, even if we were to agree that some vague correlation does exist between the quantity of wages and the quality of work in given circumstances, it remains to be proven that this correlation necessarily applies in the context of this bill.
Thirdly, in every other debate we have had in this chamber over the past year—and I note particularly the perennial carbon tax debate—this government has time and again emphasised the importance of getting the research right before deciding what direction to take with government legislation. It was this government that harped on about the evidence and the 'science' throughout the carbon tax debate as its foundation for a clean energy future. All inquiries conducted by committees from both houses, all the so-called experts in the field and all the reports and submissions received from a wide range of sources, organisations and academics apparently told us this was the correct path. So why should this bill be treated any differently?

It is well known that I have never been a fan of postulating arguments that make appeals to authority. While I concede that research may contain subjective elements and hold inherent limitations from the sample data utilised in the process, I agree that inquiries made into particular subjects nonetheless help us broaden our understanding of certain phenomena as well as helping contribute towards our arrival at an informed conclusion. Parliamentary debate must be based on empirical evidence to support all claims and assertions. Policy, bills and motions ought to be judged on the basis of their soundness of evidence, not simply by virtue of who devised them.

I wish to take a leaf out of the government's carbon tax book in relation to this bill and pay close attention to what the majority of experts are saying on this issue of road safety and remuneration. An inquiry by the House Standing Committee on Infrastructure and Communications into the bill referred on 24 November 2011 received 29 submissions. Only nine of these were supportive of the bill, of which three were academics and the other six—surprise, surprise!—were from individuals and organisations with union affiliations.

Whilst the correlation between the quantity of wages and quality of performance may not be as ubiquitous as it has been made out to be by the proponents of this bill, the correlation between unionist philosophies and the perennial demand for higher wages is far more compelling. The great irony is that the government's own regulatory impact statement on the bill questions the veracity of this correlation. I refer to page 4 of the statement:

Speed and fatigue are often identified as the primary cause for a crash but it is a much harder task to prove that drivers were speeding because of the manner or quantum of their remuneration.

It continues:

Data at this point in time is limited and being definitive around the causal link between rates and safety is difficult.

In their submissions to the House committee the Australian Logistics Council and the Australian Industry Group also indicate their scepticism of the correlation between road safety and remuneration. The same stance is held by the Independent Contractors Association; the National Road Transport Operators Association, NatRoad; and Toll Group.

Interestingly, in their submissions on the analysis of the impact of higher rates of pay and conditions, NatRoad arrive at the conclusion that increased pay may actually result in decreased safety outcomes for the lowest paid drivers. Their submission explains that it is generally agreed that workers will for a time increase their labour availability in response to higher wages because the higher rewards will generally increase their incentive to work. NatRoad argue that this is particularly true for the lowest paid workers:
These workers are likely to increase, rather than decrease, their labour availability in response to a Road Safety Remuneration Order which marginally improved remuneration levels for these workers ...

However, after a time, this behaviour will change, as the Ai Group confirms:
Even if a causal connection between remuneration and unsafe practices is presumed to exist it does not follow that establishing higher minimum rates or prohibiting certain methods of payment will result in drivers changing their unsafe practices. Rather, if it is accepted that an individual's on road behaviour is influenced by the quantum of their remuneration it is conceivable that increased rates may further incentivise individuals to engage in behaviour such as the working of excessive hours in order to reap greater rewards.

It is evident that the link between road safety and remuneration rates and conditions for truck drivers assumes that the overwhelming majority of road accidents are the fault of the heavy vehicle driver. NatRoad reference research by the New South Wales road transport authority that concludes heavy vehicle drivers are at fault in only 31 per cent of fatal crashes involving a heavy vehicle.

They go on to state:
It cannot be expected that driver remuneration will have any bearing on the remaining 69% of fatal heavy vehicle crashes.

The coalition believes that this bill has limitations and will do nothing to address the causes of crashes caused by 'the other road user'.

There is little doubt that this bill is another instance of ideological welfare manifested as a concerted effort on the part of the Labor Party to legislate further bureaucracy and red tape for the business sector. The assumed correlation between the quantity of wages and quality of performance assumes that the limitations of the sample data acquired by the research conducted by the government somehow adequately represent the majority of cases. We cannot be certain of this at all.

Another emerging problem is the way the road transport industry has been defined within the context of this debate. Reports conducted by the National Transport Commission and the Department of Employment and Workplace Relations dealt closely with issues facing long-haul heavy vehicle transit and argued in favour of improving conditions in this part of the heavy vehicle industry. However, this bill defines the road transport industry in incredibly broad terms. The bill captures independent contractors and employees in long-haul and short-haul industry, couriers, the cash-in-transit industry and the waste management industry. Much of this coverage was not contemplated when developing this bill. The Post Office Agents Association in their submission to the House inquiry stated: It seems unlikely that the Bill would improve road safety for Mail Contractors.

The consultation process leading up to the introduction of the bill did not allow scope to seek representation on this expanded definition of road transport industry or give the tribunal the power to deal with postal contractors, as well as long-haul drivers, as well as waste management drivers.

Similarly, concerns have been raised about the scope of the tribunal. In particular the bill allows for the tribunal to make an order with respect to a participant in the supply chain and also with respect to 'remuneration and other related conditions'. The Civil Contractors Federation have raised concerns that civil contractors could incur responsibilities to third parties they do not directly hire, such as drivers acquired through a pool operator, or over whom they have no direct control. They believe this situation is highly unsatisfactory and as such should not be supported. The Australian
Logistics Council opposes the bill but believes an amendment should be accepted to limit the scope of the tribunal's orders purely to remuneration. The tribunal is given very broad powers to determine how a truck should be loaded or unloaded as well as other areas intended to be covered by the NHVR.

The coalition is in favour of a multifaceted, holistic approach to improving road safety in the heavy vehicle industry. This will include better roads, awareness programs, education initiatives, industry codes of conduct, the construction of more rest stops and passing lanes, and looking at ways to use new technologies to improve road safety. The coalition does not believe this bill meets these ideals.

Ms O'DWYER (Higgins) (10:51): I rise to speak on the Road Safety Remuneration Bill 2011 and Road Safety (Consequential Amendments and Related Provisions) Bill 2011. All Australians are concerned by the significant number of fatalities on our roads and the serious injuries that result from car and truck crashes on our roads. We all drive on our nation's roads and we want to see such injuries and fatalities reduced. We can all agree that we want safer roads, but we are being asked by the government to believe that this legislation is going to achieve that objective.

The government put 'safety' in the title of the Road Safety Remuneration Bill, suggesting that somehow this bill will lead to safer roads. But simply having the word 'safety' in the bill's title does not mean that the bill is in fact substantially about road safety, or that it will achieve the objectives of greater safety on our nation's roads. If this bill was really about the safety of workers in the transport industry you would have a very realistic and reasonable expectation that the bill would be brought forward by the relevant minister—Minister Albanese, the Minister for Infrastructure and Transport. But this bill has not been brought forward by that minister. Instead, it has been brought forward by the Minister for Employment and Workplace Relations and Minister for Financial Services and Superannuation, Mr Shorten—the minister who has been dubbed by my colleague, the member for Mayo, Jamie Briggs, as the 'minister for mates'.

The DEPUTY SPEAKER (Dr Leigh): The honourable member would assist the House by withdrawing that reflection on the minister.

Ms O'DWYER: I withdraw. This is an IR bill dressed up as a bill about safety. This is a bill that has been drawn up by the minister's mates in the union movement—Tony Sheldon, secretary of the Transport Workers Union, along with colleagues in the Australian Council of Trade Unions—to increase union power and dominance in the industry. We know that the transport industry is substantially made up of independent contractors who are not covered by the government's Fair Work Act or by the union movement. This bill is an attempt to change that under the guise that it is being moved to achieve greater road safety.

It is my view that it is a very cynical thing indeed to exploit the tragedies on our roads as a political power play. Yet the government has made no secret of its continued battle against independent contractors. It wants independent contractors to be considered as employees and it wants those employees to be union members who will pay dues to union secretaries who will then continue to donate to Labor Party campaigns.

I will address three fundamental problems with this bill. Firstly, this bill establishes a new tribunal with very broad powers, powers which do not relate to road safety. Secondly,
there is no evidence to suggest that increased pay will result in safer roads. Thirdly, there are already existing tools to achieve the objective of greater road safety that will be more effective and will actually address the substantive issue of achieving safer roads in Australia. The broad powers of the tribunal that will be established relate to remuneration, conditions and industry practices. The tribunal will have significant power to make orders on any one or all of these things. It will have the power to do this without even a referral. It will be able to initiate its own referrals. It will have the power to determine such things as working hours, load limits, payment methods, waiting times, loading and unloading practices—the list goes on and on.

Most importantly, the tribunal will be able to make orders and determinations on these things without any regard for the safety standards or the safety outcomes. It has full discretion to make these orders. Parties such as, say, the union movement, can make application to the tribunal under the bill for such orders on these very broad powers. We are told in this place to take it as a matter of trust that when the tribunal sets wages it will apparently do so with regard to safety and that when it sets industry practices it will do so with regard to safety. We are told to take it on trust that when it determines payment methods it will do so with regard to safety but, yet, there is nothing in this bill that requires the tribunal to have regard to safety when making such orders. As I said, it has very broad discretion.

The tribunal, as well, is not bound by the rules of evidence and procedure. It has very broad powers to conduct itself and inform itself in a way that it sees fit. More than this, it has significant powers with respect to penalty orders. Criminal penalties of six months imprisonment can be issued for failing to attend a hearing before the tribunal or refusing to answer questions required by the tribunal.

Who will make up this tribunal? We are told that there will be a maximum number of nine people on the tribunal with at least five coming from Fair Work Australia and the others chosen by the government who have experience in the road transport industry. We know exactly who the government will appoint to such a tribunal. It has a very significant record on this. It will be no surprise to those on this side of the chamber when the government appoints to this tribunal union mates who have already campaigned for the government on such issues.

Why is the government bringing forward this new set of employment arrangements outside of the Fair Work Act? Why is it bringing forward a tribunal? Is it a sign that the government has problems with its Fair Work Act? Has there been a failure that the government is now acknowledging? Does it mean that the government has reconsidered its position on the Australian Building and Construction Commission, which it opposed on the basis that there should not be sector-specific or industry-specific laws or two laws in contrast to Fair Work Australia? That is one of the issues that concern us on this side of the chamber—the very broad powers that the tribunal will have to make these orders, penalties and determinations.

The second concern that we have is around whether in fact increased remuneration has anything to do with better safety outcomes. The government has asserted that it does, yet the evidence to date has suggested that there is no causal link. In all of the submissions that were provided to the committee that looked into this bill, there was no evidence to suggest that increased pay will lead to increased safety outcomes. In fact, the government's own regulatory
impact statement says that the data is limited and that there is no causal link between rates of safety and remuneration. So we could in fact have a rather perverse outcome here where, if there are higher rates of pay, it may well incentivise some drivers to work longer hours, which is, we are told by the government, entirely contrary to the objectives of the bill that it has brought before this place. The government and the unions are very much alone in actually supporting this bill. Not even the Queensland Premier, Anna Bligh—not even the Labor government of Queensland—supports this bill. They see no causal link between the two things.

We believe that there are better ways to achieve safety outcomes. I note the very good work that was done by my colleagues who issued a dissenting report in relation to this bill, where they said:

... the Coalition members support further efforts to improve occupational health and safety outcomes, particularly fatigue reduction measures, for the transport industry ... They recognise the fact that there are many elements that relate to road safety, many elements indeed, and that those elements combined together will help us achieve safer roads for all Australians. They understand that it is important that we have strong road and traffic laws and strong enforcement of those laws, that there are proper fatigue management regulations, that there are chain-of-responsibility regulations, that we improve our highways and road conditions, that we improve the frequency of rest-stop facilities, that we improve health and safety legislation and that we also work through the COAG process, where there is already good work being done in this regard. We believe that speeding laws need to be very much enforced and that there should be suitable industry codes of practice and that these are much more effective ways to deliver enhanced safety and fairness across the road transport industry.

The government are moving an IR bill—be in no doubt about that. This is an IR bill designed to increase the reach of the union movement over independent contractors. It is a philosophical cause for the government. It is one that they have pursued mercilessly. Under the guise of a road safety bill they are seeking to implement this. They are seeking to do that by cynically exploiting the terrible and awful tragedies that have taken place on our roads to date. They plan to give a tribunal increased powers. They plan to give this tribunal increased discretion to make orders—orders that do not relate in any way to safety. There are better ways, as I have outlined, that we can improve road safety in Australia on our roads.

We do not believe that this bill is worth supporting. We believe this bill is misplaced. We empathise with those people who have lost loved ones on our nation's roads and we understand their very real concern to see increased safety. We do not believe though that this bill will achieve that, so we on this side of the House oppose the government's IR bill.

Dr MIKE KELLY (Eden-Monaro—Parliamentary Secretary for Defence) (11:05): It is with tremendous personal pride that I get up to speak in support of the Road Safety Remuneration Bill 2011. We have heard from the coalition a lot of terrible vitriol and invective. Every time they open their mouths it is to condemn unions, to condemn working people, in fact. It truly offends me, because the history of this country has been based on the rights of workers being established through their ability to organise and seek true representation, proper representation. I am very proud to say that my great-grandfather
was a key member of the building of that tradition.

Benjamin George Kelly, my great-grandfather, began life in Bega on our dairy farm and went on to become a teacher. Not long after that he moved into the transport business. He operated vehicles down near the Nimmitabel area, transporting workers for the construction of the railways down to Bombala. He then moved up to this area, the Queanbeyan-Canberra area, where he was involved in the local bus industry. That was in 1923. He was a man who had strong values based in the labour movement. He became involved in the establishment of the ACT branch of the Labor Party and also the Trades and Labour Council and was president and secretary of both those bodies. In 1928 he was proudly a founding father of the Amalgamated Road Transport Workers Union, which became federally registered in 1928. He laboured long and hard for the rights of those workers and I am extremely proud of the things he did during that time, during the really tough years of the Depression; he in fact led a march of the unemployed on federal parliament in 1935. His experience of seeing the circumstances of workers—both the transport workers he represented and workers more broadly—suffering from the effects of the depression led him to run for the seat of Eden-Monaro in 1940. Unfortunately, he was unsuccessful in that bid, but I am proud to have been able to realise his ambition and to be able to speak today in support of this legislation. He would have been so proud and pleased at what we are seeking to achieve on behalf of transport workers with this legislation.

Transport is a key factor in my region. All through this region we have a large volume of traffic daily from long-haulers associated with the extensive logging industry, with the dairy industry—Bega Cheese, of course, is a major industry in the Bega area and there is a lot of traffic associated with it—with cattle and sheep and also with resupplying quarrying. The risks and consequences associated with that traffic on the roads in the region have come out of the way the industry has been managed up until now. Of course, it was in this very industry that we saw from 1979 onwards the development of the independent contractor mechanism, which began life primarily as a means of undermining the organisation of workers—the unions—in this country and of undermining workers' pay and conditions, including conditions in the workplace. Ever since, we have been trying to catch up with the establishment of the independent contractor model and to redress the wrongs these workers have suffered. We have heard reference to the fact that this is the most dangerous industry in Australia: 10 times more fatalities occur in this industry than in other sectors of the Australian economy. Around 250 people are killed and more than 1,000 people suffer serious injury on our roads each year.

What really gets me is that those on the other side allege that they represent better the interests of rural and regional Australia. Nothing could be more laughable. Every step of the way, the coalition has opposed reforms that would benefit rural and regional Australians. Not only has it opposed the NBN, which my region and other rural and regional areas so keenly seek; it has opposed our health and education reforms, which have had such a great impact on rural and regional areas, and now it opposes this legislation, which will have such benefits for road safety in rural and regional areas. Most of these accidents occur on country roads and involve country people.

One thing that pleases me so much about this legislation is that it is evidence based policy at its best. The birth of this legislation came through the work of the National
Transport Commission leading to its 2008 report entitled Safe Payments: Addressing the underlying causes of unsafe practices in the transport industry. The commission established beyond question that there is a link between payment rates and methods for owner-drivers and employees and unsafe driving practices. It is established that those methods created an economic incentive to drive unsafely, resulting in fatalities and poor safety outcomes on our roads. So in that review there was a direct link between economic factors and the issues of speeding, working long hours and the use of illicit substances by many truck drivers in order to try to remain awake and able to perform their tasks. The commission's recommendations were very clear. It said that this link should be addressed through regulatory intervention at the national level and by the establishment of a tribunal.

This legislation establishes the Road Safety Remuneration Tribunal, whose object, ambition and reason for being is to promote safety and fairness in the road transport industry. The tribunal will comprise members from Fair Work Australia and expert members with qualifications relevant to the road transport industry. It will not be a case of jobs for the boys. It will not be the sort of knee-jerk anecdotal stuff that we so often see from the coalition. This is legislation and reform that is based on evidence and that will be operated by experts from the industry. The tribunal will determine whether a sector in the industry has poor safety outcomes as a result of low remuneration and will be able to make road safety remuneration orders to improve the on-road safety outcomes for drivers operating in sectors it examines. This will be a tribunal and a mechanism by which the specifics, procedures and issues can be examined regularly, gradual improvements can be rendered and conditions under which transport workers operate can be addressed and removed as a safety issue. It will be efficient and effective.

The member for Higgins talked about the lack of rules of evidence and the lack of procedure. That is exactly what we want to avoid with this process. We do not want a cumbersome, legalistic approach; we want a practical, effective, efficient method that will deal with issues and promote productivity. We do not want further jobs for lawyers, which the member for Higgins might like; we want outcomes. We want outcomes based approaches, outcomes for the transport workers, outcomes for the safety of our rural and regional areas and outcomes for productivity in the transport industry. I reject entirely the concerns of the member for Higgins.

The concerns of those opposite are not concerns about the economy, the industry or the way this body will operate. For them, as we have heard time and time again in this debate, it is all about union bashing. It is all about the philosophy of this coalition, which is to make the worker carry the burden for every economic improvement and every productivity gain. It always has to come out of the hide of the worker. Whenever we hear the Leader of the Opposition talk about writing pledges in blood, we know that he wants to write those pledges in the worker's blood. Every action he takes, every measure he opposes or supports, is founded on his approach of making the worker pay.

Those opposite may have abandoned the terminology of Work Choices but they have adopted the new terminology of flexibility. And what does 'flexibility' mean to the coalition? To the coalition flexibility means: 'We don't invest in infrastructure, we don't invest in innovation, we don't invest in skills. What we do is make the workers take a hit. We make the workers lose pay and
conditions. We make the workers work longer. We make the workers suffer.' That is why it is so offensive—so obscene—when we see the Leader of the Opposition don his hard hat or his high-vis vest and go and visit workplaces across this country, pretending to be a friend of the worker, when everything he does is about sacrificing jobs in this country, destroying our manufacturing sector and eroding the safety and work conditions of workers across the nation. This is incredibly obscene, and the workers of this nation will not be fooled by it.

In fact, we saw one worker who tried to exercise his right of free speech recently when the Leader of the Opposition visited his work site. He pointed out the deficiencies of the Leader of the Opposition and lost his job as a result. As that worker said, not only did he lose his job as a result of the visit of the Leader of the Opposition to that work site but this points to a future in which, if the Leader of the Opposition became Prime Minister, he would wonder how many more jobs would be lost across the nation—and we know they would be in the thousands. The Leader of the Opposition pulls the plug on support of the manufacturing industry. He cuts a swathe of destruction through jobs in this region through the sacrifice of all of those vital Public Service functions that support our community across the country and would send this region, in particular, into a recession, as the coalition did in 1996. This is an illustration of the attitude of the coalition. It is all about making the worker pay, about inflicting pain on the workers, and in this instance it is pain on the transport workers.

We are talking about saving lives, lest we forget. There was one accident in our own region in 2009 that I think illustrates this perfectly. It was a tragic incident involving a fuel-tanker truck. The 36-year-old driver was working to the limits to perform in relation to the incentives issue we have been talking about. Unfortunately, a horrendous crash occurred on 29 December 2009 near Pebbley Beach. This driver's Kenworth prime mover was travelling south with a tank of diesel fuel. The collision involved striking a Subaru, a Honda Accord and a Toyota RAV4—so there were three other vehicles involved—and they were all turned into flaming balls of fire. The truck driver himself was killed, and the family of the driver of the Subaru was devastated. That driver, David Bridge, was killed. Tragically, his two beautiful daughters, Jordon and Makeely, aged 13 and 11, were also killed in the accident. His wife, Debbie, suffered horrendous injuries and, unfortunately, died recently. The family were from Ulladulla and were well-loved and respected in our region.

These are the specifics—the personal details, the tragedies—that are involved. This is not about statistics; it is about real people. It is about real people who are living in rural and regional Australia in particular. If the members opposite were interested in productivity gains, were interested in safety, were interested in the interests of Australians, of working people, and their pay and conditions, then they would get behind this legislation. So for the coalition it is not about those issues. It is about maintaining their pattern of negativity, maintaining their assault on the workers of this country, maintaining their philosophy of Work Choices through to the implementation of new regimes of flexibility that would hurt Australian people, hurt jobs and hurt workers.

My great-grandfather, Benjamin George Kelly, did so much to fight for the rights of workers in those early days when conditions were horrendous—when jobs were sacrificed on the economic altar of free rein for employers— with the Great Depression, the tragedies and the tremendous cost to workers
of that era. They were the early days of establishing the Transport Workers Union, which has done such a wonderful job of looking after the interests of its 90,000 members. My great-grandfather would be very proud today that this Labor government—the Labor Party he worked so hard to establish—has delivered on a wonderful outcome for these workers.

Lest we forget, we have people out there right now who are working under these terrible conditions, working under these terrible disincentives to road safety. Their sacrifices are commemorated through road markers all around this land. I would urge members of the coalition to have a look at those road markers next time they are out there driving around rural and regional Australia, to think about their vote in relation to this legislation and to stop vilifying the 90,000 members of this union and the two million fellow Australians of theirs who are in unions across this country. They are not demons; they are not evil. They are decent men and women seeking to do the best for their families and for themselves in a country that prides itself on providing opportunity for people to better themselves. That is what this party is about. It is about improving conditions for these people, giving them jobs and giving them the opportunity to better themselves.

Ms SAFFIN (Page) (11:20): I welcome and strongly support the Road Safety Remuneration Bill 2011 and the Road Safety Remuneration (Consequential Amendments and Related Provisions) Bill 2011. Recently I put out a statement at home in which I said a number of things, and I will repeat some of them here. I said that the Road Safety Remuneration Bill will save lives by ensuring that truck drivers are paid reasonably for the work they do and will get rid of the economic incentive for truck drivers to take unacceptable risks on our roads. I have been a strong supporter of the Transport Workers Union campaign for safe rates in the trucking industry and also strongly supportive of the efforts the government has made to deliver this.

We know that around 250 people are killed and that more than 1,000 suffer serious injuries on our roads each year in accidents involving trucks. In the region where I live, the Northern Rivers region, we know all too well the high toll of accidents involving trucks on our roads. In 2008 the National Transport Commission's review into payment methods in the industry found a link between rates of pay and safety outcomes for truck drivers. The TWU and industry representatives were on the government's Safe Rates Advisory Committee and have been consulted every step of the way about this legislation.

Truck drivers, whether employees or owners—they are still truck drivers—should not have to speed, overload their trucks or drive excessive hours to earn a decent living. Truck drivers work hard enough to make a living and the government wants to support measures which ensure pay rates that encourage drivers to drive safely, manage their hours and maintain their vehicle. That is reasonable.

There is a TWU campaign, Safe Rates, which has gone on for some years. I have participated in a lot of the campaign activities which have been held in my electorate of Page. We have received great support from people in the community, from the public, because they all know that truck drivers have to be on the road and they all want those truck drivers to drive safely. We have to have a system, a framework and laws, where they are necessary, to make sure that can happen. That is what these bills provide.
The booklet *Safe Rates Summit 2011* quotes from evidence given by a former driver, Andrew Villis, to the New South Wales Industrial Relations Commission:

When I was required to perform excessive hours I would sometimes experience a state of mind that I can only describe as hallucinations, which I considered to be due to sleep deprivation. I would 'see' trees turning into machinery, which would lift my truck off the road. I 'saw' myself run over motorcycles, cars and people. On one occasion I held up the highway in Grafton—

Grafton is in my seat of Page—

while waiting for a truck which was not there to do a three point turn (I was radioed by drivers behind me asking why I had stopped). I estimate that I had experiences like these roughly every second day. They were not an uncommon thing for me.

We have an obligation to make sure that no truck driver is ever put in a situation like that.

*Australian Magazines Trade* quotes from a letter from Trish Freyer, of the Freyer family of Maryborough in Queensland, to her local MP. Among other things, the letter said:

We don't want to be millionaires; we just want to be able to make a decent living safely. That is repeated over and over by many different people in the truck-driving industry.

*Safe Rates Summit 2011* quotes a study by Anne Williamson and Rena Friswell which says:

A study, funded by NSW WorkCover, shows that truck drivers are frequently forced to break driving regulations in order to make a living. It showed drivers are working an average of 68 hours a week, while almost a third are breaking all driving laws and doing more than 72 hours a week. Only 25 per cent of drivers were paid waiting times, and almost 60 per cent of drivers surveyed were not paid for loading or unloading. 60 per cent of drivers admitted to “nodding off” at the wheel over the last 12 months.

The same publication, *Safe Rates Summit 2011*, quotes from the judgment by Justice Graham in Regina v Randall John Harm, 2005. The judgment said, in part:

… truck drivers are still placed under what is, clearly, intolerable pressure in order to get produce to the markets or goods to their destination within a time fixed, not by any rational consideration of the risks involved in too tight a timetable, but by the dictates of the marketplace. Or, to put it bluntly, shear greed on the part of the end users of these transport services.

The publication goes on to quote Bob Carr, speaking at the Safe Rates Summit of 2009:

It was certainly an issue during my time in NSW politics because we were very conscious that far too many truck drivers and members of the public die on our roads in crashes that are preventable.

It also quotes Warren Truss, the Leader of the Nationals, saying on 23 October 2008:

… quite clearly someone has to stand up for the ordinary truck drivers who work long hours on our highways.

*Safe Rates Summit 2011* includes a further statement attributed to the honourable member for Wide Bay. Mr Truss is quoted as having said in October 2011:

I understand that there are cost recovery pressures for drivers.

The honourable member has the opportunity to stand up for those truck drivers today by voting for this legislation.

I stood here and listened to the honourable member for Higgins talk about the TWU, which represents over 90,000 members. She talked about the TWU as though, somehow, because it is involved and because it lobbied to make conditions safer for truck drivers, whether TWU members or not, it is not relevant—that it is not right and proper that the TWU pursues safety and decent pay rates for truck drivers. Thank goodness we do have organisations and unions like the TWU which are concerned about safety for their
members and for members of the public. That is what they do and it is such an important role.

I listened to coalition members tick off what they think is wrong, but they offered very little by way of solutions. I have quoted the honourable member for Wide Bay, the Leader of the Nationals, saying we have to stand up for truck drivers. How do we stand up for them if we do not do things like endorsing safe pay rates and a mechanism that can actually bring those safe pay rates into operation? There is no fine piece of legislation we could draw up here that, of itself, could do that. We need a system; we need a framework. That is what this bill is about and we have to get it implemented.

The government recognises the important role that owner-drivers play in the road transport industry. Truck driving continues to be the industry with the highest incidence of fatal injuries. The estimated cost to the community of truck crashes is $2.7 billion, but that is only the monetary cost. There is also the human cost of these tragedies—the fatalities and the people left with catastrophic injuries. Research has also found that improving remuneration leads to increased safety outcomes. In addition, there is evidence showing that many accidents in the industry result from speeding or fatigue. We have had evidence and evidence and evidence over many years that shows that, so it really is time to act. There have been a lot of inquiries and they show the same thing, so we do need to act today and get this legislation passed.

The government is clearly committed to improving safety outcomes for truck drivers while ensuring the long-term viability of the road transport industry. The circumstances of owner-drivers have long been recognised through regulation in a number of states; it is one of the issues that is raised. As far back as 1979, inquiries have recommended that there be particular regulation for owner-drivers, so it is not something that is new. There are existing regulatory arrangements covering owner-drivers in my state of New South Wales and in Victoria and Western Australia. Those drivers are no less deserving of coming home safely to their families than any other drivers are. Whether they are owner-drivers or drivers they are all truck drivers, and that is the point we have to stay focused on.

In commending these bills I say to the ministers who have been responsible in getting us to the stage we are at today: well done! And well done to the TWU for a persistent and sensible campaign that will bring us what we call safe pay rates but also safety on the roads, for truck drivers, for their families and for all of us.

Mr SHORTEN (Maribyrnong—Minister for Financial Services and Superannuation and Minister for Employment and Workplace Relations) (11:31): I rise to close the debate on the Road Safety Remuneration Bill 2011 and the Road Safety Remuneration (Consequential and Related Provisions) Bill 2011. Safe rates, as this bill has been termed more informally, are about safe roads, so it is important that our parliament supports the passage of these much-needed laws to make our roads and our families safer. I thank the Leader of the House for the considerable contribution he made to the development of this legislation. Some opposite have claimed that the Minister for Employment and Workplace Relations leading these bills through the debate in this place is some form of grand industrial conspiracy. They ought to stop looking under their beds and start looking under the roads of Australia.

Let me be clear: this legislation is about safety in a unique workplace. Every one of us on this side of the House and throughout
the broader community shares a strong resolve to improve road safety for truck drivers, their families and all Australian road users. It is a very stark contrast to compare our desire to act in this cause with the disappointing state of affairs opposite, where coalition members have argued that there is no link between safe rates and safe roads. I know that not all of those opposite are entirely happy with the position being adopted by the coalition.

The Leader of the House in his role as Minister for Infrastructure and Transport and my predecessors in the workplace relations portfolio have worked collaboratively with key stakeholders in the industry to bring about these important reforms for the road transport industry. I also take this opportunity to thank the other members who have contributed significantly over the years to progress this important and long-overdue national issue, particularly the committee members responsible for the parliamentary report *Beyond the midnight oil: managing fatigue in transport* and the House of Representatives Standing Committee on Infrastructure and Communications, which recently reported on the road safety remuneration bills. In particular, I wish to thank the member for Hinkler, who was involved in both inquiries and said during the recent inquiry into the bills:

We have had a series of inquiries going back 10 or 11 years now, one of which I chaired, where we felt that the limits had already at that time been pushed to a point where drivers were not receiving fair reward … Just to say that you do not think there has been any evidence and that there has been a small decrease in the number of heavy vehicle road fatalities—I do not think that establishes anything.

Last, but certainly not least, it is important to recognise the members of the community who have advocated so strongly for these reforms. Last week, organised through the Transport Workers Union of Australia, I met with wives and mothers and friends and families, the bereaved of truck drivers and bystanders who have lost their lives as a result of the overwhelming demand to drive further and faster to make ends meet. That is the purpose of these bills: to keep truck drivers safe and to keep our roads safe for all Australians so that everyone can get home safely to their families at the end of their shift.

Road accidents involving heavy vehicles cost our economy an estimated $2.7 billion annually. That is important, but we cannot begin to measure the painful cost carried by the victims’ loved ones. It is immeasurable. The bills should be understood as achieving two things. They are a measured and informed response to a significant body of Australian and international research that links pay and pay related conditions to safety outcomes for truck drivers. They are the culmination of decades of research, along with substantial government consultation with stakeholders and the general public, which indicates that the road safety remuneration bills will significantly improve safety and fairness for truck drivers.

Specifically, these bills are the government's response to the recommendations made in the National Transport Commission's landmark 2008 report *Safe payments: addressing the underlying causes of unsafe practices in the road transport industry* and the 2010 'Safe Rates, Safe Roads' directions paper. Our road transport industry employs over 246,000 Australians, and with 25 deaths per 100,000 workers in 2008-09 this industry has a casualty rate 10 times higher than the average for all industries. In addition, around 250 people are killed and more than a thousand suffer serious injuries on our roads each year in accidents involving trucks. Australian truck drivers have been pushed to
the limit. Some have been pressured to cut corners on safety and maintenance, some to speed in order to make unfair and unrealistic deadlines, sometimes even taking illicit substances to keep them awake to get to destinations on time, putting their lives and the lives of other Australian road users on the line just to make a decent living and repay their debts and make ends meet. These bills will help reduce these illegal and unsafe practices.

Despite the significant contribution that the road transport industry makes to the Australian economy, a national approach to safety issues that addresses conditions in the industry, particularly for owner-drivers, has not been taken into account to date. As I have said, our transport industry is an integral part of the Australian economy, accounting for over 1.7 per cent of Australia's total gross domestic product. It is an industry that keeps Australia moving, making sure that supermarket shelves and petrol bowser are filled and that building products are on site. And it is an industry that is growing. The road freight task is increasing at an annual rate of 5.6 per cent and is forecast to continue growing.

Our Gillard government is committed to doing all that is necessary to sustain the long-term viability of the road transport industry, but we do not believe that productivity has to be at the expense of ensuring that truck drivers, whether employees or self-employed, have a safe and fair workplace. We believe this legislation will help reduce the high turnover of truckies out of the industry, and more experienced drivers are typically safer drivers.

This government also recognises the important role played in the economy by small businesses, particularly owner-drivers, who make up 60 per cent of the road transport industry. We respect owner-drivers who choose to be independent contractors and operate as small businesses. We understand that owner-drivers and small fleets provide flexibility for businesses to meet the increasing demand for the delivery of goods, particularly in rural and regional areas. Yet we also know that almost 30 in every 100 owner-drivers are paid below award rates, with many unable to recover the cost of operating their vehicle. These bills establish a system that will assist road transport industry small businesses, while ensuring that owner-drivers maintain their status as independent contractors.

To those who have raised concerns that these bills will increase the regulatory burden for all those involved in the road transport industry, let me be very clear. This legislation has been carefully developed to reinforce the benefits of other reforms, including those achieved by both industry and governments. These reforms include fatigue, chain of responsibility and work health and safety laws and complementing the role of the National Heavy Vehicle Regulator. Let me be clear. There is no way this new approach will ever cost the transport industry anything approaching the cost of the current carnage in lives.

Under these bills, the Road Safety Remuneration Tribunal will be tasked to inquire into sectors, issues and practices within the road transport industry and, where appropriate, determine mandatory minimum rates of pay and related conditions for employed and self-employed drivers. These rates will ensure that truck drivers do not need to meet gruelling schedules just to make ends meet and will allow for safer driving practices by these drivers.

The government acknowledges that unpaid waiting times are a particular problem for both employees and owner-drivers in the road transport industry. The
tribunal will therefore also have the power to investigate unpaid waiting times and intervene where the issue is found to affect safety outcomes. Road safety remuneration orders made by the tribunal will be in addition to any existing rights employed drivers have under other industrial instruments and owner-drivers have under their contracts for service.

To industry members who have expressed concern over the powers of the tribunal, let me assure you that the tribunal's approach will be evidence based and research focused. No orders will be made unless there is an identifiable link between pay or pay related conditions and on-road safety outcomes for that sector or sectors of the industry. If a road safety remuneration order would not result in safer driving, the tribunal does not have to make a determination for that sector, but, if it would make a difference, action can be taken.

With the approach taken by this government, the tribunal might have regard to a number of issues, which include the need to apply fair, reasonable and enforceable standards in the road transport industry to ensure the safety and fair treatment of road transport drivers; the likely impact of any order on the viability of business involved in the road transport industry; the special circumstances of areas that are particularly reliant on the road transport industry, such as rural, regional and other isolated areas; the likely impact of any order on the national economy and the movement of freight across the nation; and the need to minimise the compliance burden on the road transport industry.

Australia's road transport industry is not a single, monolithic entity, and our legislation is not designed to be a one-size-fits-all regulation. We have drivers who are couriers and drivers who drive short distances and long distances as well as drivers who transport livestock around our country. I am indebted to the member for New England for his advice on these next few paragraphs. These drivers have a general and specific regulation governing operations. Livestock transporters are subject to strict regulation on fatigue management and the welfare of the animals that they are transporting. For example, they may be required to make stops to unload and spell animals which might be stressed, ill or agitated. Heavy penalties apply to operators who operate outside these rules.

We respect those members of the road transport industry who drive safely, operate fairly and take care of other drivers on the road. The Road Safety Remuneration Tribunal will have regard to the requirements of particular sectors of the industry. The transport of live animals is completely different from the courier sector and would require a different, distinct approach. Our key policy intent here is to ensure that there are sector-appropriate terms and conditions determined by the tribunal to enhance safety outcomes for drivers and safety outcomes for all of us who use Australia's roads.

Orders can only be made after the tribunal considers a range of factors, which include the likely impact of any order on the viability of the relevant businesses. No order will be made without the opportunity for stakeholders to be heard about their particular needs and operations. For example, in relation to the transport of livestock, a driver's ability to stick to a strict schedule may be impacted by things like, and not limited to, the vast distances travelled in the larger states, such as in outback New South Wales, Queensland and Western Australia, which may require one or two spellings for the drivers to comply with existing laws to manage driver fatigue and to preserve the welfare of the animals—which
is considered, appropriately, to be of paramount importance—or the location of saleyards mainly in major rural centres and the indispensable role they play in allowing livestock to be unloaded safely for the welfare of the travelling stock.

However, of course these are not matters which would be relevant to an order for waste management drivers or courier drivers. Our bills do not conflate these matters and force parties into arrangements that are unrelated to their operations. The tribunal will be empowered to resolve disputes between drivers, their hirers or employers, and participants in the road transport industry supply chain about remuneration and related conditions, insofar as they provide incentives to work in an unsafe manner. The tribunal will deal with a dispute as it considers appropriate, including either by mediation or conciliation or by making a recommendation or expressing an opinion—or indeed it could be with arbitration, with the consent of the parties.

I foreshadow that I will move some amendments to this bill on behalf of the government. In the main, these amendments will clarify the tribunal’s role in approving collective agreements under part 3 of the bill and ensuring that conduct by drivers and their hirers when negotiating giving effect to these agreements will not breach competition laws.

It is important to remember that owner-drivers are often forced to accept work at the going rate or to have no work at all. Drivers are often at the bottom of a long contracting chain and have little commercial ability, little commercial bargaining power, to demand rates or set work schedules that enable them to perform their work safely and legally. The Gillard government, this government, firmly believes that these bills will improve the safety of truck drivers, bystanders, all of us and our families—all of us who use Australia’s roads.

I thank all the members who have participated in this debate. I thank the House for support for this important legislation, which I commend to the House.

The SPEAKER: The question before the chair is that this bill be now read a second time.

The House divided. [11:50]

(The Speaker—Hon. Peter Slipper)

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

AYES

Adams, DGH
Bandt, AP
Bowen, CE
Brodmann, G
Burke, AS
Byrne, AM
Cheeseeman, DL
Collins, JM
Creen, SF
D’Ath, YM
Elliot, MJ
Emerson, CA
Fitzgibbon, JA
Georganas, S
Gillard, JE
Grierson, SJ
Hall, JG (teller)
Husic, EN (teller)
Jones, SP
King, CF
Livermore, KF
Macklin, JL
McClendon, RB
Mitchell, RG
Neumann, SK
ONeil, DM
Parke, M
Piibersek, TJ
Rishworth, AL
Rudd, KM
Shorten, WR
Smyth, L
Swan, WM
Thomson, KJ

Albanese, AN
Bird, SL
Bradbury, DJ
Burke, AE
Butler, MC
Champion, ND
Clare, JD
Combet, GI
Danby, M
Dreyfus, MA
Ellis, KM
Ferguson, LDT
Garrett, PR
Gibbons, SW
Gray, G
Griffin, AP
Hayes, CP
Jenkins, HA
Kelly, MJ
Leigh, AK
Lyons, GR
Marles, RD
Melham, D
Murphy, JP
O’Connor, BPJ
Owens, J
Perrett, GD
Ripoll, BF
Roxon, NL
Saffin, JA
Sidebottom, PS
Snowdon, WE
Symon, MS
Vamvakianou, M
AYES
Wilkie, AD
Zappia, A

NOES
Abbott, AJ
Andrews, KJ
Baldwin, RC
Bishop, BK
Briggs, JE
Buchholz, S
Christensen, GR
Cobb, JK
Crook, AJ
Entsch, WG
Forrest, JA
Gambano, T
Griggs, NL
Hartsuyker, L
Hunt, GA
Jensen, DG
Kelly, C
Ley, SP
Markus, LE
McCormack, MF
Morrison, SJ
Neville, PC
O'Dowd, KD
Prentice, J
Ramsey, RE
Robb, AJ
Ruddock, PM
Scott, BC
Simpkins, LXL
Southcott, AJ
Tehan, DT
Tudge, AE
Van Manen, AJ
Washer, MJ

PAIRS
Ferguson, MJ
Katter, RC
Rowland, MA
Smith, SF
Thomson, CR

Question agreed to.
Bill read a second time.

Consideration in Detail
Bill—by leave—taken as a whole.

Mr SHORTEN (Maribyrnong—Minister for Financial Services and Superannuation and Minister for Employment and Workplace Relations) (11:55): by leave—I present a supplementary explanatory memorandum to the bill and move government amendments (1)-(64), as circulated, together:

(1) Clause 4, page 3 (line 4), omit "33(2)", substitute "33(1)".

(2) Clause 4, page 3 (after line 4), after the definition of applicable services, insert:

approval-pending: see subsection 37A(5).

(3) Clause 4, page 3, after the proposed definition of approval-pending, insert:

approved road transport collective agreement means a road transport collective agreement for which an approval under Part 3 is in effect.

(4) Clause 4, page 3 (after line 28), after the definition of constitutional trade or commerce, insert:

contractor driver means a road transport driver who is an independent contractor.

(5) Clause 4, page 4 (line 10), omit "a safe remuneration approval", substitute "an approved road transport collective agreement".

(6) Clause 4, page 4 (after line 24), after the definition of immediate family, insert:

independent contractor is not confined to an individual.

(7) Clause 4, page 4 (after line 30), after the definition of inspector, insert:

lawyer means a person who is admitted to the legal profession by a Supreme Court of a State or Territory.

(8) Clause 4, page 5 (line 8), omit "33(3)", substitute "33(1)".

(9) Clause 4, page 5 (line 9), omit "33(2)", substitute "33(1)".

(10) Clause 4, page 5 (line 23), omit "subsection 33(2)", substitute "subsections 33(1) and (2)".
(11) Clause 4, page 6 (lines 16 and 17), omit the definition of safe remuneration approval.

(12) Clause 8, page 9 (lines 13 and 14), omit "road transport driver who is an independent contractor", substitute "contractor driver".

(13) Clause 13, page 13 (line 18), omit "road transport driver who is an independent contractor", substitute "contractor driver".

(14) Clause 19, page 17 (lines 18 to 20), omit paragraph (3)(d), substitute:
(d) an organisation that is entitled to represent the interests of a road transport driver or employer to whom the order will apply;

(15) Clause 19, page 17 (line 21), after "association", insert "(other than an organisation)".

(16) Clause 27, page 22 (lines 15 and 16), omit "road transport drivers who are independent contractors", substitute "contractor drivers".

(17) Clause 27, page 23 (line 6), after "date", insert ", or if there is a series of commencement dates, after the earliest of those dates".

(18) Clause 31, page 24 (line 8), omit "revoke the order and".

(19) Clause 31, page 24 (line 14), omit "not", substitute "decide not to".

(20) Clause 32, page 25 (lines 8 to 10), omit paragraph (2)(c), substitute:
(c) an organisation that is entitled to represent the interests of a road transport driver or employer to whom the order applies;

(21) Clause 32, page 25 (line 11), after "association", insert "(other than an organisation)".

(22) Heading to Part 3, page 26 (lines 1 to 3), omit the heading, substitute:

Part 3—Approval of certain collective agreements involving contractor drivers

(23) Page 26 (before line 5), before clause 33, insert:

32A Power to approve road transport collective agreements

(1) The Tribunal may approve a road transport collective agreement under this Part.

(2) In deciding whether to approve a road transport collective agreement, the Tribunal may have regard to whether the benefit of approving the agreement would outweigh the detriment to the public constituted by any lessening of competition that would result, or be likely to result, if the Tribunal approved the agreement.

(24) Clause 33, page 26 (lines 5 to 25), omit the clause, substitute:

33 Road transport collective agreements

(1) A road transport collective agreement is an agreement:
(a) between:
(i) contractor drivers (the participating drivers) with whom a hirer or potential hirer proposes to contract for the provision of specified road transport services (the applicable services); and
(ii) the hirer or potential hirer of the drivers (the participating hirer); and
(b) that specifies:
(i) who the participating hirer is; and
(ii) who the participating drivers are; and
(iii) the basis on which the participating drivers became part of that group of drivers; and
(c) that specifies remuneration or related conditions (or both) for participating drivers who provide applicable services to the participating hirer.

