



COMMONWEALTH OF AUSTRALIA

# House of Representatives

## Votes and Proceedings

### Hansard

**THURSDAY, 12 MAY 2011**

#### **CORRECTIONS**

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**Thursday, 19 May 2011**

|                   |                          |                |
|-------------------|--------------------------|----------------|
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BY AUTHORITY OF THE HOUSE OF REPRESENTATIVES

**PROOF**



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**SITTING DAYS—2011**

| Month     | Date                               |
|-----------|------------------------------------|
| February  | 8, 9, 10, 21, 22, 23, 24, 28       |
| March     | 1, 2, 3, 21, 22, 23, 24            |
| May       | 10, 11, 12, 23, 24, 25, 26, 30, 31 |
| June      | 1, 2, 14, 15, 16, 20, 21, 22, 23   |
| July      | 4, 5, 6, 7                         |
| August    | 16, 17, 18, 22, 23, 24, 25         |
| September | 12, 13, 14, 15, 19, 20, 21, 22     |
| October   | 11, 12, 13, 31                     |
| November  | 1, 2, 3, 21, 22, 23, 24,           |

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**FORTY-THIRD PARLIAMENT  
FIRST SESSION—SECOND PERIOD**

**Governor-General**

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

**House of Representatives Officeholders**

*Speaker*—Mr Harry Alfred Jenkins MP

*Deputy Speaker*—Hon. Peter Neil Slipper MP

*Second Deputy Speaker*—Hon. Bruce Craig Scott MP

*Members of the Speaker's Panel*—Ms Anna Elizabeth Burke MP, Hon. Dick Godfrey Harry Adams MP, Ms Sharon Leah Bird MP, Mrs Yvette Maree D'Ath MP, Mr Steven Georganas MP, Ms Kirsten Fiona Livermore MP, Mr John Paul Murphy MP, Mr Peter Sid Sidebottom MP, Mr Kelvin John Thomson MP, Ms Maria Vamvakinou 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 Christopher Patrick Hayes 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

Printed by authority of the House of Representatives

### Members of the House of Representatives

| Members                             | Division             | Party |
|-------------------------------------|----------------------|-------|
| Abbott, Hon. Anthony John           | Warringah, NSW       | LP    |
| Adams, Hon. Dick Godfrey Harry      | Lyons, TAS           | ALP   |
| Albanese, Hon. Anthony Norman       | Grayndler, NSW       | ALP   |
| Alexander, John Gilbert             | Bennelong, NSW       | LP    |
| Andrews, Hon. Kevin James           | Menzies, VIC         | LP    |
| Andrews, Karen Lesley               | McPherson, QLD       | LP    |
| Baldwin, Hon. Robert Charles        | Paterson, NSW        | LP    |
| Bandt, Adam Paul                    | Melbourne, VIC       | AG    |
| Billson, Hon. Bruce Fredrick        | Dunkley, VIC         | LP    |
| Bird, Sharon Leah                   | Cunningham, NSW      | ALP   |
| Bishop, Hon. Bronwyn Kathleen       | Mackellar, NSW       | LP    |
| Bishop, Hon. Julie Isabel           | Curtin, WA           | LP    |
| Bowen, Hon. Christopher Eyles       | McMahon, NSW         | ALP   |
| Bradbury, Hon. David John           | Lindsay, NSW         | ALP   |
| Briggs, Jamie Edward                | Mayo, SA             | LP    |
| Broadbent, Russell Evan             | McMillan, VIC        | LP    |
| Brodthmann, Gai Marie               | Canberra, ACT        | ALP   |
| Buchholz, Scott Andrew              | Wright, QLD          | LP    |
| Burke, Anna Elizabeth               | Chisholm, VIC        | ALP   |
| Burke, Hon. Anthony Stephen         | Watson, NSW          | ALP   |
| Butler, Hon. Mark Christopher       | Port Adelaide, SA    | ALP   |
| Byrne, Hon. Anthony Michael         | Holt, VIC            | ALP   |
| Champion, Nicholas David            | Wakefield, SA        | ALP   |
| Cheeseman, Darren Leicester         | Corangamite, VIC     | ALP   |
| Chester, Darren                     | Gippsland, VIC       | Nats  |
| Christensen, George Robert          | Dawson, QLD          | Nats  |
| Ciobo, Steven Michele               | Moncrieff, QLD       | LP    |
| Clare, Hon. Jason Dean              | Blaxland, NSW        | ALP   |
| Cobb, Hon. John Kenneth             | Calare, NSW          | Nats  |
| Collins, Hon. Julie Maree           | Franklin, TAS        | ALP   |
| Combet, Hon. Greg Ivan, AM          | Charlton, NSW        | ALP   |
| Coulton, Mark Maclean               | Parkes, NSW          | Nats  |
| Crean, Hon. Simon Findlay           | Hotham, VIC          | ALP   |
| Crook, Anthony John                 | O'Connor, WA         | NWA   |
| Danby, Michael David                | Melbourne Ports, VIC | ALP   |
| D'Ath, Yvette Maree                 | Petrie, QLD          | ALP   |
| Dreyfus, Hon. Mark Alfred, QC       | Isaacs, VIC          | ALP   |
| Dutton, Hon. Peter Craig            | Dickson, QLD         | LP    |
| Elliot, Hon. Maria Justine          | Richmond, NSW        | ALP   |
| Ellis, Hon. Katherine Margaret      | Adelaide, SA         | ALP   |
| Emerson, Hon. Craig Anthony         | Rankin, QLD          | ALP   |
| Entsch, Warren George               | Leichhardt, QLD      | LP    |
| Ferguson, Hon. Laurie Donald Thomas | Werriwa, NSW         | ALP   |
| Ferguson, Hon. Martin John, AM      | Batman, VIC          | ALP   |
| Fitzgibbon, Hon. Joel Andrew        | Hunter, NSW          | ALP   |
| Fletcher, Paul William              | Bradfield, NSW       | LP    |
| Forrest, John Alexander             | Mallee, VIC          | Nats  |
| Frydenberg, Joshua Anthony          | Kooyong, VIC         | LP    |

### Members of the House of Representatives

| Members                        | Division             | Party |
|--------------------------------|----------------------|-------|
| Gambaro, Hon. Teresa           | Brisbane, QLD        | LP    |
| Garrett, Hon. Peter Robert, AM | Kingsford Smith, NSW | ALP   |
| Gash, Joanna                   | Gilmore, NSW         | LP    |
| Georganas, Steve               | Hindmarsh, SA        | ALP   |
| Gibbons, Stephen William       | Bendigo, VIC         | ALP   |
| Gillard, Hon. Julia Eileen     | Lalor, VIC           | ALP   |
| Gray, Hon. Gary, AO            | Brand, WA            | ALP   |
| Grierson, Sharon Joy           | Newcastle, NSW       | ALP   |
| Griffin, Hon. Alan Peter       | Bruce, VIC           | ALP   |
| Griggs, Natasha Louise         | Solomon, NT          | CLP   |
| Haase, Barry Wayne             | Durack, WA           | LP    |
| Hall, Jill                     | Shortland, NSW       | ALP   |
| Hartsuyker, Luke               | Cowper, NSW          | Nats  |
| Hawke, Alexander George        | Mitchell, NSW        | LP    |
| Hayes, Christopher Patrick     | Fowler, NSW          | ALP   |
| Hockey, Hon. Joseph Benedict   | North Sydney, NSW    | LP    |
| Hunt, Hon. Gregory Andrew      | Flinders, VIC        | LP    |
| Husic, Edham Nurredin          | Chifley, NSW         | ALP   |
| Irons, Stephen James           | Swan, WA             | LP    |
| Jenkins, Harry Alfred          | Scullin, VIC         | ALP   |
| Jensen, Dennis Geoffrey        | Tangney, WA          | LP    |
| Jones, Stephen Patrick         | Throsby, NSW         | ALP   |
| Jones, Ewen Thomas             | Herbert, QLD         | LP    |
| Katter, Hon. Robert Carl       | Kennedy, QLD         | Ind   |
| Keenan, Michael Fayat          | Stirling, WA         | LP    |
| Kelly, Hon. Michael Joseph, AM | Eden-Monaro, NSW     | ALP   |
| Kelly, Craig                   | Hughes, NSW          | LP    |
| King, Hon. Catherine Fiona     | Ballarat, VIC        | ALP   |
| Laming, Andrew Charles         | Bowman, QLD          | LP    |
| Leigh, Andrew Keith            | Fraser, ACT          | ALP   |
| Ley, Hon. Sussan Penelope      | Farrer, NSW          | LP    |
| Livermore, Kirsten Fiona       | Capricornia, QLD     | ALP   |
| Lyons, Geoffrey Raymond        | Bass, TAS            | ALP   |
| McClelland, Hon. Robert Bruce  | Barton, NSW          | ALP   |
| Macfarlane, Hon. Ian Elgin     | Groom, QLD           | LP    |
| Macklin, Hon. Jennifer Louise  | Jagajaga, VIC        | ALP   |
| Marino, Nola Bethwyn           | Forrest, WA          | LP    |
| Markus, Louise Elizabeth       | Macquarie, NSW       | LP    |
| Marles, Hon. Richard Donald    | Corio, VIC           | ALP   |
| Matheson, Russell Glenn        | Macarthur, NSW       | LP    |
| McCormack, Michael             | Riverina, NSW        | Nats  |
| Melham, Daryl                  | Banks, NSW           | ALP   |
| Mirabella, Sophie              | Indi, VIC            | LP    |
| Mitchell, Robert George        | McEwen, VIC          | ALP   |
| Morrison, Scott John           | Cook, NSW            | LP    |
| Moylan, Hon. Judith Eleanor    | Pearce, WA           | LP    |
| Murphy, Hon. John Paul         | Reid, NSW            | ALP   |
| Neumann, Shayne Kenneth        | Blair, QLD           | ALP   |