Note: If the Tribunal approves the agreement, its effect is not limited to participating drivers: see section 36.

(2) However, an agreement made under any of the following laws is not a road transport collective agreement:
(a) Chapter 6 of the Industrial Relations Act 1996 of New South Wales (and any other provision of that Act to the extent that it relates to, or has effect for the purposes of, a provision of Chapter 6);
(b) the Owner Drivers and Forestry Contractors Act 2005 of Victoria;
(c) the Owner-Drivers (Contracts and Disputes) Act 2007 of Western Australia;
(d) a law of a State or Territory that is specified in regulations made for the purposes of this paragraph, to the extent that the law is so specified.

(3) The regulations may prescribe a code of conduct in relation to collective bargaining for road transport collective agreements.

(4) Before the Governor-General makes a regulation under subsection (3), the Minister must consult with industry and the Tribunal.

(5) A code of conduct prescribed under subsection (3) must have as its object the facilitation of effective and efficient collective bargaining for road transport collective agreements.

(6) Despite any other law of the Commonwealth, a State or a Territory, a road transport collective agreement has no effect unless it is an approved road transport collective agreement.

Note: Subsection (6) does not affect agreements made under any of the laws mentioned in subsection (2), as they are not road transport collective agreements.

(25) Clause 34, page 26 (line 27), omit "grant a safe remuneration approval for", substitute "approve".

(26) Clause 34, page 27 (after line 5), after paragraph 34(c), insert:

(c) the participating hirer and the participating drivers have conducted themselves in accordance with any code of conduct prescribed under subsection 33(3); and

(27) Heading to clause 35, page 27 (line 9), omit the heading, substitute:

35 Approval of road transport collective agreements

(28) Clause 35, page 27 (line 10), omit "decides to grant a safe remuneration approval for", substitute "approves".

(29) Clause 35, page 27 (lines 13 and 14), omit "road transport drivers", substitute "contractor drivers".

(30) Clause 35, page 27 (line 16), omit "In addition to the statement in subsection (1), the approval must", substitute "The statement under subsection (1) must also".

(31) Clause 35, page 27 (lines 23 and 24), omit "road transport driver", substitute "contractor driver".

(32) Clause 35, page 27 (line 29), omit "approval", substitute "statement".

(33) Clause 35, page 27 (line 31), omit "approval", substitute "statement".

(34) Heading to clause 36, page 28 (line 1), omit the heading, substitute:

36 Effect of approval

(35) Clause 36, page 28 (lines 2 to 6), omit subclause (1), substitute:

(1) The participating hirer in relation to an approved road transport collective agreement must not provide remuneration or related conditions, to a contractor driver who is providing applicable services to the participating hirer, that are less beneficial than the remuneration or related conditions specified in the agreement.

(36) Clause 36, page 28 (line 8), omit "road transport driver", substitute "contractor driver".

(37) Clause 36, page 28 (line 10), omit "to which the approval relates".

(38) Clause 37, page 28 (lines 13 and 14), omit "grants a safe remuneration approval has no effect in relation to a road transport driver", substitute "approves a road transport collective agreement has no effect in relation to a contractor driver".

(39) Clause 37, page 28 (lines 16 to 22), omit subclause (2), substitute:

(2) If a road safety remuneration order takes effect after the Tribunal approves a road transport collective agreement, the agreement ceases to have effect in relation to a contractor driver to the extent that the remuneration or related conditions specified in the agreement are less beneficial to the driver than a term of the order that applies to the driver.

(40) Page 28 (after line 22), after clause 37, insert:
37A Authorisation of conduct for the purposes of the Competition and Consumer Act 2010

Conduct in accordance with approved road transport collective agreement

(1) For the purposes of subsection 51(1) of the Competition and Consumer Act 2010, anything done in accordance with an approved road transport collective agreement by:

(a) the participating hirer; or
(b) a contractor driver who is providing applicable services to the participating hirer; or
(c) a person representing a person or persons referred to in paragraph (a) or (b),

is specified in and specifically authorised by this Act.

Entry into approval-pending road transport collective agreement

(2) For the purposes of subsection 51(1) of the Competition and Consumer Act 2010, entry into an approval-pending road transport collective agreement by:

(a) a hirer or potential hirer of contractor drivers; and
(b) contractor drivers;

is specified in and specifically authorised by this Act.

Conduct in preparation for or incidental to entry into or obtaining approval of approval-pending road transport collective agreement

(3) For the purposes of subsection 51(1) of the Competition and Consumer Act 2010, anything:

(a) done by:
(i) a hirer or potential hirer of contractor drivers; or
(ii) a contractor driver; or
(iii) a person representing a person or persons referred to in subparagraph (i) or (ii); and
(b) done in preparation for, or incidental to, entry into, or seeking approval of, an approval-pending road transport collective agreement;

is specified in and specifically authorised by this Act.

Certain conduct not protected

(4) Despite subsections (1), (2) and (3), conduct referred to in those subsections is not specified in or specifically authorised by this Act if the conduct is:

(a) making a contract or arrangement, or arriving at an understanding, that is or contains an exclusionary provision within the meaning of section 4D of the Competition and Consumer Act 2010; or

(b) conduct that is boycott conduct within the meaning of subsection 87AA(2) of the Competition and Consumer Act 2010.

Meaning of approval-pending

(5) A road transport collective agreement is approval-pending if:

(a) approval of the agreement under this Part is intended to be or has been sought; and

(b) the Tribunal has neither approved nor refused to approve the agreement.

(41) Heading to clause 38, page 28 (line 23), omit "safe remuneration".

(42) Clause 38, page 28 (line 24), omit "A safe remuneration approval", substitute "The approval of a road transport collective agreement".

(43) Clause 38, page 28 (line 25), omit "in", substitute "for".

(44) Heading to clause 39, page 28 (lines 26 and 27), omit the heading, substitute:

39 Approvals to be given by dual FWA member or Full Bench

(45) Clause 39, page 28 (line 28), omit "granting safe remuneration approvals", substitute "approving road transport collective agreements".

(46) Clause 40, page 29 (line 13), at the end of subclause (1), add:

; and (c) if subsection 41(2) or 42(2) applies to the dispute—the application is made before the end of the relevant period under section 40A.

(47) Page 29 (after line 16), after clause 40, insert:

40A Time limit for certain applications

(1) For the purposes of paragraph 40(1)(c), an application must be made before the end of:

(a) the period of:
(i) if subsection 41(2) applies—14 days after the dismissal took effect; or
(ii) if subsection 42(2) applies—28 days after the termination took effect; or
(b) if the Tribunal allows a further period under subsection (2)—the further period allowed by the Tribunal.

(2) The Tribunal may allow a further period for the application to be made if the Tribunal is satisfied that there are exceptional circumstances, taking into account:

(a) the reason for the delay; and
(b) whether the road transport driver first became aware of the dismissal or termination after it had taken effect; and
(c) any action taken by the driver to dispute the dismissal or termination; and
(d) prejudice to the employer or hirer of the driver (including prejudice caused by the delay); and
(e) the merits of the application; and
(f) fairness as between the driver and other drivers in a similar position.

(48) Heading to clause 42, page 30 (line 15), omit the heading, substitute:

42 Disputes involving contractor drivers

(49) Heading to subclause 42(1), page 30 (line 16), omit the heading, substitute:

Dispute between contractor driver and hirer

(50) Clause 42, page 30 (lines 17 and 18), omit "road transport driver who is an independent contractor", substitute "contractor driver".

(51) Heading to subclause 42(2), page 30 (line 23), omit the heading, substitute:

Dispute between contractor driver and former hirer

(52) Clause 42, page 30 (lines 24 and 25), omit "road transport driver who is an independent contractor", substitute "contractor driver".

(53) Clause 46, page 33 (table item 1, column 2), omit "a registered employee association", substitute "an organisation".

(54) Clause 46, page 34 (table item 2, column 2), omit "a registered employee association", substitute "an organisation".

(55) Clause 46, page 34 (table item 3, column 2), omit "a registered employee association", substitute "an organisation".

(56) Clause 46, page 34 (table item 5, column 2), omit "a registered employee association", substitute "an organisation".

(57) Clause 47, page 35 (line 6), omit "A registered employee association", substitute "An organisation".

(58) Clause 47, page 35 (line 11), omit "association", substitute "organisation".

(59) Clause 47, page 35 (line 13), after "association", insert "(other than an organisation)".

(60) Clause 61, page 41 (lines 4 and 5), omit "in relation to safe remuneration approvals", substitute "of approved road transport collective agreements".

(61) Clause 80, page 53 (line 19), omit "grant safe remuneration approvals in relation to", substitute "approve".

(62) Clause 80, page 53 (lines 26 and 27), omit paragraph 80(e), substitute:

(e) any other functions prescribed by the regulations;
(f) any other functions conferred on the Tribunal by another law of the Commonwealth.

The government has moved amendments to the Road Safety Remuneration Bill 2011. The amendments the government is proposing today were developed in response to feedback received through submissions made by industry stakeholders to the parliamentary inquiry into the bills to align rules regarding exemptions from competition law for bargaining with those currently in operation in New South Wales, Victoria and Western Australia and to make consequential amendments and fix minor drafting errors. I
would like to thank the House Standing Committee on Infrastructure and Communications, chaired by the member for Cunningham, for conducting the parliamentary inquiry into the bills. I note that the committee recommended that the House should pass its legislation.

The amendments proposed by the government to the Road Safety Remuneration Bill 2011 are designed to clarify the tribunal's role in approving road transport collective agreements consistent with the concurrent operation of laws regulating owner-drivers in New South Wales, Victoria and Western Australia, to make clear that collective agreements entered into by contract drivers under these state laws are not road transport agreements for the purposes of part 3 of the bill and to allow certain conduct by contract drivers and their hirers to be exempt from the operation of the Competition and Consumer Act 2010.

The effect of these amendments will be to enable contract drivers and hirers to collectively bargain and enter into approved collective agreements without breaching the Competition and Consumer Act. In addition, these amendments would ensure the same standing for registered employer organisations as it does for registered employee organisations under the legislation, provide time limits for when applications can be made to deal with a dispute arising from a dismissal or contract termination and make minor technical amendments to correct editorial errors or minor omissions.

Mr TRUSS (Wide Bay—Leader of The Nationals) (11:58): The government is introducing 64 amendments to this bill before the House. These amendments were only made available to the opposition late yesterday, even though I understand they were approved by caucus a couple of weeks ago. I have no doubt as well that they have been developed following extensive consultation with the trade unions. Industry also was made aware of these amendments, 64 of them, only yesterday. That is hardly a good start for this proposed consultation process that surrounds this legislation. Indeed, this has been typical of the way in which the government has handled this bill right from the very beginning.

It arose out of a report in 2008 but we saw little subsequently from it until it was rushed into the parliament. The House of Representatives committee had only two hours of hearings. The minister rightly reported that the majority of the committee recommended that the bill be passed. However, he neglected to mention that there was a significant minority report which raised serious concerns about this legislation and its intent.

This bill was introduced by the minister for transport on the basis that it was about road safety. It has now been transferred to the minister for industrial relations, which shatters any pretence that this bill ever had anything to do with road safety. It is all about industrial relations and union power. So the minister is introducing, for the unions, these 64 amendments that further intrude into the commercial arrangements in the trucking industry and add to the pervasive nature of this legislation. It leaves every person in this country who ever drives a truck uncertain about how they will be able to work in the future. The new tribunal that is being established will have the capacity to intervene in almost any element of industry where a truck is involved. I am not saying they will always do it, but they will have the capacity to do it, because this legislation is so broad ranging.

Turning to some of the major amendments first. The minister acknowledged in his comments that the majority of the amendments were about part III. There are a
number of amendments that correct drafting errors. It is a bit surprising that there would be drafting errors in a bill that has been under preparation since 2008, but it seems that has happened. I will concentrate mainly on matters of substance.

The government's amendment in section 33(6) says:

Despite any other law of the Commonwealth, a State or a Territory, a road transport collective agreement has no effect unless it is an approved road transport collective agreement.

A road transport collective agreement is defined under section 33(1) as an agreement between contractor drivers and a hirer that specifies remuneration and related conditions for the driver who provides the applicable service to the participating driver. A contract driver is defined in the amendments as 'an independent contractor'. The effect of the amendment is that any contract between a group of independent contractors, or owner-drivers, and a hirer must be approved by the road safety remuneration tribunal.

Section 33 in the original bill states that the tribunal 'may grant a safe remuneration approval for a road transport collective agreement' where certain conditions are met. This is entirely different to the amendment and warrants further consideration and consultation with industry. On the face of it there are a number of problems with this amendment. Firstly, the amendment would have the effect that all current agreements, except those made under existing state regulatory regimes, between groups of owner-drivers and hirers would be null and void as they are not approved road transport collective agreements. They would have to be immediately renegotiated and that would put hirers and owner-drivers who are parties to these agreements in a precarious situations. Additionally, this immediately undermines the sanctity of the commercial contracts between the two companies involved in contract drivers. How, for example, will it affect the commercial agreements between, say, Holden and those companies that transport their cars? Are these agreements now valid, are they void, are they unlawful or are they just unenforceable?

Secondly, the bill erodes the concept of the independent contractor. This amendment takes this erosion one step further by reducing their ability to negotiate terms and conditions that they believe to be adequate.

(Time expired)

Mr TRUSS: I seek leave to continue my remarks.

Leave granted.

Mr TRUSS: The bill will centralise contracts for groups of independent contractors and in doing so it will limit their opportunity. It has the potential to hamper competition and remove flexibilities. In this way the bill has the potential to make it less attractive to hire groups of owner-drivers. Additionally, the tribunal will be ill equipped to deal with the potential volume of contracts that it will be required to approve. The bill was touted as a road safety measure but we have been told that the tribunal it establishes will issue orders to make sure that drivers have remuneration and related conditions designed to ensure that they will drive safely. However, the amendment goes much further than that. It give the tribunal the power and the responsibility to approve agreements between groups of owner drivers and hirers. It just goes to show that this is not about road safety. It is about industrial relations and, of course, the great payback to the Transport Workers Union.

Turning to section 33(1), the government amendments define a 'road transport collective agreement' as an agreement that 'specifies remuneration or related conditions (or both)' for groups of owner drivers who
make an agreement for 'the provision of specified road transport services'. The important distinction between the amendment and the original definition of a road transport collective agreement is the deletion of the word 'and' and the insertion of the word 'or'. That amendment relates to contracts for remuneration and related conditions where the amendment relates to contracts for 'remuneration or related conditions (or both)'. This broadens the scope of the tribunal's requirement to approve collective agreements between groups of owner operators and their hirer. It was argued by some submitters to the House Standing Committee on Infrastructure and Communications that the matters on which the tribunal could make a road safety remuneration order were too broad. Now, there is scope for it to be even wider. They did not heed the advice given to the committee and in effect have made the bill worse. The amendment broadens the scope of the sort of conditions and matters that a group of independent contractors can seek an approved agreement on. Importantly, it goes far beyond matters within the original intent of the bill that would have to be approved by the tribunal before taking effect.

In section 33(3) the government's amendment inserts the following:
The regulations may prescribe a code of conduct in relation to collective bargaining for road transport collective agreements.
The government's amendments insert section 34(c), which says that in order to grant approval for a road transport collective agreement the tribunal must be satisfied that:
… the participating hirer and the participating drivers have conducted themselves in accordance with any code of conduct prescribed under subsection 33(3) …
Not only is it unusual for the minister to be issuing guidelines to the industry and the tribunal that control how bargaining in the trucking industry occurs, but the provisions of the bill are due to come into effect on 1 July this year. When will we see these regulations? When will we see the code of conduct the government is proposing? What is its scope? What matters will it cover? There has been no consultation by the government about these issues with the industry.

The only guidance in the bill is section 33(5), which says:
A code of conduct prescribed under subsection (3) must have as its object the facilitation of effective and efficient collective bargaining for road transport collective agreements.
This is supposed to be about road safety, but this clause makes clear it is far more about collective bargaining than about safety.

What does all this really mean? What will be the scope for the code of conduct? The government's amendments insert clause 33(4), which states:
Before the Governor-General makes a regulation under subsection (3)— to stipulate a code of conduct—
the Minister must consult with industry and the Tribunal.
But the government have shown no willingness to discuss these issues with industry over the last few years. Their discussions are exclusively with the union movement, yet this legislation is going to affect not only trade union members; every person who ever wants to drive a truck could be affected. The farmer who delivers his grain to the depot in his own truck may suddenly become subject to rulings by this new tribunal. The man who transports his mower from one factory to another to mow lawns could be picked up by this because he is undertaking a transport task. All of this is included within the definitions in this bill. It certainly massively extends powers to the trade union movement to dominate this
sector even further. That is what this is all about. We know the Transport Workers Union has been very good to the Labor Party over the years and now they are getting some of their reward. The reality is that this particular industry—(Time expired)

Dr STONE (Murray) (12:08): I too want to make a contribution in relation to the Road Safety Remuneration Bill 2011 and the amendments that have just been proposed—all 64 of them. The electorate of Murray has one of the highest number of truck registrations of any regional area in Australia. I see those representatives of the trucking industry regularly in my office. They are small owner-operators, big intergenerational family businesses and big national operators, and not one of them has once said to me that their drivers will be any safer, or if they themselves are drivers that they will be any safer, as a result of a difference in pay.

Their problems with safety are to do with the lack of harmonisation of road transport rules across Australia, the lack of adequate driver courtesy on the roads where they have to tangle with local mum and dad type traffic, the skills shortage, the ageing workforce and the number of hours they have to drive. Their safety issues are also to do with the often unconscionable behaviour of their biggest employers, the two big supermarkets—Coles and Woolworths, the owners of 80 per cent-plus of retail in the supermarket sector—that put undue pressure on them in terms of the time frames in which they must pick up and deliver their cargo.

There is a whole range of problems with our transport industry and perhaps one of the biggest for small owner-operators, who are always close to being financially unsustainable, is that they will always need a lot of supports. But they are not going to get any supports through this Road Safety Remuneration Bill. With these amendments, it is extraordinary that there is a suggestion that the capacity to collude and come up with contracts whereby people have been able to collectively bargain will lead to greater road safety. That is just nonsense. We all know that collective bargaining has been suggested and approved, for example, for dairy farmers and tomato growers. But in the Australian context, you are faced with the huge duopolies, who are very apt to retaliate should you raise your head above the parapet and demand better remuneration for your effort. In that situation, to suggest that collective agreements are going to work for the small contractor, or even collections of bigger road transport operators, is just unrealistic and naïve in the extreme.

We do need a great deal of attention paid to our road transport sector. We depend so much on the freight task around Australia because our rail and our shipping is not viable as an alternative in many areas. We do have a crisis because of our skills shortage and the ageing population of our transport operators. We do have problems with the small owner-operator who has one or two trucks having to slash their prices to a point where they cannot be profitable for very long because they are competing at the margins. Yet here we have a bill which falsely implies that there is a relationship between salaries paid and safety on the road. Again, it is naïve and it is nonsense. I think it is an insult to the hard-working transport sector.

As our shadow minister made the point, there may be a lot of very perverse outcomes as a consequence of this bill, because it is about the trade union's power and their capacity to fund the Labor Party into the future. It is not about the industry sector. It is not about the rank and file transport operators. They were not consulted. In my part of the world, where we have the highest number of transport registrations of
anywhere in rural Australia, they were not closely consulted about these changes. They are terrified of what this new tribunal might do. They certainly do not think collective bargaining is going to give them any greater advantage in becoming more viable in the future.

Let us look at the real problems facing our transport sector. Let us make sure that we have better harmonised road rules. Let us ensure that the transport industry is treated with respect and in a way that it can be sustainable in the future. Let us make sure, for example, that we can safely put enhanced B-doubles on the road. Let us have more inland ports. Let us have less congestion in places like the ports where trucks have to wait hour upon hour, sometimes days, to offload their contracted cargo. This bill is a nonsense and I cannot support it.

Mr FLETCHER (Bradfield) (12:13): I am pleased to rise to speak on this extensive list of amendments which has been put to the House by the Minister for Employment and Workplace Relations at very short notice and to ask whether the process that is being pursued here in relation to this very substantial change in the regulatory scheme embodied in this bill is one that the House ought to agree to when the effort that has been made to explain the policy rationale for it is threadbare. There is naturally a suspicion in the case of this minister that he is dancing to the tune of his union masters. There is naturally a suspicion that the primary motive for this amendment is to address the legislative and regulatory ambitions and agenda of the union movement. There is naturally a suspicion that the primary motive for this amendment is to address the legislative and regulatory ambitions and agenda of the union movement. That suspicion can only be enhanced by the shocking process which has been demonstrated in the way that these detailed amendments have been put before the House, because these amendments fundamentally change the regulatory and legislative scheme that the House is considering. They are a fundamental change to what has been put to the House as a measure about road safety. Objective observers have doubted whether that is a fair claim, and those doubts are now revealed to be absolutely valid based upon the fundamental change in the scope and breadth and the reach of the work of this new tribunal.

What we now learn is that this is a tribunal which is going to have a very substantive industrial relations agenda and a very broad reach. What we are now told is that no collective agreement in this sector will be valid or will be legal unless it is approved by this tribunal. All of the pretence that this has something to do with road safety has now gone out of the window. We now learn at very short notice—although these amendments, we understand, have been available to the government for a considerable period of time, they have been dumped on the chamber at very short notice—is that their affect and their intention is to greatly broaden the reach of this tribunal, greatly broaden the breadth of the matters not only in which it has a right to engage itself but also over which it has the right to exercise a veto. That is the fundamental point here in the provisions that the House is being asked to consider as we weigh up the merits of the amendments which have just been tabled by the minister.

We then asked, amongst other things, to consider whether it is good policy for this tribunal to have a right of veto over any so-called road transport collective agreement, having regard particularly to the very expansive definition of 'road transport collective agreement'. This is an exercise in the expansion of the reach of government and the reach of the industrial supervisory mechanism and administration for which this government has such fondness, based no doubt upon the background of almost every
member of this government, emerging as they do from deep within the industrial relations machine which has for so long been a powerful part of our nation, in many ways to its detriment.

The provisions which have been put before the House this afternoon should only be supported if the government can discharge the burden of proof that these new arrangements, giving this tribunal an expansive power to veto any collective agreement in the road transport sector, achieve in some way an objective of road safety. As with the substantive bill, they have not been able to discharge that burden—they have not even sought to. On that basis I will not be supporting these amendments. (Time expired)

Mr OAKESHOTT (Lyne) (12:19): These amendments do for me create further concerns about this bill and how this is now trying to establish what looks to be a new and different process to existing ones rather than investing well in the existing ones to improve safety on our roads. There is no question that every member of this chamber would support safer roads, safer behaviour from drivers and better conditions for owner-drivers as well as for those who work for larger trucking companies. However, there are established processes that we should invest in. There are laws that have already been passed by the chamber, such as the Fair Work Act and the Independent Contractors Act. We should also acknowledge all the various state authorities—whether they are police or weight-of-load groups—and local government authorities involved in trying to make roads and conditions as safe as possible.

These amendments that have come in over the last 24 hours—and this bill more generally—look to be establishing a new and different process to the very good existing ones which I would hope everyone continues to invest in. Enforcement is frustrating for all involved—for families on the road and for drivers. It is frustrating working through these existing processes. But that is where the hard grind of getting safer roads will occur.

I do not accept the argument that there is a very simple magic bullet answer of increasing wages by legislation, which I thought was Work Choices and the argument around Work Choices, and that that directly links to more safety on our roads. I think safety on our roads is a much more complex issue to deal with. So I would hope, even if this legislation with amendments does pass, that we do not give up on the hard grind of using the existing processes that are already in place. That is really where the heavy lifting on road safety and better conditions for drivers is occurring.

I say that not only as a member of parliament but also because one of my first jobs was to work for the Road Transport Forum, which was an organisation that worked closely with drivers in the trucking industry. One of my first jobs was to work on a men's health program, with 200 companies in the trucking industry. As a very young 20-year-old, I sat at the Marulan truckstop talking to drivers about the food they were eating, the drugs they were taking and the lifestyle they were leading. That has a lot to do with safety on our roads, as well as wages and conditions.

Safety is a complex story and we need to see much greater investment from both Commonwealth and state authorities, but not necessarily through adding new layers, new bodies and new processes. Rather, it requires investing heavily in the existing ones where good work has been done in the past and good work needs to be done in the future. These amendments only add to my concerns.
and to why I continue not to support this. That is not a statement to say that I do not think drivers and families on the road do not have a case about safety. They do, but there are existing processes and existing laws in place that I hope we can use better to achieve the safety and conditions outcomes that we want.

Mr CHESTER (Gippsland) (12:23): I appreciate the opportunity to speak on the bill before the House and to follow the member for Lyne. The member for Lyne and I do not always see eye to eye but this is one occasion when we are firmly on the same page. His comments relating particularly to the need to invest in the existing approach to road safety were very valid. He also made a very good comment that the hard grind of safer roads is something that is not going to be overcome by some sort of magic bullet or the Holy Grail that this safe roads legislation is put up to be in the broader community. He raises a very important point that it would be wrong to suggest in any way that there is any member in this place who has not already personally invested in the issue of safer roads or who has tried to find ways to deal with these issues involving the heavy transport industry.

I was a supplementary member of the committee which conducted the inquiry. I am just not convinced on the evidence that has been presented to me that the government has made a case. The comments by the member for Lyne, particularly in relation to investing in the existing approach, sit very well with the dissenting report that was put forward by the minority group—the coalition members. The members who made that dissenting report did so in very good faith. There was no sense of a party political nature or any animosity at all to that dissenting report. It was all about putting forward what we thought was a very valid argument, that there was existing activity being undertaken within the heavy vehicle transport industry which needed to be given time to be bedded down. I refer particularly to the National Heavy Vehicle Regulator. We felt that the evidence we received during that inquiry reinforced that position.

The coalition members of the committee were also conscious of the incredible complexity of rules and regulations which already exist in relation to the heavy vehicle transport industry. What we see here today will not only add to that complexity, but also it will present an issue of duplication which could be a factor causing even more uncertainty in the industry. We are concerned that this extra layer of bureaucracy will not improve safety outcomes. It will lead to increased costs for the industry and consumers and then almost become self-defeating. It has been argued to us that there is an economic imperative facing these safety issues. We are concerned that we are going to end up with a situation where the extra costs will be self-defeating by putting more pressure on the transport industry.

It was with those thoughts in mind that the dissenting report was put into the inquiry process. I was disappointed that no opportunity was given for the committee’s report to be tabled in the parliament before we started debating this legislation. I made those points during the earlier debate. Again, we see a process here where we have 64 amendments being presented to the House, with very little opportunity for members to assess them and get an understanding of where the government is going with this issue. I am concerned at the whole process, from the moment the government decided to bring on this debate without even respecting the committee process. The committee was chaired by the member for Cunningham, who did an excellent job in that role. As I said earlier, all members participated in that
inquiry in good faith and it was disappointing for them to have the legislation brought on for debate before other members had the chance to even assess the committee's report. I thought this was disappointing on behalf of the government members.

On the issue of tinkering, if you like, with the commercial arrangements in this industry, it is something that is becoming of greater concern to the transport operators in my electorate. I have had the opportunity to speak to many of them about this issue. They are concerned at the unintended consequences—the perverse consequences—which may occur when you start having regulatory bodies—the tribunal in this case—effectively setting pay rates. They are concerned at the impact that that is going to have on the transport industry. There is a complex matrix of decisions that are made in relation to how the heavy transport industry sets its rates.

A classic example that one of the transport operators pointed out to me was the case of travelling between Melbourne and Adelaide. A transport operator working the Melbourne-Adelaide route will make his or her money on the route to Adelaide. On the backload from Adelaide they are prepared to accept a much lower rate because they have to get back to Melbourne to load up and make their money again going to Adelaide—if that makes sense. So the backhaul rate from Adelaide will be a lower amount. I am not sure how this tribunal will be able to deal with the commercial reality of a market force at work. This is a very complex issue that needs to be worked out. I am not sure that the tribunal will not end up in all sorts of trouble by tinkering with a commercial reality. That is one of the biggest issues facing this piece of legislation—the tribunal's work in interfering with the market. (Time expired)

Mr BUCHHOLZ (Wright) (12:28): I rise to add my support for the member for Lyne with his position of strengthening the existing powers of compliance and also to address the 64 amendments that have been put before the House as we speak. With reference to this legislation, I come from a transport background in Queensland so I have tried in all faith to meticulously go through the bill and, at very short notice, the amendments. On election to this place I gave a commitment to the people of Wright that I would stand up and be the voice of the silent majority. I commenced my investigations into this issue with the 29 submissions that were received in the lead-up to the inquiry. I was overwhelmed by the government's position, given the evidence to the inquiry, because only nine of the 29 submissions received were supportive of it. When you go through and digest those submissions, you find that predominantly, with the exception of three academics, the remaining organisations that were supportive had the word 'union' in their title. When you look at the remaining 20 who were not supportive of it, they predominantly had the word 'transport' in their title. The list is publicly available for everyone to look at. I thought: that is the overwhelming will of the transport industry. The list of submissions is available for you to have a quick look at. When I spoke with members who gave submissions to the committee, their issue was that there was another layer of compliance, and they raised genuine concerns about it. I trust that in the minister's response he will allay those concerns.

In addition to that, the process by which this bill should come through the House should have been open and transparent, but that was somewhat perverted as well. I believe the bill was introduced into the House before the recommendations of the committee had been tabled. As a new
member, I would not suggest that that is the common practice of the House. So I have concerns that full and frank debate was not available. When you couple that with the time frame in which these amendments have hit this place, there just seems to be—

The DEPUTY SPEAKER (Hon. DGH Adams): Order! The question before the chair is that we are taking the bill as a whole. I think we should be speaking to the bill. The member is dealing with the processes. I ask the honourable member to come back to the bill.

Mr BUCHHOLZ: Mr Deputy Speaker, we are speaking to the amendments, aren’t we, at the moment?

Mr Shorten: You’re not. We'd need to send out a tracker dog to find them.

Mrs Gash: Oh, come on!

The DEPUTY SPEAKER: Order!

Mr BUCHHOLZ: That is a fair enough point. I can talk to the amendments with clarity, but in getting to those points it is very important to understand the mood of the industry and their position when, overwhelmingly, 75 per cent of the members of transport organisations are not supportive of this process, and rightfully so. Let us look at some of the amendments, in particular subclause 33, where it speaks to collective agreements and enterprise bargaining. Let us take the hypothetical of two truck drivers—an independent operator and someone who buys their truck from Kenworth in their local township. They are loading up at a dock from someone who buys their truck directly from the manufacturers in Europe, who, potentially, before they leave the dock, have a $50,000 advantage. Let us look at their biggest expense—fuel. One operator has the capacity to buy fuel directly from the terminals at a price cheaper than the independent guy can buy it from the service station. So, when setting these rates in the tribunals, which are spoken to in the amendments of this bill, how are they calculated? It is a win-win for one of those parties on the principle that, if it is $1,000 to do a Sydney-Melbourne run— (Time expired)

Mr NEVILLE (Hinkler—The Nationals Deputy Whip) (12:33): I would like to talk to these amendments and more broadly to the bill itself. But before doing so, I congratulate Nick Champion, the member for Wakefield, on his elevation to the House of Representatives Standing Committee on Infrastructure and Communications, which I have served on since I entered the parliament. It is a very good committee. I wish him well and, as his deputy, I will cooperate very well with him.

Mr Champion: I’m the young apprentice.

Mr CHAMPION: Yes, the sorcerer’s apprentice! The member for Gippsland in his contribution to this debate put his finger on it when he said that in coming to these amendments we need to know the background of what the coalition members had to say about the bill. The four of us on the committee did not get together in a coalition cabal. We felt that the report fairly reflected the evidence that was given; but, when we came to delineating the issues, we did not think the case had been made for a second tribunal. After all, we have got Fair Work Australia. Why do we need this second tribunal?

The shadow minister at the table has just said that one of these amendments puts a very heavy onus on this new road safety remuneration tribunal insofar as, if you have a contract between a group of independent contractors—perhaps an owner-driver and an employer or a directing company—it must be approved, not maybe approved, by the tribunal.
Many things can affect the livelihoods of long-haul truck drivers. Twelve years ago the committee I just referred to did a seminal study over many months on fatigue in transport. We went into all the things that the member for Lyne talked about—the quality of food, the rest periods, the time of day that truck drivers drove, their circadian rhythms, their slotting at their loading docks and their slotting at supermarket docks and the like. All those add to the pressures. It is not just simply a matter of pay. There is an argument that if pay were increased it may not lead to any less stressful attention to drivers but rather it may lead to some rogue employers pushing their drivers even harder on the one hand and, on the other, some of the greedy drivers, who should be taking it a bit easier, to go for more money by doing even more work. So for all sorts of reasons I do not think that is going to solve the problem.

Under the carbon tax, drivers will be forced to do longer hours, sweat their trucks further, have less maintenance, and that means more deaths.

That is saying that there are factors other than remuneration. That was quite a sobering quote. On the Nine Network on the same night, he said:

How are we going to meet the extra $100 to $200 a week when this tax starts smacking truck drivers right in the teeth?

It is a very worrying thing. It is not as simplistic as the government want us to believe. Along with the shadow minister at the table, I oppose these amendments.

Mr FLETCHER (Bradfield) (12:39): I rise to speak further about the amendments which have been put before the House today. The process by which these amendments have been brought forward is, on any view, lamentable. It is disgraceful. It shows a contempt for the democratic processes in the people's House. I am sorry to say that it is entirely consistent with the consistent contempt for process—

The DEPUTY SPEAKER: Order! The honourable member for Bradfield will debate the amendments that are before the House, not the process.

Mr FLETCHER: Mr Deputy Speaker Adams, the basis on which the amendments arrived before the House is absolutely a matter the House should be considering in assessing the merits of passing the amendments. If sufficient time has not been provided to consider very complex changes then that—

The DEPUTY SPEAKER: Order! The parliament is discussing the Road Safety and Remuneration Bill 2011 and there are 64 amendments. The member will address the amendments as a whole and will not discuss matters outside that tight area which is before the House.
Mr FLETCHER: I want to go to the differences between the definition of 'road transport collective agreement', which appears in clause 33(2) of the bill, and clause 33, which appears in the amendments. There are some significant differences—differences which I think the House ought to consider very carefully before it is prepared to agree to this amendment.

One of the questions that strikes me as an obvious one, when you look at the wording of proposed clause 33, is the question of whether individual drivers need to be aware that there are other drivers who have also contracted with the hiring party. On my review of the term 'road transport collective agreement' as it is contained in clause 33, it strikes me as entirely possible that you might have a situation in which a hiring party issues a tender calling for parties wishing to drive under a contract for the hiring organisation. They accept the terms which are issued but, because there is more than one driver who has accepted those terms, it automatically becomes a road transport collective agreement, even though there is no collective intention or state of mind between the individual drivers.

I invite the minister to respond and explain to me whether that interpretation is correct or not and, if it is not, to give me assurances as to why it is not. If that interpretation is correct we now have the extension of the scope of the activities of this tribunal into commercial arrangements which may very well be made, as far as an individual driver is concerned, on an individual basis with a hiring party, but, because of the drafting, he or she suddenly finds that they are caught up, quite to their surprise, in what is deemed to be a road transport collective agreement, and then that agreement cannot proceed unless it has been compulsorily considered by this tribunal.

That is a very serious matter of public policy. It is a significant interference in the freedom of contract, and the House ought to consider that very carefully.

Mr CHESTER (Gippsland) (12:44): I appreciate the opportunity to continue my contribution in relation to these matters. I congratulate the member for Bradfield on the point that he has just raised. I think it is a valid argument.

I would also like to expand on the points that were made a few moments ago by the member for Hinkler and others. My comment relates to the complexity already in the industry given its current arrangements, particularly in the way rates are agreed to. It is something that I touched on before when I referred to the issue of a transport operator working, for example, the Melbourne to Adelaide route. My concern is that once governments—in this case, the tribunal—start interfering in this sort of marketplace there will be some perverse outcomes. I am not one who argues that there should be no government involvement in markets when it is justified. But I think we must proceed with caution in this case and ensure that we do not end up causing more problems when we are clumsily trying to provide answers for the industry, particularly when we are talking about an issue as important as safety. A point that my local transport industry operators raise with me regularly in our discussions is...
that they already have so many other regulations in this industry and there are extensive provisions already in place to deal with any transport operators or individual drivers who flout the existing laws. If anything, there was a concern expressed to me from those within the transport industry that the drivers themselves can pay a very heavy economic price for what are fairly minor breaches. The point I am making is that, if the TWU is right and those opposite are right that there are economic pressures or commercial pressures which are systemic as they relate to the safety issue, then we also need to look at some of the issues relating to the enforcement provisions and the degree of fines being paid by truck drivers for very minor or innocent breaches or mistakes. So I think that is an issue that we need to examine more closely.

The member for Lyons talked before about the existing provisions in place and having to invest in a whole range of other safety efforts, and I think he is right in that regard. State and federal governments have not been quiet on this issue. They have been working very hard, and there has been some level of success. We only need to look at the accident statistics in recent years to see that there has been a reduction. I am not for one second suggesting that we give up our efforts in that regard, but there has been a reduction in the accident fatality rates in recent years and I think we should be giving time for some existing efforts to be fully implemented.

That matter of the commercial issues in the transport industry and the impact that they have on safety is something that the TWU has argued strongly about. The member for Hinkler referred to some comments made by the TWU representative, Mr Tony Sheldon, in relation to the carbon tax. It is relevant to this debate, when we are talking about so-called 'safe rates', that we have the TWU pointing out that the carbon tax is going to force drivers to find an extra $100 to $200 a week, so it is almost counterproductive—

The DEPUTY SPEAKER (Hon. DGH Adams): Order! The honourable member will resume his seat. We are debating the amendments to this bill. We are not debating the carbon tax. I call the honourable member for Gippsland.

Mr CHESTER: Mr Deputy Speaker, I am not seeking to argue your point but the point that I was referring to is this: we are going down a path where in the submission that was made to the inquiry the TWU strongly argued the case that there are systemic commercial and economic pressures which are resulting in poor safety outcomes, but at the same time we are introducing other bits of legislation which are going to put more commercial pressures on the transport industry. It is almost counterproductive to be doing one thing while you are doing the other thing. So that is the point I was trying to make, Mr Deputy Speaker, without wishing to argue about your ruling.

The Leader of the Nationals, in his contribution, also referred to the fact that this bill erodes the concept of independent contractors, and the amendments that we are discussing take this erosion of the status of independent contractors one step further by reducing their ability to negotiate terms and conditions that they believe are adequate. This bill and the amendments we are talking about will centralise contracts for groups of independent contractors and, in doing so, limit their opportunity to bargain. They have the potential to hamper competition and may remove the flexibility which is so important for industry. So in this way I believe the bill has the potential to make hiring groups of owner-drivers less attractive. The point I am
making is that I believe that in going down this path and in tampering with an industry we run the risk of creating unintended consequences and ending up, in terms of this very important issue of safety, having some perverse outcomes and not actually achieving what we set out to achieve in the first place.

As many members on this side have indicated, while this bill has been touted as a road safety measure, we are concerned that it is more about industrial relations. We believe that existing safety efforts should be given the chance to be bedded down and that safety is a very complex issue. I do not disagree at all that fatigue undoubtedly plays a part in it, but I think that by focusing on this issue alone we might be diverting attention from the more holistic approach, which is what the dissenting report indicated, a view which was supported by the coalition members during the inquiry process.

Mr FLETCHER (Bradfield) (12:49): I rise to make an additional contribution on the merits or otherwise of the 64 amendments in relation to the Road Safety Remuneration Bill which have been put before the House at very short notice. I want to consider the amendments against the backdrop of the short title of the bill, being:

A Bill for an Act to make provision in relation to remuneration-related matters to improve safety in the road transport industry, and for related purposes

Against that backdrop I want to ask this question: why do the new provisions which are being put before the House for consideration this afternoon make very little reference to safety and do not even attempt to maintain the merest fiction that they have something to do with safety? Say we look, for example, at new clause 32A, which is proposed to be added to the bill. Clause 32A(1) says 'the tribunal may approve a road transport collective agreement'. Clause 32A(2) says:

... In deciding whether to approve a road transport collective agreement, the Tribunal may have regard to whether the benefit of approving the agreement would outweigh the detriment to the public constituted by any lessening of competition ...

I particularly direct your attention, Mr Deputy Speaker, to the fact that nowhere in clause 32A(2) does the word 'safety' appear. Nowhere in clause 32A(2) is any attempt made to frame the considerations which the tribunal must have regard to such that they are limited to safety or such that safety is defined to be the primary consideration which the tribunal must bring to bear as it weighs up the benefit it finds in the agreement against such detriment as it identifies. I think that is very significant because it demonstrates that in this set of amendments, particularly including proposed clause 32A, any pretence that this is about safety has been thrown out the window because of the enthusiasm with which this minister is rushing to urge the parliament to extend the reach and scope of the extensive industrial regulatory apparatus which this government has so enthusiastically expanded. It is interesting, too, to look at clause 36 in amendment (35) of the 64 amendments which have been put before the House at such short notice. It reads:

The participating hirer in relation to an approved road transport collective agreement must not provide remuneration or related conditions, to a contractor driver who is providing applicable services to the participating hirer, that are less beneficial than the remuneration or related conditions specified in the agreement.

Where is the language about safety? Where is the express direction to the tribunal to consider safety? Where is the restriction on the conduct of the participating hirer in relation to safety? It is not there. There is
nothing about safety in that particular clause. That clause is a perfectly straightforward, stock-standard piece of industrial regulatory machinery dealing with remuneration and related matters. It again demonstrates that these amendments take this bill even further from its claimed objective, its claimed purpose and its claimed policy intention of dealing with road safety. It puts this bill squarely into the territory of expanding the reach of the industrial regulatory apparatus of this government and squarely into the territory of seeking to limit the freedom of individual businesses to contract, including in the truck-driving sector.

Mr BRUCE SCOTT (Maranoa—Second Deputy Speaker) (12:54): I rise to speak on the amendments to the Road Safety Remuneration Bill 2011. What I find absolutely surprising—it is probably not surprising given the record of this government—is that only yesterday the opposition got notice that the government would move 64 amendments to a bill that they have prepared to bring to this parliament. It is no wonder that this economy is in such a mess when you find that they have to propose 64 amendments to a bill before the parliament in this autumn sitting.

After the leadership struggles that they have gone through over the last few weeks, it is not surprising that we have a confused government and that the minister responsible for this is bringing forward 64 amendments with no relationship to safety. I am trying to find the word 'safety' in the amendments. There is a lot about collective agreements, which is about union power. That is the motivation, I believe, for these amendments.

I have an electorate that depends very heavily on the transport sector, not least because of the failure of the state Labor government up there to invest in rail infrastructure. They have let it run down to the point where they are closing railway lines rather than building railway lines.

Mr BRUCE SCOTT: Thank you, Deputy Speaker. I want to make the point that my electorate depends very heavily on the trucking industry, whether it is for the agricultural sector or the mining sector, which is expanding day by day in my electorate and brings heavy machinery, such as mining equipment, into the electorate. Of course, when it comes to the transport of food to supply communities across the electorate of Maranoa, it comes in on trucks, not on trains. So we depend very heavily on the trucking sector.

I have a great deal of respect for those truck operators, whether they are private or part of a large corporation or company, because they work incredibly hard. I have family members involved in the trucking industry. I know them well and I also know how hard they are finding it to be able to compete against the mining sector, which pays very large salaries to people to work in the mining sector.

Mr BRUCE SCOTT: Yes, thank you, Deputy Speaker. I am saying that the truck operators are finding it very difficult to attract drivers. They pay above award rates to attract drivers now because they have to keep their businesses going. If they do not have a driver, they do not have a business. They are competing with the mining sector, in terms of the salaries that the mining sector can pay, to be able to run their businesses.

I find clause 33(6)(a) extraordinary. It says: 'The effect of this amendment is that
any contract between a group of independent contractors'—that is, owner-drivers—and a hirer must be approved by the Road Safety Remuneration Tribunal'. Section 33 in the original bill stated that the tribunal may grant approval for the road transport collective agreements where certain conditions are met. I can assure you, Minister, that if I went to the owner-operators and truck operators in my electorate and said, 'If you want to hire a new driver, you must be approved by the Road Safety Remuneration Tribunal'—they are desperate to keep their businesses moving ahead; they have to keep the wheels moving or otherwise they do not have a business—I would not like to repeat in this House the language they would use in reply to me. It would have to be approved by the Road Safety Remuneration Tribunal. How long will that take? Weeks? Months? If you are out in Western Queensland and have to bring livestock in when there is a window of opportunity after the floods—

Mr SCOTT: I am describing the problem.