### Members of the House of Representatives

| Members                            | Division         | Party |
|------------------------------------|------------------|-------|
| Neville, Paul Christopher          | Hinkler, QLD     | Nats  |
| Oakeshott, Robert James Murray     | Lyne, NSW        | Ind   |
| O'Connor, Hon. Brendan Patrick     | Gorton, VIC      | ALP   |
| O'Dowd, Kenneth Desmond            | Flynn, QLD       | Nats  |
| O'Dwyer, Kelly Megan               | Higgins, VIC     | LP    |
| O'Neill, Deborah Mary              | Robertson, NSW   | ALP   |
| Owens, Julie Ann                   | Parramatta, NSW  | ALP   |
| Parke, Melissa                     | Fremantle, WA    | ALP   |
| Perrett, Graham Douglas            | Moreton, QLD     | ALP   |
| Plibersek, Hon. Tanya Joan         | Sydney, NSW      | ALP   |
| Prentice, Jane                     | Ryan, QLD        | LP    |
| Pyne, Hon. Christopher Maurice     | Sturt, SA        | LP    |
| Ramsey, Rowan Eric                 | Grey, SA         | LP    |
| Randall, Don James                 | Canning, WA      | LP    |
| Ripoll, Bernard Fernand            | Oxley, QLD       | ALP   |
| Rishworth, Amanda Louise           | Kingston, SA     | ALP   |
| Robb, Hon. Andrew John, AO         | Goldstein, VIC   | LP    |
| Robert, Stuart Rowland             | Fadden, QLD      | LP    |
| Rowland, Michelle                  | Greenway, NSW    | ALP   |
| Roxon, Hon. Nicola Louise          | Gellibrand, VIC  | ALP   |
| Roy, Wyatt Beau                    | Longman, QLD     | LP    |
| Rudd, Hon. Kevin Michael           | Griffith, QLD    | ALP   |
| Ruddock, Hon. Philip Maxwell       | Berowra, NSW     | LP    |
| Saffin, Janelle Anne               | Page, NSW        | ALP   |
| Schultz, Albert John               | Hume, NSW        | LP    |
| Scott, Hon. Bruce Craig            | Maranoa, QLD     | Nats  |
| Secker, Patrick Damien             | Barker, SA       | LP    |
| Shorten, Hon. William Richard      | Maribyrnong, VIC | ALP   |
| Sidebottom, Peter Sid              | Braddon, TAS     | ALP   |
| Simpkins, Luke Xavier Linton       | Cowan, WA        | LP    |
| Slipper, Hon. Peter Neil           | Fisher, QLD      | LP    |
| Smith, Hon. Anthony David Hawthorn | Casey, VIC       | LP    |
| Smith, Hon. Stephen Francis        | Perth, WA        | ALP   |
| Smyth, Laura Mary                  | La Trobe, VIC    | ALP   |
| Snowdon, Hon. Warren Edward        | Lingiari, NT     | ALP   |
| Somlyay, Hon. Alexander Michael    | Fairfax, QLD     | LP    |
| Southcott, Andrew John             | Boothby, SA      | LP    |
| Stone, Hon. Sharman Nancy          | Murray, VIC      | LP    |
| Swan, Hon. Wayne Maxwell           | Lilley, QLD      | ALP   |
| Symon, Michael Stuart              | Deakin, VIC      | ALP   |
| Tehan, Daniel Thomas               | Wannon, VIC      | LP    |
| Thomson, Craig Robert              | Dobell, NSW      | ALP   |
| Thomson, Kelvin John               | Wills, VIC       | ALP   |
| Truss, Hon. Warren Errol           | Wide Bay, QLD    | Nats  |
| Tudge, Alan Edward                 | Aston, VIC       | LP    |
| Turnbull, Hon. Malcom Bligh        | Wentworth, NSW   | LP    |
| Vamvakinou, Maria                  | Calwell, VIC     | ALP   |
| Van Manen, Albertus Johannes       | Forde, QLD       | LP    |



### **Members of the House of Representatives**

| <b>Members</b>                  | <b>Division</b>  | <b>Party</b> |
|---------------------------------|------------------|--------------|
| Vasta, Ross Xavier              | Bonner, QLD      | LP           |
| Washer, Malcom James            | Moore, WA        | LP           |
| Wilkie, Andrew Damien           | Denison, TAS     | Ind          |
| Windsor, Anthony Harold Curties | New England, NSW | Ind          |
| Wyatt, Kenneth George           | Hasluck, WA      | LP           |
| Zappia, Tony                    | Makin, SA        | ALP          |

#### **PARTY ABBREVIATIONS**

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

#### **Heads of Parliamentary Departments**

Clerk of the Senate—R Laing  
Clerk of the House of Representatives—B Wright  
Secretary, Department of Parliamentary Services—A Thompson

## GILLARD MINISTRY

|  |                             |
|--|-----------------------------|
| Prime Minister   | Hon. Julia Gillard MP       |
| Deputy Prime Minister, Treasurer   | Hon. Wayne Swan MP          |
| Minister for Regional Australia, Regional Development and Local Government                                       | Hon. Simon Crean MP         |
| Minister for Tertiary Education, Skills, Jobs and Workplace Relations and Leader of the Government in the Senate | Senator Hon. Chris Evans    |
| Minister for School Education, Early Childhood and Youth   | Hon. Peter Garrett AM, MP   |
| Minister for Broadband, Communications and the Digital Economy and Deputy Leader of the Government in the Senate | Senator Hon. Stephen Conroy |
| Minister for Foreign Affairs   | Hon. Kevin Rudd MP          |
| Minister for Trade   | Hon. Dr Craig Emerson MP    |
| Minister for Defence and Deputy Leader of the House  | Hon. Stephen Smith MP       |
| Minister for Immigration and Citizenship   | Hon. Chris Bowen MP         |
| Minister for Infrastructure and Transport and Leader of the House  | Hon. Anthony Albanese MP    |
| Minister for Health and Ageing   | Hon. Nicola Roxon MP        |
| Minister for Families, Housing, Community Services and Indigenous Affairs  | Hon. Jenny Macklin MP       |
| Minister for Sustainability, Environment, Water, Population and Communities                                      | Hon. Tony Burke MP          |
| Minister for Finance and Deregulation  | Senator Hon. Penny Wong     |
| Minister for Innovation, Industry, Science and Research  | Senator Hon. Kim Carr       |
| Attorney-General and Vice President of the Executive Council   | Hon. Robert McClelland MP   |
| Minister for Agriculture, Fisheries and Forestry and Manager of Government Business in the Senate                | Senator Hon. Joe Ludwig     |
| Minister for Resources and Energy and Minister for Tourism   | Hon. Martin Ferguson AM, MP |
| Minister for Climate Change and Energy Efficiency  | Hon. Greg Combet AM, MP     |

**[The above ministers constitute the cabinet]**

**GILLARD MINISTRY—*continued***

|  |                              |
|--|------------------------------|
| Minister for the Arts  | Hon. Simon Crean MP          |
| Minister for Social Inclusion  | Hon. Tanya Plibersek MP      |
| Minister for Privacy and Freedom of Information  | Hon. Brendan O'Connor MP     |
| Minister for Sport   | Senator Hon. Mark Arbib      |
| Special Minister of State for the Public Service and Integrity   | Hon. Gary Gray AO, MP        |
| Assistant Treasurer and Minister for Financial Services and Superannuation                                 | Hon. Bill Shorten MP         |
| Minister for Employment Participation and Childcare  | Hon. Kate Ellis MP           |
| Minister for Indigenous Employment and Economic Development  | Senator Hon. Mark Arbib      |
| Minister for Veterans' Affairs and Minister for Defence Science and Personnel                              | Hon. Warren Snowdon MP       |
| Minister for Defence Materiel  | Hon. Jason Clare MP          |
| Minister for Indigenous Health   | Hon. Warren Snowdon MP       |
| Minister for Mental Health and Ageing  | Hon. Mark Butler MP          |
| Minister for the Status of Women   | Hon. Kate Ellis MP           |
| Minister for Social Housing and Homelessness   | Senator Hon. Mark Arbib      |
| Special Minister of State  | Hon. Gary Gray AO, MP        |
| Minister for Small Business  | Senator Hon. Nick Sherry     |
| Minister for Home Affairs and Minister for Justice   | Hon. Brendan O'Connor MP     |
| Minister for Human Services  | Hon. Tanya Plibersek MP      |
| Cabinet Secretary  | Hon. Mark Dreyfus QC, MP     |
| Parliamentary Secretary to the Prime Minister  | Senator Hon. Kate Lundy      |
| Parliamentary Secretary to the Treasurer   | Hon. David Bradbury MP       |
| Parliamentary Secretary for School Education and Workplace Relations                                       | Senator Hon. Jacinta Collins |
| Minister Assisting the Prime Minister on Digital Productivity  | Senator Hon. Stephen Conroy  |
| Parliamentary Secretary for Trade  | Hon. Justine Elliot MP       |
| Parliamentary Secretary for Pacific Island Affairs   | Hon. Richard Marles MP       |
| Parliamentary Secretary for Defence  | Senator Hon. David Feeney    |
| Parliamentary Secretary for Immigration and Multicultural Affairs  | Senator Hon. Kate Lundy      |
| Parliamentary Secretary for Infrastructure and Transport and Parliamentary Secretary for Health and Ageing | Hon. Catherine King MP       |
| Parliamentary Secretary for Disabilities and Carers  | Senator Hon. Jan McLucas     |
| Parliamentary Secretary for Community Services   | Hon. Julie Collins MP        |
| Parliamentary Secretary for Sustainability and Urban Water   | Senator Hon. Don Farrell     |
| Minister Assisting on Deregulation and Public Sector Superannuation  | Senator Hon. Nick Sherry     |
| Minister Assisting the Attorney-General on Queensland Floods Recovery                                      | Senator Hon. Joe Ludwig      |
| Parliamentary Secretary for Agriculture, Fisheries and Forestry  | Hon. Dr Mike Kelly AM, MP    |
| Minister Assisting the Minister for Tourism  | Senator Hon. Nick Sherry     |
| Parliamentary Secretary for Climate Change and Energy Efficiency   | Hon. Mark Dreyfus QC, MP     |