Mr BRUCE SCOTT: Thank you, Deputy Speaker. What I am concerned about is that I know the truck operators and owner-operators in my electorate would be very concerned about having to get approval from the Road Safety Remuneration Tribunal when they want to employ a new driver, particularly in remote areas, quite apart from the fact that those in the more inner areas would object to it as well. I am opposed to these amendments. They demonstrate this government's confusion. (Time expired)
forces of competition to flourish in the interests of customers and end users and the collectivist mentality which underpins this bill.

**The DEPUTY SPEAKER:** Order! The honourable member will return to the matters before the House.

**Mr FLETCHER:** Mr Deputy Speaker, I am discussing quite specifically clause 37A, 'Authorisation of conduct'—

**The DEPUTY SPEAKER:** Order! The matters before the House are 64 amendments. The honourable member will address the amendments before the House.

**Mr FLETCHER:** Mr Deputy Speaker, clause 37A is amendment (40), and that is specifically and precisely what I am addressing in these remarks. The question—

**The DEPUTY SPEAKER:** Order! The honourable member will take directions from the chair. The honourable member will continue his comments by addressing the amendments before the House.

**Mr FLETCHER:** Thank you, Mr Deputy Speaker. I am addressing amendment (40), which is headed: 'Clause 37A Authorisation of conduct for the purposes of the Competition and Consumer Act 2010'. The question I am suggesting the House ought consider very carefully as it considers whether or not it is a good idea to pass this amendment is whether it is a good idea to grant such an authorisation. Let us be very clear about this. The effect of such an authorisation is that conduct which would otherwise be illegal under the Competition and Consumer Act as a breach of provisions dealing with, for example, restraint of trade or anti-competitive agreements between competitors is specifically authorised by this provision. The question that that requires the House to consider is whether the detriment to competition, which is clearly admitted by the fact that the government has thought it necessary to include this amendment in the bill, is justified by the claimed benefit, which we are told has something to do with safety but which, upon analysis, is in fact a set of measures designed to extend the reach of the industrial regulatory apparatus which this government has been so enthusiastically expanding, measures which are going to make it harder for ordinary business people to get on and do their job.
scenario for the smaller operator. The example I draw you to is the buying power that the big guy has. If the big bloke can do it at $1,000 and the smaller bloke can only do it at $1,200 and the rate is going to be set at $1,200, which I believe would be the safe rate to look after the smaller bloke, the big fellow is laughing all the way to the bank because he has just picked up a $200 increase, which gives him more market dominance and the capacity with the greater margin to buy more trucks and dominate. I suggest the implication or an unintended consequence of this particular amendment among the 64 amendments before the House is more far reaching than was first considered.

I would also like to draw your attention to proposed subsection 33(1) and the distinction between the original definition of road transport collective agreement' and the effect of the amendment's deletion of the word 'and' and insertion of the word 'or'. Mr Deputy Speaker, as you would be well aware, that significantly strengthens the original intent, which brings me back to my original point about the concern, which was proven in the submissions before the inquiry, of the greater transport sector as to whether or not this is an appropriate way forward.

I would also draw your attention to the dissenting report of coalition members in that inquiry when they were considering this. The coalition members stated that they fully supported the need for a multifaceted approach to reducing accident rates in the transport industry, so they were fully supportive of trying to get the incident rates down. However, they said it should be noted that there was a gradual improvement in the accident and fatality rate in recent years, despite the increase in the national freight task. The rates of accidents are going down. This bill is about safety and the amendments, even though they are not predominantly about it, do talk about safety. We have the trajectory of fatality rates on a downward slope and, with the increase in government road infrastructure funding, we should see in future even more reductions in road fatalities. So that begs the question of why we need an additional layer of bureaucracy when all the industry is saying to the government is: 'Get your hand out of our pocket. If you are interested in increased freight rates, take some of the costs off us and allow us to get on and be profitable.'

Mr HARTSUYKER (Cowper) (13:09): I rise to speak on the 64 amendments to the bill and to reflect on the importance of road safety. Representing, as I do, an area that has a huge amount of truck traffic going through it on the Pacific Highway, I am very focused as a local member on this issue. Our entire community is focused on the importance of safety in the heavy vehicle industry. But the question before us today is: how effective are these 64 amendments going to be in actually producing improvements in safety outcomes on the ground? How effective are these amendments going to be in delivering fewer accidents, delivering safer roads and ensuring that freight is able to travel along our highways in safety? There is great concern in the community that I represent that heavy vehicle accidents are all too frequent. Being on the Pacific Highway, which is currently being duplicated, I can say that those areas that are not duplicated present the highest risk—

The DEPUTY SPEAKER (Hon. DGH Adams): Order! The honourable member will address the amendments.

Mr HARTSUYKER: I am coming to that, Deputy Speaker.

The DEPUTY SPEAKER: The honourable member will address the amendments before the chair, not have a general debate on transport issues.
Mr HARTSUYKER: I am about to get onto—

The DEPUTY SPEAKER: Order! The honourable member will address the amendments in detail before the House.

Mr HARTSUYKER: Thank you, Deputy Speaker, I will. I will draw the attention of the House to proposed clause 33, road transport collective agreements. The question arises: how effective are these agreements going to be in actually delivering real improvements in safety outcomes. The provision says:

(1) A road transport collective agreement is an agreement:

   (a) between:

      (i) contractor drivers (the participating drivers) with whom a hirer or potential hirer proposes to contract for the provision of specified road transport services (the applicable services); and

      (ii) the hirer or potential hirer of the drivers (the participating hirer); and

   (b) that specifies:

      (i) who the participating hirer is; and

      (ii) who the participating drivers are; and

      (iii) the basis on which the participating drivers became part of that group of drivers; and

   (c) that specifies remuneration or related conditions (or both) for participating drivers who provide applicable services to the participating hirer.

Agreements such as this will ultimately result in a certain rate being struck. The question arises: if the rates that are a result of such agreements result in increased costs, is that going to provide for improved safety? That is what is not clear.

There is no evidence that this provision, proposed clause 33, is in any material way going to contribute to improved safety on our roads—and that is what the people that I represent are most interested in. The question people are asking is: are the 64 amendments going to actually result in a real outcome for people who use the Pacific Highway, for instance, or our other major highways or is it merely pandering to an industrial agenda? Certainly proposed clause 33 on road transport collective agreements and the relationship between the contract drivers and the hirers does not show the ways in which there is going to be an improved safety outcome. The people I represent who deal with heavy vehicles travelling through the main streets of their towns want to ensure that these vehicles travel safely and that the drivers are not overly fatigued.

The issue is: will these amendments result in less fatigue for drivers and in safer driving practices? We have no evidence of this. On this side of the House we believe that amendments brought to this House should be evidence based and not industrially driven, as these amendments seem to be. There seems to be a lack of reference in these amendments to safety, yet the government maintains that that is what these amendments are all about.

The DEPUTY SPEAKER: Order! The honourable member is not addressing the detail of the amendments.

Mr HARTSUYKER: I think that clause 33 here—

The DEPUTY SPEAKER: Order! The honourable member is not addressing the detail of the amendments.

Mr HARTSUYKER: I refer you again to clause 33 and the relationship—

Mrs Bronwyn Bishop: Mr Deputy Speaker, I raise a point of order. We are now in consideration in detail. We have resolved to deal with it—

The DEPUTY SPEAKER: Does the honourable member have a point of order?
Mrs Bronwyn Bishop: Mr Deputy Speaker, my point of order is this: as we are in consideration in detail and have agreed to take the bill as a whole, the amendments expand the debate, not limit it. Members are perfectly entitled to debate every clause of the bill as well as the amendments. I would refer you to Practice and you will find it to be true.

The DEPUTY SPEAKER: The honourable member will resume her seat. There is no point of order. I call the honourable member for Hinkler.

Mr Neville (Hinkler—The Nationals Deputy Whip) (13:14): I too would like to deal with proposed clause 33(3), which states:
The regulations may prescribe a code of conduct in relation to collective bargaining for road transport collective agreements.

Under the road transport collective agreement, the tribunal must be satisfied that, under proposed paragraph 34(ca):

the participating hirer and the participating drivers have conducted themselves in accordance with any code of conduct prescribed under subsection 33(3)—

which I just read. I find it highly unusual that the minister would be issuing guidelines to the tribunal that it had specifically set up to regulate the bargaining that goes on in the industry between the hirers and the drivers. The minister is now going to intervene and set up regulations—I suppose ministers can always do that—but then there is a code of conduct. Proposed clause 33(5) states:

A code of conduct prescribed under subsection (3) must have as its object the facilitation of effective and efficient collective bargaining for road transport collective agreements.

That is why the tribunal itself was set up. So what have we got? We have got the Fair Work organisation, then we have this new tribunal and then we have a minister intervening with regulations and, presumably, laying down a code of conduct. I ask the minister at the table: is that not the very criticism you levelled at Work Choices?

The DEPUTY SPEAKER (Hon. DGH Adams): Order!

Mr Neville: Well, it is a fair comparison, Mr Deputy Speaker.

The DEPUTY SPEAKER: Order! That is not what the amendments address. I ask the honourable member to come back to the amendments before us.

Mr Neville: Mr Deputy Speaker, I am just saying what that sequence of amendments will lead to. I make the point that it is very interesting indeed that we have a Fair Work organisation that is supposed to be regulating payments, then a tribunal that will double guess them, then a set of regulations on top of that, presumably where the minister will regulate it further, and then within that again a code of conduct which will give the government overbearing control. I would say that it is very similar to Work Choices and leave it at that.

Mr Fletcher (Bradfield) (13:18): I rise to make a further contribution in relation to the merits or otherwise of the 64 amendments that have been provided to the House at very short notice by the Minister for Employment and Workplace Relations. Again I want to come to the question of the merits of the provisions proposed to be added to the bill dealing with the authorisation of conduct which would otherwise be anticompetitive. I am referring to the provisions of proposed clause 37A. Mr Deputy Speaker, I would also like to take you to proposed clause 32A. You will notice that under clause 32A(2) the tribunal is to weigh up the benefit of the agreement against any detriment to the public constituted by any lessening of competition that would result, or be likely to result, if the
Tribunal approved the agreement. So we have the tribunal charged with the task of assessing the impact of a particular agreement on competition.

As you will have noticed, Mr Deputy Speaker, the language in proposed clause 37A is quite specific. It says:

(2) For the purposes of subsection 51(1) of the Competition and Consumer Act 2010, entry into an approval-pending road transport collective agreement … is specified in and specifically authorised by this Act.

The point is that it refers specifically to an approval-pending road transport collective agreement. If you go back to proposed clause 32A, you will recognise immediately that what is referred to here is an agreement that is pending approval by the tribunal. If the tribunal approves the agreement it is automatically authorised by reason of the operation of proposed clause 37A.

This raises a number of serious policy issues. One of them is this: what are the qualifications of members of the Road Safety Remuneration Tribunal to deal with the issue of the impact of a collective agreement on competition? Clause 79 of the bill describes the composition of the tribunal. Clause 79(2) states:

The Tribunal consists of:
(a) the President; and
(b) at least 2 and no more than 4 persons who are experienced in workplace relations matters; and
(c) at least 2 and no more than 4 persons who have knowledge of, or experience in, one or more of the following fields …

None of those fields is competition law. None of those fields is the impact of collective agreements on competition. If the House were to accept these amendments—the 64 amendments moved by the minister at very short notice—and pass them into law a consequence would be that the tribunal would be put in the position of assessing the competition impacts of agreements in the road transport sector without having any expertise regarding such matters.

Mr Deputy Speaker, I need hardly remind you that competition law is specialised. It raises many difficult issues. An entire agency of the Australian government, the Australian Competition and Consumer Commission, deals with these issues. But it seems that this government has not seen fit to make provision for persons with such expertise to sit on the tribunal, even though the powers of the tribunal have been expanded to weigh up the merits of an agreement against any detrimental consequences to competition that might follow. I might add that taking the overall policy scheme under which road transport collective agreements are specifically authorised outside the operation of the Competition and Consumer Act is very bad policy. It is the kind of policy that we have come to expect from a government that has no commitment to competition. It has white-anted it in telecommunications and it is white-anting it here.

Mr JOHN COBB (Calare) (13:23): Road safety is a big issue in both the electorates for which I have been the member: Parkes and Calare. Dubbo, which is the centre of Parkes, is one of the big commercial centres for trucking in New South Wales. Orange, in Calare, is fast becoming that. I am talking about road safety, which is a very big issue, in relation to these amendments. The RTA in New South Wales has said that as many trucks, if not more, travel on the Newell Highway, between Parkes and Dubbo, as travel up the Pacific Highway.

I am all for road safety and the coalition is all for road safety, particularly in relation to drivers. I can tell you that in my part of the world the trucking industry prides itself on doing everything it can on road safety. We have any number of owner-drivers in my part
of the world. It seems to me that these amendments are very much aimed at groups of owner-drivers or at individual owner-drivers. In Orange we also have some of the biggest privately owned trucking companies in regional New South Wales. There are also some in Dubbo, and the member for Parkes is quite able to speak himself. It is an area that I have great knowledge of.

It seems to me that the Transport Workers Union is being very well represented by these amendments. It seems to me that the Transport Workers Union might almost have written some of them.

The DEPUTY SPEAKER: Order! The honourable member will address the amendments.

Mr JOHN COBB: I am happy to do that, Deputy Speaker. Proposed clause 33(1) refers to groups of owner-drivers who make an agreement for the provision of specified road transport services. Are these not simply the dreaded AWAs, only sponsored by unions, sponsored by government and sponsored by those who will have the job of signing off on these things? The only difference is that the minister has to agree, as do the union, I assume, and the tribunal itself.

Given that the people I am talking about, the owner-drivers and the large companies, the large privately owned companies in particular, already take every care that they can in relation to driver safety, road safety and the whole gambit of it, I wonder what these amendments are actually aimed at doing, apart from keeping the Transport Workers Union happy and, pretty much, proclaiming the things that it wants rather than those things that are dedicated to road safety.

The DEPUTY SPEAKER: Order! The honourable member will address the amendments before the chair.

Mr JOHN COBB: I will go back to proposed clause 33, which, again, refers to groups of owner-drivers who make an agreement for the provision of specified road transport services. It seems that the amendment broadens the scope of the sorts of conditions and matters that a group of independent contractors can seek in an approved agreement. This goes way beyond anything in the original intent of the bill, which would then have to be approved before taking effect. Once again, are these not the dreaded AWAs only approved by the minister, who does seem to have an amazing ability to effect in detail the scope of what happens between drivers and owners, or owner-drivers if it comes to that, on the ground? I honestly do not believe that this matter is about road safety. I believe that this is an industrial relations measure and that it is to do with the TWU.

Mr McCORMACK (Riverina) (13:28): There are several problems with these amendments, which are not evidence based but are industrially driven. For a start, proposed clause 33(6), agreements for drivers, would ensure that all current agreements, except those made between groups of owner-drivers and hirers under existing state regulatory regimes, would be out the window as they are not approved road transport collective agreements. The effect of this amendment is that any contract between a group of independent contractors—owner-drivers—and a hirer must be approved by the Road Safety Remuneration Tribunal. Clause 33 of the original bill stated that the tribunal 'may grant' approval for road transport collective agreement where certain conditions are met. This is completely different to what is stated in the amendment, and demands further consideration and consultation with the heavy vehicle industry. These current agreements, now deemed null and void,
would have to be immediately renegotiated. This would put hirers and owner-drivers who are parties to the agreements in a difficult and untenable situation. As well, this instantly undermines commercial contracts established between two companies involving contract drivers. For instance, how will it affect the commercial arrangements between a major car manufacturer and companies that transport their cars? Does it invalidate those particular arrangements? Does it make them now unenforceable? The bill devalues the concept of an independent contractor. This amendment takes this even further by limiting the ability of independent contractors to negotiate terms and conditions they consider appropriate. The bill will centralise contracts for groups of independent contractors and in doing so reduce their opportunity to bargain. It has all the hallmarks of being able to hinder competition and could well remove flexibility. In so doing, the bill could make hiring groups of owner-drivers far less attractive. Further, the tribunal will not be sufficiently equipped to deal with the possible volume of contracts it will be required to approve.

The bill has been lauded as a road safety measure. We have been told that the tribunal it establishes will issue orders to make sure drivers have remuneration and related conditions to ensure they will drive safely. However, this amendment goes much further than that. It empowers the tribunal and gives it the responsibility to approve agreements between groups of owner-drivers and hirers. This underlines the fact that this is not about road safety. It is an industrial relations measure which is payback to the powerful Transport Workers Union.

I am a road safety advocate, as I am sure everybody in this parliament is. It is an issue many people in the Riverina have raised with me time and again. There are far more pressing road safety problems for the heavy vehicle industry than so-called safe rates. Here is a remark from the Transport Workers Union National Secretary, Tony Sheldon himself:

Under the carbon tax, drivers will be forced to do longer hours, sweat their trucks further, have less maintenance, and that means more deaths.

These amendments are not about road safety. They are about empowering unions further, and we do not need that.

Mr BUCHHOLZ (Wright) (13:31): I rise in my continuing opposition to the 64 amendments to the Road Safety Remuneration Bill 2011 that are currently before the House. In my electorate I have a number of transport operators and a number of quarries. The predominant transport operations through the middle of my electorate are truck-and-dog operations that will be affected by these amendments. In addition, the majority of my electorate would be perceived as a rural precinct, taking small produce to markets, helping the families and the mums and dads of Australia to keep fresh fruit and veggies on the table. Every centimetre of the travel involved in getting that produce to market will be affected by these amendments and the legislation currently before the House.

The argument put up by the government with reference to this bill is that of road safety. However, none of the 64 amendments we are currently debating speak to or provide any evidence of a causal link between rates of pay and deaths on the road. In fact, an inquiry recently found that there was a decline—and members of the government have made this point in their presentations—in rates of death on the road; they are downward spiralling. In addition, with the magnificent work done by the government to increase road infrastructure, we should see further reductions in road deaths. The committee also received evidence that
supported an increased focus on road improvements, infrastructure and enforcement of existing laws and regulations to achieve safety improvements. It was repeatedly put to the committee that other measures would be more valuable in terms of reducing accident rates. The coalition members supported that approach.

So it is drawing a long bow to come in and say that it is 'no, no, no, no' from the coalition. We do support measures that will reduce deaths on the roads, but we sincerely suggest that these amendments before us are not conducive to reaching those outcomes. One of the amendments, amendment (26), includes:

(ca) the participating hirer and the participating drivers have conducted themselves in accordance with any code of conduct prescribed under subsection 33(3);

So an unintended consequence of the amendments before the House is that if someone were to change their code of conduct that would be superfluous. It would be surplus to the codes of conduct already put in place by the peak bodies and industry groups. One of those is the National Road Freighters Association—which, by pure chance, is opposed to this measure. The association has put its concerns in writing in its submissions to the committee. The Australian Logistics Council, an enormous voice for the transport sector, is also opposed to it. They have their own codes of conduct. The Post Office Agents Association also saw no merit in the bill. The Australian Chamber of Commerce and Industry also has a code of conduct, which will be sought to be amended according to subsection 33(3) as a result of the aforementioned amendment. The Australian Trucking Association and the Australian Industry Group also have their own codes of conduct. And the National Road Transport Operators Association and Independent Contractors of Australia are opposed to it. All these people are opposed to it. The list just goes on; it is overwhelming.

If this government is fair dinkum about trying to save lives out on the highways of Australia it should show some evidence of a causal link between pay rates and deaths. If you are serious that that is a cause, do your part as a government by getting your hand out of the pockets of the transport industry—stop increasing their operating costs—and let them get on and make a living.

Mr ALBANESE (Grayndler—Leader of the House and Minister for Infrastructure and Transport) (13:36): I rise to support the amendments currently before the House. This legislation is vital for road safety. It is vital for those truck drivers who carry our freight between cities and within cities. I find it extraordinary, frankly, that the previous speaker said that he could not see a causal link between wage rates and conditions and safety on the road. I ask him to read National road safety—eyes on the road ahead: inquiry into national road safety—a June 2004 report of the House of Representatives Standing Committee on Transport and Regional Services, then chaired by the member for Hinkler. This was a bipartisan issue and that committee treated it as such when the Howard government established that inquiry. I was a member of that committee in my first term of parliament.

I find it extraordinary, frankly, that the previous speaker said that he could not see a causal link between wage rates and conditions and safety on the road. I ask him to read National road safety—eyes on the road ahead: inquiry into national road safety—a June 2004 report of the House of Representatives Standing Committee on Transport and Regional Services, then chaired by the member for Hinkler. This was a bipartisan issue and that committee treated it as such when the Howard government established that inquiry. I was a member of that committee in my first term of parliament.

This is an issue which has the support of not just the Transport Workers Union but significant players in the industry, including, dare I say it, the most significant trucker in this country, Lindsay Fox. This has the support of those businesses which operate in accordance with law and which operate in the interests of their workforce as well as other road users. This has the support of
other road users and motoring organisations. This has the support of all those who have been impacted by road deaths involving heavy vehicles. In 2010, fatalities and injuries cost the community $2.7 billion.

Yet what we see before this parliament today is not just opposition from the ‘no-alition’, but filibustering of the debate and abuse of the processes of this parliament. Opposition members have got up and just tried to take up the time of this parliament.

Mr Buchholz: We only got the amendments this morning.

Mr ALBANESE: Even the shadow minister did not say that, mate. You were not even here to listen to the shadow minister when he outlined the no-alition’s position on it. You were not even here. But the opposition bring people in, one after the other—the member for Bradfield is a serial offender on these issues—to waste time. You can waste time, but it will not change the outcome.

Mrs Bronwyn Bishop: On a point of order, Mr Deputy Speaker: prior to the Leader of House coming into the chamber, when a previous person was in the chair, again and again people were asked to return to debate the specific terms of the amendments. The Leader of the House is not doing that.

Mr Shorten: You argued against that.

Mrs Bronwyn Bishop: And I was ruled against, so you will be also.

The DEPUTY SPEAKER (Hon. BC Scott): I will decide, Member for Mackellar. The Leader of the House is aware of the standing orders and I understand that he is speaking to the amendments as well as closing the debate.

Mr ALBANESE: No, Mr Deputy Speaker. I am happy to be here later today, after five o’clock—

The DEPUTY SPEAKER: Order! The minister does not have the call. The minister is aware of the amendments before the chamber. The Leader of the House will address his comments to the amendments we are currently debating.

Mr ALBANESE: I am certainly doing that, Mr Deputy Speaker. I am also referring to the debate, including the comments of the previous speaker, who spoke about the process with respect to the amendments and the process which is occurring here. This process is an abuse of the parliament. The coalition is not attempting to debate the substance of the issues; it is attempting to delay a vote.

Truck drivers have waited a long time for justice on this issue. When I spoke to Alan Jones this morning—another big supporter of this reform—he was certainly conscious of that fact. So are many other people who are in touch with truck drivers—Ray Hadley and other advocates in the media who know what the impact of these issues has been. That is why the amendments should be supported and why the legislation should be supported. (Extension of time granted) I am pleased to see that those opposite have run out of steam on these issues. These amendments clarify the legislation before the House, legislation which addresses an issue which has been debated since I arrived in this chamber in 1996. Sixteen years has been a long time to wait for this legislation and for these amendments.

Mrs Bronwyn Bishop: On a point of order, Mr Deputy Speaker: I refer you to page 366 of House of Representatives Practice where it says, about consideration in detail:

When a bill is considered, by leave, as a whole, the debate is widened to include any part of the bill. However, discussion must relate to the clauses of the bill, and it is not in order to make a general second reading speech.
It also says in Practice that the rules of debate with regard to debating amendments and the bill as a whole are the same. Therefore I ask you to ask the Leader of the House to return to the subject of the amendments.

The DEPUTY SPEAKER: The member for Mackellar has made her point of order and has pointed out the relevant standing orders.

Mr ALBANESE: We see again why the member for Mackellar, with her lack of knowledge of the standing orders and the way they operate in practice, never got to be the Speaker. The fact is—

The DEPUTY SPEAKER: The Leader of the House will not reflect on a member of this chamber.

Mrs Bronwyn Bishop: I would ask him to withdraw.

The DEPUTY SPEAKER: The minister will not reflect on another member and will withdraw that reference to the member for Mackellar.

Mr ALBANESE: Which reference, Mr Deputy Speaker? I said she never got to be the Speaker. That is a fact.

The DEPUTY SPEAKER: You will withdraw.

Mr ALBANESE: I withdraw if she is that sensitive, Mr Deputy Speaker.

The DEPUTY SPEAKER: No, just withdraw unreservedly.

Mr ALBANESE: I withdraw. I understand the embarrassment there, Mr Deputy Speaker. This is important legislation and these are important amendments. They should be supported by the House.

The DEPUTY SPEAKER: Order! In accordance with standing order 43, the debate is interrupted. The debate may be resumed at a later hour this day.

STATEMENTS BY MEMBERS

International Purple Day

Mr ALEXANDER (Bennelong) (13:45): On 26 March it is International Purple Day, celebrating and supporting epilepsy awareness across the world. There are more people living with epilepsy than with muscular dystrophy, cerebral palsy, Parkinson's disease and motor neurone disease combined. Close to half a million Australians will be affected by epilepsy at some point in their life. Yet, due to misconceptions and social stigma, many people do not disclose their condition, leading to a low level of community awareness.

In 2008, a nine-year-old who was suffering from epilepsy, Cassidy Megan, founded International Purple Day in a grassroots effort to increase epilepsy awareness worldwide, to encourage people to talk about their epilepsy and to inform those who live with seizures that they are not alone. Epilepsy Action Australia is Australia's national provider of education and support services for people with epilepsy, their families and the community. I am proud that their head office is located in Bennelong, directly behind my electorate office, and I strongly support their great work for epilepsy sufferers around Australia.

On 26 March, I will be joining Epilepsy Action Australia to launch a series of activities for International Purple Day. I encourage all MPs to host a fundraising event to promote plain-clothes day activities in local schools and businesses on 26 March to build awareness of one of the world's most common serious brain conditions.

Apple and Pear Industry

Ms PARKE (Fremantle) (13:46): I was very pleased on Tuesday evening this week to attend an event in Parliament House
hosted by Apple and Pear Australia, where I met a number of fruit growers and industry representatives and had the opportunity to taste some delicious Australian apple and pear ciders. As the daughter, granddaughter and great-granddaughter of fruit growers in Donnybrook in the south-west of Western Australia, the sustainability of the Australian apple and pear industry is an issue close to my heart, and I know it is one that concerns many Australians who want to be sure that the fruit they buy is locally produced and fresh, particularly since we as a nation consume 264,000 tonnes, or 12 kilograms per person, of apples per annum.

I support the proposal known as the Aussie Apple Accord to promote innovation, productivity and sustainability in an industry that must now adapt to new rules allowing apple imports. There are some 950 businesses involved in the growing of apples and pears in all states of Australia, and I can state with some personal knowledge that most fruit growers are not wealthy farmers. They battle day to day to make a living and to support rural communities which, frankly, would struggle to exist without them. I certainly cannot imagine the town of Donnybrook without apples. This Easter, I will be attending the biannual Donnybrook Apple Festival and announcing this year's Apple Ambassador, a young person who will represent the apple and pear industry for the next two years, a role that I was proud to carry out myself some 27 years ago. I commend the Australian apple and pear industry's efforts to bring fresh quality produce to the Australian community and to help Australia's farmers become the world's best.

Queensland State Election

Ms GAMBARO (Brisbane) (13:48): It is alleged that sitting state Labor member for the electorate of Mount Coot-Tha, Mr Andrew Fraser, has been making sexist, distasteful and cruel comments about his opponent. This is from the Queensland current state Treasurer and deputy premier. These alleged comments have been made by Mr Fraser and are criticism of the inability of the LNP candidate for Mount Coot-Tha, Mrs Saxon Rice, to understand financial pressures on families because she does not have children.

The Labor government claims to champion gender equality and support women's participation in government via their quota system, but these reported comments by Mr Fraser show just how hypocritical Labor really is. This matter highlights that inequalities and negative perceptions of women continue to prevail in this country. Of note is that Australia ranks 23rd in the world gender gap report of 134 countries, listed three places down since the last report and six places down from the 2007 ranking. For the record, Mrs Rice has eight nieces and nephews and a wonderful family. Irrespective of her gender, Saxon Rice deserves a place in parliament.

Gas Energy

Mr KELVIN THOMSON (Wills) (13:49): I want to bring to the attention of the parliament reports that the chemical manufacturer Dow Chemical has urged both federal and state governments to use some of Australia's massive gas resources to provide cheap energy for Australian manufacturers. Dow Chemical is a significant employer in Victoria, where its Altona processing centre employs several hundred workers. There are of course precedents for reserving local energy needs. The state of Western Australia has for years required gas exporters to set aside 15 per cent of their production for the state's domestic use. In the United States, oil drilled in the Gulf of Mexico cannot be
exported and must be kept for use in the United States.

Dow Chemical's vice-president, George Blitz, is reported by the Australian as saying that Australia's gas reserves should be used not only to generate export income but also to help build domestic industry. Mr Blitz was also reported by David Crowe as saying that new rules to reserve gas production within Australia could speed up the construction of gas fired power stations and reduce greenhouse gas emissions compared with coal fired electricity. This is a serious contribution to the debate by Dow Chemical, and I hope that governments at all levels take it seriously. Manufacturing in Victoria is doing it tough as a consequence of the high dollar caused by the mining boom, and securing access to some of Australia's energy resources in this way would help retain and create jobs in Victoria.

Breast Implants

Mr VAN MANEN (Forde) (13:50): Over the weekend, the TGA announced Medicare rebates for scans to check whether French PIP breast implants are faulty following pressure to support patients who have received this inferior product. Coincidentally, the Channel 9 60 Minutes program ran a story on Sunday night which featured a number of women who had concerns about their PIP breast implants. One of the biggest concerns for these women is finding out what is actually inside their bodies, and another concern is how they are going to be able to afford to have the implants removed. According to the TGA, up until 9 March this year, they had received some 29 unconfirmed reports and another 171 confirmed reports of rupture of PIP breast implants from surgeons and patients throughout Australia.

Unfortunately, I have recently received advice from a constituent that her daughter is currently suffering from a ruptured PIP breast implant. She advised me that it was a friend of her daughter who alerted her to this fact, not the surgeon involved. The surgeon has since advised that the removal of the existing implants and insertion of new implants will cost approximately $7½ thousand. This is a cost she simply cannot afford. The daughter is only 21-years-old and is already significantly concerned about the situation she is in. I have written to the TGA and to the Minister for Health asking what steps are being taken, and I ask both the minister and the TGA to—(Time expired)

Fowler Electorate: Miller Health and Family Fun Day

Mr HAYES (Fowler) (13:52): Last Saturday I attended the Miller health and family fun day, conducted by the Liverpool PCYC. A number of local not-for-profit organisations, including the Red Cross, Mission Australia and Men's Shed, as well as the Green Valley Police Station, had information stalls at this free community event. The event was organised to bring families together to be informed about the support and services available and to enjoy a fun-filled afternoon together.

There was face painting, an animal farm, a police mascot and children's crafts activities as well as live music and a free sausage sizzle for the whole family to enjoy. Over 600 people attended, clearly demonstrating a desire to develop and continue the community spirit in that area. Parents want their children to meet and play in a neighbourly environment. These are the values that we grew up with, Mr Deputy Speaker, but with the pace of modern life they are sometimes overlooked.

On behalf of a very grateful community, I would like to thank Sharyn Henry, the secretary of the 2168 Resident Action Group, and the members of the organising
committee for this wonderful event. The event was an initiative of the 2168 Resident Action Group, proudly supported by the Liverpool City Council, the Miller Hub and Green Valley Police and funded by the Liverpool Catholic Club. The 2168 Resident Action Group is thoroughly committed to supporting the people in the community of Miller.

Macarthur Electorate: Camden Show

Mr MATHESON (Macarthur) (13:54): Next Friday and Saturday, the Macarthur community will come together for the 2012 Camden Show. The annual show is one of largest community events in the Macarthur region, with around 38,000 visitors expected over the two days. I am a patron of the Camden Show and am proud to say that the local show society is run almost entirely by volunteers, who work very hard to ensure the show maintains its country feel.

For more than 125 years, the Camden Show has supported local agriculture, farmers, education and business in farming. The show is a fantastic community event which showcases Macarthur's agricultural, horticultural, commercial and industrial resources through competitions, exhibitions and entertainment. It also promotes excellence in agriculture, with livestock competitions and exhibitions for horses, cattle, poultry, goats, alpacas, sheep, dogs and cats. This year the show will celebrate the Australian Year of the Farmer, with the first Camden Show Farmer of the Year competition. This is a great opportunity for my community to recognise the hard work put in by our local farmers and their contribution to the industry and our economy.

Local schools in my electorate will also get involved this year by taking part in the Battle of the Schools Talent Quest and a scarecrow competition. The show will also feature animal wranglers, a duck muster, jousting on quad bikes, giant pumpkin growing, a street parade, lawnmower racing, a tent-pegging competition, wheelie bin racing, the young farmers challenge, an iron man competition, a fireworks spectacular and much, much more. I encourage everyone in my electorate to come along to this fantastic event and show their support for Macarthur's farming and agricultural industries. I also invite anybody else in New South Wales to attend. We will welcome them to our region and to this great show.

Geale, Mr Daniel

Mr LYONS (Bass) (13:55): I rise to congratulate a tremendous athlete from the electorate of Bass, the world champion Mr Daniel Geale. Last week, Daniel retained his prestigious IBF world middleweight boxing championship, with a victory over Osumanu Adama. Geale, originally from Rocherlea in my electorate, is always a crowd pleaser when he fights in Tasmania. One crowd member watching the fight last week was Ricky Ponting, another world-class Tasmanian athlete and former Brooks High School student. Brooks High now counts Geale, Ponting and the F1 in Schools team as former students who have made world champion status in their chosen field. Many of Tasmania's leading businesses are also former Brooks High students.

Geale received a unanimous points verdict from the judges to retain the title of IBF middleweight world boxing champion. This was a tremendous effort. The first two defences of his title have both been held in Tasmania, showing Geale's commitment to his home state of Tasmania. This is a reflection of his humble and modest character. I am certain that when Daniel next defends his world title, on the world stage overseas, he will display those wonderful personal attributes and traits, along with his
dedication, hard work and courage, as an ambassador not only for Tasmania but for all Australians. Daniel is yet another example of the wonderful athletes that the great electorate of Bass can call theirs.

**Food Production**

*Mr McCORMACK (Riverina) (13:57):* Australia's farm and fish food production is worth $37 billion a year. Annually, $24 billion is made through exports, particularly of grain and meat to Asia. We are the No. 2 exporter of meat to the world market. Australian farmers feed 60 million people a day.

This morning, at the CSIRO's first Science for Breakfast of the year, the focus was on food security. CSIRO Sustainable Agriculture Flagship Director Dr Brian Keating reiterated the old phrase that humankind is only three meals away from chaos. He is right, of course. Australia has a significant role to play in the global food task. This job is going to get bigger in the years ahead as the world's population increases from seven billion to nine billion by 2050. That is a lot more hungry mouths.

At the breakfast, the Minister for Tertiary Education, Skills, Science and Research, Senator Chris Evans, said there was 'a growing understanding within the parliament about these issues'. I would argue that there should be, rather than a growing understanding, a thorough knowledge already of food security matters, because food production and safeguarding Australian farmers in issues of biosecurity, cheap imports, foreign takeovers of farmland and agribusiness and water availability ought to be paramount.

Sadly, farmers are underrated and undervalued by this government. We saw that yesterday with the end of a 150-year alpine cattle-grazing tradition. We saw it with the live cattle export fiasco last year, Labor's cave-in on New Zealand apple imports, the Asian bee incursion and the absolute farce that is the Murray-Darling Basin Plan. This is sadder still given that 2012 is the Australian Year of the Farmer.

(Time expired)

**Quota International, Canberra**

*Ms BRODTMANN (Canberra) (13:58):* It is a great pleasure to be able to speak today about the wonderful work of Canberra's Quota club. Quota International of Canberra is part of an international network that originated more than 90 years ago. Quota was set up to allow women, particularly businesswomen, to serve their community. Quota Canberra is one of 78 Quota clubs in Australia today, and just last year celebrated its 50th anniversary.

The club works hard to service and assist disadvantaged women, children and the hearing impaired in the Canberra community. In 2011 the club made a huge difference to our local community by making comfort packs for women in refuges; playing bingo and providing supper for senior citizens; donating funds and conducting working bees at the Shepherd Centre for hearing impaired children, which is in my electorate; donating to CyclopsACT to support young carers; providing funding to a Queanbeyan refuge; and donating baby furniture and supplies for Karinya House. It also donated $1,100 to the Queensland flood appeal and worked tirelessly to raise funds for a range of charities and causes around the country.

I urge you all to find out more about your local Quota club, as I have about Quota International of Canberra. It is a wonderful organisation and a great way for women, and men, to get involved in supporting their local community.
The SPEAKER: In accordance with standing order 43, the time for members' statements has concluded.

CONDOLENCES
Scott, Hon Douglas Barr
Ms GILLARD (Lalor—Prime Minister) (14:00): I move:
That the House records its deep regret at the death on 12 March 2012, of the Honourable Douglas Barr Scott, former Senator for New South Wales in 1970 and from 1974 to 1985, former Deputy President of the Senate from 1978 to 1979 and former Federal Minister for Special Trade Representations from 1979 to 1980, places on record its appreciation of his long and meritorious public service and tenders its profound sympathy to his family in their bereavement.

Douglas was born on 12 May 1920 in Adelaide, educated at Scotch College in Adelaide and graduated with a Bachelor of Arts from the University of Sydney. Before entering politics Douglas was a farmer and a grazier. During World War II he served as a member of the Royal Australian Naval Volunteer Reserve from 1941 to 1945, being discharged at the rank of lieutenant. Douglas was initially elected to the Senate for a very brief period of 3½ months in 1970 and re-entered the Senate in 1974, where he served until 1985. He held the positions of Deputy President of the Senate and Chairman of Committees from 1978 to 1979, Minister for Special Trade Representations from 1979 to 1980 and Minister Assisting the Minister for Trade and Resources from 1979 to 1980 in the Fraser government. During his time in the Senate he served on numerous committees. These included the Joint Committee on Foreign Affairs and Defence, the Senate Select Committee on Animal Welfare and the Senate Standing Committee on Publications, to name just a few. Douglas led parliamentary delegations to South-East Asia, a resources mission to the European Economic Community countries and he attended Commonwealth Parliamentary Association conferences in Mauritius and Nairobi. He also held parliamentary positions in the Senate of Leader and Deputy Leader of the National Party of Australia, formerly the National Country Party.

Douglas Barr Scott was a person held in affection and with respect on both sides of the chamber in which he served. In his valedictory from the Senate he recalled that Labor senators Don Grimes and John Button wrote to him after a week or so when he had acted as president saying that they had determined to support him because they liked the way he read the prayers. To have John Button gently tease you was one of the highest honours my party could bestow in those days, so we can take that as a mark of respect and bipartisan support.

On behalf of the government I offer condolences to his wife, Pamela, to his children, Diana and Andrew, and to their extended family and friends.

Mr ABBOTT (Warringah—Leader of the Opposition) (14:03): I rise briefly to support the Prime Minister's words. Senator Doug Scott was responsible for one of the immortal career summations when he said, 'I've done some good things in my life but none of them for very long.' Perhaps I should take that to heart and now defer to my friend and colleague the Leader of the National Party. On behalf of the Liberal Party, I offer condolences to his family and to his friends.

Mr TRUSS (Wide Bay—Leader of The Nationals) (14:04): I thank the Leader of the Opposition for giving me this opportunity to pay tribute to one of the leaders of The Nationals in a bygone era. The former Deputy Prime Minister and Nationals leader Doug Anthony yesterday described Doug Scott as a 'thorough gentleman who was always dependable and reliable.' That sums
up Doug Scott very well—solid, fair minded and decent.

Indeed, Doug Anthony's comments coincide succinctly with those made on Doug Scott's retirement from the Senate almost 27 years ago, on 31 May 1985, when the Leader of the Government in the Senate at the time, Senator John Button, said:

... Senator Scott has always been, if I might use an old-fashioned word, a gentleman in dealing with everybody in the Senate, including us, and that has been a very nice quality about his presence here.

Those words also coincide with the words of the then Leader of the Opposition in the Senate, Senator Fred Chaney, who, in the same debate described Doug Scott as 'one of the great constants' in the Senate and a man whom he had always found utterly reliable. The Nationals historian Paul Davey said, 'Doug Scott was dedicated to his party, to the processes of the parliament and to his responsibilities, particularly as a senator representing predominantly regional New South Wales.'

Even though, as the Prime Minister mentioned, he was born in Adelaide, educated at Scotch College and then received a degree in Sydney, he was a successful farmer and grazier from the Grenfell district and he was be respected throughout the state rural industries and communities; he understood the bush. During World War II he served in the Royal Australian Naval Volunteer Reserve, as we have already heard. In 1948 he married Pamela McLean, and the couple have a son, Andrew, and a daughter, Diana. As his grazing interests grew so did his interest in rural politics and hence in the New South Wales Country Party, which he joined in June 1948. He served on the state executive from 1968 to 1974. He won the party's preselection to fill a casual vacancy caused by the death of Senator Colin McKellar in April 1970 and he took up that seat in August 1970. He failed to win re-election in the half-Senate election in November that year, but he was not deterred. In fact in the double dissolution election of May 1974 he stood again and remained a senator until June 1985, his retirement.

As we have already heard, he was Deputy President and Chairman of Committees in the Senate and also served as Acting President in the Senate on a number of occasions. He had a particular interest in the Senate Standing Committee on Foreign Affairs and Defence. He was a member for eight years in total, including four as its chairman. He was Deputy Leader of the then National Country Party in the Senate from February 1976 to February 1980, when he was elected the party's Senate leader, a position he held until his retirement. As you heard also, he served in the Fraser-Anthony ministry for just a brief period. His comment that the Leader of the Opposition referred to about having done a lot in life but none of it for very long is something of a reflection also of his parliamentary career.

Doug Scott was a keen sportsman and particularly enjoyed cricket, golf and squash. Fred Chaney remembered encountering his prowess on the squash court when he was, to use his words, 'absolutely whipped' by a man 20 years his senior who at the time was suffering from a very bad hip.

Doug Scott's life came to an end at the Jemalong Residential Village at Forbes after almost 92 years. Douglas Scott should be remembered as a true gentleman of this parliament. While it was a different era, he was certainly a fine example to us all.

Question agreed to, honourable members standing in their places.

The SPEAKER: I thank the House.
QUESTIONS WITHOUT NOTICE
Carbon Pricing

Mr ABBOTT (Warringah—Leader of the Opposition) (14:08): My question is to the Prime Minister. I remind the Prime Minister that 11,900 shops in Westfield centres around Australia are now subject to a carbon or greenhouse gas emissions charge embedded in their leases. How can the Prime Minister continue to assert that only 500 businesses will pay her carbon tax when that is now so obviously and patently untrue?

Ms GILLARD (Lalor—Prime Minister) (14:09): The Leader of the Opposition is referring to a press report this morning that raised this issue. I would like to refer the Leader of the Opposition to the newsletter of the Shopping Centre Council of Australia, Shop Talk, which has gone out today and which says the following:

Some newspapers are today carrying an exclusive report quoting a retailer claiming that some shopping centre landlords are including a new lease provision passing on the effects of the new carbon tax to retailers.

The newsletter of the Shopping Centre Council of Australia goes on to say that the fact that this clause is actually several years old is clearly not referred to in that article. It goes on to explain that the fact that it is several years old is why it does not directly refer to a carbon tax. It then goes on to say that it was included in leases once debate began about the need for legislative action to combat greenhouse gas emissions.

Honourable members interjecting—

Mr Crean interjecting—

The SPEAKER: The minister for regional Australia will remain silent for the balance of this answer.

Ms GILLARD: The truth of this matter is that this clause has been in leases for several years. Obviously in the public policy debate there has been over many years a reference to dealing with greenhouse gases, none clearer or stronger than when the Howard government, of which the Leader of the Opposition was a senior member, went to the 2007 election on a platform of an emissions trading scheme and putting a price on carbon. I would say to the Leader of the Opposition, if he genuinely has some concern about people who lease shops in shopping centres and run small businesses, maybe he would like to support a tax cut for them. We do and the Leader of the Opposition does not. Maybe he would like to support an instant asset write-off for them. We do and the Leader of the Opposition does not. Maybe he would like to support a $5,000 benefit if they choose to purchase a motor vehicle. No, he is too busy doing what Clive Palmer tells him to do instead.