## SHADOW MINISTRY

|   |                                |
|---|--------------------------------|
| Leader of the Opposition  | Hon. Tony Abbott MP            |
| Deputy Leader of the Opposition and Shadow Minister for Foreign Affairs and Shadow Minister for Trade             | Hon. Julie Bishop MP           |
| Leader of the Nationals and Shadow Minister for Infrastructure and Transport                                      | Hon. Warren Truss MP           |
| Leader of the Opposition in the Senate and Shadow Minister for Employment and Workplace Relations                 | Senator Hon. Eric Abetz        |
| Deputy Leader of the Opposition in the Senate and Shadow Attorney-General and Shadow Minister for the Arts        | Senator Hon. George Brandis SC |
| Shadow Treasurer  | Hon. Joe Hockey MP             |
| Shadow Minister for Education, Apprenticeships and Training and Manager of Opposition Business in the House       | Hon. Christopher Pyne MP       |
| Shadow Minister for Indigenous Affairs and Deputy Leader of the Nationals   | Senator Hon. Nigel Scullion    |
| Shadow Minister for Regional Development, Local Government and Water and Leader of the Nationals in the Senate    | Senator Barnaby Joyce          |
| Shadow Minister for Finance, Deregulation and Debt Reduction and Chairman, Coalition Policy Development Committee | Hon. Andrew Robb AO, MP        |
| Shadow Minister for Energy and Resources  | Hon. Ian Macfarlane MP         |
| Shadow Minister for Defence   | Senator Hon. David Johnston    |
| Shadow Minister for Communications and Broadband  | Hon. Malcolm Turnbull MP       |
| Shadow Minister for Health and Ageing   | Hon. Peter Dutton MP           |
| Shadow Minister for Families, Housing and Human Services  | Hon. Kevin Andrews MP          |
| Shadow Minister for Climate Action, Environment and Heritage  | Hon. Greg Hunt MP              |
| Shadow Minister for Productivity and Population and Shadow Minister for Immigration and Citizenship               | Mr Scott Morrison MP           |
| Shadow Minister for Innovation, Industry and Science  | Mrs Sophie Mirabella MP        |
| Shadow Minister for Agriculture and Food Security   | Hon. John Cobb MP              |
| Shadow Minister for Small Business, Competition Policy and Consumer Affairs                                       | Hon. Bruce Billson MP          |

**[The above constitute the shadow cabinet]**

## SHADOW MINISTRY—*continued*

|  |                                    |
|--|------------------------------------|
| Shadow Minister for Employment Participation   | Hon. Sussan Ley MP                 |
| Shadow Minister for Justice, Customs and Border Protection   | Mr Michael Keenan MP               |
| Shadow Assistant Treasurer and Shadow Minister for Financial Services and Superannuation                                   | Senator Mathias Cormann            |
| Shadow Minister for Childcare and Early Childhood Learning   | Hon. Sussan Ley MP                 |
| Shadow Minister for Universities and Research  | Senator Hon. Brett Mason           |
| Shadow Minister for Youth and Sport and Deputy Manager of Opposition Business in the House                                 | Mr Luke Hartsuyker MP              |
| Shadow Minister for Indigenous Development and Employment  | Senator Marise Payne               |
| Shadow Minister for Regional Development   | Hon. Bob Baldwin MP                |
| Shadow Special Minister of State   | Hon. Bronwyn Bishop MP             |
| Shadow Minister for COAG   | Senator Marise Payne               |
| Shadow Minister for Tourism  | Hon. Bob Baldwin MP                |
| Shadow Minister for Defence Science, Technology and Personnel  | Mr Stuart Robert MP                |
| Shadow Minister for Veterans' Affairs and Shadow Minister Assisting the Leader of the Opposition on the Centenary of ANZAC | Senator Hon. Michael Ronaldson     |
| Shadow Minister for Regional Communications  | Mr Luke Hartsuyker MP              |
| Shadow Minister for Ageing and Shadow Minister for Mental Health   | Senator Concetta Fierravanti-Wells |
| Shadow Minister for Seniors  | Hon. Bronwyn Bishop MP             |
| Shadow Minister for Disabilities, Carers and the Voluntary Sector and Manager of Opposition Business in the Senate         | Senator Mitch Fifield              |
| Shadow Minister for Housing  | Senator Marise Payne               |
| Chairman, Scrutiny of Government Waste Committee   | Mr Jamie Briggs MP                 |
| Shadow Cabinet Secretary   | Hon. Philip Ruddock MP             |
| Shadow Parliamentary Secretary Assisting the Leader of the Opposition  | Senator Cory Bernardi              |
| Shadow Parliamentary Secretary for International Development Assistance  | Hon. Teresa Gambaro MP             |
| Shadow Parliamentary Secretary for Roads and Regional Transport  | Mr Darren Chester MP               |
| Shadow Parliamentary Secretary to the Shadow Attorney-General  | Senator Gary Humphries             |
| Shadow Parliamentary Secretary for Tax Reform and Deputy Chairman, Coalition Policy Development Committee                  | Hon. Tony Smith MP                 |
| Shadow Parliamentary Secretary for Regional Education  | Senator Fiona Nash                 |
| Shadow Parliamentary Secretary for Northern and Remote Australia   | Senator Hon. Ian Macdonald         |
| Shadow Parliamentary Secretary for Local Government  | Mr Don Randall MP                  |
| Shadow Parliamentary Secretary for the Murray-Darling Basin  | Senator Simon Birmingham           |
| Shadow Parliamentary Secretary for Defence Materiel  | Senator Gary Humphries             |
| Shadow Parliamentary Secretary for the Defence Force and Defence Support   | Senator Hon. Ian Macdonald         |

**SHADOW MINISTRY—*continued***

|  |                              |
|--|------------------------------|
| Shadow Parliamentary Secretary for Primary Healthcare                                | Dr Andrew Southcott MP       |
| Shadow Parliamentary Secretary for Regional Health Services<br>and Indigenous Health | Mr Andrew Laming MP          |
| Shadow Parliamentary Secretary for Supporting Families                               | Senator Cory Bernardi        |
| Shadow Parliamentary Secretary for the Status of Women                               | Senator Michaelia Cash       |
| Shadow Parliamentary Secretary for Environment                                       | Senator Simon Birmingham     |
| Shadow Parliamentary Secretary for Citizenship and Settlement                        | Hon. Teresa Gambaro MP       |
| Shadow Parliamentary Secretary for Immigration                                       | Senator Michaelia Cash       |
| Shadow Parliamentary Secretary for Innovation, Industry, and<br>Science              | Senator Hon. Richard Colbeck |
| Shadow Parliamentary Secretary for Fisheries and Forestry                            | Senator Hon. Richard Colbeck |
| Shadow Parliamentary Secretary for Small Business and Fair<br>Competition            | Senator Scott Ryan           |

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THURSDAY, 12 MAY 2011

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Thursday, 12 May 2011

The **SPEAKER (Mr Harry Jenkins)** took the chair at 9 am, made an acknowledgement of country and read prayers.

**MOTIONS**

**Budget**

**Mr HOCKEY** (North Sydney) (09:01): I move:

That so much of the standing and sessional orders be suspended as would prevent the Member for North Sydney from moving the following motion forthwith: That this House calls on the Treasurer to immediately attend the House to answer the following questions before the Parliament:

(1) why the government is seeking to lift Australia’s borrowing limit from \$200 billion to \$250 billion and what is the justification; and

(2) why the Government wants to remove the ‘special circumstances’ restriction for borrowing.

This is a matter of urgency because the Treasurer was just on the *AM* program stating emphatically that the opposition was not going to be picking up on this matter. But, unlike the Treasurer, we are focused on getting the facts right. Unlike the Treasurer, we are focused—

**Mr Albanese:** Mr Speaker, on a point of order: the opposition have had every opportunity to debate the budget. They have an opportunity tonight to put forward their alternative.

**The SPEAKER:** Order! There is no point of order.

**Mr ALBANESE** (Grayndler—Leader of the House and Minister for Infrastructure and Transport) (09:02): I move:

That the member be no longer heard.

Question put.

The House divided. [9:06]

(The Speaker—Mr Harry Jenkins)

Ayes ..... 70  
 Noes ..... 73  
 Majority ..... 3

**AYES**

- |                |                   |
|----------------|-------------------|
| Adams, DGH     | Albanese, AN      |
| Bird, SL       | Bowen, CE         |
| Bradbury, DJ   | Brodthmann, G     |
| Burke, AE      | Burke, AS         |
| Butler, MC     | Byrne, AM         |
| Champion, ND   | Cheeseman, DL     |
| Clare, JD      | Collins, JM       |
| Combet, GI     | Crean, SF         |
| Danby, M       | D’Ath, YM         |
| Dreyfus, MA    | Elliot, MJ        |
| Ellis, KM      | Emerson, CA       |
| Ferguson, LDT  | Ferguson, MJ      |
| Fitzgibbon, JA | Garrett, PR       |
| Georganas, S   | Gibbons, SW       |
| Gray, G        | Grierson, SJ      |
| Griffin, AP    | Hall, JG (teller) |

- Hayes, CP (teller)
- Jones, SP
- King, CF
- Livermore, KF
- Macklin, JL
- McClelland, RB
- Mitchell, RG
- Neumann, SK
- O’Neill, DM
- Parke, M
- Plibersek, TJ
- Rishworth, AL
- Roxon, NL
- Saffin, JA
- Sidebottom, PS
- Smyth, L
- Swan, WM
- Thomson, CR
- Vamvakinou, M

**AYES**

- Husic, EN
- Kelly, MJ
- Leigh, AK
- Lyons, GR
- Marles, RD
- Melham, D
- Murphy, JP
- O’Connor, BPJ
- Owens, J
- Perrett, GD
- Ripoll, BF
- Rowland, MA
- Rudd, KM
- Shorten, WR
- Smith, SF
- Snowdon, WE
- Symon, MS
- Thomson, KJ
- Zappia, A

**NOES**

- Alexander, JG
- Andrews, KL
- Bandt, AP
- Bishop, BK
- Briggs, JE
- Buchholz, S
- Cobb, JK
- Crook, AJ
- Entsch, WG
- Forrest, JA
- Gash, J
- Haase, BW
- Hawke, AG
- Hunt, GA
- Jensen, DG
- Keenan, M
- Laming, A
- Macfarlane, IE
- Markus, LE
- McCormack, MF
- Morrison, SJ
- Neville, PC
- O’Dowd, KD
- Prentice, J
- Ramsey, RE
- Robb, AJ
- Roy, WB
- Scott, BC
- Shultz, AJ
- Slipper, PN
- Somlyay, AM
- Stone, SN
- Truss, WE
- Turnbull, MB
- Vasta, RX
- Wilkie, AD
- Wyatt, KG

- Andrews, KJ
- Baldwin, RC
- Billson, BF
- Bishop, JI
- Broadbent, RE
- Chester, D
- Coulton, M (teller)
- Dutton, PC
- Fletcher, PW
- Gambaro, T
- Griggs, NL
- Hartsuyker, L
- Hockey, JB
- Irons, SJ
- Jones, ET
- Kelly, C
- Ley, SP
- Marino, NB
- Matheson, RG
- Mirabella, S
- Moylan, JE
- Oakeshott, RJM
- O’Dwyer, KM
- Pyne, CM
- Randall, DJ
- Robert, SR
- Ruddock, PM
- Secker, PD (teller)
- Simpkins, LXL
- Smith, ADH
- Southcott, AJ
- Tehan, DT
- Tudge, AE
- Van Manen, AJ
- Washer, MJ
- Windsor, AHC

**PAIRS**

- Gillard, JE
- Frydenberg, JA

Question negatived.

**The SPEAKER:** Is the motion seconded?

**Mr ROBB** (Goldstein) (09:13): I seek to second the motion. Australia needs a Treasurer with a steady hand.

**Mr Albanese:** Mr Speaker, I rise on a point of order. I seek clarification: is the member seconding the motion or is he seeking—

*Opposition members interjecting—*

**Mr Albanese:** He did not say that, Mr Speaker. The motion has not been seconded; he has not seconded it.

**The SPEAKER:** I asked for a seconder. The member for Goldstein has the call.

**Mr ROBB:** This government and this Treasurer are trying to tell Australia that they are paying off the debt and the deficit—

**Mr ALBANESE** (Grayndler—Leader of the House and Minister for Infrastructure and Transport) (09:14): I move:

That the member be no longer heard.

Question put.

The House divided. [9:19]

(The Speaker—Mr Harry Jenkins)

Ayes ..... 69  
 Noes ..... 75  
 Majority ..... 6

AYES

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

NOES

|                |                     |
|----------------|---------------------|
| Abbott, AJ     | Alexander, JG       |
| Andrews, KJ    | Andrews, KL         |
| Baldwin, RC    | Bandt, AP           |
| Billson, BF    | Bishop, BK          |
| Bishop, JI     | Briggs, JE          |
| Broadbent, RE  | Buchholz, S         |
| Chester, D     | Christensen, GR     |
| Cobb, JK       | Coulton, M (teller) |
| Crook, AJ      | Dutton, PC          |
| Entsch, WG     | Fletcher, PW        |
| Forrest, JA    | Gambaro, T          |
| Gash, J        | Griggs, NL          |
| Haase, BW      | Hartsuyker, L       |
| Hawke, AG      | Hockey, JB          |
| Hunt, GA       | Irons, SJ           |
| Jensen, DG     | Jones, ET           |
| Keenan, M      | Kelly, C            |
| Laming, A      | Ley, SP             |
| Macfarlane, IE | Marino, NB          |
| Markus, LE     | Matheson, RG        |
| McCormack, MF  | Mirabella, S        |
| Morrison, SJ   | Moylan, JE          |
| Neville, PC    | Oakeshott, RJM      |
| O'Dowd, KD     | O'Dwyer, KM         |
| Prentice, J    | Pyne, CM            |
| Ramsey, RE     | Randall, DJ         |
| Robb, AJ       | Robert, SR          |
| Roy, WB        | Ruddock, PM         |
| Scott, BC      | Secker, PD (teller) |
| Shultz, AJ     | Simpkins, LXL       |
| Slipper, PN    | Smith, ADH          |
| Somlyay, AM    | Southcott, AJ       |
| Stone, SN      | Tehan, DT           |
| Truss, WE      | Tudge, AE           |
| Turnbull, MB   | Van Manen, AJ       |
| Vasta, RX      | Washer, MJ          |
| Wilkie, AD     | Windsor, AHC        |
| Wyatt, KG      |                     |

PAIRS

|             |                |
|-------------|----------------|
| Clare, JD   | Ciobo, SM      |
| Gillard, JE | Frydenberg, JA |

Question negated.

**Mr ALBANESE** (Grayndler—Leader of the House and Minister for Infrastructure and Transport) (09:22): This is just a further example of how disengaged the opposition are from the economic debate in this country. We have been completely transparent about this. The need to increase the government borrowing limit was outlined in the budget papers.

**Mr Hockey:** In the budget papers!

**Mr ALBANESE:** Who did you have in the lock-up? Were you in the lock-up? They cannot even read the budget papers. They sat there for six hours.

**Mr Pyne:** Mr Speaker, I rise on a point of order. I seek clarification from you as to what particular motion the Leader of the House is speaking to. The motion is actually that so much of standing and sessional orders be suspended as would allow a motion to be put. In fact, he is just giving a rhetorical flourish

which has no bearing whatsoever on the motion before the chair.

**The SPEAKER:** The motion before the House is a motion for the suspension of standing and sessional orders to do certain matters. The debate should centre around the reasons for either supporting or opposing the suspension.

**Mr ALBANESE:** Thank you, Mr Speaker, and I thank the Manager of Opposition Business for his consistent view that 'suspension' debates should be about the suspension of standing orders. I look forward to the upholding of that ruling, Mr Speaker, when further points of order are made during suspension motions. It is the case that we do not need to suspend standing orders because they have had every opportunity in question time yesterday and when legislation was introduced into the parliament on Tuesday and they will have an opportunity in question time again today. What was scheduled for debate at 9 am, with proper notice having been given, was for the Minister for Defence to give an important statement to this parliament about Afghanistan—a ministerial statement—with a response from the shadow minister. That is what was to go on.

*Mr Hockey interjecting—*

**Mr ALBANESE:** So we are going to make Afghanistan a partisan issue now, Shadow Treasurer? The fact is that is what was scheduled and that is the debate that should occur. Those opposite have not got the wit to read a budget paper, having been given six hours and then two days to read the budget papers and legislation. I was here in the chamber, sitting next to the Assistant Treasurer, when he moved the legislation that was required for this measure. The opposition were here: one of their key people, the member for Mackellar, was here at the table; one of their key procedural organisational geniuses was here when it was moved. But was there a response yesterday? No. Were there any questions in question time yesterday? No. What they do is come here and seek to waste time by moving a suspension of standing orders, because we know that when it gets to question time they probably will not have any questions to be asked. We know that this opposition have rejected question time and that at every question time at 10 to three they move a motion to suspend standing orders so the Leader of the Opposition can get some TV time before *Play School* comes on at three o'clock in the afternoon on ABC1. So because of that they come in here and move this suspension. It should be rejected.

**The SPEAKER:** Order! The time allotted for the debate has expired. Question put:

That the motion (**Mr Hockey's**) be agreed to.

The House divided. [9.30 am]

(The Speaker—Mr Harry Jenkins)

Ayes ..... 71  
Noes ..... 73  
Majority ..... 2

#### AYES

|                     |                     |
|---------------------|---------------------|
| Abbott, AJ          | Alexander, JG       |
| Andrews, KJ         | Andrews, KL         |
| Baldwin, RC         | Billson, BF         |
| Bishop, BK          | Bishop, JI          |
| Briggs, JE          | Broadbent, RE       |
| Buchholz, S         | Chester, D          |
| Christensen, GR     | Cobb, JK            |
| Coulton, M (teller) | Crook, AJ           |
| Dutton, PC          | Entsch, WG          |
| Fletcher, PW        | Forrest, JA         |
| Gambaro, T          | Gash, J             |
| Griggs, NL          | Haase, BW           |
| Hartsuyker, L       | Hawke, AG           |
| Hockey, JB          | Hunt, GA            |
| Irons, SJ           | Jensen, DG          |
| Jones, ET           | Keenan, M           |
| Kelly, C            | Laming, A           |
| Ley, SP             | Macfarlane, IE      |
| Marino, NB          | Markus, LE          |
| Matheson, RG        | McCormack, MF       |
| Mirabella, S        | Morrison, SJ        |
| Moylan, JE          | Neville, PC         |
| O'Dowd, KD          | O'Dwyer, KM         |
| Prentice, J         | Pyne, CM            |
| Ramsey, RE          | Randall, DJ         |
| Robb, AJ            | Robert, SR          |
| Roy, WB             | Ruddock, PM         |
| Scott, BC           | Secker, PD (teller) |
| Shultz, AJ          | Simpkins, LXL       |
| Slipper, PN         | Smith, ADH          |
| Somlyay, AM         | Southcott, AJ       |
| Stone, SN           | Tehan, DT           |
| Truss, WE           | Tudge, AE           |
| Turnbull, MB        | Van Manen, AJ       |
| Vasta, RX           | Washer, MJ          |
| Wyatt, KG           |                     |

#### NOES

|                    |                   |
|--------------------|-------------------|
| Adams, DGH         | Albanese, AN      |
| Bandt, AP          | Bird, SL          |
| Bowen, CE          | Bradbury, DJ      |
| Brodthmann, G      | Burke, AE         |
| Burke, AS          | Butler, MC        |
| Byrne, AM          | Champion, ND      |
| Cheeseman, DL      | Collins, JM       |
| Combet, GI         | Crean, SF         |
| Danby, M           | D'Ath, YM         |
| Dreyfus, MA        | Elliot, MJ        |
| Ellis, KM          | Emerson, CA       |
| Ferguson, LDT      | Ferguson, MJ      |
| Fitzgibbon, JA     | Garrett, PR       |
| Georganas, S       | Gibbons, SW       |
| Gray, G            | Grierson, SJ      |
| Griffin, AP        | Hall, JG (teller) |
| Hayes, CP (teller) | Husic, EN         |
| Jones, SP          | Kelly, MJ         |
| King, CF           | Leigh, AK         |
| Livermore, KF      | Lyons, GR         |
| Macklin, JL        | Marles, RD        |
| McClelland, RB     | Melham, D         |
| Mitchell, RG       | Murphy, JP        |

## NOES

|               |                |
|---------------|----------------|
| Neumann, SK   | Oakeshott, RJM |
| O'Connor, BPJ | O'Neill, DM    |
| Owens, J      | Parke, M       |
| Perrett, GD   | Plibersek, TJ  |
| Ripoll, BF    | Rishworth, AL  |
| Rowland, MA   | Roxon, NL      |
| Rudd, KM      | Saffin, JA     |
| Shorten, WR   | Sidebottom, PS |
| Smith, SF     | Smyth, L       |
| Snowdon, WE   | Swan, WM       |
| Symon, MS     | Thomson, CR    |
| Thomson, KJ   | Vamvakinou, M  |
| Wilkie, AD    | Windsor, AHC   |
| Zappia, A     |                |

## PAIRS

|                |             |
|----------------|-------------|
| Ciobo, SM      | Clare, JD   |
| Frydenberg, JA | Gillard, JE |

Question negatived.