Mr ABBOTT (Warringah—Leader of the Opposition) (14:11): Mr Speaker, I ask a supplementary question. Does the Prime Minister regret misleading the Australian people when she said that only 500 businesses would pay her carbon tax? And will she now apologise for saying before the election, 'There will be no carbon tax under the government I lead'?

Ms GILLARD (Lalor—Prime Minister) (14:12): As the Leader of the Opposition is well aware—and no amount of shouting in question time is going to change this truth—the carbon pricing legislation which went through the parliament has a direct carbon price paid by around 500 of the businesses that generate the most carbon pollution. The Leader of the Opposition knows that. What he also knows is that the scheme he peddles like snake oil to anyone who will listen has an effective carbon price of $62 a tonne. He might like to contemplate how those small businesses who are leaseholders in shopping centres would go by the time he had ripped off the tax cuts, family payments and
pension increases, imposed on them a bill of $1,300 a year and made sure that those small businesses paid more tax.

**Mr Abbott:** Mr Speaker, I seek leave to table the lease carbon or greenhouse gas emission charges to which 11,900 businesses are now subject.

Leave not granted.

*Honourable members interjecting—*

**The SPEAKER:** I ask myself who is going to be first today. It will not be the honourable member for Page, who has the call.

**Mining**

**Ms SAFFIN** (Page) (14:13): I am pleased about that, Mr Speaker. My question is to the Prime Minister. Prime Minister, how is cutting company tax and spreading the benefits of the mining boom essential for building the future Australian economy?

**Ms GILLARD** (Lalor—Prime Minister) (14:14): I thank the member for Page for her question, and I am glad she has received from the Speaker the reassurance that she has. That is very good news. As a Labor government we are focused on running the economy in the interests of working people and making sure we build the economy this nation will need in the future so that working people can have prosperity, that they can have jobs and that, if as they choose their highest aspiration is to open a small business, they can do that too. In pursuit of that objective, at this time in our nation's history, when we are seeing the mineral wealth in our ground sold at very high prices, when we are seeing a resources boom with hundreds of billions of dollars of investment in the pipeline, it is the right time to take a share of that resources boom and ensure that businesses around the nation benefit—large and small.

This cut in company tax is not only good news for businesses but it is good news for the Australian economy. As OECD research shows, company tax has the biggest adverse effect on economic growth. It follows that if you cut company tax you are helping economic growth. If you are helping economic growth you are then helping the wages of working people. Modelling done at the time of the Henry tax review showed that a one per cent cut in company tax means around $330 a year extra for a worker on an average income. Good for businesses, good for growth, good for jobs and good for wages: that is what a cut in company tax is.

The nation faces a very stark choice on policies on company tax in this parliament. We on this side of the parliament stand for a rate of 29 cents and for delivering the benefit of that cut rate to small businesses first. The opposition stands for a rate of 31½ cents, as a result of their paid parental leave levy. That is a difference of 2½ cents. That matters in the international comparison. Under Labor we will move up two spots in the OECD ranking on company tax—a lower rate than the US, Japan, France, Belgium, Mexico and Spain. Under the opposition we would have the fifth-highest rate in the OECD.

We cannot afford to hold Australia back. We cannot afford to have Australia stand still. We need to build the economy of the future. We owe that to working families, who are seeking to make a living and make their way. We owe that to people in business, who are creating the jobs for their fellow Australians. As a government we are determined to deliver it.

**Carbon Pricing**

**Mrs PRENTICE** (Ryan) (14:17): My question is to the Prime Minister. I remind the Prime Minister that the bus industry will face a $50 million hit each year because of her carbon tax. Why should children who
catch the school bus have to pay your carbon
tax while those who are dropped off in cars
will not, or at least not yet?

Ms GILLARD (Lalor—Prime Minister)
(14:17): The fear campaign continues and as
part of that campaign we get the recycling of
the same old questions. To the member who
asked the question I say this: how will the
families and children she is worried about
react to the Leader of the Opposition's Coles
and Woolies tax? How will they feel about
that when prices are up in the shops as a
result of the Leader of the Opposition
increasing company tax to 31½ cents? On
the matter of carbon pricing and public
transport—

Mr Pyne: I rise on a point of order
concerning relevance. The Prime Minister is
already off the subject of the question. She
was simply asked why children who catch a
bus have to pay her carbon tax and children
who take cars to school do not. That is the
question the Prime Minister has to answer.

The SPEAKER: The Prime Minister was
diverting. I am sure she is anxious to get
back to the substance of the question.

Ms GILLARD: I am very anxious to get
back to the question. On the carbon pricing
regime, bus prices and children catching
buses, all of this has of course been factored
in to the compensation that families will
receive. The member who asked the question
should recognise that under the government's
plans the mums and dads of the children
catching public transport are very likely to
have got a tax cut. The mums and dads are
very likely to have seen an increase in their
family payments. The grandparents of those
children will have seen a pension increase.

Mrs Gash interjecting—

The SPEAKER: The honourable
member for Gilmore.

Ms GILLARD: Under the Leader of the
Opposition's plan they would have had all of
that money taken out of their hands, and then
a bill for $1,300 on top. That is what would
have happened. And if the children's mums
and dads operate a small business they will
be paying more tax as well.

When it comes to running the economy in
the interests of working families, children
catching buses and children going to quality
schools, schools that have not had to face
cutbacks, the member had better endorse
the policies and plans of this side, because the
policies and plans of the Leader of the
Opposition are a disgrace for those working
families, because they are all about placating
billionaires.

Mining

Mr NEUMANN (Blair) (14:19): My
question is to the Treasurer. Why is it
important to have widespread support for
policies that spread the benefits of the
mining boom to all corners of the economy?

Mr SWAN (Lilley—Deputy Prime
Minister and Treasurer) (14:20): I thank the
member for Blair for his very important
question. Tonight in the Senate there will be
a very important debate that goes to the very
core of maximising prosperity in Australia
and spreading the benefits of the mining
boom to every corner of our country.
Through this debate in the Senate we will see
who is prepared to stand up and fight for a
boost to superannuation savings for 8.4
million working Australians. We will see
who is prepared to stand up and fight for
small businesses—2.7 million small
businesses that will benefit from the $6,500
instant asset write-off. We will see who is
prepared to stand up and support vital
investment, particularly in our mining
regions and particularly in infrastructure.

We on this side of the House are
absolutely determined to ensure that all
Australians benefit from the resources boom. We are determined to ensure that the opportunities from that boom are spread right around our country. We believe that the benefits should not go to a fortunate few. We believe that the benefits should not just go to those who are in the fast lane of our economy. We do need to spread the benefits around the economy. We on this side of the House understand that there is a patchwork economy and not everybody is in the fast lane of the mining boom. That is why cuts to business taxation are so important. They will drive investment, they will make business more competitive and they will support jobs.

We on this side of the House are absolutely determined to maximise employment in this country, to support jobs in this country, which is why we acted so decisively at the height of the global financial crisis. We also understand that there are sectors of the economy impacted by the higher dollar, impacted by the cautious consumer.

Mr Ewen Jones interjecting—

The SPEAKER: The honourable member for Herbert will remain silent for the rest of question time.

Mr SWAN: That is why we believe in providing tax cuts to many companies that need those tax cuts to be more competitive in this environment. Unlike those opposite, we will not stick our head in the sand and we will not leave those people behind. That is why we are so determined to put through these cuts to taxation. But we know what those opposite will do. Those opposite will kneel at the feet of vested interest like Clive Palmer and Gina Rinehart. That is exactly what they will do.

The SPEAKER: Order! The Treasurer will return to the substance of the question.

Mr SWAN: They will write an 11-figure cheque to the likes of Clive Palmer and Gina Rinehart.

The SPEAKER: The Treasurer will resume his seat. The call is withdrawn from the Treasurer.

Mr NEUMANN (Blair) (14:22): My supplementary question is to the Treasurer. He talked about the benefits that will flow from tax cuts arising out of the minerals resource rent tax. Could he provide more details on what small business and working people in communities like Blair can expect from these tax cuts?

Mr SWAN (Lilley—Deputy Prime Minister and Treasurer) (14:23): There will be many benefits: 10,700 small businesses in the electorate of Blair will benefit from these initiatives. There will be a boost to the superannuation accounts of 43,000 workers in the electorate of Blair. Of course, there will be investment in critical economic infrastructure: $54 million for the Blacksoil interchange will go to the Blair electorate, a critical part of the economic infrastructure. The member for Blair understands, and everybody on this side of the House understands, how important it is that we do get a fair return for our mineral resources, which can only be mined once and which are owned by all of the Australian people. We will use the revenue from the MRRT when it passes the Senate to put in place these vital reforms for all Australians. Unlike those opposite, we believe the benefits should flow to the whole of the country not just to a select few.

Mining

Mr TONY SMITH (Casey) (14:24): My question is to the Prime Minister. I remind the Prime Minister that Garden City Plastics, Australia’s premier manufacturer of plastic pots, just like this pot here, which employs 300 people will pay at least an additional
$120,000 every year on their electricity bill because of her carbon tax. Will the Prime Minister guarantee to those 300 workers in my electorate of Casey that not one of them will lose their job because of her toxic carbon tax?

Opposition members interjecting—
Ms Roxon interjecting—

The SPEAKER: The Attorney-General will be extremely cautious. Before I call the Prime Minister, I remind the honourable member for Casey that props are undesirable.

Ms GILLARD (Lalor—Prime Minister) (14:25): If the member for Casey is concerned about the jobs of these workers within his electorate, and I accept that he is, why does he want to deny that business a tax cut? A tax cut would do that business a lot of good. Why is he going to vote against that business getting a tax cut? Why is he going to make sure that business pays more tax?

Mr Tony Smith interjecting—

The SPEAKER: The member for Casey will remain silent.

Ms GILLARD: That is what the member for Casey stands for in this parliament—that business that employs 300 workers paying more tax. That is what he stands for.

Mr Tony Smith interjecting—

The SPEAKER: The member for Casey will remove himself from the chamber under the provisions of standing order 94(a). I asked the member for Casey to remain silent. He did not. He will leave.

The member for Casey then left the chamber.

Ms GILLARD: On the question of carbon pricing, of course what the member for Casey has not spoken about and would not speak about is the support for jobs. What he has not spoken about is the support for families. What he has not spoken about are the tax cuts involved. What he has not spoken about is the money going into the hands of pensioners, people who live in his electorate and people who might well go and shop at the business that he has referred to in this parliament. At base, there is no getting away from the fact that as we end this parliamentary week on all of these questions about businesses and business prosperity, on all of these questions about jobs, there is a very simple choice in this parliament: under Labor those businesses will pay less company tax; under the Liberals they will pay more.

Western Australia: General Practice

Mr CROOK (O'Connor) (14:27): My question is to the Minister for Health. I refer to the 97 GP vacancies currently in regional Western Australia—rising from 62 vacancies in August last year. Further, I refer to the fact that 83 of these current vacancies are classified as being in the area of high need. What is the government doing to address the dire GP shortage in regional Western Australia?

Ms PLIBERSEK (Sydney—Minister for Health) (14:27): I thank the member for O'Connor for his question. We have had some very productive discussions about workforce issues in not just his electorate but the whole of the state of Western Australia. I know that he is concerned beyond the boundaries of his electorate and for Western Australia more broadly. The government are putting a great deal of effort into both attracting and retaining a regional workforce in not just Western Australia but other parts of the country. It is difficult.

We have had shortages for many years because the previous government, when the Leader of the Opposition was the health minister, capped the number of GPs that were trained and that led to shortages right around Australia. Of course, it takes a while
to train a GP in Australia. We have substantially increased GP training places and we have substantially increased investment in post-medical school places to train GPs, but those students take a while to come through the system. We will see improvements as those Australian GPs come through the system. Meanwhile, we continue to work constructively with overseas trained doctors to fill areas of workforce shortage.

It is worth putting on the record that some $895 million will be invested into rural health workforce education and training programs over the period of the last budget, with $34.1 million for nursing and allied health rural locum schemes, which will provide 3,000 nurse locum placements and 400 allied health locum placements in rural areas over four years to support rural nurses and allied health workers;

There will be $6½ million to provide 400 more clinical placement scholarships over four years for allied health students; $43 million for expanded medical specialist outreach assistance programs; $386.8 million for the Rural Health Multidisciplinary Training Program, which includes the Rural Clinical Training and Support program, Dental Training Expanding Rural Placements Program, University Departments of Rural Health program, and the John Flynn Placement Program; and capital funding to support that through the Rural Education Infrastructure Development Pool.

In March 2010 $345 million was set aside for general practice training. I know that the member for O'Connor knows that 50 per cent of that is undertaken in rural areas. That investment will deliver an additional 5,500 GPs by 2020. But I go back to the point that I made earlier: it does take a while for these new students, after years of constriction, to make their way through the system. I know that the member for O'Connor is very dedicated to his constituents and I look forward to working constructively with him on these issues of workforce shortage. *(Time expired)*

Mr Albanese: This side has a question.

The SPEAKER: I will decide who gets the next question, Leader of the House. I do notice that the honourable member for Casey, who is sadly no longer among us, has left his prop. The member for Longman has moved into the seat of the member for Casey. He will remove the prop from the desk.

**Workplace Safety**

Mr MITCHELL (McEwen) (14:31): My question is to the Minister for Employment and Workplace Relations. Will the minister update the House on Australia’s workplace safety record? What is the government doing to improve this record and what obstacles has it faced?

Mr SHORTEN (Maribyrnong—Minister for Financial Services and Superannuation and Minister for Employment and Workplace Relations) (14:32): I would like to thank the member for McEwen for his question. He knows 55½ thousand of his electors will get an increase in superannuation courtesy of this government.

I am asked about workplace safety. It is an important issue. We have just released a report which shows in the most recent data available that in 2009-10 216 Australians went to work and did not come home that night. It also reveals that the cost of workplace injury is something like $60 billion. That does not even begin to measure the human cost.

It also reports to us that there are certain industries in which there is a higher fatality rate than others. One of them, of course, is agriculture. Over 310 people died on
Australia's farms in the years 2009-10. Of course the farm is the family home but it is also a workplace. Construction is another very dangerous industry, with 281 deaths over the seven years up to 2009.

If you look at the numbers between 2004 and 2010 in transport, 567 people have died in the transport industry on Australia's roads and Australia's rail lines. The vast bulk of fatalities in the transport industry are related to heavy vehicle truck incidents. This is a tragedy. It has been recently reported that 246,000 work hard in our trucking industry, yet there are 25 deaths per 100,000. That is 10 times the casualty rate of Australian industry as a whole. Last year, 250 people died in relation to heavy vehicle and truck incidents at a cost of $2.7 billion. In fact, 1,000 people, member for Tangney, if you care, were seriously injured. That is why the government is moving on with Safe Rates legislation, because we intend to do our bit to make roads safer.

I noticed earlier the member for Gippsland said that safety is a complex matter and there is more than one factor. I agree. But where I do not agree with what the opposition has been saying, in their cynical opposition to this legislation, is I do not accept the proposition that remuneration is not a factor in a complex issue. In 1979 it was established that the method of payment had a big impact.

Opposition members interjecting—

Mr SHORTEN: I am asked for evidence. The National Transport Commission report of 2008 said there was a link between payment rates and methods for owner-drivers and employees, that these methods create an incentive to drive unsafely and that this results in safety outcomes on roads. This government will not stand idly by and watch Australians be killed on our roads merely because of a lack of resolve.

That is why the Safe Rates legislation is fine law. (Time expired)

The SPEAKER: The honourable member for Herbert will remove himself. I asked him to remain silent for the rest of question time, which is difficult for him. He has not. He will remove himself for one hour under the provisions of standing order 94(a).

The member for Herbert then left the chamber

Member for Dobell

Mr PYNE (Sturt—Manager of Opposition Business) (14:35): My question is to the Prime Minister. I remind the Prime Minister that the Fair Work Act empowers Fair Work Australia to disclose information that may assist in the enforcement of the law of a state. Does the Prime Minister agree with the head of Fair Work Australia, Ms Bernadette O'Neill, that the agency should withhold vital evidence from the New South Wales and Victorian police fraud squad investigations into the member for Dobell?

Ms GILLARD (Lalor—Prime Minister) (14:35): Regarding the member's question, we see question time play out as usual. Here we go with the rest of question time, I predict, because the opposition has clearly run out of any questions about the economy or jobs or health or education or the interests of working Australians, and they are certainly not going to ask anything about company tax today, are they? To the member's question—

Honourable members interjecting—

The SPEAKER: Order! The Prime Minister will pause and she will be heard in silence for the balance of her answer.

Ms GILLARD: To the member's question, Fair Work Australia is an independent entity. I know the culture of the Liberal Party is to bully others and try and make them do things as it goes about
enacting its instruction from Clive Palmer and others.

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

Ms GILLARD: Ours is to abide by the law. It is an independent agency and it will act as such.

Ms Julie Bishop interjecting—

The SPEAKER: The Deputy Leader of the Opposition will remove herself from the chamber under the provisions of standing order 94(a).

The member for Curtin then left the chamber.

The SPEAKER: I advise that all honourable members will remain silent for the balance of the Prime Minister's answer. I am quite certain there is something wrong with the PA system. Everyone should have heard that. The Prime Minister has the call. The Prime Minister has concluded.

Small Business

Mr HUSIC (Chifley—Government Whip) (14:37): My question is to the Assistant Treasurer and Minister Assisting for Deregulation. Will the Assistant Treasurer outline for the House the importance of providing tax relief for business and what support is there for this?

Mr BRADBURY (Lindsay—Assistant Treasurer and Minister Assisting for Deregulation) (14:37): I thank the member for Chifley, who understands the needs of businesses in Western Sydney, which is one of the largest regional economies in this country and a part of the world that I proudly represent. The question that the member for Chifley has asked goes to the government's plans to manage the economy in the interests of working people. We are determined to put in place a mining tax so that we can spread the benefits of the mining boom to ensure that those businesses that are not experiencing the benefits of being in the fast lane of the economy are able to get a tax cut and tax relief at a time when they need it most.

When we take decisions in this place they have real consequences for real people. I read in the Age this morning of the case of James Anderson, who runs a small landscaping business in Tullamarine. Mr Anderson is a supporter of this government's plans to cut tax and provide tax relief for small business. In the article he said:

I think it's very disappointing that the coalition isn't behind this. They should be doing everything they can to help small businesses… He goes on to make the point that is the bleeding obvious to people out there in the community, even if it seems to elude those opposite. He went on:

Especially at the moment where we have a two-speed economy with one sector doing very, very well and the rest doing poorly.

James Anderson understands that we need to spread the benefits of the mining boom and that is what we want to do.

I am also asked about the extent of support for these proposals. It is a matter that is on the public record that the business community, through ACCI, the BCA, AiG and COSBOA, universally support this government's efforts to cut taxes because they know it is important to support business. But there are others, not just out there in the community but even in this place, who support providing relief to small business. I was struck by the comments of the member for Hughes in his maiden speech, a member whom I know has in the media recently been associated with the challenges that many businesses are presently facing. The member for Hughes said in his maiden speech:

…when push comes to shove, if we as the natural friends of small business do not stand up for a fair
go for small business people, then we risk them remaining the forgotten people.

Menzies would be turning in his grave. They want to consign the small business people of this country to the scrap heap of the forgotten people. We are determined to stand up for small business and if those on the other side want to forget about small business, so be it. The Gillard government will stand up for them and we will deliver a tax cut.

Mr HUSIC (Chifley—Government Whip) (14:40): Mr Speaker, I have a supplementary question to the Assistant Treasurer. Given the support out there for helping small businesses, what would be the impact of not giving the tax relief that the Assistant Treasurer has talked about?

Mr Pyne: On a point of order, Mr Speaker: I put it to you that that supplementary question does not arise out of the answer of the minister and is therefore out of order.

The SPEAKER: I consider it does. The Assistant Treasurer has the call.

Mr BRADBURY (Lindsay—Assistant Treasurer and Minister Assisting for Deregulation) (14:41): It is a very pertinent question that the member for Chifley asks. I know that when he asked that question he had in his mind the 9,800 small businesses in his electorate because he knows in the same way as Mr Anderson knows—who was quoted in the Age this morning—that if this tax relief is not provided there will be very serious consequences for small businesses all around this country. Indeed, this morning in the Age Mr Anderson said:

A tax cut would enable us to retain staff and even invest in staff training and new machinery and equipment.

He went on to say:
Without it, it will be very challenging.

Indeed, without tax relief it will be very challenging for the 2.7 million small businesses around Australia, particularly those that are not in the fast lane. There are many in this place who understand how important it is to recognise that some sectors are not doing it as well as others. Just last year, the member for Longman very wisely said at a press conference:

In Caboolture we have twice the national average unemployment rate and we have a local economy that’s dependent on small business, retail and tourism…

Wyatt Roy interjecting—

When the member for Longman said that, I am sure he was thinking about—

The SPEAKER: Order! The honourable member for Longman will remove himself. He is interjecting from outside his seat. He will remove himself for one hour under standing order 94(a). The Assistant Treasurer has the call for the remaining six seconds.

The member for Longman then left the chamber.

Mr BRADBURY: the 13,300 small businesses in his electorate and he should think about them when he comes in here to vote down a tax cut. (Time expired)

Future Fund

Mr ABBOTT (Warringah—Leader of the Opposition) (14:43): My question is to the Prime Minister. Who did the guardians of the Future Fund advise should be appointed to replace David Murray as chair?

Ms GILLARD (Lalor—Prime Minister) (14:43): Senator Wong, the responsible minister, has dealt with this extensively today. Suffice it to say, we appointed the best person for the job. Would the Leader of the Opposition have us do anything other?

Ms GILLARD (Lalor—Prime Minister) (14:43): Senator Wong, the responsible minister, has dealt with this extensively today. Suffice it to say, we appointed the best person for the job. Would the Leader of the Opposition have us do anything other?

Mr ABBOTT (Warringah—Leader of the Opposition) (14:43): Mr Speaker, I have a supplementary question to the Prime
Minister. Will the Prime Minister explain why the government did not accept the advice and the recommendations of the guardians of the Future Fund?

Ms GILLARD (Lalor—Prime Minister) (14:43): Without accepting the premise of the Leader of the Opposition's question, I will answer it. We determined to appoint David Gonski because he is the best person for the job. We determined to appoint David Gonski because he has a track record of chairing major corporations in this nation, which we thought was relevant experience for the job. He has a track record of chairing—

Mr Pyne: Mr Speaker, on a point of order: the question was not about the person who ended up with the job. The question was about why the government did not take the advice of the guardians of the Future Fund about who should have been appointed.

The SPEAKER: The Manager of Opposition Business will resume his seat. The question was as the member said; however, the Prime Minister is presumably explaining why the government took a different course of action. The Prime Minister has the call.

Ms GILLARD: Firstly, I did not accept the premise of the question. Secondly, Mr Speaker, I am explaining that we appointed the person we considered to be the best person for the job. We thought that was Mr Gonski because of his career in chairing major corporations, including the Australian Stock Exchange, Coca-Cola Amatil and the like. Indeed our appointment of Mr Gonski to the job has been welcomed in a press release by the coalition, authored by the shadow Treasurer and the shadow minister for finance. We appointed the best person for the job.

I do not know what case the Leader of the Opposition is bringing into this parliament. If he is asking me to appoint someone other than the best person for the job because they are a member of the Liberal Party, then I will not do it. We appointed the best person for the job.

Honourable members interjecting—

The SPEAKER: The minister for regional Australia could well be the maiden ejection from the chamber of a member of cabinet. I am not sending him out at this point because his behaviour has not quite required it, but he is on notice.

Taxation

Mr ZAPPIA (Makin) (14:46): My question is to the Minister for Climate Change and Energy Efficiency and Minister for Industry and Innovation. Minister, how is the government using tax policy to support Australian industry? Are there any challenges to delivering this support and how is the government dealing with those challenges?

Mr COMBET (Charlton—Minister for Industry and Innovation and Minister for Climate Change and Energy Efficiency) (14:46): I thank the member for Makin for his question, because supporting Australian industry is an absolutely fundamental priority for this government. Whilst we have a strong economy, low unemployment, low debt, moderate inflation and massive private sector investment coming into the economy, some industries in particular are feeling the effects of the high value of the Australian dollar. The government is therefore making tax reforms to relieve pressures in areas like manufacturing, which is feeling the effects of the high dollar. That is one of the reasons why the government has moved to cut company taxes across the board. We propose to cut company tax from 30 to 29 per cent.

In relation to small business, many unincorporated small business people will also stand to benefit from tax changes the
government is making through the trebling of the tax-free threshold. So there are cuts in company tax, there are increases in the tax-free threshold that will flow tax cuts through to people and, in addition, the government is increasing the instant asset write-off for small business to $6,500. This measure is an extremely important one for small business as it will improve cash flow, improve investment, provide an incentive for capital investment and improve productivity in the small business sector. As well as all of that, the government has announced $1 billion in programs to help manufacturers improve energy efficiency, cut pollution and boost productivity.

All of these measures will help business investment, they will support jobs and they will ensure all sectors of the economy share in the benefits of the resources boom. I am asked about the challenges to these reforms. Incredibly, the coalition are opposing every single measure to support business and to support jobs. They actually oppose a cut in company tax, and the Leader of the Opposition wants to put up company tax for thousands of businesses in this country. They oppose a billion dollars in assistance for the manufacturing sector for clean technology. They oppose a $6,500 instant asset write-off for small business. They oppose $300 million in assistance for the steel industry, which is under pressure. They propose to strip $1½ billion in assistance from the automotive manufacturing sector. This is an incredible performance from the Liberal Party. No wonder people in the business community are asking themselves what on earth is going on with economic policy in the Liberal Party these days.

**Future Fund**

**Mr HOCKEY** (North Sydney) (14:49): My question is to the Prime Minister. I refer to the Minister for Finance and Deregulation's statement that David Gonski 'did not make any recommendations regarding the appointment of the new chair of the Future Fund Board of Guardians'. Given that yesterday Mr Gonski stated, 'The board said they wanted an insider and they designated by majority that the insider was Peter Costello,' a view he conveyed to the minister, how does the Prime Minister explain this contradiction?

Mr Danby interjecting—

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

The member for Melbourne Ports then left the chamber.

**Ms GILLARD** (Lalor—Prime Minister) (14:50): To the shadow Treasurer: we appointed Mr Gonski because he was the best person for the job. The shadow Treasurer authorised a press release welcoming the appointment. Senator Wong, the relevant minister, has explained the appointment process. To the shadow Treasurer, I would say that it seems to me quite a remarkable thing that, when the opposition has welcomed an appointment, now apparently it is coming into this parliament in defence—

**The SPEAKER:** The Prime Minister will resume her seat. The honourable member for North Sydney on a point of order.

**Mr Hockey:** On a point of order, Mr Speaker, the minister for finance is completely at odds with David Gonski about the recommendation process.

**The SPEAKER:** What is the point of order?

**Mr Hockey:** Mr Speaker, the Prime Minister is not answering the question she was asked.
The SPEAKER: The Prime Minister will be directly relevant. The Hon. Prime Minister continues to have the call.

Ms GILLARD: The appointments process here was an appointments process that got the best person for the job. Peter Costello was appointed by this government to the Future Fund, but he was not the best person for the job, for the role of chair; David Gonski was. If the Liberal Party wants to repudiate the press release of the shadow Treasurer and the shadow finance minister and go on a jobs-for-Liberals campaign, so be it.

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

Ms GILLARD: We engage in merit based selection, and the merit based selection gave us David Gonski. He is the best person for the job.

MOTIONS
Future Fund

Mr ABBOTT (Warringah—Leader of the Opposition) (14:53): I move:

That so much of the standing and sessional orders be suspended as would prevent the Member for Warringah moving immediately—That this House calls on the Prime Minister to explain—Honourable members interjecting—

The SPEAKER: Order! The leader will pause and the House will listen to the leader in complete silence. The Leader of the Opposition has the call and he will recommence the motion that he is proposing to move.

Mr ABBOTT: I presume my time will start again, Mr Speaker.

The SPEAKER: The clock will start again.

Mr ABBOTT: I move:

That so much of the standing and sessional orders be suspended as would prevent the Member for Warringah moving immediately—That this House calls on the Prime Minister to explain why the Government rejected the recommended candidate to chair the Future Fund and to explain further why the Government:

(1) didn’t run a competent selection process; and
(2) hasn’t been honest about the choice of leadership for the Future Fund which is charged with the responsibility of managing $70 billion of taxpayer funds.

Standing orders must be suspended because, when it comes to the appointment of the Future Fund chairman, this government has been incompetent in managing it and dishonest in explaining it. The Future Fund is $70 billion worth of taxpayers’ money, which should be treated as a sacred trust. Instead, so typically, we have had a Prime Minister looking shifty and evasive, looking angry and shrill in this parliament. Standing orders must be suspended, because this Prime Minister owes the country an explanation. She owes the country an explanation as to why the person she has appointed to chair the Future Fund does not think he is the person for the job. That is the truth, Mr Speaker. That is why standing orders should be suspended. She has just appointed to chair the Future Fund someone who says, ‘I’m not the best person for the job.’ What a classic example of incompetence and dishonesty from this government.

Standing orders must be suspended, because David Gonski, a distinguished and respected businessman, advised that Peter Costello was the clear preference of the Future Fund Board of Guardians for the chairmanship. David Gonski told the government that Peter Costello should be appointed. That was his clear recommendation. The government rejected the recommendation because, while he might
have been economically competent, as far as they were concerned Peter Costello was not politically correct. They chose their version of political correctness ahead of clear economic competence. That is why standing orders should be suspended: because the government always chooses good politics over good economics. It is one of the reasons why they are so on the nose with the general public.

Standing orders should be suspended, because this government, yet again, has been dishonest in its explanations of this matter. What else can we expect from a government which never tells the truth when it would be more convenient to lie.

The SPEAKER: Order!

Mr ABBOTT: I apologise; I withdraw.

The SPEAKER: No, the leader will pause. This is not a motion of censure; this is a motion to suspend. The leader will withdraw the accusation of dishonesty.

Mr ABBOTT: In slavish deference—in respectful deference, Mr Speaker, I withdraw.

The SPEAKER: Without condition.

Mr ABBOTT: It would be very valuable to get some facts here. Peter Costello is not just on the board of the Future Fund; he was not just appointed to the Future Fund by a previous Labor Prime Minister of more magnanimity than the current Labor Prime Minister—he created the Future Fund. The Future Fund exists only because of the good economic management of the previous government. That is why standing orders should be suspended so that these facts can be put clearly on the table.

Let us look at the record of Peter Costello: more than two million new jobs, a 20 per cent increase in real wages, a doubling of net wealth for the Australian people—every Australian man, woman and child had his or her net wealth doubled under Peter Costello. Surely, if there is one person who is eminently qualified to chair the Future Fund he created it is the former Treasurer of this country—the greatest Treasurer this country has ever had. He was good enough for Kevin Rudd, the former Prime Minister, to put on the Future Fund. Why isn't he good enough for this inadequate, unworthy, at times embarrassing Prime Minister to put into the chairmanship of the Future Fund?

Let us look at the record and see why standing orders should be suspended. This former Treasurer repaid Labor's debt. He was able to create the Future Fund because he repaid Labor's debt. He turned $96 billion worth of debt into $70 billion worth of net assets. Standing orders should be suspended, because he got Labor's reckless spending under control. He turned a $10 billion budget black hole into consistent $20-billion-a-year budget surpluses. This was a great Treasurer, and that is why he is absolutely the right person to chair the Future Fund that he created. And this is why standing orders must be suspended—so that some of the untruths that have been told by members opposite can be refuted.

Stephen Conroy, who rejoices in the position of Deputy Leader of the Government in the Senate, said today, 'I'd rather put my money under the control of David Gonski any day of the week ahead of Peter Costello.' The coalition is not against David Gonski, but David Gonski himself thinks Peter Costello was a better candidate, which is why standing orders must be suspended. What does it say about members opposite that they think it is their money—that they think the $70 billion of taxpayers' assets put into the Future Fund is somehow their money—to misuse for their politically correct purposes, not for the benefit of the Australian people? Peter Costello was the best Treasurer this country has ever had.
That is why he is the right person to chair the Future Fund.

But it was not just Senator Conroy. Senator Cameron was also out there today, saying Peter Costello was a ‘failed Treasurer’. Standing orders must be suspended, because if Senator Cameron thinks Peter Costello was a failed Treasurer then what on earth does he think about the current Treasurer? Peter Costello gave us the four biggest surpluses in history. The current Treasurer has given us the four biggest deficits in history. What does Senator Cameron think of the current Treasurer? Senator Cameron went on, in speaking about Peter Costello, to say that ‘to give him any senior position would just be an absolute joke’. Hang on: what is he saying about former Prime Minister Rudd, who did give him a senior position—the senior position as a guardian of the Future Fund? Kevin Rudd, the member for Griffith, put Peter Costello on the Future Fund. Senator Cameron said that was an absolute joke, and then Senator Cameron goes around and says Kevin Rudd should be the Prime Minister again. Who is telling jokes now? This is why standing orders should be suspended: to get to the bottom of this. We have a government that has been dishonest with the electorate over the carbon tax and dishonest with the electorate over gambling reform. The Prime Minister was dishonest to the electorate over Bob Carr. This is a government with truth deficit disorder.

There is a flat contradiction, and standing orders must be suspended, because when we have David Gonski’s word on one hand and the word of the Minister for Finance and Deregulation on the other, I think we know who we can believe. Do we believe David Gonski, or do we believe the representative of a government that has been chronically untruthful?

The SPEAKER: The leader will return to the motion.

Mr ABBOTT: That is why standing orders must be suspended: to get to the bottom of this. We have a government that has been dishonest with the electorate over the carbon tax and dishonest with the electorate over gambling reform. The Prime Minister was dishonest to the electorate over Bob Carr. This is a government with truth deficit disorder.

The SPEAKER: Order!

Mr ABBOTT: They are telling lies now. That is why standing orders should be suspended.

The SPEAKER: Order! The Leader of the Opposition has accused the Prime Minister of being dishonest and he has accused the government of telling lies. The Leader of the Opposition does not look remotely contrite, but if he wants to stay here he will move to the dispatch box and withdraw those two accusations.

Mr ABBOTT: I am delighted to withdraw, but every member in this House believes the same thing, and every member should come to the dispatch box and withdraw as I do.

The SPEAKER: The leader will return to the dispatch box and he will say, ‘I withdraw those two terms’, and not do as he endeavoured to do, which was to associate members of the coalition with the disorderly terms that he used.
Mr ABBOTT: I did accuse the government of being dishonest, I did accuse the Prime Minister of lying and I withdraw. I withdraw unconditionally.

The SPEAKER: Is the motion seconded?

Mr Pyne interjecting—

The SPEAKER: I did not hear what the Manager of Opposition Business had to say, but perhaps he wants to assist the chamber by withdrawing.

Mr Pyne: I think it would assist the chamber, and I am embarrassed to say that I also said that the Prime Minister was telling lies and was dishonest, so I also withdraw.

Mr HOCKEY (North Sydney) (15:06): I second the motion. We should suspend standing orders because there have been a number of failures that must be dealt with urgently by this House. In the first place, there has been a complete failure of good governance. David Murray, the outgoing chairman of the Future Fund, actually said:

The decision has been left late every time …

You need to give people information and you need to make decisions in a timely way. It helps to govern the organisation itself. And the government has yet again procrastinated about the appointment of people to run the most important fund of money that Australian taxpayers have outside of the mainstream budget. But it goes further. The Minister for Finance and Deregulation and the Treasurer—

The SPEAKER: The honourable member will return to the motion before the chair.

Mr HOCKEY: The Minister for Finance and Deregulation and the Treasurer have sought to engage outside consultants to appoint a chairman of the Future Fund. They went through a process—this is why standing orders must be suspended—to find the most appropriate person. They engaged an outside consulting firm and, when they were not satisfied with that, they engaged Mr Gonski to give them a recommendation on whom the guardians themselves believed to be the very best person to chair the Future Fund. Mr Gonski reported back to the Minister for Finance and Deregulation that the view of the guardians is in fact that Peter Costello is the best person to do it.

Standing orders must be suspended because the Minister for Finance and Deregulation, only a few days ago, led people to believe—and I am prepared to quote her—that there was no recommendation from anyone to appoint Peter Costello. But the fact of the matter is that, even though the Minister for Finance and Deregulation deliberately misled not only the Australian people—

The SPEAKER: Order! The honourable member is aware that it is disorderly to reflect on members of this chamber or the other place. The member will withdraw.

Mr HOCKEY: I withdraw. The Minister for Finance and Deregulation has repeatedly said that Mr Gonski had made no recommendation. On the ABC's World Today yesterday, she said:

He made no recommendations.

She said that on ABC Radio yesterday. It is now revealed in today's Australian that Mr Gonski did in fact make recommendations. The article quotes Mr Gonski as saying:

My job was to advise the government on what the board thought. The board said they wanted an insider and they designated by majority that the insider was Peter.

'Peter' means Peter Costello.

This is why standing orders must be suspended. The Minister for Finance and Deregulation is running around saying that there was no recommendation from David Gonski about the chairmanship of the Future
Fund, yet Mr Gonski himself, who was engaged by the government, has now declared that in fact he did make a recommendation—that recommendation being Mr Costello. Suspending standing orders is so urgent because this represents the way this government operates. We have to stop this government from more incompetence; we have to stop this government from any more acts of poor corporate governance involving taxpayers' money—and we are doing so.

Brian Watson has belled the cat. He said—

The SPEAKER: The honourable member will return to the suspension motion.

Mr HOCKEY: We must suspend standing orders because Mr Watson has said that Mr Gonski interviewed the members of the Future Fund in confidence to get their views on the Future Fund and the membership of the Future Fund. Now Mr Gonski has been appointed to chair the Future Fund—such practice is widely regarded as poor corporate governance in Australia.

This government treats Peter Costello with contempt. This government treats Australian taxpayers with contempt. Do not let the Australian government treat people with contempt in future. Get back to good corporate governance, get out of the job and let us govern. (Time expired)

Ms ROXON (Gellibrand—Attorney-General and Minister for Emergency Management) (15:11): We understand that, when we get to the Thursday at the end of a parliamentary week and when we have the 46th suspension of standing orders, the only thing those opposite—

Opposition members interjecting—

The SPEAKER: Order! There is too much of a crescendo in the chamber. I cannot hear the Attorney-General and if I cannot hear the Attorney-General then other honourable members cannot either.

Ms ROXON: We understand why those opposite get so agitated about this. But on the Thursday at the end of a sitting week, when any of a range of important issues could be raised, the only jobs they want to talk about are jobs for Liberal Party members. That is the only thing they want to talk about. We could have talked about the hundreds of thousands of jobs across the country, we could have talked about superannuation or we could have talked about the flood affected communities that are still under pressure. Instead, those opposite are only interested in talking about jobs for Liberal boys. Is that really the only thing that we can—

Opposition members interjecting—

The SPEAKER: Order! The minister will be heard in silence for the balance of her contribution.

Ms ROXON: Obviously we disagree with the motion to suspend standing orders. We believe that there is a long list—a list that would run from here to the door—of issues that are far more important than talking about whether there should be a job for a Liberal boy who Mr Abbott thinks is better than Mr Gonski. The reason Mr Gonski was chosen for this job—

Mrs Mirabella: On a point of order, Mr Speaker: I ask you to direct the Attorney-General to withdraw the offensive comment. I find the term 'Liberal boys' offensive and I ask you to direct her to withdraw it.

The SPEAKER: The offensive term, in your view, was 'Liberal boys'? I am all about civility but I think that is stretching it a little.

Ms ROXON: Let us be completely honest about this—everyone on this side of the House can understand why Mr Costello
would be disappointed. He just cannot seem to get a leadership job, whether it is in here or whether it is anywhere else. It is absolutely understandable why he would be disappointed about it.

Ms O’Dwyer interjecting—

The SPEAKER: Order! The honourable member for Higgins will remove herself under the provisions of standing order 94(a).

The member for Higgins then left the chamber.

Ms ROXON: But let us look at the issue that is being talked about here. We appointed an absolutely outstanding Australian, someone who is a leader in the business community. Not only do we think he is an outstanding Australian—he has held the chairmanships of not only boards of the biggest companies that operate in Australia but also the Australian Stock Exchange—but just one day ago, not even 24 hours ago, the shadow Treasurer and the shadow finance minister issued a press release to say that they welcomed this appointment. It is now such an outrageous thing, from yesterday at two o’clock when they issued a press release to say that this was good news and that they welcomed the appointment, that we have to suspend standing orders.

Ms Plibersek interjecting—

The SPEAKER: The Attorney-General will return to the specifics of the question.

Ms ROXON: I am addressing the suspension, Mr Speaker, and arguing that this particular issue does not merit the suspension of standing orders. I do not think that the appointment of an outstanding Australian, welcomed across the business community and welcomed by the shadow Treasurer and the shadow finance minister only 24 hours ago, could somehow be transformed into an issue of such importance that we should suspend standing orders to debate it.

Let us also look at the history here. We have never on this side of the parliament said that being a member of the Liberal Party or being a member of the National Party was a disqualifier for a job. In fact we have been incredibly generous as a government in appointing people who have been good and skilled, and recognised in the community as such, to many different positions. We have appointed people to represent us at NATO—he was in the House just a couple of days ago—and to represent us at the World Health Organisation. We appointed Mr Fischer to be Ambassador to the Holy See. We have appointed so many different experienced
people across all sides of the political spectrum.

**The SPEAKER:** The Attorney-General will return to the motion.

**Ms ROXON:** Each time we have said, 'Who is the best person for the job?' On this occasion, we do not believe that it merits suspending standing orders when it is clear that it is an outstanding Australian, Mr David Gonski, who deserves the support of this chamber, who was the ASX chairman and who has chaired everything from the Sydney Theatre Company through to Coca-Cola, has been the Chancellor at the University of New South Wales and has provided advice to government on a range of different things from e-health to education. He is an absolutely outstanding individual and there can be no possible reason that we should call into question his appointment, and certainly no possible reason that we should suspend standing orders to do it.

We are not going to waste, and we ought not to waste, valuable time in this parliament when there are so many other issues in the community and a range of so many jobs in each electorate that people would happily talk about. Yet there is only one job that those opposite think is worth talking about, and that is a job for a Liberal. Why should that be the priority over any other job that should be discussed in this chamber? We know that employment is challenging. We know that in Victoria, for example, there are challenges in the manufacturing industry, and the industry minister talked about a number of those issues. We are working damn hard over this side of the House to make sure that those people get supported, but would you ever have a debate on those issues in here? Not once. Would you ever have a question on those issues in here? The only job that they can get worked up about is one for a Liberal colleague that they did not even support for the top job here. I think there has to be a bit of irony. The Leader of the Opposition—

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

*A division having been called and the bells being rung—*

**The SPEAKER:** Because of the precipitate termination of question time, I did not have the opportunity to recognise in the gallery 16 of Australia's most talented young people, who make up our youth delegations to the G20, the Rio+20 Earth Summit, NATO and a visit to Israel. They are hosted by Global Voices. On behalf of all honourable members, I welcome those young people to the gallery.

**Honourable members:** Hear, hear!

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

The House divided. [15:24]

(The Speaker—Hon. Peter Slipper)

Ayes .................... 65
Noes .................... 70
Majority.............. 5

**AYES**

Abbott, AJ
Andrews, KJ
Baldwin, RC
Bishop, BK
Broadbent, RE
Chester, D
Ciobo, SM
Coulton, M (teller)
Entsch, WG
Forrest, JA
Gambare, T
Griggs, NL
Hartsuyker, L
Hockey, JB
Irons, SJ
Kelly, C
Ley, SP

Alexander, JG
Andrews, KL
Billson, BF
Briggs, IE
Buchholz, S
Christensen, GR
Cobb, JK
Crook, AJ
Fletcher, PW
Frydenberg, JA
Gash, J
Haase, BW
Hawke, AG
Hunt, GA
Jensen, DG
Laming, A
Macfarlane, IE
Thursday, 15 March 2012  HOUSE OF REPRESENTATIVES 3121

AYES

Marino, NB  Markus, LE
Matheson, RG  McCormack, MF
Mirabella, S  Morrison, SJ
Moylan, JE  Neville, PC
O'Dowd, KD  Prentice, J
Pyne, CM  Ramsey, RE
Randall, DJ  Robb, AJ
Robert, SR  Ruddock, PM
Schultz, AJ  Scott, BC
Secker, PD (teller)  Simpkins, LXL
Southcott, AJ  Stone, SN
Tehan, DT  Truss, WE
Tudge, AE  Turnbull, MB
Van Manen, AJ  Vasta, RX
Washer, MJ  Wilkie, AD
Wyatt, KG

NOES

Adams, DGH  Albanese, AN
Bandt, AP  Bird, SL
Bowen, CE  Bradbury, DJ
Brodtmann, G  Burke, AE
Burke, AS  Butler, MC
Byrne, AM  Champion, ND
Cheeseman, DL  Clare, JD
Collins, JM  Combet, GI
Crean, SF  D'Ath, YM
Dreyfus, MA  Elliot, MJ
Ellis, KM  Emerson, CA
Ferguson, LDT  Fitzgibbon, J A
Garrett, PR  Georganas, S
Gibbons, SW  Gillard, JE
Gray, G  Grierson, SJ
Griffin, AP  Hall, J G (teller)
Hayes, CP  Husic, EN (teller)
Jenkins, HA  Jones, SP
Kelly, MJ  King, CF
Leigh, AK  Livermore, K F
Lyons, GR  Macklin, J L
Marles, RD  McClelland, RB
Melham, D  Mitchell, RG
Murphy, JP  Neumann, SK
Oakeshott, RJM  O'Connor, B PJ
O'Neill, DM  Owens, J
Parke, M  Perrett, GD
Ripoll, BF  Rishworth, AL
Roxon, KM  Rudd, KM
Saffin, JA  Shorten, WR
Sidebottom, PS  Smith, SF
Smyth, L  Snowdon, WE
Swan, WM  Symon, MS
Thomson, KJ  Vamvakou, M

NOES

Windsor, AHC  Zappia, A

PAIRS

Dutton, PC  Thomson, CR
Keenan, M  Ferguson, MJ
Somlyay, AM  Rowland, MA

Question negatived.