**MINISTERIAL STATEMENTS****Afghanistan**

**Mr STEPHEN SMITH** (Perth—Minister for Defence and Deputy Leader of the House) (09:35): by leave—The government and I are committed to providing regular reports and updates on Afghanistan, including to the parliament. I last reported to the parliament on 23 March, which followed my attendance at the meeting of NATO and International Security Assistance Force defence ministers in Brussels on 10 and 11 March. My report on this occasion follows my recent visit to Afghanistan with the Chief of Defence Force, Air Chief Marshal Angus Houston, to commemorate Anzac Day with our troops deployed in Uruzgan Province. I also visited Kabul to speak to Afghan and ISAF partners.

**Why we are there**

Australia's fundamental goal is to prevent Afghanistan from again being used by terrorists to plan and train for attacks on innocent civilians, including Australians in our own region and beyond. To achieve that goal we must help prepare the Afghan government to take lead responsibility for providing security for the Afghan people. We must stabilise the security situation and mentor and train the Afghan security forces.

**Progress**

This is the first time I have returned from a visit to Afghanistan with some cautious optimism that we are making progress on the security front. I have previously reported my view that we have been making progress, but optimism is a word I have rarely if ever used with respect to Afghanistan to date.

ISAF and Afghan security forces have had a good winter campaign. Key insurgent safe havens have been eliminated and many insurgent leaders have been captured or killed. Last year's surge of 40,000 United

States and ISAF troops has been widely reported. However, less well appreciated is the surge of 80,000 in the Afghan National Security Forces over the same period. Indeed, Afghan security force growth is ahead of its growth target, with its ranks swelling to close to 300,000. ISAF is now able to shift its focus from simply growing the size of the force to improving the quality and specialist capacities of the Afghan forces, such as artillery, where Australia is leading the training effort. As a result of sustained ISAF and Afghan offensive operations, the Taliban has lost its clear home ground advantage in key terrain in the south—the central Helmand River Valley and Kandahar. Cache finds have increased significantly, narcotics interdictions are up and there has been some success in interdicting the movement of Taliban forces and supplies from Pakistan tribal areas across the border into Afghanistan. Special Forces operations continue to successfully capture or kill Taliban leaders and demoralise those who remain.

**Progress in Oruzgan**

Progress is also being made in Oruzgan province. In Oruzgan province, ISAF and Afghan forces have extended security to areas previously controlled by the Taliban—from the Tarin Kowt bowl to the Mirabad Valley in the east, Deh Rawud in the west, and north through the Baluchi Valley into Chora.

During my recent visit to Afghanistan I visited Australian troops at Forward Operating Base Mirwais in the Chora Valley, to the north east of Tarin Kot. A group of young diggers told me that over the seven months of their deployment, the local Afghans were now more supportive of the combined efforts of Afghan and ADF troops to bring security to the valley.

**Special Forces**

I have often said that Australia is the tenth largest troop contributor in Afghanistan with around 1,550 personnel in Afghanistan. The primary focus of our mission in Oruzgan is to train the 4th Brigade of the Afghan National Army (ANA) to the level where it is able to take the lead for security in the province.

The vast bulk of Australian Defence Force personnel in Afghanistan are deployed in Oruzgan. Other personnel are based in Kabul, at Australia's own national headquarters and also embedded in ISAF headquarters. Further ADF personnel are based in Kandahar supporting helicopter, reconnaissance and ISAF headquarters operations.

Australia is also the third largest contributor of Special Forces in Afghanistan with personnel deployed to the Special Operations Task Group based in Tarin Kot. The mission of our Special Forces is to target and disrupt insurgent networks in and around Oruzgan province. As my predecessor Minister Faulkner has previously indicated publicly, from time to time our Special Forces are authorised to operate in adjoining

provinces, such as Daykundi, Ghazni and Zabul, on operations that have security benefits in Oruzgan province. Our Special Forces also contribute to broader ISAF operations which have implications for Oruzgan. Operation OMID 1390, ISAF's main country-wide effort into 2012, will see our Special Forces continue to maintain pressure on insurgent leadership in Oruzgan, and the nearby areas of northern Kandahar and northern Helmand, which directly affect Oruzgan. The operations of our Special Forces and their Afghan partners are currently focused on targeting insurgent networks known to be operating in Oruzgan province and along key access routes into the province and region, to disrupt insurgent fighting preparations in Oruzgan. These operations continue to help provide improved security to Oruzgan province through the removal of insurgent leaders in the months leading up to the northern summer 'fighting season'.

### **Challenges**

Despite recent progress, ISAF continues to face some significant challenges in 2011. We need to consolidate security progress and make transition work. In the coming months, we expect the Taliban to sorely test ISAF and Afghan forces in Oruzgan. ISAF and Afghan security forces have gained the military initiative and the Taliban is changing tactics as a result. The Taliban will attempt to undermine the confidence of the Afghans, as well as the domestic audiences of troop-contributing countries. We can expect strikes against ISAF forces and civilians alike. We can expect high profile, highly propaganda based suicide attacks. We have seen this with the assassination of the Kandahar Police Chief, and the attack upon the Ministry of Defence in Kabul and the more recent attack on the Kandahar Governor's office. Regrettably, we must steel ourselves for further attacks.

### **US Drawdown**

The United States has indicated that it will announce a drawdown in the middle of this year. The United States military and administration is still working through the detail of that drawdown and is yet to make an announcement. Ahead of that announcement, I do say that, as a general proposition, there is no inconsistency between the transition of security responsibility by the end of 2014 and a United States drawdown starting in mid-2011. The type of troops the United States will draw down will also be a consideration. For example, the United States has a number of staff in Afghanistan who were deployed to support the surge some 12 months ago. As we know from our own experience in Oruzgan, as circumstances change, resources are able to be allocated differently. That said, it is best to wait until President Obama and the administration announce the detail of the drawdown in the middle of this year.

As far as Australia is concerned, we have on average 1,550 troops in Afghanistan. That has been the case since April 2009, when this government increased our troop numbers from an average of 1,100 troops.

I am confident that over the next couple of years, sometime between now and the end of 2014, we will effect a transition to Afghan-led responsibility for security in Oruzgan. The Australian presence will be in Oruzgan in its current formation until we have done the training and mentoring and security transition job and thereafter we expect to be in the province in some form, such as Special Forces, security over-watch, capacity building, institution building, or niche training roles. We need over time to work through the details of that presence, not just with our ISAF partners in Oruzgan but more generally with our partners in Afghanistan.

### **Development and Governance in Oruzgan**

During my recent visit to Afghanistan I met the new Oruzgan Governor Shirzad in Kabul. My meeting with Governor Shirzad underscored the importance of development and governance for sustaining progress. In my discussions with him he said his priorities for the province were education and roads, and to fill key civil service posts. I reinforced these points in my meetings in Kabul with Defence Minister Wardak, Interior Minister Khan, Foreign Minister Rassoul, Transition Coordinator Dr Ghani, and Reconciliation and Reintegration Minister Stanekzai. I stressed to my Afghan counterparts that the single greatest contribution that could be made to Oruzgan at this point in time is to support Governor Shirzad's efforts to improve the social and economic opportunities of Afghan families.

### **Support for our troops**

This week's budget showed that total funding of \$1.2 billion is committed to operations in Afghanistan and the wider Middle East for the financial year 2011-12. As well, the government is continuing its investment in the package of enhanced force protection capabilities for our troops in Afghanistan. Over the period 2009-10 to 2012-13, \$1.6 billion will be invested for these enhanced measures for force protection. This includes \$480 million of expenditure in 2011-12. Our forces in Afghanistan are performing extremely well in dangerous circumstances on a daily basis and their support and protection is, rightly, our highest priority. During my recent visit, ADF Commanders in Oruzgan reported that the Counter Rocket Artillery and Mortar (C-RAM) Sense and Warn system is working well. The C-RAM provides vital warning of impending rocket attacks and mortar attacks, providing precious seconds for our people to take cover, rather than being exposed in the open. This follows on from the force protection review effected by my predecessor Minister Faulkner and underlines the

commitment to provide our troops with the best available equipment.

Of the 48 recommendations made by the review, 41 are now complete or on track. They include enhanced counter-IED measures, better armour and heavier calibre weapons for our Bushmasters, the placement of medics with each platoon operating in Afghanistan and the introduction of the ADF's first high screening facility is ongoing.

The new C-RAM capability follows the delivery of the first batch of the new, lighter Tiered Body Armour System now rolling off the production line in Bendigo. The ADF plans to have the next Mentoring Task Force equipped with this armour when it deploys to Afghanistan later this year.