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

STATEMENT BY THE SPEAKER

Parliamentary Language

The SPEAKER (15:28): I understand that the Leader of the Opposition, either directly or indirectly, referred to the honourable member for Griffith as a 'psychopath'. I ask him to approach the dispatch box to clarify the situation. If he did use that term, I ask him to withdraw.

Mr ABBOTT (Warringah—Leader of the Opposition) (15:29): I was quoting the member for Bendigo, who described the member for Griffith in those terms.

The SPEAKER (15:29): I consider that it is, shall we say, unhelpful for that to occur, and I still consider it to be disorderly. I will, however, look at the transcript. If I am still of the opinion that the Leader of the Opposition has reflected on the honourable member for Griffith, I will, next sitting day, ask the leader to withdraw. I listened to what the leader said. I respect the fact that he was expressing what he believes to be an honest opinion. I will look at the transcript and, if necessary, I will revisit the matter.

DOCUMENTS

Presentation

Mr ALBANESE (Grayndler—Leader of the House and Minister for Infrastructure and Transport) (15:30): 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 document:


Debate adjourned.

COMM MITTEES

Selection Committee

Report

The SPEAKER (15:30): I present the Selection Committee’s report No. 48 relating to the consideration of bills. The report will be printed in today’s Hansard. Copies of the report have been placed on the table.

The report read as follows:

Report relating to the consideration of bills introduced 14 March 2012

1. The committee met in private session on 14 March 2012.

2. The committee determined that the following bills be referred to the Standing Committee on Social Policy and Legal Affairs for inquiry and report:

- Judicial Misbehaviour and Incapacity (Parliamentary Commissions) Bill 2012; and
- Courts Legislation Amendment (Judicial Complaints) Bill 2012.

MATTERS OF PUBLIC IMPORTANCE

Small Business

The SPEAKER (15:31): I have received letters from the honourable Member for Dunkley and the honourable Member for Parramatta proposing that definite matters of public importance be submitted to the House for discussion today. As required by standing order 46(d) I have selected the matter which, in my opinion, is the most urgent and important, that is, that proposed by the honourable Member for Dunkley, namely:

The adverse effects of Government policy on small businesses in Australia.

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 BILLSON (Dunkley) (15:31): Not one Labor member of this parliament stood up to support this urgent discussion about the adverse impact of its government policy on the small business community. What a surprise! That is entirely in keeping with this Gillard-Rudd Labor government strategy of talking a good game at times but certainly not lifting its game when it comes to the impact on small business. You cannot find an example where small business has been front and centre of the federal government's mind. It is of very serious concern how poorly understood and appreciated small business is by this government. We need to support our small business and family enterprise community. They deserve our support, they warrant our encouragement and they deserve considered policy that will actually support the prosperity. The coalition knows that prosperous small businesses feed into the vitality of local communities and opportunities for Australians, something this government have never understood. They continue to show their ignorance on this topic by their inaction on the matters that really matter to the small business community.

Remember the time when the Howard government was in office? We saw the number of people running their own small businesses exceed the number of union members. Small businesses were being developed right around our country, in every corner of our continent. There was a sound economic environment and supportive
policies that, rightly, recognised that small business was the engine room of our economy. When you talk to operators of small businesses today they are almost whimsical about those past times. They look back to when the Howard government was in office and they recall vividly that it was a golden era for them and for the communities that they are so embedded in and such a part of. Now small businesses are looking at the end of a very long, dark tunnel and seeing that the only bright light is the prospect of an election. But they want to know how long they have to hang on. The economic funk and the despair that this government has driven small businesses into are very worrying for many small business people. As the government fails to act on the matters of key concern to small business, they are cannibalising the capital that people have invested in those businesses. They are not only demonising successful entrepreneurs but demoralising the entrepreneurs. The sons and daughters of people who are currently entrepreneurs of our country are looking at what mum and dad are having to go through. It is a bit like my LNP colleagues pointed to some years ago: in the rural community the sons and daughters of farmers were thinking, 'Gee, I'm not sure what I'm going to do with my life, but I'm pretty sure farming's pretty tough going.' This is now the mood that is undermining confidence in the small business community and impeding the next generation of entrepreneurs, who we really need. Boy, has the mood changed! Confidence is down, entrepreneurship is under attack. We have a federal government whose disposition is hostile to small business, a government wanting to talk a good game but never lifting its game in terms of the support small businesses deserve.

Just have a look at what is going on. Have a look at the state of the nation through the eyes of the small business community. Have a look at why they are feeling that this government is not interested in their interests and certainly not responding to the concerns that they have. There is an urgency and a need for decisive action to try to give small businesses the support that they need. There is a need to nurture the policies that will give us growth and economic vitality to spread opportunities. Instead, all we get from this government is more new taxes. When the Howard government left office, the ABS estimated that 5,061,000 people were employed in small businesses around Australia. That was more than half the private sector workforce; in fact, it was 51.3 per cent. Just a few short years later, in June 2009, the ABS reported that job losses in small business had already totalled 300,000 and that private sector employment that small business provided had gone from 51 per cent down to 48 per cent.

The ABS has changed its numbers and its methodology again. Rather than the government pushing off from those earlier numbers, the ABS is now saying that there are 4,747,000 people employed in small business and it is down to 47.2 per cent of the private sector economy. We are seeing jobs shrinking out of the private sector in the small business community when we should be out there trying to nurture and support growth in that area. When we look at what is going on in insolvency, we see the Dun and Bradstreet report, a very worrying report, showing that the number of small business insolvencies is up by 45 per cent and the number of new business start-ups is down by 95 per cent. This is the climate. This is the ditch that this government has driven many small businesses into. When you ask small business people what their major concerns are, they say they are worried about incompetence from a government that does not seem to understand that its actions have
profound impact on the men and women in small business and they ask, 'What is the government going to do at a time when costs are punishing business?' They are just going to put costs up with the world's largest carbon tax. The Queensland Chamber of Commerce and Industry recently surveyed their members. Three out of four respondents believe that the carbon tax will have a negative impact on their business. Eighty-four per cent urge the scrapping of it in the name of their business, the jobs that they try to create and to try and stave off yet another nail in the coffin of many of those businesses. The Australian Association of Convenience Stores found that 96 per cent of their respondents in a recent survey said the Gillard Labor government's carbon tax will have a negative impact on their business and two-thirds of them said it will negatively impact on future employment levels.

You can imagine my surprise when in a recent weeks the state Labor shadow employment minister was calling on the Baillieu government to reduce taxes and charges to try and deal with the jobs losses in Victoria, a jobs crisis in Victoria, but the new minister said, 'What jobs crisis?' There is a jobs crisis. We are losing jobs because of this government's policy approach and their unwillingness and lack of preparedness to actually tackle the causes of it. That is why this matter is of such importance today.

When you look at the carbon tax, the world's largest carbon tax, you see there is barely an industry in the Australian economy that is not going to be hurt and harmed by that measure. We heard today the experience of tenants in Westfield shopping centres. The decision of Westfield to include a carbon tax clause in their latest rent agreements for shopkeepers is further proof that the Gillard Labor government's carbon tax is going to hit every Australian business. It will not just be paid by the big 500; we will all be paying and we will be paying for a long time. The Prime Minister spoke in the House today, and I do not know where she gets her information from. Shortly after, Zarraffa's Coffee House put out a press statement about recent lease negotiations. Remember that the Prime Minister is saying, 'This clause has been around for so long. What are people going on about?' What they are going on about is the punishment this carbon tax is going to inflict on small business. In this particular example Westfield is now introducing a carbon tax escalation clause in their leases to say that they will pass on carbon or greenhouse gas emission related charges and recover the same from the lessee. Zarraffa's are saying, 'We are really struggling right now.' They say the carbon tax adds insult to injury by not delivering on a long-term solution to carbon and indiscriminately weakening businesses across all industries. They point out that they cannot keep carrying increased costs and expect to survive into the future. They point to the carbon tax impact on transport, on power, on rents and so on. Now you see a major shopping centre owner putting it in as a reason to further escalate the lease costs that people face. That is the clause. The Leader of the Opposition showed the Prime Minister the clause. She retreated to the argument, 'It has been around forever; what are you going on about?' This ignores the very statement that someone with premises across a number of Westfield stores is engaged in current and recent lease negotiations where this has appeared for the first time.

But go further, even just accounting for what the impact is in the suburbs and regions across Australia. The Geelong Advertiser thought they would go and have a chat to some of the tenants in their Westfield shopping centre. Interestingly, at a time when the Prime Minister says this has been
around for a long time, I will quote another Westfield tenant who said they recently signed a new lease to open another cafe in the complex and the person said it would not surprise him if Westfield included the clause in future contracts. So what he is talking about is a relatively fresh contract that was being entered into that did not have these clauses while other tenants are saying they are involved in negotiations right now where it is going to be pushed in. And the Prime Minister says, 'Look, it's nothing to worry about. It has been around for a long time.' It is very important for the Australian public to be able to separate fact from fallacy because we know this government's reputation on not giving us the full story. Remember 'There will be no carbon tax under the government I lead'? Small business remembers that.

The decision by Westfield to include this carbon tax clause in its latest rent agreements with shopkeepers shows that this carbon tax will impact on the prices of every Australian household, on every Australian business. This is something the retail sector is alert to. They are already doing it tough, yet now they have got further cost pressures on their very thin margins at the moment. In the case of the Geelong centre there was a proposition where the person was quoted as saying, 'There is no doubt that people cannot afford to pay any more rent. I would say about 25 per cent of businesses would be out of business in Westfield Geelong if this was included.' That was the Nextra newsagent, Wayne Crouch. Who do you believe: someone who is paying the rent, someone who is looking carefully at these lease agreements, or the glib, distracting non-answer we get from the Prime Minister saying, 'Don't worry about it, it has been around forever.' In everything you buy this will be embedded.

We have heard in recent days about the carbon tax impact in the transport sector. Just because it might not be in the government's mind a tax on what comes out of the tailpipe of cars does not mean there will not be a carbon tax impact on everything that leads to the fuel being combusted in the first place. When you talk to the Australian Convenience and Petroleum Marketing Association they say, 'Don't believe there will be no impact on us. The forecourt area lit up, the pumps running with their precision calibrations, all the supplies that are sold in the business, the refrigeration.' They are pointing to a direct impact of the carbon tax on petrol prices, not because it is on the pipe but because it is on everything that goes into making the fuel available in the first place. This is a carbon tax that will cost Australians 400 times the per capita impact of the EU scheme. That per capita impact is extraordinary.

What do we get from the government when these concerns are raised? We get a glib response from Greg Combet, the minister for carbon tax, who says a dry cleaner is not competing against dry cleaners in China. What a genius! Drivers cannot get their cars serviced in India. It would just be a whole lot more expensive. We already know for anyone who talks to a local mechanic that people are less inclined to do the routine maintenance on their vehicles. They are coming in when their car is in trouble. But there is a whole lot of demand impact already flowing through the system. You see it in the building industry, where the building industry is saying the proposed carbon tax will have a substantial adverse impact on the building and construction sector. You see how they describe the sector as one of low margins with long supply chains, how this tax will compound and impact on every step along the way. In manufacturing, the poor manufacturers—why have they deserved to get this negative tariff that is going to make
It is not a surprise to see those Dun & Bradstreet figures. It is not surprise to have small businesses telling you about their concerns. It is a surprise when the new minister is not even aware of the crisis that small business is facing. But in an effort of unvarnished plagiarism what have we seen in the last three weeks? We have seen the Gillard government without an idea of its own lift three coalition policies in the last fortnight and claim them as their own. It is quite a remarkable thing to see, if you look at what is going on. I am sure the House will be quite interested. I am holding the coalition's policy document at the last election. Look at what the Prime Minister said when she was announcing the measure. You would have at least thought they would have come up with their own talking points rather than just lift out the concepts and ideas from the coalition.

We saw that also in the appointment of the new Minister for Small Business. And I would like to congratulate him on his appointment. So committed were the government to having this minister in cabinet that it has taken four reshuffles to get one there. They have bolted it onto homelessness and housing. I hope they are not seeing a connection between small business and homelessness as their mortgages are called in because of the failing of their businesses. I hope that is not the connection. But we still have not seen competition policy lifted. We still see that as a junior minister. At least it is up from a parliamentary secretary.

These are some of the real challenges that small business faces. If you are wondering why the Prime Minister announced ‘the minister in cabinet' and the ‘ombudsman', which they have called a commissioner—a bit of badge engineering—and 'our red-tape reduction', just go back to 8 July 2010, which is the date of the press release where we announced them. They picked up the coalition policy. As the government have no ideas of their own I urge the government, in the name of small business survival, to pick up the rest of our policies. Better still, why not cut out the middleman? We know there are costs and fat in the middleman. Why not just elect the coalition to implement it, because we are the ones genuinely committed to doing the right thing?

Let me look at another issue. Remember the solar rebate system for hot water, which just disappeared. Who is going to look after the small businesses that geared up with forward orders to account for the expected increase in demand and that are now left with all of this stock? I suppose they could put it in a warehouse with the fluff and foam they had from the Home Insulation Program. Why don't you look at what you are doing to independent contractors? Day after day you come in here and undermine independent contractors. They are a legitimate enterprise and they deserve to be supported.

Finally, if you really want a policy, pick up the coalition's one. Peter Strong was out there yesterday saying, 'It is a very good place to be at the moment for small business,' I would hate to tell you about the phone calls from people who were choking on their morning tea when they heard that. They are not sure what good place they are talking about. It might be a good place for people who are able to pick opportunities, but have a look at the business pressures being faced by small business. (Time expired)

Mr BRENDAN O’CONNOR (Gorton—Minister for Housing, Minister for Homelessness and Minister for Small Business) (15:47): I thank the honourable member for his contribution. Some of the comments go to the issue of the Liberal Party's concerns about small business. The
unfortunate thing is that the policies he enunciated in relation to what the Liberal Party would have done if elected were clearly those things that they were not able to do or chose not to do when they were in government. For 11½ years the Howard government was in power and in that time submissions were made by the small business community to elevate the portfolio to cabinet. For the last six years of that period there was no small business minister in cabinet. There were also calls from the small business community to have a small business commissioner, something that was not acceded to or accepted by the Howard government.

In fact, the first government that introduced a small business commissioner was the Victorian Labor government, in 2004. It did so because it wanted to provide a voice for small business. It wanted to provide independent advice and the opportunity for representation to be made directly to the small business minister in the Victorian government. The Howard government and the member for Dunkley, when he was a member of that government, had an opportunity to ensure that this office was instituted, but nothing was done by the Howard government in relation to that office.

The creation of the small business commissioner is a very important announcement. It will provide small businesses across the country with the capacity to make representations direct to me and to receive very pertinent advice about their small businesses. I think it is an excellent decision and it is one that this government made. It is something that was not done by the Howard government.

I think it is important that the government elevate this portfolio to cabinet. I feel very honoured to be in that position. It is something the previous Howard government failed to do for the last six years of its term. That says something about the Liberal Party and their relationship with small business. They say they are the party of small business but, when it comes to reform and making decisions in the interests of that very important and vital sector, they have failed when in government. It is very important that I am at the cabinet table, not only advancing the interests of small business but taking into account any potential adverse effects that may arise from other decisions; therefore making sure that small business is being considered when governments are making such very important decisions.

The member for Dunkley spoke for 15 minutes and he did not talk about the need to immediately pass on some tax cuts to small business. It is quite extraordinary. I have never before seen the Liberal Party and a Liberal Party leader, Tony Abbott, oppose tax cuts for small business. He has categorically opposed the tax cuts for small business that will commence on 1 July. This is unheard of. This shows the disregard the opposition has for the small business community.

We are looking to reduce company tax from 30 per cent to 29 per cent for incorporated companies. We are looking to provide instant asset tax write-offs of up to $6,500 for literally millions of small businesses across the country. We are also looking to have an instant tax write-off for the first $5,000 of motor vehicle use for business. All of these measures are being opposed by the opposition.

This is quite extraordinary, because the Leader of the Opposition is on the record as saying that he supports tax cuts. On 29 March this year, when talking to Lyndal Curtis on *ABC News* 24 he said:

… in principle we strongly support company tax cuts … and we wanted to deliver this tax cut …
On 4 October 2011 he said:

… we don’t believe in new taxes. We believe in trying to get existing taxes down.

On 12 August 2011 the Leader of the Opposition said:
The best thing I can do for business is to cut its tax …

The Leader of the Opposition has been on the record time and time again saying he wants to support tax cuts, yet, when he is provided an opportunity to make sure we pass on tax relief to literally millions of small businesses in this country, the Leader of the Opposition stands up and says, 'I refuse to support that initiative.' It is absolutely outrageous and unprecedented action by the Liberal Party. We hear this time and time again from the Liberal Party, that they are the party of small business. They say they are the party of the forgotten people. They have forgotten the forgotten people by not supporting the tax cuts for small business. It is an absolute outrage and they should hang their heads in shame.

The other thing that we know when it comes to the Liberal Party is that they never let the truth get in the way of a good scare campaign. They have sought to scare the small business community, scare the people of this country, by making up falsehood after falsehood in relation to the carbon tax. The facts are these: this government will apply a tax to the 500 biggest polluters. We will ensure that people are provided support by way of tax cuts and by way of pension payments. There is no tax imposition to be placed on small business. The small and modest increases that will arise in prices we accept will flow on to the consumer—a consumer that will be provided with tax cuts and increases in pension payments.

Compare that approach with the approach of the opposition. Their view is to impose a $1,300 per annum tax increase on every household in this country. Who lives in those households? It is sole proprietors, independent contractors, microbusinesses and small businesses. They will all have to pay a $1,300 increase because the opposition kowtow to the Gina Rineharts and the Clive Palmers in this country and choose to provide tax relief for the largest businesses in this country and impose tax burdens on the smaller businesses in this country. That is a typical response from an opposition that is taking instructions from the super-rich in this country. I have never seen the like of it in the 10 years I have been in this place: the Liberal Party so nakedly taking instruction from the super-rich and denying and depriving small businesses in this country of the tax cuts that they deserve.

We still hope that the opposition—indeed, the member for Dunkley and others—will support the tax cuts for small business, but I doubt it. I cannot see it happening. This opposition leader and this opposition are so negative that I would not be surprised if they oppose their own policies. The fact is that the member for Dunkley put up a couple of issues—

Mr Billson: You're pinching them.

Mr BRENDAN O'CONNOR: You might have come up with them in opposition, but you should have made the decisions in government. Of course, you chose not to and you have failed to properly relate to the small business community because in the end—

Mr Billson interjecting—

Mr BRENDAN O'CONNOR: Yes, there is no doubt you did make small businesses tax collectors under the GST. That is the one thing they remember about you and the Liberal Party when in government. The small business community know they have a government now that is listening to them. Peter Strong, the executive
officer of COSBOA, applauded the decision to institute the Small Business Commissioner. There is no doubt that they applauded that. Indeed, other employer bodies have done likewise, supporting the creation of this position. They are also supporting the tax cuts this government is soon to enact. They understand that small businesses in this country have challenges and it is for that reason that this government is providing some support. I think it is really important that the government play a role as an enabler to create the conditions in which businesses can thrive.

If you want some proof of the way the government respond to small business, you need only look at our decision when we were confronted by the global financial crisis. There is no better way to demonstrate the difference in approach between the government and the opposition than when it came to making decisions in relation to the challenges of the global financial crisis. We chose to invest in education and housing and provided support—and why shouldn't they want that? Who were the other beneficiaries of that very important decision? They were the thousands and thousands of small businesses across the country that worked on 27,000 projects—tradies, sole proprietors, independent contractors and small businesses in the construction and maintenance sector, and that flowed on to other sectors of the economy. If you went to an opening of a BER initiative—and I know that many on the other side, having voted against it, turned up to some of those events—if you listened to the small businesses that built those very important amenities for those schools and if you talked to the architects and builders, as you know, Madam Deputy Speaker Burke, they said: 'Without these decisions we would have gone to the wall. Without these decisions we literally would not be here today.' That decision by government—

Dr Emerson: Opposed by the opposition.

Mr BRENDAN O'CONNOR: Yes, it was opposed by the opposition. That decision provided opportunities for thousands of small businesses. It meant that so many more people were employed. That was absolutely critical. It meant that we ensured that thousands of small businesses in every one of the members' electorates in this place survived and thrived. That is what happened as a result of those decisions. Conversely, the opposition chose to oppose those very important initiatives. In the end, their heart is not there to support small business. In the end, whatever their rhetoric, the reality is that their heart is not in this at all. Ultimately, if you have to choose between a tax cut for small business or tax relief for the largest and wealthiest companies in this country, which would you normally choose? This government will always choose support for small business and, clearly, the opposition will provide relief for the super-rich. That is the problem.

I have been in the role of the Minister for Small Business for a very short time. I am very proud to be the minister and I am very proud to have the portfolio elevated to cabinet. It is the first time since I have been in this place that there has been a cabinet minister representing small business. I am happy that within that time I have been able to announce the Office of the Small Business Commissioner. I am happy, indeed, to have been able to prosecute the argument as to why we need tax relief for small businesses.
I will continue to prosecute that argument to ensure that we provide such relief.

I will be speaking to as many small businesses as I can as I go around the country. They are the engine room of this economy; there is no doubt. They employ just under five million Australians. They are absolutely vital to our economy. As I said earlier, the role of government is to create the conditions in which they can thrive. We did that when we confronted the global financial crisis. Indeed, we saved and ensured that certain companies continued in a very prosperous manner. We will continue to provide new opportunities for small business because if you create the right conditions then certainly those small businesses will prosper. Why is it so important? It is important for those businesses but it is also important because of the breadth and the proportion of Australian employees that are employed by those businesses.

We will continue to listen to small business. I will be travelling around the country talking to all of the areas of small business, and, literally, they are in every sector of our economy. I will be getting direct from them their concerns and challenges so that we can continue to respond. What I hope will happen between now and when the decision is to be made in the Senate is that the opposition has a change of heart. I hope the opposition thinks about this and puts the country first, puts small business first and supports the tax cut and the tax relief that we want to provide.

All this week the Leader of the Opposition has tried all sorts of distractions to forget about the one issue that is clear in everyone’s mind: we have a Liberal Party leader who is seeking to oppose tax cuts to small business. The only thing that they wanted to talk about today is one job for a former Liberal Treasurer. They did not want to talk about the jobs in the small business sector or about relief for small business. I say to those opposite: listen to the small business community, accept the tax cut, allow the tax cut and allow that for them because they need it. (Time expired)

Mr BALDWIN (Paterson) (16:02): I rise today to speak to this MPI:

The adverse effects of Government policy on small businesses in Australia.

I would like to start by recognising and heralding all of those positive achievements that this government has made for small business! But I actually should start to address the real issue, and that is the issue of the negative policies that have impacted on small business. I have just heard from the Minister for Small Business how he is walking amongst small business, how he is listening. Minister, take the earmuffs off! If you took the earmuffs off you would hear what they were saying to you. You would hear of the record bankruptcies that are occurring. You would hear about the struggles that people are going through because of the lack of confidence driven by an incompetent Prime Minister with a Labor Party so focused on its internal fighting that it cannot be focused on the future of this nation. This government has undermined consumer confidence and it has undermined business confidence, and therefore we are seeing a reduction in investment because there is no confidence.

In fact, this is the government that said it would do a one for one: it would repeal the red tape and regulation that business goes through—in particular, the burden on small business. Since 2007 this government has introduced or amended 16,173 new regulations. It has repealed 79. I can understand why it does not understand small
business, because it does not understand simple mathematics—

Mr Billson: Trust me! 205 to one!

Mr BALDWIN: '205 to one', the shadow minister for small business says—because 16,173 does not equate to 79.

In relation to red tape, there was the industries for Australia review conducted by the member for Indi and the member for Groom. We actually did a separate one for the tourism industry. That identified a range of issues that business operators were facing. In fact, off the back of that our leader determined that we should have a special task force looking at addressing the issues of red tape. That is being headed up by Arthur Sinodinos, with a high-quality team.

How can you understand small business if you have never been there? How can you understand small business if you have never had skin in the game? I know the shadow minister, the member for Dunkley, has been in small business. He was a retailer. He has been through the tough times. He knows what it is like to have the mortgage over the family home, to worry about whether there are going to be people coming into the shop. What we have here on the other side are people who go from school to university to union to the parliament. They have not had a small business. They have never had their own money on the line; they have never had skin in the game. They have never had to address the issues of economic constraints and bad government policy. The only bad policy that they have within themselves is when they have a leadership battle and wonder whether the Left or the Right or the inside out are going to take the leadership.

When I look at the tourism industry, some 85 per cent of the players in the tourism industry are small to medium operators. They are part of the team that employs 500,000 people in the tourism industry. If I add hospitality into that, there are 500,000 people in the hospitality industry. They actually understand small business, because every morning they get up and face issues such as weather—and weather can be an impediment in the tourism industry; they face the issues of whether the dollar is going up or down; they face the issues of government confidence and whether people have disposable income in their pockets to spend on their business; and they face the issues of industrial relations reforms, which have driven a lot of businesses out of business. When I was with the member at Margaret River we were talking to restaurant and cafe owners that just shut now on Saturdays and Sundays because they cannot afford the rates, because this government has not understood what is required to keep businesses, and in particular small businesses, going. In parliament this week and in previous weeks they have been attacking Gina Rinehart and Clive Palmer. But the Minister for Small Business should have been standing up for them because a large sector of their spending is on employing or engaging or contracting small to medium enterprises. This government would rather take away from or crush those who do the employing.

When you have been only in a union and you have never been out there in the real workforce, you do not understand that without employers you do not have any employees. If you do not create an environment in which employers have the confidence to invest and grow their business, if the market conditions are not right, then guess what? You do not have employees. That is why we have seen a reduction in employment in this country. That is why we have seen a reduction in the number of businesses operating in this country.

When the Howard government left office, the Australian Bureau of Statistics estimated
there were 5,061,000 people employed by the Australian small business sector. This was 51.3 per cent of the private sector workforce. By June 2009, when that mob were in government, the ABS reported small business job losses of more than 300,000 and a decline in the private sector workforce employed in small business to 48 per cent. Under a new ABS statistical methodology, introduced in June 2010, the small business employment level was estimated at 4,747,000, representing 47.2 per cent of the total private sector workforce. Since the change of government, there are 14,500 fewer employing small businesses. So when I see this minister stand up and boast how important it is to have a minister at cabinet level, I can understand that because, under their previous arrangement, we have seen 14,500 fewer small businesses.

We have seen record bankruptcies under this government. It is not hard to understand why when the banks are calling in loans because of the competition for finance when this government is borrowing $100 million a day, competing with the very businesses that need that money to fund their overdrafts and their investments in their business.

One of the key essences of being in business is developing a business plan. You put into it all the factors, you model all the conditions and you search out the best information so you understand that you can invest with confidence, go forward and stick to your plan. When this Prime Minister was asked what modelling had been done for the tourism industry in particular and on small business, the response was, 'None.' No modelling was done. She had spoken to a couple of people. She had a handle on it, she said. She has never been in small business; how could she have a handle on it? Without modelling, without understanding all of the conditions and factors, particularly when you bring in a great big new tax—the carbon tax—you cannot understand.

This incompetent government talks about the need for tax cuts. You do not have to be Einstein to work out that you do not need tax cuts if you do not impose new taxes on people. This government is giving on one hand while they are robbing with the other. This is the equivalent of putting a bandaid on your arm after you purposely slash your wrist. You would not need the bandaid if you did not slash your wrist. This government is so incompetent that it cannot even understand the flow of direction of business decision making. In fact, the only modelling that was done was by the TTF, and TTF came out and said that in the tourism industry there would be 6,400 job losses, predominantly in regional and rural Australia. It said the impact would be $731 million off the bottom line and the only beneficiary of a carbon tax would be outbound tourism.

We are suffering a tourism deficit in this country. Back in 2001, we posted a $3.6 billion tourism surplus in Australia. This year we are heading to an $8.7 billion deficit and in part that is because of the bad policy and bad direction of this government and, after 1 July, it will only get worse when this government imposes a carbon tax the likes of which never before seen.

Mr HUSIC (Chifley—Government Whip) (16:12): Madam Deputy Speaker, I am so glad you have given me the call. I am going to be upfront. I love listening to the member for Dunkley. Whenever he brings these matters of public importance into the House I love it. He has that machine-gun delivery and all that energy. There he is, trying to paint a picture of horror, backing up his claims with playdough statistics, providing us with a promise that we will see a better future if we just follow what he tells
us we need to do. If I close my eyes, I am not listening to parliament; I am listening to late night TV and he is Mr ShamWow. He is there, flogging his products to us with all that energy and gusto and I almost wait, Member for Dunkley, for you to offer us a free DVD of the performance. I will take it. I will take that any day.

**Mr Neumann:** Better than steak knives.

**Mr Husic:** It is better than steak knives, indeed, as my colleague the member for Blair rightly points out. The member for Dunkley has directed all this energy and effort this week—it has been a supreme performance. Why have we had it? It is because opposition members are trying to mask the reality. They keep going on about how we are all from the union movement and how all we do is support the union movement. Do you know what? I have no problems supporting the union movement and union members because they are working people. I have no problem doing that. We, through our actions in this place, help working people every day.

Those opposite dress themselves up as the friends of small business when in reality they are the biggest betrayers of small business. They are the ones who made every single small business a tax collector when they imposed the GST. They loaded up small businesses with all that paperwork, forcing them to bring in MYOBs and to fill out business activity statements. They burdened them. These great friends of small business now worry that everything will come to an end when we introduce a price on carbon for the top 500 businesses. We introduced initiatives such as providing an asset tax write-off to improve the cash flow of small businesses around the country. Name one government that in one move was able to improve the cash flow of businesses to the tune of $6,500. It never happened under those opposite. We are providing it.

**A government member:** Per asset.

**Mr Husic:** Per asset, indeed. When we give business tax cuts, what do those people on the other side, parading themselves as the great friends of small business, do? They oppose it. Big business and the corporate sector are trying to work out what is going on on that side of the fence when they will not provide a business tax cut and when they will not support what we are trying to do—effectively redistribute the huge wealth that has been generated on one side of the country to ensure that the two million businesses across this nation have a huge injection in cash flow. What do those opposite do? They oppose it. The member for Dunkley comes in here parading himself as some friend of small business.

**Mr Perrett:** Mr ShamWow.

**Mr Husic:** Mr ShamWow—there he is with this false pretence that he will help small business.

This week was a week of distractions. Yesterday the press gallery was in a state of confusion. I come from the great state of New South Wales. Mr O'Farrell, Premier of New South Wales, was deaf to the concerns about the drive-by shootings that have been happening in Western Sydney. I am happy to be corrected on this, but I thought there were about 60 drive-by shootings in the space of a year. We never saw anything, but all of a sudden yesterday the opposition discovered its concern for this issue.

**Mr Perrett:** When the AFP is successful.

**Mr Husic:** The AFP successfully intervened, Customs successfully intervened and those opposite were suddenly concerned about it. The press gallery was wondering where this all came from. The greatest smuggling act yesterday was these guys
smuggling their embarrassment through distraction. What they tried to do yesterday was confect concern about something that we had been worried about for ages. The New South Wales government never did anything. The New South Wales government need to have something that can distract them from their problems with casinos in New South Wales. And you needed a distraction from the fact that you were not there to support business in this country because you announced you were putting your own interests above business interests. At least we stand up for the people that you always point out we represent: the union movement. You do not. The guys opposite fail to stand up for their own, the ones they claim they represent.

Look at the suite of policies that we have put in since 2007, all the things we have been doing. I have mentioned the asset tax write-off. I have mentioned the corporate tax cuts we are trying to make. We are providing a head start for small companies on the company tax rate, which you will deny through your actions in parliament. Businesses that operate as sole traders, partnerships and trusts will benefit from the next round of personal income tax cuts, which start in July this year. We have reduced quarterly pay-as-you-go income tax instalments for the 2011-12 income year for taxpayers using the GDP adjustment method, providing $700 million as a cash flow benefit to small business. Huge. Those are the types of things that we are doing. The New Enterprise Incentives Scheme is a program that helps eligible social security recipients to get into self-employment, to get into small business, giving them a start.

Look at the types of things that we on this side of the fence are doing to help small business but that are opposed by those opposite every single step of the way. They are not interested in jobs. Today demonstrated it. They were more interested in providing a job for someone they did not want to give a job to themselves. They were concerned that the former Treasurer and member for Higgins was not going to get the plum job at the Future Fund. Yet they would not even put him in as leader of their own party. That is what they are concerned about in this place. They are not concerned about the jobs created by small businesses. They are not concerned about the policies that we are putting forward that support small business. It was remarkable, I have to say, to hear the Leader of the Opposition talk about Peter Costello, the former member for Higgins. He has now been lionised by those opposite after he was demonised when he was in the parliament.

We had the situation where the Leader of the Opposition, the member for Warringah, was saying that the member for Higgins as Treasurer alone was responsible for two million jobs being created. Those opposite were in power for 11 years and they created two million jobs, but we have nearly cracked one million in one parliamentary term. What was the former member for Higgins doing in what we are told were great times for the economy? Those opposite were not interested in creating jobs. They were not responsible for creating jobs. They made life hard for working people trying to draw a wage through what they did with WorkChoices. On top of that they put huge burdens on small business.

Where were they when small businesses were asking for help on trade practices reform? Missing in action. When small businesses were concerned about predatory pricing that was squeezing them out of business or when small businesses were concerned about creeping acquisitions, I remember the member for Higgins resisting the calls for trade practices reform, sitting on reports that had been done, reports that
called for that reform to occur to help small business, which did not want to be muscled out by big business. I congratulate those opposite. They have got form. They are always helping out those big interests in the economy: Clive Palmer, our national treasure, Gina Rinehart—

_Opposition members interjecting—_

**Mr HUSIC:** I know you love Gina. I am waiting for the T-shirts to sprout on the other side of the chamber. Back then, they were going slow on competition reform, slowing things down so that small businesses could not get ahead. I never heard you, Member for Dunkley, ever raise that. The other thing is that I have never seen the member for Dunkley be so concerned about the fact that those opposite, your side of politics, would deny those people a tax cut. You are an absolute disgrace to small business. (Time expired)

**Mr O’DOWD** (Flynn) (16:22): I am here to talk on the MPI on the adverse effects of the government on small business. I come from a small business background. Overall, the effect of the government is negative. There is a lot of uncertainty out there; there is a lack of direction from this government and this is confusing small business no end. There is absolutely no confidence out there in the field. People are preferring to put their money in the bank instead of investing in their business. Their business is industry for Australia and jobs for Australians.

**Mr Randall:** That's right.

**Mr O’DOWD:** Under the Howard government, workers—my friends, your friends—had jobs. What is more, they had took a 20 per cent increase in pay versus the CPI. Under this government, since 2007—

_Opposition members interjecting—_

**The DEPUTY SPEAKER (Ms AE Burke):** The member for Flynn is not being assisted by his colleagues. The member for Flynn has the call.

**Mr O’DOWD:** I think they are doing a great job. You cannot talk about small business without talking about big business, because a lot of small business works for big business. That is what you must consider. The week after the carbon tax was announced in this House, Rio Tinto, a big multinational company, put the Boyne smelter at Boyne Island on the market. It also put its 42 per cent share of the Gladstone power house on the market.

This MPI is about small business, but I am saying that Rio Tinto employed 4,000 people in Gladstone and a lot of subcontractors, who are small—

**Mr Hartsuyker:** The government will turn Rio Tinto into a small business!

**Mr O’DOWD:** That is right.

**The DEPUTY SPEAKER:** One person has the call: the member for Flynn.

**Mr O’DOWD:** They talk about Clive Palmer; Clive Palmer is the man who saved a thousand jobs in Townsville at the zinc refinery. How many people does Gina Rinehart employ?

The wind-back on the solar hot water scheme: does anybody in the government realise what that meant to those businesses that had geared up to look after that industry? It just flattened them—bang! Finished. Those opposite rave on about the BER. I could tell you something about the BER. There were four examples in my area where small business could have done the job of building the BER—

**Mr Billson:** Didn't get a look in.

**Mr O’DOWD:** They did not get a look in. Do you know what? Their price was up to 50 per cent less.

**Mr Hartsuyker:** How much?
Mr O'DOWD: $900,000 from—

Dr Mike Kelly: It does sound like ShamWow.

Mr Bruce Scott: No, it's true.

Mr O'DOWD: It is true. I have got the evidence. Actually, I have given the evidence to the Senate. Reed Constructions was a favoured son of this government. Where is it now? Where are the contractors—the subbies—going to get their money from? There is nearly $100 million owed to subbies. Where has the money gone? The overall cost of the BER was about $4,300 per square metre to build libraries and that type of thing. The price to build a four-bedroom home with a double carport is about $1,200 per square metre. Where did that money go? How come Reed Constructions is in administration? I do not know.

Even the Road Safety Remuneration Bill 2011, which was discussed today in the House, is more red tape and more costs to small business. What small business hates is getting more bits of paper under their nose and being told: 'This is more regulation. You will do this; you will do that.' We have a taxation system. If you ring the tax office to get clarity on a problem you might have, depending who you ring, you might get five different answers. If you ring five different times you get five different answers.

Mr Bruce Scott interjecting—

Mr O'DOWD: Unbelievable! What was that?

Mr Bruce Scott: Are they answered in Australia?

The DEPUTY SPEAKER: The member for Flynn has the call, and he is meant to be giving the speech.

Mr O'DOWD: Would you control the House, please!

The DEPUTY SPEAKER: I might save us all and sit you down, if you are not careful!

Mr O'DOWD: The biggest problem affecting small business is productivity. Our productivity is the worst in the world.

Dr Mike Kelly interjecting—

Mr O'DOWD: You laugh, Member for Eden-Monaro, you clown: it is the worst in the world.

The SPEAKER: The honourable member will withdraw the use of that term.

Mr Randall: Is 'clown' unparliamentary?

The SPEAKER: It is all about the context.

Mr O'DOWD: I will withdraw, Mr Speaker. Small business is faced with a renewable energy tax. That was passed by both sides of the House, but it will have a big impact on business. It will add at least 10 per cent to costs, and that is before the carbon tax. The carbon tax has been well documented and talked about. Not only will it affect the 500 biggest polluters in Australia, those awful big companies that we used to encourage to come to Australia and set up their businesses, it will affect every man, woman and child in Australia. Make no mistake about that. It is not just going to affect the 500. IR laws are inflexible. That is why you are flat out getting a cup of coffee on a Saturday or a Sunday. From five o'clock on a Friday afternoon until eight o'clock Monday morning, you will pay dearly if you want a cup of coffee anywhere in Australia. We have a tourism industry. And guess what? Tourism does not really start until after five o'clock on any day of the week. Yet the laws are that stringent and that tough; there is no bending them.

Mr Bruce Scott: There are penalties everywhere.
Mr O’DOWD: Yes, there are penalties everywhere. *(Time expired)*

The SPEAKER (16:30): Order! Regrettable though it is, the time allotted for this discussion has now expired.

ADJOURNMENT

The SPEAKER (16:30): Order! It being past 4.30 pm, I propose the question:

That the House do now adjourn.

South Australia: Weapons

Mr PYNE (Sturt—Manager of Opposition Business) (16:30): I rise on the adjournment on a very serious matter that is afflicting not just Adelaide but towns across Australia, and that is the illegal importation of weapons. This is an issue that the opposition raised in question time yesterday. It is very important in the adjournment that we explain that this problem, which occurred at Sylvania Waters Post Office—the arrival of illegally imported weapons and those weapons then being used in the street fighting in Sydney—is not only a Sydney issue. It is very much an issue in Adelaide and in the rest of the country. But, as a South Australian member, my remarks are going to be about South Australia.

Stephen Pallaras, the Director of Public Prosecutions in Adelaide, only recently was bemoaning the level of violence, the level of lawlessness, that exists on the streets of Adelaide. He said:

… the level of violence in terms of the bikie violence has been escalating to a point where we are losing our sensitivity to these events …

Unfortunately that is true. Over the last few months and in the last 12 months there have been at least 12 drive-by shootings in the city of Adelaide. But there have also been gunfights in the last two or three months in Adelaide. On 16 January, a gunfire broke out between members of rival bikie gangs in a crowded hotel, the Findon Hotel, in the western suburbs of Adelaide. On 18 December a gunfire broke out at Caffe Paesano—a noted eatery in North Adelaide, in O’Connell Street—filled as it was, after Carols by Candlelight, with families and innocent South Australians simply going about their business. The place was riddled with the bullets of two rival bikie gangs. Nobody was killed but others have been killed in this bikie war that is occurring in my city.

As recently as a month ago, one of my own constituents, Giovanni Focarelli, was murdered in a bikie gunfire in the north of the city, and his father was very badly wounded. In fact, his father has been wounded and hospitalised numerous times over recent months. While I certainly do not defend the Focarelli family, sadly, after that gunfire, nobody who was present at it was able to help the police in their inquiries with bringing the perpetrators of that murder to justice. Unfortunately, the streets of Adelaide are becoming more like the streets of Gotham City or the shoot-out at the OK Corral.

Today I bemoan the fact that there is a causal link between the policies of this government and the bikie wars that are occurring in South Australia and also the organised gangland warfare that is going on in other parts of the country. There is a direct causal link, because this government made the decision to cut the Customs budget by $60 million. It made the decision to get rid of 340 staff; they were axed from the Customs department. At the same time, the government has increased spending by at least $1 billion to stop boats with illegal arrivals coming to Australia. That money would never have been needed to be spent if the government had simply kept the policies of the Howard government in place, which had stopped the boats.
The government changed that policy in August 2008 and since that time there has been a massive blow-out in the immigration budget. The government has found some savings in the Customs budget to fill that hole by removing staff from Customs. So Customs and Border Protection have been unable to detect the incoming illegal weapons that are being used in the warfare that is occurring around Australia and in my city of Adelaide. So there is a direct causal link between this government's reprehensible policy decision-making process and the safety of Australians. South Australians are being placed at risk by this government's very bad decisions.

We know that the number of scanings of air cargo inspections have dropped by 75 per cent and the scanings of sea cargo inspections have dropped by 25 per cent since the government introduced those cuts. The government stands condemned. For the first time in my 19 years in parliament, constituents are coming to see me because they are concerned about their safety and that of their families due to the lawlessness that now infects the streets of Adelaide. Adelaide is too beautiful a place to have been placed in this position, and the government is responsible for part of it. (Time expired)

St Patrick's Day

International Women's Day

Ms O'NEILL (Robertson) (16:35): I rise to speak on the advent of St Patrick's Day; it is about to happen. This is a great weekend for all Irish men and women across the globe—the Irish diaspora. It is a great weekend for all the Irish-Australians in our community, who amount to about 10 per cent of the Australian population. It is a great day for all those people whom my father would describe as 'wish they were Irish', certainly on St Patrick's Day. I am sure that they will get out and enjoy it tremendously.

St Patrick's Day is the day on which the Irish recall the patron saint St Patrick, who, using a small clover-like plant, the shamrock, attempted to explain the concept of the Trinity. St Patrick's Day is honoured in a great mass at St Mary's Cathedral in Sydney every year, and I am sure people will be there on Saturday to enjoy it. The biggest celebrations in Sydney for St Patrick's Day have been going on for nearly 30 years. And I am pleased to say that I was at those very early St Patrick's Day celebrations. This year 30,000 people are expected to attend the parade.

Something very different is happening this year. There will be pre-parade entertainment in George Street, opposite the town hall. From about 10.20 in the morning people will be able to wear the green, sing the songs, and dance the dances. And I am sure that later on, as the afternoon moves on and the parade heads up to Hyde Park, there will be a bit of drinking of the Guinness, as well!

The Irish Echo will no doubt have photographers out there and will cover the event as they do, so wonderfully, every year. I want to commend Billy Cantwell for the way he tells stories of Ireland for Irish Australians and stories of Australia for Irish Australians and records forever the history of that great community in this country.

Amongst those who will be celebrating, no doubt, will be the new Irish Ambassador to Australia, Noel White, whom I look forward to meeting over this weekend, and, of course, Orla Tunney, who is the current charge d'affaires and was in that role until the new ambassador arrived to spend some time with us here.

The Irish people are very aware of the great diaspora. Mary Robinson's very symbolic placing of the candle in the window of Aras an Uachtarain, the house in which the President resides in Ireland, is an

CHAMBER
indication of how the Irish people have spread out across the world over the years. We know that the Celtic tiger might not be quite roaring anymore and that there are, sadly, many more young Irish people leaving their shores to head off and look for work in other contexts, but around the globe the Irish people understand how important it is that this day is a day where we come together as people of Irish heritage to celebrate the best of that culture that has travelled across the world. This year I am very pleased to say that the Irish government have sent the Minister for Justice and Equality, Alan Shatter, to spend time with us here in Australia.

The parades that happen around the world are quite legendary: Dublin, New York, Boston, London and Sydney make the list of the top five. So I am certainly looking forward to this weekend and I encourage all those people who are Irish, or would like to be for at least one day per year, to get out and enjoy those celebrations. Congratulations to all the volunteers who pull it together. It is quite a feat to prepare something for 30,000 people.

In the time that remains to me I would also like to put on the record the incredible work that has gone on in my community over the last couple of weeks to honour International Women's Day, which was celebrated for the 101st time. We certainly have a long way to go. Women comprise 70 per cent of the world's poor and own only 10 per cent of the world's wealth and one per cent of the world's property. Without education, that is going to remain the case. I am pleased to say that there were many young women engaged in education in my local schools, from Lisarow High School, Gosford High School, Narara Valley High and St Josephs Catholic College at East Gosford, who attended the International Women's Day march. It was rained out but, very appropriately, we ended up under cover in a shopping centre. There were a great number of speeches and performances by the girls from those schools. I congratulate Vicki Scott, who won an award for her work for women and setting up the first status of women committee in New South Wales within the council.

I also acknowledge Anne Sheehan, Gina Jeffreys and Pauline Masters, who were guest speakers and convenors of the Soroptimist International breakfast attended by a couple of hundred people at the Reef restaurant at Terrigal on Sunday. I also acknowledge the continuing work in great community education and engagement that happens at the Avoca Beach Picture Theatre. It is a wonderful little boutique theatre on the Central Coast run by Beth and Norman Hunter, who showed a fantastic film that was very well attended by local men and women. The film dealt with issues that women currently face.

I acknowledge the great effort of all those people in the community and wish everybody a very happy St Patrick's Day.

World War II

Mr ENTSCH (Leichhardt—Chief Opposition Whip) (16:40): I rise today to speak on a significant anniversary that has been largely overlooked this week. Yesterday marked 70 years since the Japanese bombed Horn Island, in the Torres Strait, during their attempted invasion in World War II. I wish to speak on the vital role of the Torres Strait in the defence of the nation against these Japanese attacks.

The air raids at that time on other centres, including Darwin, Broome, Port Hedland and Townsville, have been widely remembered, but Horn Island barely rates a mention in articles about World War II. The
first raid occurred at approximately 11.25 am on 14 March 1942.

Horn Island at the time was a key operational air base for American and Australian forces pushing forward to Papua New Guinea. But the island was vulnerable and unmanned. Twelve Japanese Betty bombers and eight Zero fighters in formation were spotted heading to the Torres Strait by coast watchers in southern Papua New Guinea. The coast watchers radioed RAAF on Thursday Island to alert them, so troops on the island received a warning of the impending attack.

The Betty bombers are reported to have dropped 78 60-kilo bombs on the island and the Zeros strafed the airfield. Forces on Horn Island could only respond with seven US Kittyhawks yet they still managed to repel the attack and no-one on the ground was killed.

Second Lieutenant AT House of the 7th Pursuit Squadron brought down a Japanese Zero. He saw another Zero targeting his commanding officer, Captain Bob Morrissey. Second Lieutenant House's guns jammed so he deliberately drove his right wing tip into the Zero's cockpit, bringing it down and saving his squadron leader's life. Somehow, Second Lieutenant House managed to land his damaged plane at about 300 kilometres an hour.

This was the first of eight Japanese air raids on Horn Island over the next 16 months, making it the second most attacked place in Australia, after Darwin. In that time about 500 bombs were dropped on the airfield and about 156 lives were lost. There are still about 36 bomb craters on the island. By the end of 1942, about 5,000 troops were stationed on Horn Island, with an additional 2,000 on Thursday Island. From December 1941 to December 1942, 10,000 Allied aircraft landed on Horn Island.

Another military service provided in this area was the Torres Strait Light Infantry Battalion, which comprised about 830 local Torres Strait Islanders—virtually the entire population of adult males in the region. This battalion was one of the least recognised military groups in Australia. Only about 10 years ago, I and a local historian, Vanessa Seekee, were successful in getting members of this group star medals to acknowledge their vital service. Vanessa Seekee and I are continuing to campaign on this. There are other veterans who have served in that region and we are desperately trying to get official recognition for their service in this zone, so at least they can get that recognition and some entitlement before they pass away.

There were 97 Japanese air raids reported in that Northern Australian region during World War II. As a point of interest aside from the Horn Island bombings, and this is a little known fact, on 31 July 1942 Mossman, just north of Port Douglas and north of Cairns, was bombed by Japanese Sub-Lieutenant Mizukura. He was thinking he was attacking Cairns. Mizukura dropped eight bombs on a farmhouse north of Mossman. A young child, 2½-year-old Carmel Zullo, was in the house asleep at the time. While she did receive some shrapnel wounds, fortunately they were not life threatening. She has the interesting distinction of being the only one who was actually bombed in our region at that time. I am sure not many people are aware of that.

So I think when we remember the significance of people in Australia's defence against the Japanese in World War II we should not underestimate the services of the people of the Torres Strait and the sacrifices that they made in defending our nation.

**Economy: Shipping**

Mr **STEPHEN JONES** (Throsby) (16:46): A strong economy needs a strong
shipping industry. Indeed, an island trading nation like Australia most certainly needs a strong shipping industry and a strong maritime workforce. It has been a part of our history and it is essential that it be a part of our future, but we have some unique challenges. Our geographic location, off the major trading routes and with dispersed trading ports, affects the economics of our shipping industry. We also have an ageing workforce. It is a highly skilled workforce. It cannot be replaced overnight. It is a workforce that cannot be turned on and off like a tap.

That is why the government has embarked on a robust reform program to regenerate Australia's shipping industry. The reforms will rebuild our nation's shipping industry and will help attract shipping investment in Australia. And these reforms will provide a new framework for revitalising domestic shipping and protecting it in the long term. They are the key to revitalising Australian shipping.

Rebuilding an industry that has been allowed to decline is a difficult task. There are four key elements to the Labor government's shipping industry reform package. The first is tax reform to encourage investment in new and more efficient ships to enhance the industry's productivity, including a zero tax rate and a seafarer tax exemption. The second element includes an Australian international shipping register to help grow our international fleet. The third is a new licensing regime to provide clarity and transparency to enable long-term planning and to set clear boundaries around the necessary role of foreign vessels in our coastal shipping trade. Finally and critically, there is the establishment of a maritime workforce development forum to progress training and to help us build the highly skilled maritime workforce of the future.

In relation to each of these four initiatives, I congratulate the Maritime Union of Australia for its work in cooperation with the government and I particularly refer to those officials and members of the union from Port Kembla in my electorate of Throsby. We know that we need a package of reforms, because no single measure alone can help to revitalise the shipping industry. Workforce skills and training are one of the biggest challenges facing the industry. As I said, we have an ageing workforce and at the same time our need for highly skilled seafarers is growing rapidly as our shipping traffic increases.

Many newspapers today are carrying a story based on a Deloitte Access Economics report. They include my local paper, the Illawarra Mercury. The conclusions in the Deloitte Access Economics report are wrong and therefore the newspaper reports that reported these conclusions as facts are also wrong. The report is factually incorrect in regard to the operation of the new licensing system. The Deloitte Access Economics modelling is based on the assumption that all temporary licences will be phased out over five years and that all coastal cargo will be carried on Australian licensed vessels. This has never been suggested at any time by the government. There are no plans to restrict the number of foreign vessels in Australian waters. The reforms are simply about levelling the playing field for Australian ships so they can better compete.

The second area on which the reports are wrong goes to the issue of wages. Foreign ships operating on the Australian coast already have to pay Australian wages. The government's shipping reforms do not change this at all. The Labor government believes that all seafarers working on vessels in Australian waters should have the benefit of Australian workplace relations laws and a fair safety net of employment conditions.
The Howard government excluded foreign ships from protection under Australian laws. This allowed foreign seafarers working in Australian waters to be paid significantly less than Australian employees performing work on the same routes. This is the equivalent of allowing foreign workers to come to Australia on 457 visas but not requiring that they are paid the same minimum entitlements as Australian workers. Quite simply, we on this side of the House think this is wrong and unfair and that is the reason we are introducing this package of reforms. As well as being unfair, this is a disincentive to employ Australian crew.

We are delivering, in this package of reforms, the future prosperity of the nation for working Australians, ensuring that we have an industry—and a workforce within that industry—to carry the trade that we so much rely on.

2012 Tribute to Northern Territory Women

Burke, Mrs Annette

Mrs GRIGGS (Solomon) (16:51): As the first female federal member for Solomon—

Mr Randall: Hear, hear!

Mrs GRIGGS: thank you—it gives me great pleasure when I get the opportunity to recognise the remarkable achievements of Northern Territory women in my electorate. Last week many women across the Territory came together to celebrate International Women's Day. Each year, on the eve of this annual event, outstanding NT women are recognised in the Tribute to Northern Territory Women, which is an award that recognises and celebrates the achievements of women who have made, or are making, a significant contribution to the Territory community. This year Jane Tye, Stephanie Thompson Nganpmirra and Vicki Shultz were honoured and I take the opportunity to congratulate each recipient on their outstanding commitment and dedication to the wider Territory community. These women are indeed worthy of this recognition and each has contributed a great deal to the Northern Territory in her own right.

Having said this, though, I am disappointed to have heard that former Palmerston Mayor and fellow Territorian Annette Burke was overlooked as a recipient. Up until now the smallest number of women recognised on record since the awards were established in 2003 was actually four. This belies the claim in a letter that Mrs Burke's nominee received explaining that she was not successful because 'the response to the Tribute this year had been excellent and the panel's task in recommending the women was made difficult by the quality of nominations received'.

Annette Burke has been an esteemed leader of the Top End community for more than 14 years. In 1998, Annette was elected Mayor of Palmerston and went on to win three consecutive elections for mayor, gaining 75 per cent of the vote. We here know how hard that is. Clearly, she was doing something right. She firmly believed that the council was about more than just the 3Rs of rates, roads and rubbish. She believed the council also needed to incorporate relationships—with the community, other councils, investors and businesses. As mayor, Annette led the City of Palmerston during a period of rapid development and population increase. She engaged the council to participate in numerous national community programs, resulting in the City of Palmerston winning several prestigious awards. By 2005, the City of Palmerston was rated the second most liveable community in Australia and eighth out of the top 10 most sustainable communities in the annual national State of the Regions report.
Annette was also personally selected by a former Prime Minister, John Howard, to be a member of his 15-people task force to develop drug and alcohol awareness programs throughout Australia and was requested to be a member of a special committee to develop strategies to encourage more female participation in all levels of government. She established and supervised various council subcommittees and lobbied the government to enhance opportunities for investment and further economic and social growth for Palmerston. Founding committees was one of her many specialties, and Annette boasts the Adopt A Park program, the first Crime Prevention Northern Territory Committee, the Seniors' Advisory Committee and the Palmerston Futures program to increase retention rates for students, just to name a few, as her achievements.

I live in Palmerston and I acknowledge the hard work that Annette put into our community. In fact, Annette is one of the reasons why I entered politics because she encouraged me to stand for local government. Above all, Annette is a mentor, a leader and an effective communicator and was admired by all of her fellow councillors, staff and the wider community during her time on the Palmerston council. She was and still is a big supporter and mentor of mine and I am grateful to her for her guidance and friendship. So this is why I was disappointed that Annette was overlooked for a 2012 Tribute to Northern Territory Women award. Surely Annette's achievements speak for themselves. I firmly believe Annette greatly enhanced and improved the lives of Palmerston residents during her nine years as mayor and four years as an alderman. Also, while Annette was mayor she managed to do a fantastic job as a mother, raising two boys while her husband was the Chief Minister of the Northern Territory. Surely it is not because of her political persuasion that she was not given the acknowledgment of the 2012 Tribute to Northern Territory Women award, so I take it upon myself to make this tribute to Annette. Well done, Annette. You are my hero and here is my tribute to you. (Time expired)

Tasmanian Symphony Orchestra

Mr LYONS (Bass) (16:56): Mr Speaker, I congratulate you on the work you have undertaken this week in this House.

Recently I was fortunate enough to attend a fantastic event in my electorate of Bass: Symphony under the Stars, performed by the Tasmanian Symphony Orchestra. This free concert is a great opportunity to hear world-class classical music in the beautiful setting of Launceston's historic City Park. I must say that having a picnic in your local park to the sounds of a live, internationally acclaimed symphony orchestra is quite an experience. I was thrilled to see so many families from the Launceston community enjoying the concert.

In particular, pieces such as Tchaikovsky's Waltz of the Flowers, Claire de Lune and, my personal favourite, the William Tell Overture were very popular with the crowd. I spoke to many audience members who commented on what a lovely evening they were having and how fantastic it was have the award-winning TSO perform a free concert right in the heart of Launceston. I would like to thank the RACT for their sponsorship and making this event possible.

For people who may not get to regularly experience classical music, the Symphony under the Stars performance is certainly an eye-opening event. I can agree with the sentiments of the TSO's chief conductor and artistic director, Marko Letonja, who believes:

The best way to hear the TSO is to hear it live. Classical music is meant for live performance ... and that is where it works its magic best.
Anything else is but a mere shadow of the real experience.

Founded in 1948, the Tasmanian Symphony Orchestra has become Tasmania's flagship performing arts organisation. Resident in Hobart's purpose-built Federation Concert Hall, the TSO has a full complement of 47 musicians. The orchestra contributes significantly to Tasmania's arts and culture and in return enjoys considerable support from the local community. Regular concerts are presented in Hobart and Launceston, and often the TSO will tour other regions of the state.

The TSO also enjoys international recognition and has toured in North and South America, Greece, Israel, South Korea, China, Indonesia and Japan. It is one of Australia's most recorded orchestras and has performed with artists such as Rhonda Burchmore, Kate Ceberano, James Morrison, Natalie Cole and The Whitlams. The Tasmanian Symphony Orchestra aims to be a source of pride for all Tasmanians, performing a wide variety of music. Symphony under the Stars is just one event that ensures the TSO and classical music remains available to the broader Tasmanian community. Upcoming performances, such the family concert series, featuring interactive shows, storytelling and movie music, will continue this tradition.

Indeed, I would encourage all Tasmanians to go along and see one of the many TSO concerts that are planned for the 2012 performance season. Launceston, in my electorate of Bass, is lucky enough to host a six-concert series featuring leading conductors and soloists performing symphonies, concertos, tone poems and overtures. Mr Speaker, I invite you, and all members of parliament, to plan a visit to the beautiful city of Launceston in the coming year to take in one of these performances. This series includes Isabelle Faust, one of the most distinguished violinists of her generation, playing Beethoven's Violin Concerto and The Last Night of the Proms, a celebration of all things British, in which the TSO will deliver the grandeur, patriotism and passion of the finale of London's famous Proms concert. It will also showcase multi-award-winning saxophonist and former Young Australian of the Year, Amy Dickson, performing Full Moon Dances, a concerto written especially for her.

The year 2012 is a particularly exciting year for the TSO as they welcome Marko Letonja as their new conductor and artistic director. Marko has conducted the Slovenian Philharmonic Orchestra, the Vienna Symphony, the Munich Philharmonic, the Hamburg Symphony and the Melbourne Symphony, among others. Hailed by critics and audiences throughout Europe, it is tremendous to see Marko bring his unique classical style to the TSO.

If residents or visitors to Tasmania get the chance to see the TSO perform, I would urge them to jump at it. For an orchestra that is so well-known internationally, it remains something of a hidden gem in its own state. Again, I would like to take this opportunity to offer my congratulations to the fantastic Symphony under the Stars. I would also like to sincerely thank the Tasmanian Symphony Orchestra for their contribution to the state. They are truly a symbol of the talent and culture that Tasmania has to offer.

House adjourned at 17:02
NOTICES

The following notices were given:
Mr Danby: To move:
That this House:
(1) notes that:
(a) China is a signatory to the United Nations Refugee Convention of 1951 and its 1967

(b) the United Nations High Commissioner for Refugees has been denied access to the North Korean refugee population;

(c) China has a policy of repatriating North Korean refugees to North Korea, returning more than 5000 North Korean refugees every year;

(d) international law prohibits the forcible repatriation, either directly or indirectly, of any individual to a country where they are at risk of facing persecution, torture or death;

(e) babies of repatriated North Korean women are killed through forced abortions and infanticide for being part-Chinese, a practice that clearly violates the United Nations Genocide Convention;

(f) 60 to 70 per cent of the North Korean refugees in China are women, 70 to 80 per cent of whom are without recourse to legal rights or protections and have become victims of sex trafficking, and whose children conceived through rape are considered stateless in China and are vulnerable to trafficking and abandonment;

(g) China considers all undocumented North Koreans as economic migrants, rather than as asylum seekers; and

(h) more than 20,000 North Koreans have defected to South Korea since a famine hit their homeland in the mid-1990s, with almost all of them having travelled through China with the help of Christian missionaries, human rights activists or smugglers, but are still considered by Beijing as illegal migrants, often being rounded up by Chinese police for repatriation;

(2) recognises:

(a) the right of North Korean refugees to be treated according to the United Nations Refugee Convention; and

(b) and encourages the South Korean Government that is protesting the repatriation by China to North Korea of North Koreans; and

(3) urges the international community to meet its responsibility to protect the human rights of the people of North Korea.
CONSTITUENCY STATEMENTS

Solomon Electorate: Defence Housing

Mrs GRIGGS (Solomon) (09:30): I rise again to raise the unresolved issue of the 396 RAAF base houses in Eaton in Darwin. I have spoken on this issue many times in this place and I will continue to do so until this issue is resolved. Many of my constituents are concerned about the rumours that Defence will knock down 100 Defence houses in Eaton so that DHA can replace them with 100 DHA owned homes. This is absolutely ridiculous. There is another way, and that way was suggested in the motion that I tabled and that was passed in June last year. Why is it that the Labor government continues to ignore the wishes of the people and the wishes of the parliament?

The government has done nothing in the last two years. Prior to the election, it was Labor's position to knock down those houses, despite the assurances from Minister Snowdon, a fellow Territorian. He said that the houses are safe. I suggest that with these rumours the houses are not safe. They are still planning to knock them down despite all the assurances given to me and the people of Darwin that this would not happen. It simply astounds me and other Territorians, including the Save Eaton Group, that 200 taxpayer funded houses can sit there and remain vacant in Eaton, rotting away in the Top End. The excuse of the houses not meeting Defence standards is wearing thin in my community. We believe that while these houses may not be to Defence standards they are definitely to community standards and they should be made available to Territorians. This is another example of why Territorians cannot trust Labor.

If the Territory Henderson Labor government cared about Territorians, it would be fighting alongside me to make these houses available to Territory people. It would stand up to the Gillard Labor government, join forces with me and say, 'Let's make these houses available to Territorians.' The Country Liberals support these RAAF base houses being made available to Territorians. Country Liberal leader Terry Mills, along with member for Fong Lim and former member for Solomon Dave Tollner and my other Country Liberal colleagues, supports my continued fight to make these houses available to Territorians.

Labor's waste and mismanagement of these taxpayer funded assets has put added pressure on the basic living costs of Territorians, which shows how out of touch Labor is. Julia Gillard and Labor claim that they care about working families yet they ignore the opportunity to use a significant portion of the Defence houses at Eaton to address the critical shortage faced by many Territorians. Unlike Labor, the coalition cares about families in the Territory, which is why we will continue to work hard with local residents and the Save Eaton Group to fight for what is best for Territorians, which is to make these houses available. A coalition federal government working with a Country Liberal Territory government would give Territorians hope, rewards and opportunities and make these houses available.
Charlton Electorate: Infrastructure Projects

Mr COMBET (Charlton—Minister for Industry and Innovation and Minister for Climate Change and Energy Efficiency) (09:33): Since 2007, Labor has delivered major transport upgrades, world class research facilities, excellent leisure and sporting facilities and safer roads in my electorate of Charlton and the wider Hunter region. Two of the largest infrastructure projects, the Hunter Expressway and the Northern Sydney freight rail corridor, are now making good progress as well as employing many hundreds of workers. So too is the construction of the Hunter Medical Research Institute forging ahead. This is a project which received $48.5 million in federal funding.

There are also many local infrastructure projects that are improving community amenity for the people of Charlton. Labor has provided funding to the Lake Macquarie City Council, for example, for the Regatta Walk in Toronto, the extension of the Red Bluff pathway in Eleeabana and new club facilities at Evans Park sports ground in Cardiff. And I joined with hundreds of local residents last weekend to celebrate the opening of the Wyee Point Reserve, which received $900,000 of Commonwealth money. The Commonwealth has also supported the children's playground in Speers Point Park, which is a standout feature with families. In total, more than $7 million has been provided to Lake Macquarie City Council for community infrastructure projects in my electorate and more than $20 million to upgrade roads. I am also working with the council on the Glendale transport interchange, which involves the construction of a new rail station and transport interchange, as well as a road overpass and associated roads. The council's application to the round 2 of the Regional Development Australia Fund has been selected to proceed to full application stage. The council has decided to undertake the Pennant Street Bridge and associate road works in two stages and has applied for $7 million rather than the $12.5 million that was potentially available. While I support the council's application, my preference would have been for the council to have submitted an application for the maximum amount available. However, I will nonetheless give my strong and continuing support to the Glendale transport interchange project as it is a vitally needed piece of infrastructure that will benefit a very rapidly growing region. Indeed, the region around Glendale is the demographic centre of the lower Hunter area. It is squarely in my electorate. This very important piece of transport infrastructure needs to be constructed.

The Glendale transport interchange will give greater access to major residential, retail and industrial precincts, as well as sporting, recreation and leisure areas. Importantly for commuters and people shopping in the major areas, it will reduce traffic congestion and encourage the creation of a more effective public transport system. I will continue, therefore, to strongly advocate for the Glendale transport interchange for my electorate of Charlton.

Latrobe Regional Hospital

Mr CHESTER (Gippsland) (09:36): I have spoken before in this place on the urgent need to upgrade the Latrobe Regional Hospital in my electorate. I appreciate the opportunity today to update the House on the level of community support for a campaign that I have initiated to draw attention to this critically important facility. I have distributed a flyer, Help fix our hospital, throughout my electorate. It urges Gippslanders to join my campaign to secure $65 million from the federal government to upgrade LRH. There has been overwhelming support in the past couple of weeks for this campaign. More than 1,500 people have supported the campaign either by signing the mini petition or expressing support in other ways.
Today, I again make a public plea to urge Gippsland and Latrobe Valley residents to
demonstrate their support for their hospital this weekend. The annual Latrobe Regional
Hospital Run for Your Life fun run is on this Sunday. It is a great opportunity for locals to
demonstrate through practical action that they support LRH. This is an important fundraising
initiative for the hospital, with funds raised assisting the allied health department. The
hospital is aiming to raise in the order of $500,000 over two years for new equipment for this
facility. The community is certainly doing its bit to raise money, but it cannot be expected to
fund raise the whole $65 million that is required for the upgrade that I have talked about.

I will make sure that the petition is available this Sunday for people to sign. That will allow
people to express their support for the campaign to encourage the government to make that
commitment in the upcoming budget. Last year, more than 600 people registered for the fun
run. I am hoping that we can break that record this weekend.

I have been very well supported in my campaign by my state colleague Russell North
and also by the chair of the board, Kellie O'Callaghan, who is also a Latrobe City councillor.
Kellie has been a real champion of LRH, in conjunction with her chief executive, Peter
Craighead, and all of the other board members and staff. They recognise that there is a critical
need for this upgrade. From my experience, the staff and the board at LRH do a terrific job in
conditions that make it very difficult for them to maintain such a high level of service. They
are certainly stretched to the limit in many departments but perhaps the most obvious cause
for concern is the emergency department, which is struggling under the weight of demand.
The facilities there do not meet the level of what is required for current demand, let alone
future demand given expectations for growth.

To the government's credit, we have had some significant funding commitments to the
Latrobe Valley in relation to health services, with the Gippsland Cancer Care Centre and the
Gippsland Rotary Centenary House. They have been very well received in our region. But we
need this upgrade to proceed in the next budget round. I am encouraging government
ministers who have come to the Latrobe Valley and talked a lot about the level of support that
they are going to provide in the wake of the carbon tax to support this upgrade. They have
talked about having a more holistic approach to regional development, taking into account
such things as health and education services. I say to those ministers that the time for talk is
over. We need a major funding commitment to improve our health services in this year's
budget. We need to help fix our hospital. I urge the relevant ministers to support this funding
application, just as I urge Gippslanders to support the Latrobe Regional Hospital and join in
this Sunday's fun run.

Anniversary of the Halabja Poison Gas Attack

Mr HAYES (Fowler) (09:39): Exactly 24 years ago tomorrow on the morning of 16
March 1988 the Iraqi air force, on the orders of Saddam Hussein, dropped chemical weapons
on the Kurdish township of Halabja. Thousands of innocent civilians—men, women and
children—were exposed to toxic chemical agents that led to their agonising and painful deaths
and that also left many more permanently debilitated. This coldblooded attack was part of a
deliberate campaign called Al-Anfal, directed by the former leader of the Iraqi regime and the
infamous Ali Hassan al-Majid, which was designed to exterminate the Kurdish inhabitants.
The attack on the township of Halabja was just one instance out of many large-scale mass
murders that happened between 1987 and 1988. Several thousand Kurdish villages were
destroyed and approximately 100,000 Iraqi-Kurds lost their lives, with another 7,000 people injured as a result of the brutal slaughter.

A division having been called in the House of Representatives—

Sitting suspended from 09:41 to 09:51

Mr HAYES: Significantly, this was the first time in human history that a government had used weapons of mass destruction against its own citizens. Consequently, more than two decades after the brutal massacre, the aftermath of the atrocity is still apparent with the victims, with the toxic gases causing long-term illnesses, birth defects, miscarriages, infertility, paralysis, neurological defects and cancers among many of the surviving generation. The chemical attacks have also irreparably damaged the environment, with soil damage, contaminated water and a spoiled food supply. The land remains useless for agriculture and breeding purposes, while there is still a high demand to repopulate livestock. Since the chilling assault against and genocide of the Kurds, the supreme Iraqi tribunal recognised the Halabja tragedy as a crime against humankind in 2010.

Despite the overwhelming challenge, the community of Halabja has taken significant steps to normalise their lives through a commitment to building a peaceful and inclusive region in Iraq. This is a testament to the courage and determination of the Kurdish people. Australia has since become home to many of the Kurdish refugees, providing them with humanitarian services and support and in turn the Kurds have contributed positively to Australia's multicultural community. It is on this account that on the anniversary of this atrocity that I urge that we pause, remember and commemorate the innocent lives that were tragically lost as a result of this barbaric attack, and pray that such violence is never again inflicted by a state on its people. I would also like to thank Ms Tavga Jalal Zandy from the Patriotic Union of Kurdistan, a representative of her country, for her contribution to this cause. (Time expired)

Australian Women's Land Army

Mr MATHESON (Macarthur) (09:53): Mr Deputy Speaker, today I speak on the Australian Women's Land Army and their contribution to our nation as well as to my electorate of Macarthur. I was inspired to speak on this important topic by one of my lovely constituents, Mrs Beulah Midson, who was a member of the AWLA towards the end of the Second World War. Like all AWLA ex-servicewomen, Mrs Midson is extremely proud of her contributions to the war effort. She is a strong campaigner for the official recognition of the AWLA in Macarthur. On 27 July 2012 our nation will celebrate the 70th anniversary of the Australian Women's Land Army. The Women's Land Army was active from 1942 to 1945 and was the first nationally coordinated land army in Australia. The Women's Land Army recruited young women, some as young as 16, from all over the nation to work the land. Their responsibility was to keep the wheels turning in our farms and our factories. They carried out a mammoth task, not just to feed our boys at war but to feed the nation as well as the allied forces stationed in the Pacific. This was especially difficult during the drought years. The Australian Women's Land Army ran efficiently and with military precision, reporting to the Director-General of Manpower. The women lived in dormitories, wore uniforms and were under close supervision of the land army matrons. They performed a wide range of manual tasks from picking fruits and vegetables to ploughing the land, operating heavy farm machinery and building irrigation systems.
The women of the land army worked hard—just as hard as any man could. In Macarthur, a contingent of land army women were stationed at Orangeville and across many dairy farms in the Camden area. The ladies at Orangeville were housed in the local church; they had to pack up their beds and belongings every Sunday morning to set up the hall for church. Kitty Kelly was the last remaining woman who served in the land army at Orangeville. She sadly passed away in January 2011.

The ladies of the Australian Women's Land Army worked tirelessly over the past 70 years to gain official recognition for the courageous service during the Second World War. They faced many hurdles, such as being allowed to march on Anzac Day and to join the Returned Services League—the RSL. Members of the Australian Women's Land Army are now able to access the Civilian Service Medal 1939-1945. Peggy Williams was a public campaigner for the recognition of the AWLA. She was one of the first recipients of the Civilian Service Medal. She is an inspiration to the many women in Macarthur who served in the AWLA. I will also take this opportunity to pay my respects to the hardworking women in New South Wales who volunteered to protect their communities during the war years through the National Emergency Service.

We as Australians owe the ladies of the Australian Women's Land Army a debt of gratitude. With the 70th anniversary of the Australian Women's Land Army fast approaching, I believe it is appropriate to honour these brave Australians. They may not have wielded a weapon or served overseas, but they kept this nation going strong. The domestic war effort rested on their shoulders and they answered the call with energy, stoicism and national pride. We should all be very proud of their contribution and devotion to our country and their efforts to keep this nation running during some of our darkest hours.

**Braddon Electorate: Hospitals**

Mr SIDEBOTTOM (Braddon—Parliamentary Secretary for Agriculture, Fisheries and Forestry) (09:56): Over the last month, I have been very pleased to host a number of ministers and parliamentary secretaries. I have had the Minister for Agriculture, Fisheries and Forestry, Joe Ludwig, down to meet a number of my farmers and to look at a number of enterprises. Minister Burke was with me recently and we were looking at a number of mining sites in the Arthur-Pieman or Tarkine region. I have had Parliamentary Secretary Jacinta Collins meet with a number of my school communities on the Gonski report. Simon Crean visited twice recently, to announce the Agritas Trade College in Smithton and also the Harcus River Road energy and road upgrade commitments to the Circular Head region, as well as to celebrate the completion of the Burnie waterfront development, which was a $3 million direct investment from the Commonwealth, along with allied projects associated with the waterfront of something like $6 million. I thank all those colleagues for their interest and contribution to my electorate. They are always very welcome and are evidence of this government's keen interest and investment in regional Australia and most especially in my region.

Most recently, I was able to host the new Minister for Health, Tanya Plibersek, who has also been a regular visitor to my region over the years that I have had the privilege to serve in this parliament with her. We were able to celebrate at the Mersey Community Hospital—where we are committed to $180 million of investment over the next three years—to celebrate the opening of the new accident and emergency centre as well as the outpatients region. I want to congratulate all those that constructed and were part and parcel of the planning of this...
fantastic development at the Mersey Community Hospital, and of course that is allied with the new high dependency unit, which was opened about 12 months ago. Of course, we are able to also celebrate the University of Tasmania and the Rural Clinical School situated on the northwest coast. It also has a training centre of excellence at the Mersey Community Hospital as well.

Here is the Mersey Community Hospital working in an integrated way with the North West Regional Hospital, where we have most recently opened residential units. We have just made the commitment of $16.5 million to develop a regional Cancer Centre, and I notice too that the state government has just commenced work on the car park at the North West Regional Hospital. So congratulations to all those involved. (Time expired)

**Portland Stroke Support Group**

**Mr TEHAN** (Wannon) (09:59): I rise today to commend the Portland Stroke Support Group and its founder, Jayson Killick. Jayson, a 36-year-old man, had a stroke in 2010. Not only did he have the determination to come back to as good a health as he could after that stroke but he decided that he wanted to help all those others in the community who had suffered a stroke or who have to care for those people who suffered a stroke. Upon his recovery from a stroke he set up the Portland Stroke Support Group.

Currently, there are 17 members. They meet on a regular basis and discuss the issues which are relevant to those people who are either caring for or dealing with the long-term implications of having faced a stroke. Jayson and the group are doing wonderful work. They are doing outreach work. They are also engaging with people who are admitted to the local hospital with a stroke, ensuring that they are there to offer the support, advice and guidance that those people need.

It was with great honour last year that I accepted my first offer of becoming a patron of a local community group, the Portland Stroke Support Group. I was humbled to take up that position. I thank them for honouring me by making me a patron of a group which does such wonderful work.

In the remaining time available to me I would like to remind people of the signs of a stroke. This is done by performing the FAST test. To determine whether someone may or may not have had a stroke you, firstly, check their face. Has their mouth drooped? Next, you look at their arms. Can they lift both arms? Next, is their speech slurred? Do they understand you? Finally, time is critical. If you see any signs of these issues, you should immediately call triple 0. We should all keep the FAST test in the back of our minds because, unfortunately, you never know when or where strokes are going to occur.

**Petition: Breastmilk Substitutes**

**Ms BURKE** (Chisholm—Deputy Speaker) (10:02): Today I table a petition, signed by principal petitioner Mark Zirnsak, on behalf of the Uniting Church Synod of Victoria and Tasmania.

The petition read as follows—

To the Honourable The Speaker and Members of the House of Representatives
The petition of certain citizens of Australia draws to the attention of the House:
It is well recognised that breastfeeding is the best start in life for a baby, where breastfeeding is possible. This view is held by the World Health Organisation and UNICEF and continues to be confirmed by medical research. We believe that the decision to breastfeed or not is one that should be made by the mother in consultation with the best available advice from health care professionals. This decision should be free from the commercial influences of those seeking to sell infant formula.

World Health Organisation's International Code of Marketing of Breastmilk Substitutes aims to protect and promote breastfeeding and ensure that when breastmilk substitutes are necessary they are marketed, distributed and used appropriately. Furthermore we note that in Australia, the Federal Government has yet to fully implement WHO's International Code of Marketing of Breastmilk Substitutes which seeks to restrict the marketing activities of infant formula companies so that breastfeeding is not undermined. We note that the Federal Parliament Standing Committee on Health and Ageing recommended the implementation of the WHO Code in Australia in their 2007 report on breastfeeding.

Your petitioners therefore ask the House to fully implement World Health Organisation's International Code of Marketing Breastmilk Substitutes and subsequent World Health Assembly resolutions in law or by an enforceable code, to prevent unethical marketing by those seeking to sell infant formula.

from 302 citizens

Petition received.

Ms BURKE: The petition calls for the House of Representatives to fully implement the World Health Organisation's International Code of Marketing Breastmilk substitutes and subsequent World Health Assembly resolutions in law or by an enforceable code to prevent unethical marketing by those seeking to sell infant formula.

This is a very worthwhile petition. It actually comes on the back of a phenomenal report, which the Deputy Speaker will be fully aware of: The best start: report on the inquiry into the health benefits of breastfeeding. That report was presented to this parliament in 2007. The actual recommendations of the report are picked up in the petition that I am submitting today. It has been signed by 302 people. The petition is looking at the World Health Organisation's code of marketing breastmilk substitutes. What is the code? It was adopted by the World Health Assembly back in 1981. Australia was one of the first signatories to the code but, tragically, Australia has not picked up all the recommendations.

The international code was prepared by the WHO and the United Nations after a process of wide consultation with governments, the infant-feeding industry, professional associations and NGOs. World health organisations and most professionals recommend that a minimum of six months breastfeeding is the way to go for most children. This will assist them throughout their lives with various health issues and will assist Australia's health dollar if more women actually breastfeed. The main points of the code are: no advertising of breastmilk substitutes; no free samples or low-cost supplements; no promotion of products through healthcare facilities; no labels idealising artificial feeding; and no contact between infant formula marketers and mothers. The marketers of these formulas, more or less, tell you that these formulas are better than breastmilk. There is actually nothing that is better than breastmilk. Not all women can breastfeed. It is actually a fairly difficult thing to get up and going. I was very lucky with both my children. It does help, particularly in the Australian context, with asthma and allergies and it has been proven time and time again, so I fully support this petition. One of the recommendations of the report of the Standing Committee on Health and Ageing said:
The committee recognises that the implementation of the WHO Code is a significant action but believes that if the Commonwealth Government wants to achieve the goal of 80 per cent of mothers exclusively breastfeeding for the first six months of their baby's life the WHO Code needs to be implemented in Australia. The committee recommends accordingly.

The petition has been accredited by the Petitions Committee.

In the last couple of minutes I just want to put on the record my recognition of the contribution and my big thanks to Fred Nelson, who tragically passed away last week. It is Fred's funeral today and sadly I and many other members of the parliament cannot be there. Fred was one of the true believers. He was a long-standing member of many of my branches. He was a trade unionist for over 28 years. He served on the Trades and Labour Council as a trustee for many years and he will be greatly missed.

Townsville Fire Women's National Basketball League

Mr EWEN JONES (Herbert) (10:05): I rise today to congratulate the Townsville Fire Women's NBL team on what was a remarkable season. The Townsville Fire actually folded last year and the efforts of local businesspeople, including a steering committee comprising Townsville Enterprise chair, David Kippin, local podiatrist Jane Arlett, and Michelle Morton from wilson/ryan/grose, along with many other people, got this team off the ground.

The first thing they did was to get a new coach and from that they got people to stay. Key to that was keeping Rachael Flanagan, our captain, the heart and soul of the team and current Opal. From there we built a team. We were short on height but we had a wonderful feeling about the side. When we entered this NBL season the ABC refused to come to Townsville to broadcast a game live. We were only expected to hang around. The local basketball fraternity as well as the corporate world got involved and packed Murray stadium regularly to watch these girls go around. We recently had the trophy presentation night after making the semifinals and beating the Sydney Uni Flames in the first semifinal before going down to Dandenong in the preliminary final.

Mr Matheson: The eventual premiers.

Mr EWEN JONES: They were the eventual premiers. But can I say that the way the women play the game is as close as you will see to real sport. The Townsville Fire are ferocious at the ball. Micaela Cocks although a 'dirty Kiwi'—that is an in-joke in Townsville—was just spectacular. Shanavia Dowdell was our MVP for the season and has dominated the season. I was lucky enough to do the auction where we raised lots of money for the players going through.

The one thing I would like to say about the Fire is that they do concentrate on the local talent. We have Nadeen Payne who is an 18-year-old local talent and the Froling twins who are only 15 going on 16 years old. One of the twins made their debut in the Women's NBL this year. It is a true credit to the local basketball fraternity to be able to bring this talent through. Both Froling twins have just been selected in the Australian under-19 side. It is a truly wonderful thing for Townsville.

The ABC should be castigated for not coming to Townsville to broadcast these games regularly. The Fire are a fantastic team and we have a great stadium. We have great support in Townsville and the ABC should get on board and base some people up there to make sure that we do get these things brought to bear.
Afghan Pamir Restaurant

Mr BYRNE (Holt) (10:08): I rise today to pay tribute to a highly regarded local institution, which is the Afghan Pamir Restaurant, and its owner Baryalay Rahimi. Rahimi, as he is known to many, has operated his restaurant in the Dandenong area for over 10 years. In celebration of the relocation of this restaurant to Lonsdale Street Dandenong I wanted to take some time to tell Rahimi's remarkable story and his vision for creating a traditional Afghan restaurant in Melbourne.

Originally from Jalalabad in Afghanistan Rahimi migrated to Australia in 1991 first arriving in Perth and then a year later finding a home with his family and settling in Melbourne. In 2001 Rahimi combined his love of cooking with his love of hospitality and opened the Pamir Kebab House in Thomas Street, Dandenong. Known as the Afghan Pamir Restaurant the restaurant has survived three moves due to the revitalisation works in Dandenong. Each time this has put significant strain on the vitality and the financial viability of the business and each time through sheer hard work Rahimi and his team have rebuilt their business. I know at one stage the difficulties created by these multiple moves nearly forced Rahimi to relocate his restaurant to the city. Whilst I am sure it would have been immensely popular in the city, it would have been a great loss to our local area. I am glad that he was able to stay and I am sure his many loyal customers in the area feel the same. The Afghan Pamir Restaurant is a family-run business, with many of Rahimi's children working there at one time or another. Over the years the restaurant has developed a loyal following of locals and from those further afield. It has been featured on the tourism programs Postcards and Coxy's Big Break, has taken part in the Melbourne Food and Wine Festival and has been written about extensively in Melbourne newspapers. I could talk about the dishes themselves but I do not have time unfortunately. In terms of the cuisine, the people and the culture of the place, members of the Australian Army who are being deployed to Afghanistan often visit the restaurant to learn about the food, the language and the culture. On returning to Australia many come back to the restaurant with their colleagues and families keen to experience Rahimi's renowned Afghan hospitality and cuisine.

One thing about Rahimi that I know many people do not know—but I am sure it does not surprise those who know him—is his extraordinary generosity. Most nights, very quietly and without any fuss, he feeds a number of Dandenong's homeless—not leftovers at the end of the night but a hearty meal plated up and served with respect and understanding. I do not believe he has ever turned away someone in need.

Rahimi is immensely proud of his family. He has five children: his daughter is working as a pathologist after finishing her tertiary studies; two of his sons are studying in the medical science laboratory area; and another son is studying accounting. I am sure that they will be incredibly successful in their chosen careers. I was fortunate enough to live next to Rahimi for some time when he lived in Endeavour Hills.

We hear about immigration and we hear about people who come to this country and make their lives our country's life, but someone like Rahimi shows that you can have people who come in difficult circumstances and make a fist of it—they make a future. I am very proud of this man, his family and the contribution he has made to Australia.

The DEPUTY SPEAKER (Ms AE Burke): Order! In accordance with standing order 193 the time for constituency statements has concluded.

FEDERATION CHAMBER
BILLS

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

Debate resumed on the motion:
That this bill be now read a second time.

Mr SIMPKINS (Cowan) (10:12): I certainly welcome the opportunity this morning to speak on the Classification (Publications, Films and Computer Games) Amendment (R 18+ Computer Games) Bill 2012. I join with all members of the House in agreeing that this is much needed reform, and we certainly look forward to the elements of this bill taking effect so that we can have greater confidence as we carry on into the future. We would have greater confidence that the young people and, in fact, the adults of this country are properly advised and, in appropriate cases, properly protected from some of the online computer game content that abounds in the world at this point.

A common theme when I go around and speak particularly to primary school classes in the electorate of Cowan, and senior classes, is that so many young people are keen to get into this industry. When we see the figure of $2.5 billion that is likely to be generated in the economy by the computer game industry by 2015, it is not a surprise, particularly for those of us who see that there are young people so keen to get into the industry to create games. As we know, there are a fairly large number of computer game laboratories generating these games around the country. When Apple informs us that they get upwards of 20,000 applications a month for games to be registered with them, it really does show that there is certainly demand and people are willing to satisfy supply.

That being said, it is a little bit of a mystery to me why some people are interested in some of the games that are produced. There are extremely violent games and there are games produced that have sexual content, which I think many people would have objections to. It really does come as a surprise that there is demand for such games. Whilst I will speak a little bit more about the differences between MA15+, R18+ and refused classification, what I would say is that greater protection, greater knowledge and greater information is long overdue in all cases with regard to such games.