The new Multicam combat uniform will also be available to all troops operating outside the wire in the first half of this year.

### **More Bushmasters for Afghanistan**

As well, the government has approved the purchase of 101 Bushmaster protected mobility vehicles to support operations in Afghanistan.

The Bushmaster has proven to be a most effective combat vehicle, providing Australian troops with protection against improvised explosive devices, or IEDs. It has unquestionably saved lives in Afghanistan.

The purchase provides for operational attrition. 31 Bushmasters have been damaged beyond repair in recent years and their replacement, together with a further 70 Bushmasters, will support current and future operations in Afghanistan and will, in the government's view, continue to save lives in Afghanistan.

### **Detainee Management**

In the period 1 August 2010 to 8 May 2011, Australia apprehended 590 detainees. Of these, 81 have been transferred to Afghan authorities and 40 to US authorities. The remainder have been released following initial screening.

Since 1 August 2010, 15 allegations of mistreatment from 13 detainees have been made against the ADF. Thirteen of these allegations have been thoroughly investigated. They were found to have had no substance and were dismissed. Two more recent allegations remain under review.

Over the same period, from 1 August 2010 to 8 May 2011, I am advised the ADF have captured five people who were subsequently released, then recaptured. Four of the individuals in question were released as there was insufficient evidence to warrant their continued detention.

In the case of the fifth individual, the second time he was apprehended there was sufficient evidence to provide a conclusive link to the insurgency. In accordance with Australia's detainee management framework, he was transferred to the detention centre in Parwan.

In my March report I updated the House on a number of related detainee matters.

I can advise that the Australian Defence Force Investigative Service (ADFIS) investigation into allegations of non-compliance with the management and administrative procedures for the processing of detainees at the ADF's first high screening facility is ongoing.

The CCTV system at the initial screening system is functioning and continuous footage is being recorded and archived.

Our detainee management approach to the management and treatment of juveniles has been updated to ensure there is clear guidance on the management of juveniles apprehended during the course of ADF operations.

The government currently has three detainee management issues under consideration, which I have previously detailed, and I expect to make an announcement on those in due course.

### **Afghan National Security Forces issue**

Not only is Australia committed to holding our own personnel to the highest standards on detainee management, but if ADF personnel become aware of concerns regarding the treatment of detainees by our ISAF or Afghan partners, Australia also treats this with the utmost seriousness.

On 1 April, Australian soldiers witnessed a further Afghan detention incident in Oruzgan province. That incident has also been raised with the Afghan government and through the ISAF chain of command and I have been advised that the matter is being investigated.

As well, on my recent visit to Afghanistan, I discussed detainee management issues with my Afghan counterparts the Minister for Defence and the Minister of the Interior.

### **Osama Bin Laden**

The death of Osama Bin Laden is for a number of Australian families and for very many people in the United States a reminder of a terrible tragic personal event where loved ones were taken away at the blink of an eye. It will provide closure in that respect.

While some might describe some reactions within the United States as triumphalism, we do need to understand the raw emotions that are there for a country, a people and individual families.

Osama Bin Laden was directly responsible for terrible acts of violence against innocent people, and he inspired acts of violence by others.

Australia's involvement in Afghanistan, under the continuing mandate of the United Nations, traces directly back to 11 September 2001, the day al-Qaeda killed over 3,000 people from more than 90 countries,



including our own, in its terrible attacks in the United States.

Bin Laden's al-Qaeda also planned, carried out, or inspired many other terrorist atrocities in which Australians were killed and wounded: in Bali, in London, in Mumbai and in Jakarta.

While the death of Osama Bin Laden is undoubtedly a significant setback for al-Qaeda, it is not the end of the battle. The end of Osama Bin Laden does not mean either a change to or the end of our commitment to Afghanistan. It similarly does not mean an end to the threat of global terror.

### **Pakistan**

Much has been said about Pakistan in the context of the United States mission against Osama Bin Laden. I urge care before leaping to conclusions about Pakistan's efforts to trace down Bin Laden. That is best left for the exhaustive assessment which is underway in the United States and also in Pakistan.

More broadly, Australia very much supports Pakistan in its counter-terrorism and counter-extremism efforts and that is reflected by the good cooperation that we have and the enhanced counter-terrorism assistance that we have provided to Pakistan in recent years.

We know the situation in Pakistan is complex, we know it is complicated, we know it is tough. We also know that Pakistan needs to do more to counter extremism and terrorism, particularly on the Afghanistan-Pakistan border.

There is certainly no point in walking away from Pakistan when Pakistan continues to face very considerable security and economic challenges and difficulties.

### **Casualties**

Australians can be proud of the fact that our troops have a well-deserved reputation for their effectiveness and their conduct.

During my recent visit to Afghanistan I heard nothing but praise from Afghan government ministers and NATO/ISAF commanders.

It was a great honour to be able to address our troops on Anzac Day at the dawn service in Tarin Kowt. It was also a day to remember those 23 brave Australian soldiers who have died in Afghanistan and the 169 courageous soldiers who have been wounded.

The sacrifice our men and women are making is great, as is the appreciation of our nation and our people. Our forces face a resilient insurgency, who, in coming months, will seek to retake ground. In this environment, we must, again, steel ourselves for the possibility of further fatalities and casualties. Despite these tragic losses and the challenges ahead, Australia remains resolute.

### **Conclusion**

Australia's mission in Afghanistan remains vital to our national security interests. We are committed to stabilising the security situation in Afghanistan and to mentoring and training the Afghan security forces.

There will be setbacks and there will be adverse incidents. The Taliban will strike back and try to recover ground, and they will also, as we know, try to use high-profile incidents as propaganda to undermine confidence.

If we can hold the gains that we have made over the northern winter, we will be in a much improved position by the end of the year.

There is a long way to go, but I believe we have both the military and political strategy in place, the resources to match it and the people on the ground to deliver it.

I thank the House.

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

Leave granted.

**Mr STEPHEN SMITH:** I move:

That so much of standing and sessional orders be suspended as will prevent the honourable member for Fadden speaking in reply to the ministerial statement for a period not exceeding 17 minutes.

Question agreed to.

**Mr ROBERT** (Fadden) (09:53): I rise to reiterate the coalition's bipartisan support to the government in our nation's fight against extreme Islamic terrorist elements within Afghanistan. I thank the minister for his statement and acknowledge that again he is true to his word to keep the parliament up to date with how our fighting men and women are going and how the military and political strategy is holding its course.

Like the minister, we understand that now the winter snow is thawing and the rocky peaks of Afghanistan once more showing their craggy edges; we understand that insurgents, mostly Afghan Taliban, are now creeping back into the valleys and population centres. By all accounts, Australia's legendary infantry and cavalry patrolling has weakened the insurgents, weakened their hold on the population's sentiments; but we also acknowledge our enemy are tough and they are resilient. We fight where they live. We fight where they have exerted control for many, many years and we know from bitter experience they will not give up easily without a fight. We as a nation know that our fighting men and women will not yield. They will ask no quarter and they will provide none. They will do their duty as they have done for over 100 years. The traditional fighting season has begun. The poppy harvest is wrapping up. Our nation needs to prepare for a hard fight ahead.

As Australians we look from the safety of our homes with a mixture of awe and thanks to the over 1,500 Australian troops in the Afghan theatre and many more in the wider Middle East area of operations, those who have taken the fight to those who would do us harm. I personally thank the mentoring task force based in the 5<sup>th</sup> Battalion, commanded by my classmate, Lieutenant Colonel Darren Huxley, for their superb service over a very difficult period over Christmas. Many of these men and women are stationed in the forward operating base in Tarin Kowt and in 13 remote patrol bases deep within Oruzgan's numerous valleys. Theirs is an especially tough fight. It is therefore encouraging to hear the minister genuinely use the word 'optimism'. We all know much work needs to be done and we should not fool ourselves into believing that the hardest times have passed. We need to continue to hold our nerve and strengthen our resolve.

The minister quite rightly has reflected that the biggest event since his last statement in March has been the death of the world's No. 1 terrorist and criminal, Osama bin Laden. At its outset it is important to note that his death in itself does not end our fight in Afghanistan; it is merely one more piece, albeit a significant one, in a complicated puzzle. The minister in his update highlighted the reaction of US citizens to the news of the death of Osama bin Laden. He noted the death had particular significance for those affected by the terrible acts carried out on 11 September 2001, in particular for those who lost loved ones in attacks on the World Trade Centre in New York, in the Pentagon outside Washington and those who lost their lives on flight 93 in Shanksville, Pennsylvania. Indeed it has special significance for all freedom-loving people across the world, but certainly no more than for those who have lost loved ones.

Whilst the global response has been one, I would argue, of relief mixed with a sense of closure, it should be remembered that Al Qaeda, led by Osama bin Laden, has been responsible for the death of over 3,000 people in over 90 countries, responsible for the death of over 100 Australian citizens and numerous more people, particularly thousands of people with a Muslim faith. As such, we understand people's responses will be different. Those personally touched by this degree of evil may feel a degree of closure. Those of us further from the epicentre of this criminal act perhaps breathe a sigh of relief as we acknowledge a world free from one less evil. However, there are those who may seek to use bin Laden's death to further their jihadist calls. For this reason we must not let our gaze slip from the objective of ridding Afghanistan of insurgent elements and the terrorism threat they pose to our way of life.

Naturally, the discussion about the death of bin Laden involves a discussion about Pakistan. I was very

pleased to hear the minister echoing the words of our political leaders in urging great caution before drawing any conclusions on Pakistan. It would indeed be unconstructive to withdraw our support from Pakistan, a nation which exists within a region that remains fragile and susceptible to the influence of extremists. The situation in Pakistan is complex. The investigation into bin Laden's ability to hide away in Pakistan remains ongoing. It is important to note Australia has a long history of engaging with Pakistan, from training members of its military in exchange programs through to aid and development assistance. Long may this constructive relationship with Pakistan continue.