It is the case that, when this country has had the highest classification of MA15+, there have been substantiated allegations that there are some games that have been, as has been said, shoehorned into that category. Possibly there has been a bit of a liberal interpretation of the categorisation. Some games that we might think should not ordinarily be allowed to be accessed by those 15 years and above have actually made it into that category. Others of course have been refused classification, and I think that is good. What we will have with this legislation is that, for games that I think were MA15+ but probably should have been adult 18 and above only, we will have the opportunity to push those sort of games upwards, I would imagine. Also, where some of these games have had slight modifications made to them so that those that would have had R18+ classification in others parts of the world have been dragged down into the MA15+, but again with material in them that I think a lot of people would find quite concerning, there will be the ability to look again at those games and push them into R18+ classification. That is most definitely a good thing.
With regard to the classification of restricted 18+, what we will see is the restriction of sale, hire, display, advertisement and, in overall terms, warnings to parents. I am a parent, with two girls, aged 13 and nine, who are into games—definitely not the sorts of games that might have those classifications. I suspect *Moshi Monsters* is probably not going to see a categorisation above G. *Angry Birds* may be a little more severe, but is not going to be in this sort of category. I certainly hope that we will never see anything like an MA15+ game or anything worse than that in my house. But it is the case that the ability to provide warnings to parents on computer games through this legislation is very important. The alarm bells certainly do ring when you are a parent and you see something with an R on the front of it, and there is a difference between seeing those and M category movies. When that is transposed over to computer games, if parents see R18+ on the front of games they should be rightly concerned and should certainly examine them and find out whether their children are attempting to buy such video games or they are in the possession of their children.

It does, however, still come down to vigilance by the parents of those under 18 in keeping an eye on what is going on, so they can look at and examine things and make decisions if they find their children possess those games in their house and they have a concern that needs to be dealt with. But, as we also know through the work that has taken place over recent years and has been particularly noted by a House committee recently, the vast majority of gamers are actually young adults, I would say—around the age of 32—and many of them, 47 per cent, happen to be women now. What we are dealing with here is certainly freedom of choice. It comes down to adults being able to make informed choices. If they wish to buy R18+ games, that should certainly be the case. But I would always warn and advise parents to keep an eye on those under 18 and what is in their possession or what they are attempting to buy.

This legislation brings us into line with comparable nations in the Western world. It is bizarre that we have not had a classification. In Australia we have had classifications of MA15+ or refused classification, but there has been nothing in between. That has singled us out as being different from the rest of the Western world. So it is important that we have the R18+ classification, and I certainly welcome that. That is consistent with international standards.

It is a very important step forward. I think we will see that this is legislation which is non-controversial, and that is why we see it here in the Federation Chamber. But I would say that, while there is the provision in the bill that a game cannot be reclassified within two years of its having been classified, it is important that, should people have concerns about games currently rated MA15+, they consider trying to have those games reclassified to R18+. That would be a positive step forward. Currently there are games rated MA15+ which are concerning and not appropriate for those under the age of 18. Those games should be reviewed, and this legislation will allow that to happen. At the same time the classifying authorities should not be afraid of refusing classification where the content is beyond the point of classification. There are some really bizarre levels of violence and sexual content out there that I think should still be refused classification, and most people probably agree with that.

I welcome the introduction of this bill into the House. I look forward to it being passed and the classification R18+ adding some real value in this country and providing greater certainty and help for parents and gamers across Australia.
Mr GEORGANAS (Hindmarsh) (10:23): I too rise to support that Classification (Publications, Films and Computer Games) Amendment (R 18+ Computer Games) Bill 2012. This issue was first raised with me by many of my constituents from Adelaide's western suburbs in the seat of Hindmarsh who contacted me, largely by email, a couple of years ago. They were very frustrated with the state of affairs at that particular time. As members in this place would be well aware, films—including those publicly shown—DVDs and computer games may be classified G, PG, M or MA15+. Films can also be classified R18+ or X18+. There has been no classification for computer games beyond that of MA15+.

We had a situation where the federal government, and every state and territory in the Commonwealth—bar one—supported the introduction of an R18+ classification for computer games. Without that classification, MA15+ continued as the highest, or the most restrictive, classification of games. The effect of this has been seen to be largely twofold. Firstly, materials which had not met the MA15+ classification have been refused classification and have been unavailable for sale in Australia. Importing such material, if caught, would result in fines or at least confiscation. Piracy thrives in such environments. Secondly, those responsible for the development of these games can tweak or resubmit their games and, I understand, in at least some cases eventually have those games passed as under MA15+ classification.

The bottom line of this is that kids can end up with games classified as MA15+ that have content that should much more appropriately have been classified as R18+. Kids can access material that they, on balance, should not or that we should not want them to access. There is good reason for having a well-graded, well-tiered system that enables the niche allocation to appropriate levels of restriction and access. It facilitates finely tuned classification and finely tuned marketing. This benefits all of us. We know what a product is, we know who should not be accessing it and we can know that we most probably do not want to access it when you have good classification. But this awkward, clumsy classification regime that can shed little light on what the content actually was has been the situation endured by many for some considerable time.

There has been universal support for change for quite some time, apart from the one state. Queensland supported change; Western Australia supported change; New South Wales, Victoria and Tasmania supported change; the ACT and the Northern Territory supported change; the federal government supported change. Because my own home state, South Australia, opposed the change, change was defeated. It was unilaterally vetoed. So, when contacted by many of my constituents who were very concerned by South Australia's veto of the clear and unambiguous national will, I responded with my view that the will of the minority dominating or vetoing the will of the overwhelming majority is undemocratic and wrong. It is undemocratic for the few to rule contrary to the will of the majority—to dominate the majority or to veto the majority. That was my opinion at the time, which I communicated to all those that contacted me on this particular issue. It might be surprising that this view was very welcomed by most of the people that did contact me on this issue.

I certainly welcomed South Australia’s new Attorney-General's agreement with each and every other state and territory in the land and the federal government. I welcome the fact that the will of the overwhelming majority will be respected and acted upon through this bill. I also welcome the benefits that this new classification should have for the gaming community in Australia: that is the protection of younger gamers from inappropriate materials and content.
and the better honouring, I hope, of the copyright law that should come with this bill. But it remains a curious issue that we can have eight players being vetoed by one sole state, territory or federal government. It goes, of course, to the creation of the National Classification Scheme under the recommendation of the Law Reform Commission concerning censorship procedure in 1991, over 20 years ago now. The recommended national approach to classification makes absolute, perfect sense. This is appropriate and it is good, in my view. The Intergovernmental Agreement on Censorship which underpins the scheme confirms that certain changes to the scheme, such as amendments to the National Classification Code and classification guidelines must be considered and agreed to by censorship ministers. It must be unanimous.

The intergovernmental agreement reads in part:
B. The aim of the new scheme is to make, on a co-operative basis, Australia’s censorship laws more uniform and simple with consequential benefits to the public and the industry;
C. The new scheme accurately reflects, and maintains, the balance of responsibilities that has been arrived at between Australian jurisdictions. It also recognises that, in relation to the Code and classification guidelines, the Commonwealth, and the Participating States are equal partners and that policy on these matters is derived from agreement between all jurisdictions …

I observe that the preceding paragraph notes that it was not an agreement of national uniformity as such, as it contains the observation that, 'Western Australia and Tasmania will not participate in the new scheme in relation to publications.' It goes on to say:
Under the Act each Participating Minister and the Commonwealth Minister are to agree:
(a) on the classification guidelines;
(b) on amendments to those guidelines; and
(c) on amendments to the Code ...

Apparently publications were out, but, in relation to games, the required uniformity of opinion, the required unanimity of determination, is without exception and has, as a consequence of the position held by one of the nine ministers, held back what almost all have long considered positive change. This has been of immense frustration to my constituents that contacted me on this particular issue. It has been imbalanced, unfair, undemocratic and most unwelcome.

There probably is not much call for changes to the actual classification structure around Australia. It is not like the system requires ongoing maintenance and adjustment on a regular basis, so one might just write off this exercise as a bad experience and forget about it, but it is of concern to me that one of the nine can uphold reform. We saw something vaguely similar with Western Australia being the sole state not to sign up for the first national health deal. At least this was able to be negotiated, put through a process of give and take and manipulated into a form that does attract the agreement of each negotiator. There was sufficient detail to actually have negotiation. In this case it has been binary—it is a straight yes or no. I will leave my discontent there and move on in support of this bill. I commend it to the House.

Mrs MOYLAN (Pearce) (10:31): I am very pleased to have the opportunity to speak on this legislation on the Classification (Publications, Films and Computer Games) Amendment (R 18+ Computer Games) Bill 2012, which seeks to introduce an R18+ category for computer games, aligning the existing classifications levels for films and other publications.
Computer games, films and publications advertised or sold in Australia are currently regulated by the classification act, which sets out a sliding scale of age limits and a corresponding allowable impact of violence and sexual themes on the material covered. The scheme is designed to be user-friendly, allowing purchasers and particularly parents to easily decide whether the material they are buying or viewing, or that their children have access to, is suitable for the maturity of the individual. The procedures and thresholds for classification falls under federal jurisdiction to ensure national consistency. However, the states and territories independently legislate as to the level of material that can be advertised and sold within their borders.

Classifications are decided with reference to the impact test as well as the overall cumulative effect. At the more restricted end, movies and publications with a strong impact are deemed MA15+, high impact is R18+ and very high is refused classification, which prevents the material from being sold or advertised in Australia. However, computer games have been an anomaly. At the restricted end, they are classified as either MA15+ or, if the themes depicted exceed the strong impact threshold, they are refused classification.

The reason for omitting the R18+ classification category appears to stem from a recommendation made in 1993 by the Senate Select Committee on Community Standards Relevant to the Supply of Services Utilising Electronic Technology. I am sure that in this place we would agree that 1993 was a long time ago. I do not think any of us could have at all foreseen the kind of video games that would be available on the market today. That committee made recommendations in their submission to the Attorney-General's Department at that time. Electronic Frontiers Australia and AusGamers noted that three assumptions underpinned the select committee's recommendation which resulted in the exclusion of the R18+ category. Those were that (1) computer games are only for children; (2) the level of technology involved with the use of computer games means that many parents do not necessarily have the competency to ensure adequate parental guidance; and (3) having regard to the extrasensory intensity involved in the playing of interactive games and the implications of long-term effects on users, games should be subject to stricter criteria for classification than those applying to film or video. We certainly know that computer games have gone far beyond children's toys and playthings. Certainly, it has been a bit of a minefield for many parents who are not technology savvy. There are still plenty of people in the community, who, although they can do the basics, find it difficult to understand the complexities of new technologies.

The first point that computer games are only for children may, as I say, have been correct at that time, but we have now gone well beyond that. The classification code's first principle that adults should be able to read, hear and see what they want was viewed at the time as not relevant and, instead, focus was ascribed to the second principle that minors should be protected from material likely to harm or disturb them. It therefore seemed incongruous to allow for games with high-impact themes, when children were the focus of the industry. But that is no longer the case. Gaming technology and capability has exponentially increased, allowing for storylines, graphics and themes which have attracted increasingly older audiences. Research by Bond University, which was published last year, entitled Digital Australia, notes that the average age of video game players in Australia today is continually increasing. In 2005, the average gamer was 25 years old and today they are 32 years old.

FEDERATION CHAMBER
More tellingly, 75 per cent of all video game players in Australia are aged 18 years or older. The ability of parents to ensure adequate control and guidance has also markedly increased, with computer literacy becoming a significant aspect of everyday life. We are having to grapple with this technology because so much is now done via a computer. But a clear-cut classification system would further assist parents when making choices about what games are suitable for their children to play, with an R18+ rating providing certainty that the game is unsuitable for children.

Public support for an R18+ category appears to be very strong. In 2009, the Attorney-General's Department received 54,437 submissions to its discussion paper on the topic, of which a compelling 98 per cent were in favour of an R18+ category. Following more recent discussion papers on the topic, however, there has been strong opposition from a minority of submissions to the Attorney-General's Department that reinforce the Senate's original cautious approach regarding the interactive nature of gaming. A key concern was whether R18+ games have an acceptable place in society, regardless of age. Particular emphasis was placed on the fact that, in all other forms of media, the consumer is passive, by viewing, listening or hearing the relevant material. However, with computer games the consumer is actively directing events. Some of the games are extremely violent and extremely graphic.

Understandably, there is a worry that what happens in the virtual world has an impact on a person's real world. We would agree that this is probably so for children in particular and that allowing more violent and graphic games could lead to adverse social consequences.

Research into this area has been mixed. It really depends on whom you listen to. Sometimes you have to wonder who is funding the research. For adults who have violent tendencies and who play video games, it is hard to distinguish whether gaming inflamed the violent behaviour or whether that person already had a violent disposition and was drawn to violent video games. For children, though, there is a greater likelihood that exposure to violent media will have a detrimental effect. It is sometimes very difficult to pick your way through this matter, because there are many and varied views on the subject. But I think that most parents would agree that we need to address the issue of classification and give parents some guidelines as to what might or might not be suitable for their young people.

The Australian Council on Children and the Media pointed to research undertaken by a long-term video game researcher Craig Anderson, whose 2007 journal article entitled 'The effect of video game violence on physiological desensitization to real-life violence' concluded:

It is not surprising that when the game involves rehearsing aggressive and violent thoughts and actions, such deep game involvement results in antisocial effects on the player …

That is but one of the many views.

The council went on to argue that adopting an R18+ rating system would lead to a greater proliferation of violent games and, with that, children would be more likely to be exposed to violent media through adult family members playing the game in their presence or the children receiving the game or a copy from an adult. However, there is also a strong argument that a clear rating system, which shows that the game is for adults only, helps informed choices and gives adults confidence to tell children that the game is not suitable for them.
Regardless of which view is subscribed to, ratings systems are only part of the solution to this problem. With the proliferation of visual media, and the internet playing a part in every aspect of children's lives, it is incumbent upon all of us as adults and as parents to help children understand the distinction between reality and fantasy where computers are involved. I think we see this on Facebook too. I had one young person tell me recently: 'No, this is his other personality on Facebook. There's this one and there's another one over here. Which is the real one?' So I think we have a lot of work to do to help young people distinguish between the play, the fantasy and the reality.

I certainly appreciate the concern that many have about the impact of violent media and agree that ceiling standards developed in consultation with the community are necessary. To this end it is worth noting than an R18+ category is not a generic free-for-all category without limit. Games with a very high impact in terms of language, sexual references or violence would be refused classification in any event. Creating a specific adult category also helps ensure that minors are not exposed to unsuitable material. A number of games that are classified as R18+ in the United States and other countries are legally available in Australia at the moment and classified as MA15+. To meet the current Australian classification framework, developers sometimes make relatively minor adjustments to tone down the violence within their games, but the overall impact is still similar. Under the proposed changes, rather than having slightly altered adult games available to children, only adults would have access to them legally.

Ensuring classification consistency across all types of media is also important in helping empower consumers where we are now seeing convergence across all types of media. The distinction between interactive and non-interactive entertainment is increasingly blurred. That is another issue that modern society has to grapple with. Movies inspired by books are being easily transformed into video games with highly interactive internet advertising strategies. To increase the experience of customers, entertainment titles are sold as packages, often with a DVD, computer game and links to special internet content all contained in one packet. Censors are then placed in the unique and difficult position of having to determine whether to treat the items as a game or as a film, or potentially have different, dual ratings for the title's movie and game.

The gaming experiences are also becoming more cinematic, with seamless interaction between scripted plot segments and user-controlled action. The growth in popularity of role-playing games and their increasing plot sophistication make many of them seem like a 'choose your own' adventure movie rather than a traditional game. Also, the prolific computer graphic imagery in movies can be simply copied across to a game release, meaning there is nearly no difference in visual depiction between the game and the movie itself.

The trend towards convergence is only increasing and makes the traditional argument of a difference between interactive and non-interactive media irrelevant. Without a consistent classification framework confusion can arise, ultimately eroding the whole intention of the system, which is to empower consumers and, I suppose, to look after the interests of children.

The 2009 report by Bond University entitled Interactive Australia makes the point that the absence of an R18+ rating for computer games has potentially misled parents and consumers. By not acknowledging the full spectrum of game suitability an artificial view has been created that violence and themes portrayed in games are not as bad as what can be seen in the movie.
or on TV because they do not extend to R18+ ratings. Research in Interactive Australia found that four out of five parents are influenced by the Classification Board's ratings, but nearly two-thirds are unaware of them and there is currently no R18+ classification for video games. Respondents are worried with a common reply, 'If I knew that, I would not think MA15+ was for my 15-year-old.' Having an R18+ classification is a sensible response to the changing attitudes and demographics of gamers. It also strengthens the classification framework ensuring that unsuitable games are less likely to end up in the hands of children and empowers parents and consumers through increased awareness and increased knowledge. I think much work has been done to try to find a way through what is clearly a very difficult subject matter and one that causes great divisions within the community, like so many of these modern conundrums. But I think we probably have the best possible outcome and I commend the bill to the House.

Mr HUSIC (Chifley—Government Whip) (10:46): With these things, we usually get up and say we are pleased to speak on the bill. From my perspective, I am relieved to be speaking on the Classification (Publications, Films and Computer Games) Amendment (R18+ Computer Games) Bill 2012, because it has taken 10 years to get to the point where we make a decision about the classification of video games and, as the member for Pearce indicated in her contribution, the feedback on this matter was phenomenal. There were 54,000 public submissions received on this issue alone showing a huge amount of interest in this matter. I think it shows the degree to which this is not just something that is seen as a kids' domain; this is something that has been embraced and featured in homes across the country for many years by people of different ages. As I said, for the past decade, the Commonwealth, the states and the territories have been unable until recently to agree to the reforms required for the introduction of this classification for computer games.

It is an important reform, not only for the Australian adult population who have long asked for the right to make personal decisions about their entertainment but in recognising that we have a flourishing industry that is involved in the design and development of computer games right here in Australia. The development industry is growing and has got itself a fantastic international reputation. I commend to the Federation Chamber the Working in Australia's Digital Games Industry: A Consolidation Report, which was released last year by the Australian Research Council Centre of Excellence for Creative Industries and Innovation and the Queensland University of Technology. It was done in conjunction with the Game Developers' Association of Australia. That association described the local industry in the following terms. It said:

Australia has a dynamic and sophisticated game development industry. With experience developing and marketing products for the largest game publishers in the world, Australia offers the best in creative talent, advanced technology and management experience.

In the report it seeks to demonstrate the breadth of the industry in the country by relying on the Australian Bureau of Statistics report, which in 2008 released the first issue of Digital Game Development Services, Australia. As at June 2007, it noted—and I imagine these figures continue to increase but they are worth noting—that 45 game development businesses operate in Australia, with three-quarters operating out of Victoria, New South Wales and Queensland. Of the 1,431 workers employed in the games development industry, 695 are located in the member for Herbert's great state of Queensland, representing 48.6 per cent of all workers in the country. Artists, animators and programmers combined account for over 63
per cent of games workers and nonresidents account for 6.1 per cent of those workers. In terms of export, the figures are fantastic. Bear in mind, too, that a lot of small businesses operate in this sector—close to 50—and it is indicated that they employ up to five workers. There are 11 small- to medium-sized businesses employing six to 50 workers and large businesses operating with over 200 workers.

I sit on another committee, the House of Representatives Standing Committee on Infrastructure and Communications, and, as part of our work last year we went around the country in the course of developing our report on the NBN and our report Broadening the debate talks about a lot of the creative and visual arts businesses that will now be able to collaborate with businesses overseas and, off a platform of superfast broadband, be able to shift large packets of data overseas. If you look at the industry now and at what we are doing in revitalising our technological infrastructure, you see this will open up huge sections for our local economy, particularly the one that we are referring to today in terms of games development. It will give people a head start in an industry that young people in particular want to be able to work in.

The classification issue we discuss here is enormously relevant because it opens up the scope of work that can be done by local businesses where people do not want to see their work, their time and the investment that they put into it suddenly held up because our classifications have not kept pace with the rest of the world. As I said, there is that $161 million of revenue, most of it export earnings, with the revenue from games development growing at a rate of 16 per cent annually for the five years leading to 2010-11. So this bill gives the industry the certainty that they had long hoped for and it lets them attract much-needed investment, particularly from overseas, and there is that collaboration that I referred to earlier. It will also achieve for them parity with the much larger film industry, which for many years has enjoyed investment and incentives that they can only dream of accessing. The games development industry, a relatively small player compared to their global competitors, continues to compete with developers overseas who in some cases receive industry assistance for their work. Without doubt this bill will improve their competitiveness in what is globally a $25 billion industry.

I want to pick up on some statistics as to one recent game that was released—Modern Warfare 3, developed by Activision. It had the largest on-day, or early, shipments registered in history. Some 1.5 million people queued at 13,000 stores across the UK and the US to buy this one game. In the US and the UK over 6.5 million copies of the one game were sold on one day and grossed, in the first 24 hours, $400 million, a huge amount of money. So you can see the interest that is there. I want to come back to that game later because it is absolutely relevant in the context of what we are discussing now.

The bill that has come before parliament today reflects in a sense our nation's growing up. It was not that long ago, as I indicated earlier and as the member for Pearce reflected upon in her contribution to this debate, that these games were seen as the domain of children and adolescents. As many of these young people matured so too did their taste in games and so did the games themselves. The present regime fails to take into account that computer gaming is no longer the sole domain of young people. The Interactive Games and Entertainment Association estimates 55 per cent of gamers are now over the age of 18 and the average age is now 30 years old. If you want an indication of how far things have come, look at how many
members of parliament will actually speak in this debate alone. I have estimated close to 25 MPs will be devoting some part of their time to debating this very bill.

If we are going to talk about declaring interests, I actually own an Xbox 360 and for my birthday my wife bought me a Kinect, which we both use as well. All this reflects the diversity as consoles change, and you have the Wii, which has been used in nursing homes of all things to keep people who are older mobile and active. A few years ago I had the opportunity to read a really novel book by Stephen Johnson called *Everything Bad is Good for You*, which reflects on movements in popular culture and what those are actually doing to us as people. So the complexity, for instance, of what we watch on TV in terms of storylines—but even of video games themselves—calls on us to think and to use our motor skills and to be a lot more imaginative and innovative. He charts how changes in popular culture and changes in scores, for example, by students in schools with those IQs actually going up, and he talks about the interaction of TV, popular culture and games on those. So this is having a big impact. A 2011 report, which I referred to earlier, found that currently almost half of gamers are female and that 55 per cent of seniors, age 65 and older, play games. So in this context it is well and truly time that we permit the introduction of this R18+ classification for games. The bill will bring the classification of games into the 21st century. It will make the system much more relevant to the community and, whilst not every adult will want to access R18+ video games, it has long been the view of a large proportion of the adult population that they should have the right to decide what entertainment is appropriate for them to consume.

Under the present regime the Office of Film and Literature Classification will review a game and, if they find that game to be too violent or not fitting with community standards for a MA15+ rating, they will effectively ban it from sale in Australia by refusing classification for the game. That system has not served us well in recent times. There have been a number of well-publicised occasions on which games have received classification only to have it later withdrawn. The most notable example was in 2005, with the introduction of the game 'Grand Theft Auto: San Andreas,' which was rated in the US as MA15. However, the authorities in the US later discovered a feature which allowed users to engage in explicit sex scenes through software modification called 'Hot Coffee'. The game in the US subsequently had its rating changed to the higher R18 rating, but the lack of such a classification in Australia meant that the game was banned, despite 250,000 games having already been sold here.

There are also other examples. Going back to the modern warfare example, many people would not realise that Modern Warfare 2 has a scene in it where you take on the role of a Russian ultranationalist terrorist. You walk through an airport where you gun down people in that scene. That, frankly, is too violent and graphic for younger audiences and, if parents knew that it existed, they would be horrified. We need a classification system that takes it out of that age group and puts it into a much older age bracket. To be honest, I found that scene very confronting. Frankly, I do not know why you would need to have that in a game, because of what the member for Pearce indicated about the virtual world and reality. We definitely need a move whereby we do not see a game entirely banned but see absolutely reasonable concerns addressed through a classification system that is keeping pace with modern times.

This bill is not without its detractors. Many representations have been made opposing the introduction of an adult-only classification. Among the concerns is that games will include
content currently refused classification, as I indicated earlier, that are deemed distasteful or excessively violent. While I do not doubt that some of that content may be offensive to adult members of the community they, equally, have the choice not to play these games. What has not attracted much attention is the introduction of the R18+ rating, which will give the Office of Film and Literature Classification the scope to apply that rating to games currently rated MA15+. I am sure many parents would be horrified at the level of violence contained in games that children can already access. Current guidelines allow MA15+ games to contain pretty violent, explicit and extreme content. The bill may reduce that level of violent and offensive content.

Views have been expressed that, in some places, R18+ games will eventually make their way into the hands of underage people. My view is that you cannot blame that on the classification system. The system is essentially there to guide people's choice of what to view, what to read, what to play and for parents to make choices for children. Obviously, it is the responsibility of parents to know what their children are viewing and playing, but sometimes they just do not know and will not necessarily follow what is contained in a game because they are not going to play it themselves. However, having a classification system in place allows parents the ability to make active decisions that they believe are in the best interests of their family, particularly young children. If anything, the R18+ rating will only make that job easier as most reasonably minded parents will not permit their child to play something with an R rating but may contemplate allowing them to play an MA rated game. Again, it is up to families to make that choice.

I think the level of interest in this matter has been terrific. I think it reflects a broader societal move. I think the classification, as I have said, is long overdue. It is good that it has come in and I certainly commend the bill to the House.

Mr EWEN JONES (Herbert) (10:59): I would like to echo the words of the member for Chifley. What an industry this is. I rise to speak on the Classification (Publications, Films and Computer Games) Amendment (R 18+ Computer Games) Bill 2012. I do so in the full knowledge that I know absolutely nothing about the modern computer game. I know absolutely nothing about gaming. It is completely and utterly beyond me why people even bother with it. My level of gaming was playing Asteroids down at the cafe at lunchtime putting 20c in the machine. Asteroids was my game of choice. You blew up rocks on a black and white screen. I could quite happily pass half an hour playing that.

We have an Xbox 3, a PlayStation 3, a Wii and an iTouch at home, which my son, my wife and my daughters play. They could be sitting on there watching people kill themselves—I would not know. And that is half the problem with the way that gaming is these days. I have a 10-year-old son. He is forever gaming. He loves them. The best thing about it as a parent is that it keeps them quiet; they are out of the road. That is one of the dangers with gaming. I know of families with children who are not even teenagers yet who are playing Grand Theft Auto. Because they are in their room by themselves and they are quiet, that is okay. That will play out in other ways down the track.

Getting back to this bill, this will allow games that are deemed inappropriate for children to be sold in Australia with the new category 'restricted to adults'. As the member for Chifley said, when I was first approached about and made aware of this bill I thought that it was about kids. But gaming is not about children anymore. Our lives have changed. We have become
more sedentary. We have become more stay-at-home. These games are a way of enjoying time at home. It is a personal choice. As the member for Chifley said, most of these gamers are over 18. The average age of gamers is now 30. There are some great benefits there.

This bill will align the computer game classification system with the more commonly understood film and television classification systems. Far from allowing more violent and inappropriate computer games into the country, this bill will ensure that kids are not able to buy and play video games that they should not be playing. It will also allow people who are over 18 to get games that are currently banned in Australia. At the moment, the highest classification is MA15+. This means that some of the extremely violent and explicit games are not allowed into the country, while many more that should be restricted to just adults are allowed in and sold to people who are under 18 because their current restriction is just MA15+. Experience shows us that very few games made for adults are restricted from being sold in Australia, meaning that most are given the MA15+ rating. Far from being a system that prevents minors from playing inappropriate games, it is enabling them to do just that.

I know kids who are playing Grand Theft Auto and those sorts of games. That will play into how children behave at school and those sorts of things. I was talking to a principal at one of my local schools. People want to send their kids to his school because there they will be disciplined. He said, though, that if parents are not doing it at home they cannot expect it to be done there. We are seeing a shift in the way that parents parent. When I was a child, the last thing that you would do if you got in trouble at school was to tell your parents, because automatically your parents' default position would be to side with the teacher. Now we are seeing more and more that the parent is siding with the child and chastising the teacher in front of the child, thus reinforcing the child's position. These parents have disengaged by letting these kids watch these sorts of games and then the kids come to school and play that out through their language or actions. And then the parents reinforce that attitude by chastising the teacher. And then we wonder why 22 per cent of all teachers leave the industry after only three years. There are things at play here that we have to be very careful about.

Aligning the video game classification with that of movies will also help parents to stop their kids playing games that are not appropriate. Most people are familiar with the movie classification system, as movies are much more mainstream than video games, particularly for parents. Many parents do not realise that MA15+ is the highest classification that we have for video games and that therefore games with that rating may not be appropriate for teenagers. This bill corrects that problem. That is a positive thing. As the member for Chifley said, the number of members who are speaking on this bill is a testament to how serious this is and what an industry this has become. Finally, this bill is about fairness. As I said before, video games are not the domain of kids and teenagers. Seventy per cent of computer gamers are actually over the age of 25. Nobody wants to see violent and explicit games in the hands of kids, but gamers who are over the age of 18 have every right to play these games if they choose to. Given that such a majority of the gaming community are adults, it is only right that we allow them to buy these games in this country.

I hate to keep going back to when I was child but, when I was a child, my grandmother would take us to the movies. We would see Pinocchio or The Love Bug or those sorts of things, which were strictly G rated and strictly for kids. Even now, the G rated films are different. We saw Snow White, the cartoon. There is nothing in there. There is no subtext or
anything like that. But if you go and watch any Pixar picture now, because it is such a big industry, because the graphics are there, because so many parents are going with their kids, there is so much more in there for the parent. There are jokes. If you watch any of the Pixar movies, or the latest kids’ films, you will find the parents laughing at one stage and the kids laughing at another. There are so many little things in there for popular culture.

As a parent, I have been concerned about violent and graphic content that has become common and accepted in video games. There are far too many games, despite their content, which are easily accessible to young teenagers. The absence of an ‘adults only’ category has clearly not helped us restrict this access to inappropriate games. The introduction of the 18+ category is a common-sense measure to help us properly address this issue. That is the message that video gamers in my electorate have been telling me. We are one of the last countries to get on board with this measure and it is time that we did.

The North Queensland Cowboys spend so much time training. Their day is structured around training. They get to go home. Every one of them is a gamer. Every one of them has an Xbox 3, a PlayStation 4, an Xbox 360 et cetera. These guys all game. They are all adults, all grown up and none of them go out and kill people. So we have to make sure that we protect these sorts of things.

I was contacted by Gavin Dwyer about the concern that the gaming community in Townsville has about this issue. They want to make sure that the legislation is passed. They have been fighting for this for years. I want to ensure that it finally gets through. He reiterated to me that video gamers are not just kids. That seems to have been the consistent theme through this whole debate. There are far more adults and there are no reasons that they should not be able to decide for themselves what is and what is not appropriate to play. I also spoke to Rob from Gametraders in Townsville about this bill and about the impact, from his perspective, that it would have on the gaming retailers. This is only allowing stores to give gamers what they want, which can only be good for business. As he pointed out, in a difficult retail environment this gives them the freedom of choice to provide a product that adult gamers want to buy and that, as adults, they should be able to. As the member for Cowan said this morning in his contribution to the debate, Apple is receiving applications for over 20,000 games a month to be registered on their network—that is, 20,000 games a month across the world. We are talking about a major industry here. Mr Dwyer said, ‘People like me have been left behind by it, but there is no reason why everyone else should have to pay for it.’ He also said that no game shop wants to see generally bad and inappropriate games go through, but most of the customers in his shops are adults and want to be given access to the games, regardless of whether they think children should be able to play them. This bill simply allows for that.

I would like to touch a little on the difference between an adult and a child when we look at things such as movies or games, at the actual violence and the stylisation of violence that goes on here. I love Quentin Tarantino films and the stylised violence of Reservoir Dogs. I just love that film, irrespective of whether the guy ends up getting his ear cut off. It is a very nasty piece of film but, because the whole thing is set in this quasi comedy, in this quasi surrealism, you know that it is not real. I also watched Once Were Warriors, the New Zealand film. There is a scene where he belts his wife. I found that the most disturbing bit of film I have ever seen in my life. It really upset me—the towelling he gave his wife was just so
real. He sent her away and then in the morning she comes out with her face so puffed up and bad and he says, 'Geez, go and clean yourself up, woman,' and just walked out of the room. Those are the sorts of things where I, as an adult, can make the differentiation. But when it comes to games, I think we have to understand that people see things differently—what we see as stylised violence someone else may see as an absolute graphic display of violence and destruction that is going to feed into people and we are going to have mass murderers walking around the place. It does not happen because people can make that difference and correlation.

Take shows like *The Simpsons*. My son loves *The Simpsons*. He does not get half of *The Simpsons*; he does not get what they are about. All he sees is colour and movement. I love *The Simpsons* because there is so much popular culture in there, and so many references to the movies I have seen. Every night it is a quiz to go in and watch *The Simpsons* so that you can see where the links are, what they are trying to say, what that subtext is. Those are the sorts of things that I think gamers are very much aware of.

When it comes to this bill, it is about time we started treating people like adults. If it is an R18+ they should be able to make that decision for themselves. It is not so much trying to buy condoms at the pharmacy when you are 15—someone may have told me about that once upon a time. It is about making a conscious decision about the way you want to play your life. But for the kids who are playing these games instead of other things I just say this: instead of playing a game can we just go outside and kick a ball? When you are going in a car can you just look out the window? I am always reminded of the story told by Billy Connolly—*Billy Connolly's World Tour of Scotland*. He and Pamela had the kids with them. On their last night they stayed in this castle in Edinburgh and they built a great big dragon's nest and they had a bonfire and the sparks were flying up into the night—only Billy Connolly can tell the story. The next day when they were going back to the United States he sat the kids down—they had been all over Scotland for 16 weeks and done and seen amazing things—and asked them what was the best part of the trip. The kids got in a huddle and then came back and said, 'Sesame Street.' They had the DVDs of *Sesame Street* in the Tarago as they were driving around and that was the best part of it. He said he felt like he had just wasted 16 weeks of his life trying to educate his kids. I was driving to Ayr recently and for only the second time since I have been in Townsville I saw a brolga, Townsville's emblem. It is a beautiful flighted bird; it is the largest flighted bird in Australia. I looked out the window and said, 'Look, kids—a brolga.' They were all just sitting there gaming away. Anything could have happened. So, look out the window, go and kick a ball, go and throw something, go and play with someone, go for a swim, do something with your lives other than just gaming. I recommend the bill to the House.

*Mrs GASH* (Gilmore) (11:13): The extent to which video games influence the development of young minds is open to debate. Indeed, it is a complex issue. Young minds are influenced by a large variety of factors. Most cope very well and grow up well adjusted—some do not. Some are easily influenced by external stimuli, while most can and do make rational and responsible decisions despite potentially adverse influences. Some reach levels of maturity earlier than others while some never arrive. These are the realities of life. The key is how the family unit is supervised and how responsibilities are distributed.

The Classification (Publications, Films and Computer Games) Amendment (R 18+ Computer Games) Bill 2012 to introduce an R18+ category for video games simply provides
another tool to assist responsible parents. I say 'responsible' because the only people who can enforce this classification are the parents. Based on previous experience it is unrealistic to expect that this can be enforced in any meaningful way by governments. We went through the issue of alcopops. The government imposed a heavy tax premium on premixed alcoholic drinks. The result was that we just shifted the problem. The same can be said about selling tobacco to minors. It has been written into law forever yet you walk down the street and you see groups of 14-year-olds puffing away without a care in the world. No one challenges them. It has become an accepted fact of life. Every now and then you hear about a prosecution for illegal sales to a minor, but in the main it is safe to say it has very little impact. Sadly, some parents even condone the behaviour by allowing children almost free will. The fact remains that despite the millions of dollars sunk into protecting and barricading minors from smoking many just do and society is accepting the fact.

Video games are in the same mould. I think by attaching a prescriptive restriction to a product you only make it more tempting. We already have the MA15+ classification applied and that means games are restricted to those over 15. If you are under 15 you cannot legally access the material or play the game without being accompanied by a legal guardian. Does that stop the proliferation of these games? Has the classification protected sensitive young minds? I think not because the ones more likely to be attracted are those whose curiosity has been whetted—the very type of mind the classification seeks to protect.

For what it is worth I found this on Wikipedia. The Entertainment Software Association states that 20 per cent of video game players are boys under the age of 17 and 26 per cent are over 50 regardless of gender so that the average game player is 37. This has been ascribed to a 2009 fact sheet published by the Entertainment Software Association in America. I went to their website and there it was. In a survey of 1,102 teenagers aged 12 to 17, 97 per cent of them said they play video games. Moreover half the survey respondents said they had played a video game in the last day. Three-quarters of parents who were surveyed said that they checked the ratings on their children's games. However, half the boys who were asked about their favourite game listed a game with an M or AO rating as their favourite content and just 14 per cent of girls. It is the temptation of the forbidden which is the drawcard and the adults only rating helps to act as the pointer.

The entry goes on to say that the adult demographic is the fastest growing segment of the American video games market. Thirty-two per cent of adults are playing video games, although critics have suggested that such statistics are often used to deflect from the fact that almost all American children are exposed to video games. That is the American experience and, given our love affair with American culture, I would say that statistics in Australia are not too wide off the same mark.

The point I am trying to make is that, at the end of the day, with the way things are it is not going to matter very much whether an R18+ rating is applied or not. The only benefit I see in this bill is that it introduces a uniform classification to that applied to film and television and as a result it is easier to understand. At least in standardising the approach it may help to minimise confusion. To an extent, this classification debate is largely academic. What is pertinent are two questions: will this tool be used and how will it be used? I do not have that answer but when I was reading up on the subject I came across a little article on a games blog site written by Mark Serrels. The website is kotaku.com.au. Published in October last year the
article talks about the classification review and the panel chair, Professor Terry Flew. It is important to understand what his views are. The article says:

'One of the things we were aware of from the outset taking on the inquiry,'

says Professor Flew—

'was that there was considerable dissatisfaction with the R18 classification issue—that this issue had been on the agenda for over a decade and, as you may well be aware, gamers were a very important group in making submissions to this enquiry. So we're certainly aware of the importance of the issue.'

According to Professor Flew:

R18+ was an issue that really exemplified and exposed the difficulties of using 20 year old legislation to navigate a post-internet age.

In other words, the person who will be administering the new arrangement believes it is already redundant. The article goes on:

'Games have an interesting status in terms of the Classification Scheme in two respects,' … 'Firstly, the assumption that computer games were considered to be more akin to films and broadcasting proved to be historically significant—you have to remember that decisions were being made in what was largely a pre-internet era.

'Secondly there was a range of what some sociologists and others call 'moral panics', particularly with regards to the interactive nature of games. There was the idea that games impacted on individual behaviour,' …

'This was all, in a sense, amateur psychology—before anyone was playing the kind of games with which we would eventually become familiar. But there was a sort pre-emptive set of assumptions made about the impact of interactivity that continued to resonate through the decisions being made about video game classification.'

This bill is less to do with any real attempt at addressing the real issues than about being seen to be doing something—anything. From where I stand right now I can safely say that this bill may not help much but it will not hurt much either. Is this regulation made for the pure sake of it and nothing else, or will it achieve something?

The essence of what Professor Flew is saying about this type of legislation is that it should be able to meet the demands of an ever-fluid environment. What may have seemed appropriate 10 years ago is anachronism today. Earlier, I mentioned adolescents smoking and drinking. It is safe to say that the best outcome of legislation prohibiting the sale of tobacco and alcohol to minors is that it helped to contain the incidence of early experimentation.

Both tobacco and alcohol are addictive substances to those who are vulnerable to addiction and have addictive traits. The same can be said about almost anything in society. I well remember the parental debates in the 1950s and 1960s about the addictive nature of television. Most of us survived. The legitimisation of the pornography industry in the 1970s and the 1980s was a similar phenomenon. Did we survive that? It seems that we did, except perhaps for a very small slice of the population who are prone to addiction.

There is no doubt that upwards of 80 per cent of the population supports the introduction of an R18+ category, so the bill is a no-brainer. We live in an age in which our children are more computer savvy than we are. The computer age has delivered a rapid expansion of knowledge and access at a speed that is generally beyond the comprehension of many adults and beyond their ability to adapt to. And it cannot be contained. Yet it forms a significant part of everyday life. We cannot escape it. That is where the youth of today have it over us. I would ask any
parent this question: do you really know what your children are getting up to? And, if you do not, do you trust them to do the right thing by you?

We recognise the contribution of the game development industry to the Australian economy and also note that more than 88 per cent of Australian households own a device for playing computer games. The Australian gaming industry is forecast to grow at a rate of about 10 per cent a year, with forecasts predicting that it will reach $2.5 billion annually by 2015. Australia has 25 major game development studios which export over $120 million worth of products a year. Australia is the only Western country that does not have an R18+ classification for games. The UK, EU member countries, the United States and New Zealand all have adult classifications for computer games. In the interests of conformity on the world stage, adopting a universally recognised system of measurement would be beneficial.

This bill is really about self-regulating censorship of video games. There is no doubt that it is intended for parents. As much as we approach this with the best of intentions, we cannot guarantee that those who need it most will use it. The irony is that responsible and well-intentioned adults already monitor the activities of their children. There are many children out there who are already accessing MA15+ games, some with the blessing of their parents. Others are exploiting the ignorance or apathy of their parents. It is specifically that style of parenting that should be targeted. But will this legislation achieve that?

As I said earlier, is there any point to this legislation but housekeeping? I do not oppose the bill. My concern is the proliferation of these games and their ability to desensitise some children to violence and sexuality. What needs to be emphasised is that this R18+ classification is primarily for parental control purposes. In recognising these games, we do not want to keep the impression that they are somehow government approved. This legislation alone will not compel parents towards more responsible parenting. Parents who have a cavalier attitude towards their children viewing inappropriate material have to be engaged in some other way. Perhaps, by focusing on regulating the industry, we may be distracting ourselves from the main agenda. Perhaps that is why there is a growing move to willingly shift personal responsibility away from the individual and onto the government. Parents still have an obligation to decide what is okay for their children. The role of government is surely to help parents in that process but not to take it over.

In conclusion, who should be the censor? Should it be the government or should it be the parent? I would like to recognise and acknowledge Jessica Cowan from Kiama, who is here on work experience and who has had input into this speech.

WYATT ROY (Longman) (11:24): Once again I find myself rising to speak on matters of freedom of choice and individual responsibility. This morning I rise to speak to the Classification (Publications, Films and Computer Games) Amendment (R18+ Computer Games) Bill. This bill comes on the back of 12 months of public consultation, with 98 per cent support for its main measure, which is to introduce an R18+ category for computer games. The introduction of an R18+ category for computer games is an important step in the advancement of the computer game industry, as well as for the media industry generally. This measure will bring Australia into line with many other countries around the world that have a classification process for computer games and will create consistency across Australian classification for other film classification categories. Currently in Australia, the highest legal classification available for computer games is MA15+. Computer games that are deemed to
have content beyond the scope of the MA15+ level are currently not classified and instead are deemed to be refused classification in Australia. This scenario has wide reaching impacts on the gaming community and on society more broadly. These impacts present a compelling and valid argument to create an additional category for computer games, that of R18+.

The real issue at play here is not the video games themselves; there is a more basic ideological belief that compels this argument. We on this side of the chamber believe in individual rights, liberties and freedom. We believe that the lives of adults need not be governed by Big Brother but that individuals deserve to have the opportunity to make decisions about the way they live their own lives. Certainly, in terms of entertainment, we believe that, so long as a particular behaviour or activity does not adversely impact on others, an individual should be able to have every choice about what entertainment media they want to consume. The inclusion of this additional classification of the R18+ category will restore liberty to adults, giving them choice to legally consume gaming entertainment. The video games that adults choose to engage with should be their decision alone, not the decision of a government. This is exactly what this bill seeks to address. Not only should it be an individual's freedom and responsibility to determine their own entertainment; it should also be a choice to access the same standard of content across different mediums. In Australia at the moment there is a strange circumstance where the medium is determining the maturity of the content allowable to consumers. But why should we determine that R18+ content, which at the same level of classification across other categories is allowable, is instead disallowed simply for a different medium, namely video games?