I acknowledge in the budget, and indeed in the minister's announcements, that there is \$1.2 billion for operations in Afghanistan and the wider Middle East area of operations. I also acknowledge the introduction in the past 12 months of the enhanced force protection capabilities and I thank the minister for providing regular updates on those over 40 capabilities and how their introduction into service and into theatre is going. There is still much to do—the minister acknowledges it; we agree—but we note a further \$480 million being spent in the 2011-12 financial year to further these capabilities. Whilst I am yet to personally trial the new Tiered Body Armour System, I have been critical of MCBAS, the modular body armour system previously used. I am led to believe that the new Tiered Body Armour System is a far superior way of using body armour and I look forward to trying it personally. I also look forward to the troops testing this on the ground. Its introduction into service and the speed with which the minister has brought it into service are welcomed. I look forward to its wider introduction across the military, not only into 2 RAR, preparing to deploy, but also to 8/9 and the old faithful 3 RAR, my old battalion, who are subsequently preparing to rotate into theatre. As much training time with new equipment as possible is clearly the preferred option before deploying into a theatre of operation.

The minister spoke about the success of the C-RAM, or counter-rocket artillery and mortar, early warning system installed in Afghanistan to help provide precious seconds of early warning for our fighting men and women. It is a critical system and its installation is welcomed wholeheartedly by the coalition. Again, I am thankful that those opposite did heed the coalition's urgent call to install a C-RAM system, and I certainly thank not only the current minister but also Minister Faulkner before him.

But this does lead me to raise the importance of making capability decisions in the best interests of our front-line force. The last three budgets from the Labor government have deferred and delayed a range of projects worth billions of dollars. Indeed, John Kerin in the *AFR* reported that there had been as much as \$14 billion worth of deferrals. However, there are two

projects that I particularly wish to bring to the minister's attention, and they are LAND 121 Phase 3 and Phase 4.

They are standout projects because the capability they deliver—protected light and medium/heavy vehicles—is being developed based largely on our tremendous experience using the Bushmaster protected mobility vehicle in Afghanistan. The minister quite rightly praised the development of the Bushmaster. It has saved numerous coalition lives. Indeed, not a single Australian or coalition soldier has died in an attack or a blast while inside a Bushmaster vehicle. LAND 121 Phase 3 and Phase 4 vehicles are being developed in order to provide our troops on the ground with increased levels of protection within those light to medium/heavy vehicles. There has been significant delay in the preferred tender process for those vehicles, and this is certainly causing us some concern. I therefore urge the minister and the Minister for Defence Materiel to ensure these projects, amongst a raft of other important initiatives, are given priority. Our troops will benefit; there is no question about that.

The government has the support of the opposition for a metrics based, command led staged transition to the ANA over the next four years. We acknowledge that post withdrawal, expected to be fully complete by 2014, a Special Forces or security overwatch role may well be required, in support of a capacity-building and institutional training role. We understand and acknowledge the role of the Provincial Reconstruction Team, and the government enjoys the support of the opposition for the continuing engagement and growth of the PRT. As our troop numbers decline, reconstruction must continue to grow as a basis for any successful counterinsurgency strategy.

We reiterate, as we have done a number of times in the spirit of bipartisanship that the minister knows he enjoys personally from me and from the opposition, that it is our firm view that Commander JTF633 be able to use all of his troops in the Middle East Area of Operation as he sees fit without a cap of 1,550 in Afghanistan. If there must be a cap, let it be on the 2,450 in the MEAO and provide that extra level of flexibility for our commander on the ground.

I note the minister's careful and considered comments in respect of civilian casualties, and we certainly support those comments. Civilian casualties are of course regretted, but I know, speaking on behalf of all parliamentarians, that we stand shoulder to shoulder with our fighting men and women. They fight in a difficult asymmetric conflict. Every effort is made to limit civilian casualties, even though our enemy has been known to use civilians as shields and by all accounts has even encouraged children onto a battlefield knowing full well we will cease fire, as we have done in the past, whilst our enemy continues to

engage regardless. We are in a bitter fight. We have a higher standard and thus, rightly, we investigate all claims of civilian death, as the minister has outlined. However, we should not be pressured by outside organisations or give up any sovereignty over these investigative matters. They are rightly matters for the Australian government. We should always vigorously protect the integrity of our fighting soldiers and give them the benefit of the doubt in difficult and opaque fighting conditions. The welfare of our soldiers on the battlefield should always be our first priority.

I reiterate the statement that I made with regard to detainee management when we last spoke on this matter in the House in March this year. The first priority of the detainee management framework has to be to ensure insurgents are removed from the battlefield and to allow for the most effective extraction of intelligence possible. Furthermore, the coalition will continue to monitor closely, as we are doing now, the range of issues regarding ADF detainee management. I note that we have a purpose-built centre for detainee management, yet we continue to hold detainees for only four days whereas our ISAF partners in war hold detainees for up to 14 days. It is our firm view that this puts us at a disadvantage with respect to extracting vital information and intelligence that is available from some of the detainees that we hold. The current length of time does not allow for full interrogation to obtain all the information that we would seek to use. It does not give enough time for the full assessment of intelligence value, and it may well be having an impact on troop morale. We continue to call on the government to change this policy to bring it into line with our ISAF partners. Under our current domestic laws that respond to terrorism, we can hold suspects in Australia for longer than we can hold them in Afghanistan, where we are fighting a war. This is simply nonsense. I again ask the minister to urgently review these arrangements and provide a timeline for a decision. I also urge the minister to reassess the decision to not allow an interrogation capability to be forward deployed. I believe it is sorely needed, and it would certainly operate within all of our international obligations, treaties and conventions. It would bring us into line with our ISAF partners. In conclusion, I thank the minister for being true to his word by providing the House with this update, which covers a raft of issues in considerable detail. The minister knows that he enjoys strong bipartisan support for our engagement and fight in Afghanistan. He enjoys strong bipartisan support for the mission and particularly for the welfare of our troops and the welfare of their families back at home. I also join the minister in taking this opportunity to remember those 23 Australians who have lost their lives fighting for their country and for the vision of a world free of terrorism. I commend those 169 Defence Force personnel who have been wounded while serving

in action. We will, as we have said on numerous occasions, continue to hold the government to account as the situation dictates. This is the role of a responsible opposition. But the minister knows that he will enjoy our bipartisan support as we go forward.

I agree with the minister that we must continue to hold our nerve, maintain the courage of our convictions and hold the course. There is a plan. It is a set mission. It is articulated. There is a timeline for handover to the ANA based on metrics and command and this course should be held. We must achieve our aim of strengthening our national security, which is the absolute basis upon which we have deployed forces to Afghanistan. And while we must steel ourselves for possible further losses as we enter another fighting season and possible retaliation from those who seek to undermine our very way of life, we must also acknowledge the great successes that we have achieved to date and the steadily increasing security that is being provided to everyday Afghans because of the hard work of our men and women in uniform. Our fighting men and women enjoy the opposition's highest regard and, I am sure, our nation's greatest thanks.

## **BILLS**

### **Military Justice (Interim Measures) Amendment Bill 2011**

#### **First Reading**

Bill and explanatory memorandum presented by Mr Stephen Smith

Bill read a first time.

#### **Second Reading**

**Mr STEPHEN SMITH** (Perth—Minister for Defence and Deputy Leader of the House) (10:09): I move:

That this bill be now read a second time.

The Australian Military Court was established in 2007 by legislation supported by both sides of the parliament.

The court's establishment followed a series of Senate committee reports over a number of years recommending extensive changes to the system of military justice.

On 26 August 2009, the High Court of Australia handed down its decision in the case of *Lane v Morrison*. The case challenged the constitutional validity of the Australian Military Court.

The High Court found unanimously that the provisions of the Defence Force Discipline Act 1982 establishing the Australian Military Court were invalid, because the Australian Military Court purported to exercise the judicial power of the Commonwealth, but did not meet the requirements of chapter III of the Constitution.

Chapter III of the Constitution ensures judicial independence from the executive and the legislature by providing that federal judges have tenure until they reach a fixed age of no more than 70, and that they can only be removed for proved misbehaviour or incapacity following a request from both houses of parliament to the Governor-General.

The Australian Military Court legislation claimed that the court was not a court under chapter III of the constitution, as the appointment and tenure of its judges did not comply with chapter III.

However the High Court found in *Lane v Morrison* that it was exercising judicial power, which the Constitution only allows to be exercised by a chapter III court.

The Military Justice (Interim Measures) Act (No. 1) 2009 was then passed by the parliament, again with bipartisan support, to reinstate the pre-2007 military justice arrangements.

The reinstatement of the pre-2007 military justice system was required to allow time for the consideration and development of options for a new military justice system which meets the requirements of chapter III of the Constitution.

The Military Justice (Interim Measures) Act (No. 1) 2009 provided for a tenure of up to two years for the Chief Judge Advocate and the judge advocates.

This tenure is due to expire in September this year.

The Military Justice (Interim Measures) Amendment Bill 2011 will continue the appointment, remuneration and entitlement arrangements for the Chief Judge Advocate and the two full-time judge advocates for an additional two years or until the Minister for Defence declares, by legislative instrument, a specified day to be a termination day, whichever is sooner.

The Department of Defence and the Attorney-General's Department are currently working to finalise the details of a Military Court of Australia Bill and associated consequential and transitional provisions.

This important legislation will establish a permanent, effective and constitutionally sound system of military justice for Australia's defence forces.

This process will take some time, and there is currently no certainty that it will be complete and be enacted by the parliament by September this year.

This bill will ensure the continuity of these key military justice appointments until legislation establishing the Military Court of Australia takes effect.

I commend the bill to the House.

Debate adjourned.

## **Acts Interpretation Amendment Bill 2011**

### **First Reading**

Bill and explanatory memorandum presented by Mr McClelland.

Bill read a first time.

### **Second Reading**

**Mr McCLELLAND** (Barton—Attorney-General) (10:13): I move:

That this bill be now read a second time.

This bill amends the Acts Interpretation Act 1901 to improve its structure, language and application to modern technology.