This is a flawed system with no logical grounding. There is no reason that content at the maturity level of R18+, regardless of the medium in which it is located, should be treated similarly. Again, for a country that prides itself on fairness and equality, this is an interesting contradiction. Beyond the scope of personal freedom, our current system of classification is leaving us open to more sinister loopholes, which have been exploited to the detriment of both the gaming industry and society in general. Presently in Australia, gaming content is being down rated simply to move around the lack of an R18+ category, in order to minimise the number of video games that are being refused classification. Content has been modified to manipulate the existing classification system, which is in fact posing more of a risk to young people than extending the classification system would do. Fallout 3, Grand Theft Auto IV and House of the Dead are all examples of the down rating of games to prevent causes for refused classification. In the cases of Fallout 3 and Grand Theft Auto IV, the games have undergone minor cosmetic surgery to manipulate our flawed classification system to result in an MA15+ classification. More concerning still, was that the House of the Dead, which has been classified for adults only around the world, has been classified as MA15+ in Australia, with no changes whatsoever to its content. Fallout 3, even with minor changes, was refused classification in Britain, across Europe and in New Zealand. Similarly, Grand Theft Auto IV has been restricted to R18+ in other countries, while being available to anyone over 15 in Australia, after some small changes. Clearly there are major disparities between classifications in Australia and elsewhere that demonstrate that our existing classification system is not working. These disparities indicate that Australia needs to lift its game and make changes to its classification system to ensure that it is effective. The best way to do this is to add the category of R18+.
I fear that attempts to hijack this debate are being made by some in the public sphere who are trying to make this a debate about the safety of young people and their exposure to content that is deemed unsatisfactory for their years. Safety is always an issue; protecting our young people is always important. But the argument that expanding the classification system will expose our young people to inappropriate content is fallible and untrue. By regulating classifications more through the creation of an additional level of classification, it is less, not more, likely that young people will be exposed to content beyond their maturity.

Unfortunately it is the human condition to break rules, to push boundaries and to obtain the impermissible. Across many different countries for many different goods and services, in our history we have seen evidence that banning products usually results in an underground illegal market. Such markets thrive on the illegality of a product and exist generally below the radar of law enforcement. I do not condone this behaviour but merely note its existence. In the case of what we have here to debate today, we have observed that part of the problem with our current situation is that individuals are still sourcing these games illegally and without any regulation. The indiscriminate nature of this illegal market for games means that there is absolutely no parameter for who is able to access them. Savvy teenagers are getting their hands on content that is undeniably beyond their maturity. This is a problem, one that should be presented with a solution.

An effective solution is simple: classify this content so that there is no illegal demand and instead the oxygen is sucked out of the illegal market for these games. By classifying content as R18 rather than refusing classification, it is more difficult, not less difficult, for young people to be exposed to content beyond their years.

The introduction of the new media technologies has always caused moral panics in our society. There are many examples to choose from, but let me just choose a few. When the Gutenberg printing press was first developed, social panic surrounded the initial mass printing of Bibles. What would happen to society if the Catholic Church were to lose absolute control of the biblical message? After a few years when Bibles became more commonplace, the fear and anxiety around mass access to the Bible and the hype about the potential degradation of society as a result was soothed. More recently, the increasing prevalence of televisions in the lounge rooms of families around the world inflamed a moral panic when it was assumed that the institution of the family would come to a grinding halt and fade from society, as it was presumed that the television would become the all-absorbing central aspect of people's lives, deadening their cognitive function and destroying an individual's capacity and desire to interact with others.

The truth is that moral panics have surrounded the introduction and rise of most new media technologies and video gaming is no exception. The current discussion about video games has been framed with a very negative light. The fear of this new technology and its integration into society has seen emotions inflamed. But there is no reason for fear to prevent a logical, common-sense decision to expand Australia's classification of video games to include an adult R18+ classification. This does not undermine social values and it will not degenerate our cultural esteem. It will not provide easier access or exposure of children to this media; it will, however, allow informed adults to make their own choices about the media they consume.

The point is this: by creating an additional classification category, adults will have the freedom to choose to engage with computer games, which is their imperative. There is a
fundamental concern when we as policymakers are playing Big Brother with the people in our communities, preventing sensible adults from making decisions about their entertainment, which has no bearing on the lives of anyone but themselves. This represents a common-sense and practical solution to a very real problem, and it is for this reason that I speak in support of this bill today.

Mr IRONS (Swan) (11:34): I rise to speak on the Classification (Publications, Films and Computer Games) Amendment (R 18+ Computer Games) Bill 2012. It is always a pleasure to follow the member for Longman. I know he has careful insight into video games. I sat in awe for years watching my son, who is about the same age, play PlayStation and Xbox and all the various games that came along, and I am sure that, along with you, Mr Deputy Speaker, we do not have the skill that these young people have.

I support the expansion of Australia’s video game classification system to include an R18+ category. In our rapidly growing technologically centred world, this legislation is important in ensuring consistency between games and other entertainment mediums. This bill will bring the classification categories for computer games into line with existing categories used to classify films. Currently, if the content of a computer game is considered inappropriate for an MA15+ classification, the game is refused classification and banned from sale in Australia.

This bill enjoys wide support amongst the Australian community. According to a Bond University report, 91 per cent of adults believe there should be an R18+ classification for video games. This is not necessarily because they want to access video games containing adult content but because they would like the right to choose which video games they use, in the same way that they choose which film to watch or magazine to read. According to the Bond University study, Australian game players have an average age of 30 and that number is set to rise over the coming years. With this statistic in mind, it is important to recognise that the demand for games containing adult content will rise with it.

The National Classification Scheme regulates the availability of films and computer games and is a cooperative arrangement between the Commonwealth, states and territories. The National Classification Scheme allows buyers of these products to make informed decisions about what they consume and what they allow their children to access. The Commonwealth Classification (Publications, Films and Computer Games) Act 1995 establishes which classification should be appointed to publications, films and computer games. The Classification Board is an independent statutory board that makes classification decisions under the act. The classification act of 1995 and the Classification Code create a range of classification categories from general to parental guidance, mature, mature accompanied, restricted and refused classification. The code sets out principles for the application of these classifications. The principles are that adults should be able to read, hear and see what they want; minors should be protected from material likely to harm or disturb them; and everyone should be protected from exposure to unsolicited material that they find offensive. When making decisions, the Classification Board must take into account community concerns about depictions that condone or incite violence and the portrayal of persons in a demeaning manner.

These classification guidelines apply to both films and computer games, with the same content in either category having to meet the same description of appropriate content. Where the current act differs is in what categories of classification are available. The R18+ rating
available for films and DVDs is not available for computer games. Under the current system this means that the same content produced in the form of a DVD can be legally sold in Australia, whilst that content used in a computer game would be made illegal. This is the inconsistency that the current bill before this House will address.

It is important at this point to point out that having an R18 classification added to the code for computer games will not mean that no restrictions will be placed on computer games sold in Australia. The code will still hold the RC, or refused classification, category used to make illegal the sale of games with gratuitous or exploitative depictions of sexual violence. It could also apply to games that depict violence which is judged to have a very high impact and can reasonably be assumed to offend against the standards of morality, decency and propriety generally accepted by reasonable adults. This would see games containing such themes not classified and unavailable for purchase in Australia.

I strongly support the bill’s principle that minors should be protected from material likely to harm them. In 2009, I successfully campaigned for a drinking board game to be banned from sale to minors. I was astonished to find that a game which claimed to be the world's best-selling adult drinking game was being advertised alongside family and children's games in a junk mail brochure. The game was available to minors but was promoting behaviour that was potentially harmful and not appropriate for people under the legal drinking age. My campaign for the drinking game to be banned from sale to minors was successful with the Australian Classification Board classifying the game as Category 1 restricted. This decision led to the game being sold in only a small number of registered shops, only in special packaging and only out of view. In his response to the campaign that I started, the Classification Board Chairman, Donald McDonald, wrote to me stating that the Classification Board is:

… mindful of current community concerns regarding alcohol consumption and refers to one of the underpinning principles of the national Classification Code, being 'minors should be protected from material that is likely to harm or disturb'.

I am happy to say today that the game is now legally restricted to adults. I have brought this example to the House's attention as it demonstrates the Classification Board as an independent statutory body in action and how effective they can be at dealing with these sorts of content issues.

The classification bill seeks to ensure that a similar process is available through adult content in computer games. I acknowledge that some critics may feel that a blanket ban on all adult content is necessary. Some have raised concerns with the R18+ classification used for DVDs also applying for computer games, because it would allow legal sale of material they consider to be offensive. I believe, however, that actions such as prohibiting the sale of certain games in Australia will have the opposite effect and bring games containing content inappropriate for minors to greater prominence. The reality is that Australia's classification system is being used as a selling point in other countries around the world. For example, computer games have been marketed in New Zealand as 'the game that was banned in Australia'. Our restrictive classification system is unintentionally promoting games containing explicit and adult material by drawing attention to them. A marketing campaign that states, 'the game that was banned in Australia' as a selling point is using our current classification system as a tool for promoting the game and its content, instead of simply ensuring minors do not have access to games inappropriate for their age group and development level.
I draw the attention of the House to the classification systems in comparable overseas jurisdictions that have an adult restricted rating for computer games in place. The list includes the United States, Canada, Japan, Germany, New Zealand, South Korea, Singapore and Hong Kong. Of great concern to me is the inconsistency of classification across international borders leading to a large number of computer games that are restricted to 17-and 18-year-olds in Europe and America receiving only an MA15+ classification in Australia.

The absence of an R18+ classification in Australia would appear to be making more violent games available to younger people in Australia than in other comparable countries. Many parents rely on the classification system to guide them as to what content they make available to their children. The R18+ classification sends a clear and unambiguous message to parents that the game material is unsuitable for minors. It is worrying to think that games that may receive a higher classification overseas are being subtly tweaked here in Australia so that they only just qualify for the MA15 classification. This means that minors have access to games that would otherwise be restricted to those who are 18 years old due to our lax classification procedures.

The Bond University study showed that 63 per cent of respondents to the survey of video games did not realize Australia has no R18+ classification for video games, reflecting the lack of understanding consumers have of the difference between film and video game classifications. With no R18+ classification available for video games, games featuring violence, nudity, and adult themes are instead being classified as MA15+ and are available to minors. This is inappropriate and a failure of the original legislation. Games originally intended for adults should be classified as such and not repeatedly modified to fit only just inside the criteria for MA15+. Games of this classification are readily available to minors and R18+ classification will ensure all games containing content deemed to be of an adult nature are available only to adults.

As a parent I find this concerning and the passing of this bill will ensure these games receive a classification that more appropriately reflects content and the appropriate consumers of that content. Having an R18+ category will also reduce the number of refused classification games, reserving that classification for games containing content unsuitable for sale to anyone in Australia. Currently, games which contain adult content, as well as games containing extreme content, such as sexual violence, fall under the same RC category, making it difficult for consumers to ascertain whether a game is simply unsuitable for a minor or for all consumers. The introduction of this bill will strengthen the meaning of the 'refused classification' category in the internet age we live in, where a whole range of content is able to be accessed and downloaded instantly. An RC classification under this proposed bill will signal to consumers who may consider accessing an RC classified game over the internet that the game contains extreme content deemed to be unsuitable for use by anyone, as opposed to containing material that is not suitable for a minor, as is the case under the current legislation.

A Bond University study highlights the fact that 78 per cent of parents are involved in the purchasing of games for their children and that 92 per cent are aware of the games that their children are playing. The absence of a higher restricted classification level sends confusing messages to parents, who may not realise the MA15+ games are the highest-rating games available.
As is currently the case for DVDs, the R18+ rating carries a strong warning which indicates the game content is highly inappropriate for minors and sends a clear message to parents and adult consumers alike. The current classification system is ineffective—

_A division having been called in the House of Representatives—_

_Sitting suspended from 11:46 to 12:01_

_Mr IRONS:_ The current classification system is ineffective in restricting strong-impact video games being accessed. It encourages consumers to circumvent the domestic market and instead turn to online illegal downloads of games that are otherwise unavailable in Australia, costing our economy $100 million a year in illegal downloads. The R18+ level of classification will help prevent the illegal download of unclassified video games unable to be sold in Australia. This will be incredibly beneficial to Australian retailers, distributors and copyright owners who are missing out on revenue for a small but nevertheless significant part of the market. Australia has a growing games sector, and pragmatic and sensible legislation is important in supporting it. This bill will benefit not only consumers of video games but also those in industry, including manufacturers and retailers. The proposed legislation will enable Australia's game development sector to be better able to compete in international markets by ensuring that games containing adult material developed in Australia can be developed and sold at home first before entering overseas markets.

This legislation reflects a pragmatic approach to video game availability in Australia. It upholds the rights of adults to access adult level content while ensuring minors are not exposed to graphic strong-impact content. Adults should not be prevented from playing R18+ level computer games simply because they are unsuitable for minors. This bill strikes the right balance between allowing adults to be free to read, hear and see what they want and community concerns about protecting minors from explicit content.

Just as I was able to have the drinking board game banned from sale to minors in 2009, the same option should be available for computer games without having the contents completely banned from sale in Australia. A clear and unambiguous message about computer games' content will benefit parents, particularly those who are not familiar with computer games and are dependent on classifications as a guide. This bill is a positive step forward for our classification system and, given the strong support for an R18+ from parents, I urge the House to support its passing.

_Dr JENSEN_ (Tangney) (12:03): I rise in support of the Classification (Publications, Films and Computer Games) Amendment (R 18+ Computer Games) Bill 2012, which seeks to extend existing restraint on the purchase of video games with potentially damaging content from 15 to 18 years of age. It is not often that I rise in this place in support of greater regulation. However, R18+ classification is common-sense legislation regarding content that includes violence, coarse language, nudity, drug use and other adult themes. Games designed for adults and classified as such overseas can finally be classified in the same way in Australia.

In 2009 the Attorney-General released a discussion paper on the introduction of an R18+ classification category for computer games. Respondents to this paper included a broad range of stakeholders, including industry representatives, family groups and social commentators. Ninety-eight per cent of 54,437 submissions received in response to the discussion paper
supported the introduction of the R18+ category. As a father of three, I speak with experience. I am genuinely concerned for the welfare of not just my own children but of all those in Tangney and right across our nation. Australia remains the only Western nation not to have an R18+ rating for video games and an overwhelming majority of my constituents in Tangney—and indeed Australians—wish to see this change as soon as possible. This bill allows such action.

From the outset, I note that the coalition recognises the contribution of the game development industry to the Australian economy. Australia is home to 25 major game development studios, which export over $120 million worth of products. Our computer gaming industry is expected to grow at a rate of about 10 per cent per year, with forecasts predicting that it will reach $2.5 billion annually by 2015. The significance of this industry must therefore not be understated.

Some may argue that the introduction of this restriction may cause economic harm to the game development industry. However, I remind the House that 75 per cent of gamers in Australia are aged 18 years or older and will remain unaffected by these changes. The industry sees great economic and social benefit in these amendments. Game importers have also long complained that a lack of an R18+ category in Australia has meant that a number of popular games have either been banned from sale or modified to meet an MA15+ rating, an obvious restriction of trade.

More than 88 per cent of Australian households own some of computer game console. There is no doubt that computer gaming entertainment forms a significant part of Australia's pastimes. I do not question the legitimacy of computer games as enjoyable sources of entertainment. Nor do I question the right of adults to choose what sort of content they do or do not wish to view. I do, however, wish to ensure the wellbeing of younger Australians, particularly in the highly impressionable age bracket of 15 to 18. The current highest classification of MA15+ does not go far enough.

As the legislation stands, games with content deemed to exceed this classification are modified to fit classification guidelines or simply refused classification—in other words, banned. Australia's lack of an R18+ rating has led to a number of mainstream releases that are readily available to adults in other countries being refused classification here. For instance, Syndicate was refused classification in December last year because of violence that was high in impact. This first person shooter is readily available to adults in other countries, including the United Kingdom, under their R18+ equivalent and 18 certificate.

Conversely, a significant number of games rated MA15+ in Australia have been rated for 17- or 18-year olds in Europe and the United States, with a mere handful edited to genuinely earn their Australian rating. Fallout 3 was initially refused classification for its realistic depictions of drug use. But after some minor edits it was made available to children in Australia while still being restricted to adult sales in many other countries. The publishers of Grand Theft Auto IV self-censored the game for the Australian market, making cosmetic edits to acts of a sexual nature with a splattering of blood thrown in for publicity purposes. With these minor edits, the game was made available for sale in Australia to children aged 15 and older while still being restricted for sale to adults overseas. House of the Dead: Overkill should probably have been refused classification due to its excessively violent content. Yet it
was given approval and continues to be available to children aged 15 and over. Again, overseas rating bodies have classified the game for adults only.

In the context of film, if an R18+ classification was not in place, well-known titles such as Dirty Harry, Pulp Fiction and Fight Club would have been banned in Australia or edited into a lower classification because they were outside the MA15+ category guidelines. In this context, it is unthinkable that such films would be deemed illegal. This legislation allows this commonsense approach to film classification to be extended to other forms of electronic entertainment. I recognise that there is a place for sexual content, coarse language and perhaps violence in the realm of entertainment. This does not mean that this content in games should escape proper and diligent regulation. As a scientist by training, I have a keen interest in understanding the world about us through a prism of cause and effect. Things do not just happen. There is a consequence propelled by a prior cause. It is an established fact that children are at the peak of their developmental vulnerability in their mid-teen years. Children do not just grow up with a propensity for coarse language, drug use et cetera. While nature plays a significant role in biologically determining our behaviour, nurture plays a role in shaping and defining an individual's cognitive process. Given the influence of social conditioning on cognitive development of children aged between 15 and 17, it is important to ensure that they are afforded every advantage. Each and every one of us in this place is a reflection of our life's experiences. This is precisely what adds to the diversity and functionality of this parliament. But the younger we are, the more vulnerable we are likely to be. As we grow older we find our personalities and behaviours are shaped by the sorts of exposures that we have formed during our formative years. Just as exposure to scientific process and content makes young students more inquisitive and gives them the ability to think critically and compete in a professional world with great competence, so exposure to violence, sexual content, coarse language, drug use and other adult themes can just as easily impact development.

This bill is about choice—the opportunity to protect children between the vulnerable ages of 15 and 17 from accessing content that is clearly inappropriate for these ages. The R18+ category gives consumers, parents and retailers the right to choose in an informed manner the content with which their children engage and will prevent minors from purchasing unsuitable material. Such classification also gives us the opportunity to police these types of games more effectively. Presentation of a drivers licence or proof-of-age card at the time of purchase allows a simple and non-burdensome way of ensuring younger Australians are restricted from inappropriate content at the point of sale and hire. My coalition colleagues and I wish to extend the protections of the current legislation to ensure younger Australians to the age of 18 are not exposed to content that may be harmful or adult themes that they might find distressing or difficult to comprehend and process. Current classifications fall short on protecting minors from this harmful and disturbing content. This is why we support this bill. Games of an adult nature clearly deserve classification that fairly reflects this R18+ rating. I commend this bill to the House. It has bipartisan support towards a good and noble cause.

A division having been called in the House of Representatives—

Proceedings suspended from 12:13 to 12:21

The objective of the bill being debated today is to introduce an R18+ classification for computer games, allowing for adult players to purchase games that have up until now been refused classification or been modified to suit the current classification system. It will provide Australian consumers—including gamers, parents and retailers—with the information to decide which computer games are and are not suitable for minors to play. This bill is also the result of an in-principle agreement made by the Standing Committee of Attorneys-General in 2011.

Currently, all films and computer games, and some publications, are examined by the Classification Board before they can be released to the public. However, the current classification system for films ranges from general, or G, up to R18+ for high level content and X18+, which usually accompanies sexually explicit content only. The principles that guide the way in which the Classification Board makes decisions about films and computer games are contained within the Classification Code 2005, which states that:

Adults should be able to read, hear and see what they want, and minors should be protected from material likely to harm or disturb them.

The measures being discussed today are intended to strike the appropriate balance between these two interests. We must have consideration, though, to the fact that we as part of a responsible community bear an obligation to ensure the welfare of our youth and their healthy development in the years to come.

Currently, the highest classification available to the video gaming industry is mature accompanied, or MA15+. This means that any viewer of the media in question who is under 15 years of age must be accompanied by a parent or guardian. Because the maximum classification has been maintained at an MA15+ level, it has meant that any computer game with adult themes exceeding what could be classified as MA15+ has been refused classification, meaning that the game in question is unable to be sold, distributed, hired, exhibited, displayed, demonstrated or advertised in Australia.

Presently, there are only a very small number of games that are refused classification. For a game to be sold in Australia when it does not meet classification requirements for an MA15+, the computer game must undergo modification to make elements of it less graphic and to fit within the MA15+ classification. However, this inadvertently means that computer games that would otherwise be reserved for adult players in other countries are playable by those computer game players that are between the ages of 15 and 17 here. This is the opposite of the original intention of such classifications, which is to protect minors from content that they should not be subject to.

Where we in Australia would either refuse classification or allow modifications to games to suit our classifications schemes, other countries have introduced adult classifications. The United States, New Zealand, the United Kingdom and European Union member nations, all have adult classification for computer games, whereas Australia is currently the only Western nation that does not carry such a classification. Video gaming is not a small phenomenon in Australia. Studies from 2008 show that 88 per cent of Australian households have some form of device for playing computer games, with 50 per cent of Australian players reporting that they play games daily or every other day. The Digital Australia 2012 report, which was produced by Bond University School of Communication and Media for the Interactive Games and Entertainment Association, revealed that the number of Australian households with a
computer game device increased to 92 per cent in 2012 with 57 per cent of gamers now playing either daily or every other day. In 2008 the computer game industry saw sales rising to $1.96 billion with the sales of games software increasing from 57 per cent from the previous year, and consoles sales rising 43 per cent.

On top of this there are 25 major game development studios in Australia which export $120 million worth of products a year. Forecasts from the PricewaterhouseCoopers report entitled *Australian Entertainment and Media Outlook 2011-2015* expect that the Australian computer game industry will expand at a compound annual growth rate of 9.5 per cent per year and eventually reach $2.5 billion by 2015. Globally this number is expected to reach $90.1 billion by 2015 through a compound annual growth rate of 8.2 per cent. The industry not only hires many people in the retail sector but also provided employment for the designers and developers who create the games as well as many other professionals who are required to ensure the successful operation of a business. It is therefore obvious that the computer gaming industry is not a fringe industry but one that contributes significantly to the Australian economy.

This was also reflected by the findings of the public consultation on the possible introduction of R18+ classification for computer games. Submissions for the public consultation were called for on 14 December 2009. By the time submissions formally closed on 28 February 2010, more than 58,000 valid submissions had been received by the Attorney-General's Department. The final report into the public consultation found that 98 per cent of those submissions were in favour of an R18+ classification for computer games, with only two per cent opposed.

There are clearly two issues that need to be dealt with: firstly there are issues with gamers who are 18-years old and over and their right to choose what games they wish to play; and, secondly, there are issues with those who are less than 18 years old and are therefore minors and should be protected from material likely to harm or disturb them. I will now discuss the issue of choice with gamers who are over 18 years. There is a common perception that many computer game players are under the age of 18. The evidence, however, shows the contrary. In the public consultation over 72 per cent of respondents were aged between 18 to 34 years old. And just over two years on, the data from the *Digital Australia 2012* report confirms this ratio, with the report finding 75 per cent of computer gamers are over the age of 18. The report also found that the average age of computer gamers is 32, which rose from 30 in 2008.

An Australian Law Reform Commission issues papers revealed that Australian computer gamers want the ability to choose what they play. Adult Australians are currently given the ability to choose what films and television programs they wish to view. If they do not like what is on the TV or in the cinema they can simply choose not to watch it, whilst those who do want to view it are given the opportunity to do so. It should be no different for those who wish to play computer games.

This leads me to the second issue, which is the need to protect minors from material and games that are likely to harm or disturb them. Many interest groups have come forward saying that the introduction of an R18+ rating will lead to children being able to access with greater ease computer games which are deemed inappropriate for their age. As I said before, the discrepancy between our classification system for computer games and the classification
system of other countries already contributes to this, with young Australian gamers being able to access games that other children of a similar age would usually not be able to get hold of.

Under current laws, a person under the age of 15 is unable to purchase a computer game with a classification which is rated above their current age unless an adult is present. This is a similar circumstance to a minor attempting to purchase films or publications which carry a classification for above their current age. I previously mentioned that some R18+ games have been modified for Australian distribution and have since been sold under the MA15+ classification. In this circumstance, the parent has the discretion whether or not to buy the MA15+ game for the child. The parent may be under the impression that the game is appropriate for their child to play due to the labelling, but they are more than likely unaware that the game they are buying with good intentions was previously deemed to be completely inappropriate for their child. With an R18+ classification, however, there will be an added disincentive for parents to purchase games for their younger children, due to the non-discretionary nature of an R18+ classification, which clearly stipulates that the computer game is inappropriate for a person of a younger age.

I will conclude today by reiterating that I do have a concern for minors and that it is our need and our desire to provide the necessary protection from material that is likely to harm or disturb them. We do have an obligation to our youth to ensure they are protected from things that could be detrimental to their upbringing.

Debate adjourned.

**ADJOURNMENT**

Mr MELHAM (Banks) (12:31): I move:

That the Federation Chamber do now adjourn.

**Mining**

Mr JOHN COBB (Calare) (12:31): I rise today to speak about mining in the Lithgow region in Calare and the threat that this Greens driven Labor government is posing for this very vital industry. Along with the power stations, mining is the largest employer in Lithgow and it is absolutely crucial to the viability of our city. Yesterday I received some good news, finally, for the local mining industry. The environmental protection and biodiversity conservation referral for the Springvale mine north of Lithgow has finally been approved by the minister for the environment. This essentially allows for an extension of operations at the mine. The problem is that it has taken the minister an entire year to come to this decision, at great cost to the mine's owner and causing incredible angst amongst the 350-plus employees and contractors and ongoing costs of half a million dollars a day to Centennial Coal.

In April 2011, Centennial submitted the EPBC referral for the Springvale mine to the minister following already lengthy discussions with the department. Since then, Centennial Coal have been forced to wrangle with Labor government bureaucracy and red tape in trying to seek approval to extend their operations. All the while, the 350-plus employees were on tenterhooks, not knowing if their jobs were secure. Concern was also mounting about the local power station's ability to meet its annual electricity generation targets because it relies on this mine for coal of a particular bent. Further delays led to the sterilisation of 1.5 million tonnes of coal, with a profit impact on Centennial Coal of approximately $26 million. That is not to mention the loss of $10.9 million in state royalties and $14 million in federal taxes.
It is incomprehensible why this Greens driven Labor government—and I mean driven by the Greens party—would risk the viability of one of the largest underground coal producers in New South Wales. Fortunately for Centennial Coal, their employees and the local community, approval was finally granted yesterday, and now they can get on with the job.

But, just as the mine has overcome one Greens driven Labor government hurdle, another looms: the mining tax. The minerals resource rent tax will hit mines in the Lithgow region hard. As this ill-conceived tax goes before the Senate, the mines of Lithgow fret. Mines in Lithgow fall into that fateful category of the smaller and mid-tier coalmining companies that will be paying the tax straightaway. Under the tax, local mining businesses will be instantly less competitive against the larger mining bodies. They will continue to pay royalties on production while also being subject to increased compliance burdens. Our mining companies already pay double taxation through company taxes and state government royalties, and since the mining tax does not replace any of these taxes it will be triple taxation of Lithgow's and Australia's miners. We oppose Labor's mining tax because it is bad economics to single out a single sector with extra taxes. The mining industry is too important for Lithgow and too important for Australia to have its viability threatened, as this government seems hell-bent on doing. It is amazing what a government will do to keep one vote in the House of Representatives, irrespective of whether it is in Australia's interests or not. Given that this is also supposed to be about relief for small business—and the Treasurer makes a big play of that—let me tell you that Lithgow is not very different from the rest of Australia. Two-thirds of small business will get nothing out of this because two-thirds of businesses are partnerships or they are small traders. You only get this huge one per cent if you are a company, and very few small businesses are companies.

Lithgow, like the area of Parkes or Orange, is very big on mining. Most of regional Australia has its issues with mining, but it has also been very good to us in terms of jobs and in terms of bringing the resources to us. I do not know why any government would be so hell-bent on hitting hit us with a mining tax and a carbon tax at the same time and basically for the same purpose: to make life harder for regional Australia in particular.

**Deakin Electorate: Vermont South Special School**

Mr SYMON (Deakin) (12:36): Today I would like to relate to the House yet another wonderful local event happening at a school in my electorate—Vermont South Special School. Their particular event was the opening of their building back on 8 March. It had a special significance because I think it was actually the 30th BER opening that I have now done in the electorate. Of course, they are still coming on stream now. Those have been a great benefit for all the schools that I have been to, but this one was possibly more so. Being a special school, it does not have the same needs nor the same types of children in it that a regular primary school does. Indeed, Vermont South Special School is a school for children between the ages of five and 12 with mild intellectual disabilities. So the school environment is, as I say, somewhat different to your regular school. The kids there have a great time going to school; they really look forward to it. Having been there a couple of times now and having seen what they do, I certainly understand why it is so important to them. The new BER building there is certainly an integral part of that. It is being called the Integrated Learning Centre. One of the most important parts about it is that actually allows them to use the sorts of
infrastructure and new communications technologies that kids with that type of disability can really take up.

If you were to visit there, you would find that there is a large amount of computer equipment for the children to use. There are iPads. There are networked points all around the place in the new building. There are throughout some of the school as well, but in the new building the rooms have been set up so that children can learn in small classes and so they can do that at their own level. As a special school the staff is made up of around 60 or 65 full-time equivalents for around 160-odd students. They have very intensive needs when it comes to education. The new building has allowed the school to move many of their educational activities outside of the types of school buildings that most of us would recognise so very well, built back in the early 1970s. Whilst they were good at that time, we have most certainly moved well beyond that.

For the opening ceremony we had the whole school attend, which was wonderful. All the school children there came and they sang the national anthem. After a few speeches from me, the principal, Mal Coulson, and the assistant principal, Claire Rafferty, who also helped out, we had a great performance from the children in what they call the glee club. They put on a play for us as well. Again, that was not only good for me to watch but really good for the kids because they had been practising quite a long time to get it right—and they certainly did. They got a great round of applause and they certainly deserved it. The centre cost $2 million. It is a Victorian Department of Education and Early Childhood Development template building. It suits Vermont South Special School very well. As I said before, the school, being a special school, has to have special teachers as well. Teachers that go to a school like that really need to be committed to, and commended for, the job they do. Focusing on communication as an integrated tool for learning means that children do not have to be taught just one way. At a school like that there are multiple options for getting the same message across to a child who may not respond in many other ways. I saw some great examples of that on the day.

The school also has many services above and beyond what normal schools have, such as therapy services for speech, occupational therapy and physiotherapy. They have a full-time school nurse there as well. They do Early Years Literacy and Numeracy Development programs, and they also do out-of-school excursions. The school and the children who go there are not generally from the local area. They come from a very wide area. Some come from nearly 30 kilometres away to get to the school. So it is good to have a facility in the electorate like that looked after by the federal government. I am sure that, with the new environment that they have, the parents who have a need for that type of education for their children will feel not only very welcome at the school but also that their children in the school are benefiting from the very best that 21st century technology can provide.

Johnson, The Hon. Robert, MLA

Mr RANDALL (Canning) (12:41): It is with a heavy heart that I feel compelled to outline why I have no confidence in Rob Johnson MLA, the member for Hillarys and the Minister for Police in the Western Australian government. I have spent an inordinate amount of time and effort trying to represent the views of my constituents and Western Australians generally but, alas, his response and outcomes to these representations leave me no other alternative but to question Minister Johnson's ability to do his job.
I have made representations to this minister on a range of law and order issues for which he is responsible. A strong cabinet minister would be able to deliver more police and resourcing to an electorate like mine. Because he cannot, combating crime and antisocial behaviour and hooning in Canning is underresourced. One of the most recent issues is that of WA police targeting motorists leaving Canning Highway onto the Kwinana Freeway. It is on this road that police have been quite unfairly targeting motorists from behind bushes where the speed changes are confusing to drivers. This has received much media attention so I will not say any more than that this is wanton opportunistic use of police resources, particularly when double demerit points apply. It is unconscionable and should cease. This road is not a traffic black spot as main road statistics will confirm.

Minister Johnson has yet again abrogated any responsibility and leadership on this issue. The electorate would prefer these police resources to be better addressed against hooning and other antisocial behaviour in the community. In fact, as is his way, the minister has tried to shift the responsibility for this issue to Commissioner of Police Karl O'Callaghan and then to Minister for Transport Troy Buswell.

The incompetent maladministration by this minister was demonstrated during the Kelmscott Roleystone bushfires in my electorate. He blamed everyone else and took no responsibility for any dysfunction. This is not how the Westminster system works. Others were sacked. Even the police commissioner is in a cloud now over this issue. Johnson's bumbling behaviour has seen him labelled 'Inspector Clouseau' by the state opposition. As an opposition MP he expressed his desire to bring back the noose when in government and to introduce the 'birch' to law-breakers. As a government minister he has ditched those populist fantasies.

The minister is so weak and ineffective that the Labor appointed police commissioner is given a free rein. There is obviously no respect or authority shown by the commissioner, who at times chooses to stray into other occupations such as part-time FM radio host and rock star. He can do all this and stare down the minister because the minister is weak and ineffective in giving leadership and direction to the commissioner in both policy and policing areas. Johnson and his office contend that he is unable to direct the commissioner or convey a strident point of view to the Commissioner of Police. This is not true; he has the powers to do so under the Constitution. One can only suspect that Johnson's silly and incompetent behaviour is due to an emerging health condition.

Mr Johnson has made it known that at the age of 68 he intends to continue as a member for Hillarys. He wants to be Speaker in the next state parliament. He is often telling others that he wants to retire but he has no other hobbies or interests so he may as well keep going because he has nothing to do in retirement. It beggars belief that his preselectors could allow him to stand again, given his incompetence as an MLA and minister. I have friends and associates living in his electorate who tell me they feel offended that he is the Liberals' choice, and cannot bring themselves to vote for him. I share their aggravation. Many in his electorate and in the general public would abhor that Mr Johnson employs one of the Liberal Party's biggest turncoats as a research officer—namely, Alan Cadby. Mr Cadby is an electorate officer in Mr Johnson's office. Cadby is a former Liberal MLC, who, having lost his Liberal preselection, tried to exact revenge on the Liberal Party and cause it long-term maximum damage in the 'one vote one value' case. Cadby's revenge is unrequited.
In a perverse way, Minister Johnson has also threatened the Liberal Party. His colleagues tell me about threats made by Johnson to Premier Barnett. Mr Johnson made it clear to Mr Barnett that, if he did not make him a minister, he would resign from the Liberal Party and become an Independent. The effect of this is that Mr Barnett would have extreme difficulty in forming a coalition with the National Party and other Independents.

I conclude by suggesting that the Liberal Party consider carefully the future term of this inept and embarrassing minister with a view to returning to the people of Hillarys and the parliament a more appropriate injection of new blood in the form of a younger and more respected representative. Enough is enough of the circus that is Rob Johnson and the ridicule that he brings, which reflects badly on the Liberal Party and the state parliament. It must cease.

Public Holidays

Mr CHAMPION (Wakefield) (12:46): I do not think I can match the contribution of the member for Canning and his extraordinary attack on a minister in the Western Australian government who is unknown to the rest of us. It was very entertaining and quite extraordinary. I am sure that Mr Probyn or someone in Western Australia will take notice of such a speech.

But I rise to talk about fairness for families and fairness for communities. This is a particularly important issue. We hear politicians talking about families and communities all the time. We know that people out in the community are working harder and harder. They often have to have dual incomes and put kids in child care. There is an extraordinary range of pressures on small businesses and workers around the place. The number of hours worked is higher than ever before and the share that goes to profits, as opposed to wages, is at historically high rates. Of the benefits that the economy provides to the community, a disproportionate amount now goes to business, as opposed to workers.

In South Australia the Weatherill government has taken some small initiatives as part of a deal to deregulate trading hours in the city to give some time back to families and communities by declaring part-day public holidays after 5 pm on Christmas Eve and New Year's Eve. This is a matter that is very dear to my heart because, in a previous life, I was an official of the shop assistants' union and a very proud member of that union beforehand. I remember working as a trolley collector in the industry. I have vivid memories of one Easter at Coles Burnside when we ran out of trolleys because there were so many people. They were pretty different times then and it was a different sort of work. I know there is a small army of night fillers and department store workers and fast food workers who have to work on Christmas Eve and New Year's Eve to set up for sales, make sure the shelves are full and the ticketing is right and make sure people get served their hamburgers and french fries. These are profoundly antisocial and difficult times to work. They are times when you would prefer to be with your friends and family out in the community celebrating like the rest of us.

I have seen some of the debate in the South Australian parliament. A lot of the speeches by Liberal Party members of the state parliament focused not so much on the proposition before them but more on attacking the union and its legitimate influence in the community. It is more about attacking Mr Peter Malinauskas, who I think is a great union leader.

Mr Ramsey: A great numbers man!
Mr CHAMPION: He is a great union leader, and he was a night filler himself so he knows what he is talking about—not like many in the Liberal Party. My friend the member for Grey at least worked on a farm and did some real work, but there are an awful lot of people in the Liberal Party who have never had a real job in their lives and have never met a real person in their lives. They are too busy lounging around with their business mates and their pokie mates and rolling into the House of Assembly down there in South Australia and getting stuck into Peter Malinauskas. It is a great shame that it has happened in this forum as well. The member for Mayo, in the past, has had much to say about Peter Malinauskas—much that is wrong. Again, I think that is a great shame. This is a unique proposition, the idea that Christmas Eve and New Years Eve are community times and should be public holidays so people have the right to work or the right to not work. That is, to make it voluntary and to pay an additional penalty rate to that vast army of workers—shop assistants, hospitality workers, and ambulance and police officers—who make us have a happy and safe New Years Eve. If this proposition is adopted by the South Australian parliament then I am sure it will spread over time to other states in Australia because it is only fair to provide workers who work at these times with public holiday rights. It is a fair thing to do, it is an appropriate thing to do, and we should do it because it is the right thing to do.

Grey Electorate: Mining

Mr RAMSEY (Grey) (12:50): I rise to speak about the growing interface between mining and agriculture, particularly in South Australia but I think there are some lessons here for Australia more generally. Recently the state mining minister said there are—and I do not doubt these figures—20 operational mines in South Australia, 30 in the pipeline, including the Roxby Downs Olympic Dam development, and another 130 in development. Those numbers might be a little adjustable, but there is a lot of interest in the state. Almost all of these developments are in my electorate and it is a case of there being two worlds. In the remote regions, mining is generally welcomed by the land holders even though this is not always the case with traditional land holders where negotiations can be tough. But at the other end of the scale, the more closely settled farming lands often present quite a different story. The more closely settled, the higher the agricultural value, the more likely to have a population of lifestyle farmers, the more likely it is that miners will face major organised resistance.

There are a number of hotspots in my electorate at the moment. One is on the lower Eyre Peninsula where there are a number of strong iron prospects creating a fair amount of local tension. Apart from the landholders being worried about the immediate impacts, there is a strong community concern for the sustainability of the local water basins, which provide 85 per cent of the Eyre Peninsula water requirements of about nine gigalitres per annum. I welcome the South Australian parliamentary inquiry into the water supplies of Eyre Peninsula which, hopefully, will address some of these issues.

In the Ardrossan area on Yorke Peninsula, Rex Minerals are planning a major copper project. While community support is generally high because there will be major economic spin-offs for those communities, some landholders in the immediate vicinity are worried about the effects on their homes and businesses. As farmers—and I was a farmer and continue to own land—we know that we do not own the minerals. The state and the people do. However, farmers and landholders are feeling they are the second rate citizens in this deal, with less consideration than the state, with less consideration than the miner, and less rights.
than the traditional owners. Local resistance to these projects is a threat to their establishment, and companies should not underestimate the power of local lobby groups. I have been suggesting to companies involved that they have the ability to vastly decrease localised resistance to their operations by being far more generous with their targets. Typically, if mining is to occur, landholders are offered up to 150 per cent of the land's face value with the ultimate threat of compulsory acquisition in the government's and mining companies hands. Bear in mind that, in South Australia, the compulsory acquisition laws are not exactly the same as the Commonwealth's and in fact the premise of fair compensation does not exist in the South Australian act. At 150 per cent it is not much of a premium for the loss of many generational investments in the land and in the complete upheaval of a life time's commitment.

Agreed deals are shrouded in mystery and covered by in-confidence clauses in contracts. Landholders are in the dark as to the value their neighbours may have extracted by negotiations and they are worried they may be the weakest link or pilloried as the obstacle. No wonder there are a number of unhappy 'campers'. Now, I believe the industry would be far better served if they were to institute a code of practice where if they wished to mine a site, then they should be compelled to make a minimum offer of three or possibly four times the face value of the property. Then, instead of resistance they may find the landholders opening the gates for them. After all, if it is not worth that kind of sum, three to four times the face value, to the miner, then, considering production is probably destroyed for all time, perhaps the community would be better served to leave it as productive farming land. For that kind of compensation, a farmer may say, 'Yes, my family has been here for seven generations. Yes, it is my life's work. Yes, it is my home. With three times the value, four times the value, of my property I can buy in a better area, buy a property with better improvements, buy more land and increase my economic output.' However, at the moment they are offered little more than face value and you would wonder why any landholder would welcome the intrusion and interruption in their lives.

**International Women's Day: United Indian Associations**

Ms OWENS (Parramatta) (12:55): Last Saturday I had the pleasure of joining the United Indian Associations in New South Wales in celebrating International Women's Day at the Parramatta town hall. We all know that International Women's Day is celebrated globally on 8 March every year, to inspire women and celebrate their economic, political and social achievements across the myriad of fields in which they act, work and otherwise contribute. I am pleased to say that Saturday's event showed the Women's Forum of the United Indian Associations continuing to work incredibly hard in promoting the work of some extraordinary women in the Indian Australian community. It also gave me an opportunity to wear my sari, which is always fun. It is often commented that, even though I put on the jewellery and sometimes someone put the bindi on my forehead, I do not look particularly Indian, I am afraid. I do not think I ever will. I am told, though, that my hair is not the issue, you can have blonde hair and be Indian, but freckles is not the way of it. But it is a great thing, they are incredibly elegant garments, if you ever get the chance to wear one.

I want to acknowledge five women in particular that were there that day. Mrs Sumati Advani, who is the chairperson of the Women's Steering Committee, has been working incredibly hard behind the scenes in the United India Associations for quite some time. I have
attended a number of events where she has brought women together to address some of the issues that they face in the Australian community. She is an amazing woman in her own right. There is Mrs Aruna Chandrala, who is the past President of the UIA and current President of the Global Women's Network, which was in fact launched on Saturday. Again, that is a great initiative, which I think Mrs Advani talked her into, but she has taken to heart a group that brings together women from a range of communities to share their experiences and to get to know some of the extraordinary women that tend to work within their own communities and not get the opportunity sometimes to move out into a broader context and be recognised for the extraordinary contributors that they are.

Three of those extraordinary contributors were awarded for their individual contributions on Saturday. Those three women are particularly worth talking about. The first one was Sheba Nandkeolyar, who was recognised for her achievements in the field of business. Sheba is the CEO of Multicall Connexions, Director of the International Advertising Association (Australian Chapter) and Vice President of the Australia India Business Council of New South Wales. She is the Chair of the Australia India Business Council Women in Business Chapter and founding Chair of the Multicultural Communications Council. She is not only an extremely successful person in her field of advertising but also a contributor across a broad range of organisations. She has been the recipient of numerous national and international marketing awards. In 2011, she won the Gold Effie Award for multicultural/Indigenous in the field of advertising. Again, an extraordinary, in many ways quiet, achiever who gets on with the job and contributes greatly in her field.

Rekha Rajvanshi was recognised for her contribution in the field of education. Rekha is the first runner up of the Australian Institute of Interpreters and Translators Excellence Awards for her translation of The Dreaming project from English into Hindi. The Dreaming stories are a renowned series of animated films based on Australian Aboriginal storytelling that has been maintained as a body of knowledge for over 40,000 years. Rekha has also provided the script for the 13 most popular Aboriginal animation films, which appeared in subtitles and a voiceover. This is the first time since the awards were instituted nationally in 2007 that a Hindi translator has won at the awards. Again, Rekha is one of those women who works quietly in her field at an incredibly high level and it is great to see her contribution to the broader community recognised in this way.

Aishweryaa Nidhi is the Artistic Director of the Abhinay School of Performing Arts. She was recognised for her contribution in the field of drama. Under her guidance, out of 65 independent theatre company proposals and 860 script entries, three of the plays by Indian writers from the Abhinay School of Performing Arts have successfully made it to the top in the 2012 Short+Sweet Festival recently held at King Street Theatre, Newtown, Sydney. Aishweryaa was nominated for the best actress award in Short+Sweet, Sydney 2009, which is the biggest festival of short plays in the world, for her powerful performance in Mandragora. She is the recipient of Bronze ARP Artist Award at the Short+Sweet Festival. Again, an extraordinary woman who brings with her to Australia a knowledge, experience and culture that is thousands of years old. Three remarkable women. I was absolutely delighted to be there when they were recognised.

House adjourned at 13:01