The Acts Interpretation Act is the statute most commonly referred to in the Commonwealth statute book. It is a vital resource for judges, lawyers and parliamentarians to interpret Commonwealth legislation. This is the first time it has been comprehensively amended since its enactment in 1901.

Former High Court Chief Justice Gleeson aptly summarised the main purposes of this act, as well as interpretation acts in general when he said:

For drafting convenience, they set out certain ground rules ... [which] save unnecessary repetition and explanation ... Parliament enacts legislation upon an assumption that the meaning of what it says will be understood in accordance with those general rules. Interpretation Acts [also] set out the working assumptions according to which legislation is framed by Parliament, and applied by the courts ...

#### **What the Bill does**

The main purpose of this bill is to restructure the Acts Interpretation Act to make the important rules and definitions contained within it much easier to find. For example, the part 2 proposed in this bill brings together the majority of definitions that are currently scattered throughout the act. Terms such as 'document', 'Government printer' and 'Proclamation' will now be collocated and listed in alphabetical order.

The bill also updates the act to bring it into the 21st century. For example, it amends the provisions about meetings so that participants can be in different locations and can dial-in using technology such as Skype and video-conferencing. This reflects the exponential advances in technology that have been achieved over the past 110 years.

Drafting practices have also evolved. The bill reflects this by clarifying that all material in an act, from the first section to the last schedule, is part of an act. This takes account of current practice of the Office of Parliamentary Counsel to include section headings and explanatory notes as part of bills introduced into the parliament. Formerly, these were added later by the Government Printer.

Including rules and definitions in the Acts Interpretation Act means they do not need to be

repeated in other commonwealth acts. This reduces the size of the Commonwealth statute book. Most Commonwealth acts contain references to the Acts Interpretation Act so that readers are aware of and can easily find the definitions and rules that apply to the relevant provisions of legislation.

### **Conclusion**

This is consistent with the government's commitment to improving the accessibility of the civil justice system. Modernisation of one of the first commonwealth acts will help to reduce the complexity of legislation that has developed since Federation.

I would like to thank the Office of Parliamentary Counsel for the significant time and effort that went into preparing this bill. In addition to the substantial amount of drafting undertaken, a number of drafters were also involved in testing the workability of new definitions and rules to make sure they would operate as intended, by testing their application to bills they had recently drafted.

I commend the bill to the House.

Debate adjourned.

## **Australian Transaction Reports and Analysis Centre Supervisory Cost Recovery Levy Bill 2011**

### **First Reading**

Bill and explanatory memorandum presented by Mr O'Connor.

Bill read a first time.

### **Second Reading**

**Mr BRENDAN O'CONNOR** (Gorton—Minister for Privacy and Freedom of Information, Minister for Home Affairs and Minister for Justice) (10:18): I move:

That this bill be now read a second time.

The Gillard government recognise that organised crime is a significant national security threat, and a growing challenge, that costs the Australian community up to \$15 billion a year. We are determined to protect the Australian community and businesses from the pernicious social and economic impacts of organised crime.

The government's Organised Crime Strategic Framework ensures that Commonwealth intelligence, policy, regulatory and law enforcement agencies are working together to prevent, disrupt, investigate and prosecute organised crime. Organised crime response plans targeting the key organised crime risks; the Criminal Intelligence Fusion Centre and a new Criminal Assets Confiscation Taskforce are key elements of the government's plan to combat organised crime.

And the common basis of these elements is tracking money flows, the life-blood of organised crime.

The Australian Transaction Reports and Analysis Centre (AUSTRAC) is Australia's specialist financial intelligence unit. It provides information about potentially criminal activity to law enforcement agencies, which put it together with other intelligence to detect people smuggling, drug importations, black market weapons trade, and other serious and violent crime. This financial intelligence has a broad public benefit, and is funded from our taxes.

In addition, AUSTRAC is Australia's anti-money laundering and counter terrorism financing regulator. AUSTRAC's regulatory activities mitigate the risk of money laundering, terrorism financing and other organised crime.

Businesses regulated by AUSTRAC facilitate financial flows that provide opportunities for others to disguise the true origin or eventual use of funds. Regulation under the Anti-Money Laundering and Counter-terrorism Financing Act 2006 (AML/CTF Act), however, reduces the risk that business will be exploited for money laundering or terrorism financing purposes. Businesses that operate internationally also benefit from operating in a jurisdiction that meets international standards for combating money laundering and terrorism financing. It is appropriate that industry meet the costs of the regulatory systems that ensure the integrity of their operating environment.

Businesses that profit from services that are vulnerable to abuse for money laundering and terrorism financing have created the need for regulation by AUSTRAC.

Since 2002, the Cost Recovery Guidelines have recognised as a matter of principle that entities that have created the need for government regulation should bear the cost of that regulation.

In the 2010-11 budget the government announced that from the 2011-12 financial year, AUSTRAC would recover the costs of its regulatory activities from the businesses regulated under the AML/CTF Act. Cost recovery has not previously been applied to AUSTRAC as, up until AML/CTF Act commenced in 2006, AUSTRAC's regulatory functions were limited, and the AML/CTF Act did not fully become operational until March 2010.

This bill, together with the Australian Transaction Reports and Analysis Centre Supervisory Cost Recovery (Collection) Bill 2011 and the Australian Transaction Reports and Analysis Centre Supervisory Cost Recovery (Consequential Amendments) Bill 2011, gives effect to that measure. There has been extensive consultation with industry about how best to recover the costs of AUSTRAC's regulatory activities. Throughout this consultation process, the government has listened to the concerns of industry and substantial

changes have been made to the proposed model to address these concerns.

In accordance with the Cost Recovery Guidelines AUSTRAC will be able to recover its supervisory budget.

The supervisory budget consists of four parts:

- The business-as-usual cost of AUSTRAC's regulatory activities (including support services and costs associated with capital projects necessary to support regulation).
- Support for small business to achieve better compliance outcomes. Some small businesses captured by the AML/CTF Act have faced challenges in implementing compliant AML/CTF programs. This component will include the development of simplified guidance materials and the development of AUSTRAC's website to enhance its usability for small business.
- An amount to meet the legal costs associated with enforcement activities undertaken by AUSTRAC.
- The establishment and ongoing costs associated with implementing and administering cost recovery.

AUSTRAC has no power to use the levy to determine its supervisory budget. AUSTRAC's supervisory budget will be determined as part of the usual budget process. For example, the efficiency dividend applies equally to AUSTRAC's intelligence and supervisory budgets.

The 2011-12 budget papers estimate the amount to be collected over the next four years at less than \$30 million each year.

The total amount to be collected under the levy cannot be greater than the cost of AUSTRAC's regulatory activity. The amounts to be levied will be set in advance of the date at which the number of regulated entities enrolled with AUSTRAC is determined for levy purposes, accordingly there is a chance that AUSTRAC will overcollect or undercollect the levy. In the event of an over, or under, recovery of costs, a compensating adjustment will be made to the levy to be imposed in the subsequent year. The bill provides for this eventuality by setting a statutory upper limit for the amount that can be collected, which is marginally higher than the AUSTRAC supervisory budget, namely \$33 million per annum, indexed.

The bill provides for the minister to determine the amount payable by each business each year. This will be set out in a ministerial determination, which is a disallowable instrument.

Under the bill, a reporting entity's liability to pay the levy in any particular year will be determined on the 'census day'. The census day in the 2011-12 financial year is the day determined by the AUSTRAC CEO. In

future years, the census day will be 1 July or such other day determined by the AUSTRAC CEO.

The AUSTRAC levy is proposed to be a single annual charge comprising three components: a base component, a component for large entities and a component for transaction reporting activities.

The base component, to be paid by most businesses regulated by AUSTRAC, relates to the costs incurred by AUSTRAC in regulating all businesses. These expenses are incurred uniformly for all businesses, and the base component will be uniform.

The large entity component, to be paid by businesses with higher earnings, relates to the additional costs incurred by AUSTRAC in regulating larger businesses. The large entity component will be higher, the higher the business's earnings.

The transaction reporting component, to be paid by businesses depending on the volume and value of their reportable transactions—that is, threshold transaction reports and international funds transfer instructions. This relates to the additional costs incurred by AUSTRAC in regulating businesses which lodge large numbers of transaction reports, and/or transaction reports relating to large amounts of money.

The determination may specify a zero levy for an entity or class of entities. Remittance affiliates created by the Combating the Financing of People Smuggling and Other Measures Bill 2011 will be such a class of entities. This will include remittance affiliates like newsagents and post-office agents.

Sole proprietors and partnerships with employees or businesses employing less than five people will also be exempt from the base component of the levy. These businesses will not be invoiced if the levy amount calculated for that business in the financial year is less than \$100, indexed.

Businesses that are not required to have or comply with an anti-money-laundering and counterterrorism financing program under part 7 of the AML/CTF Act will not be subject to a levy. The AUSTRAC CEO has indicated his intention to exempt small gaming machine venues from part 7 of the AML/CTF Act. This would mean that these businesses would not be subject to the levy.

A review of the calculation methodology is planned after five years, or earlier if there are material changes to the AUSTRAC operating environment. AUSTRAC will monitor the cost recovery approach on an ongoing basis.

The government appreciates the way in which businesses work collaboratively with AUSTRAC through our regulatory system to make it ever harder for organised crime and terrorists to move money around undetected.

This bill will ensure that AUSTRAC continues to provide a regulatory environment that maintains community confidence in financial flows, and minimises the risk to business of exploitation for money laundering or terrorism financing. I commend the bill to the House.

Debate adjourned.

### **Australian Transaction Reports and Analysis Centre Supervisory Cost Recovery Levy Bill 2011**

#### **First Reading**

Bill and explanatory memorandum presented by **Mr O'Connor**.

Bill read a first time.

#### **Second Reading**

**Mr BRENDAN O'CONNOR** (Gorton—Minister for Privacy and Freedom of Information, Minister for Home Affairs and Minister for Justice) (10:28): I move:

That this bill be now read a second time.

This is the second of three bills that will give effect to the 2010-11 budget announcement that from the 2011-12 financial year, the Australian Transaction Reports and Analysis Centre (AUSTRAC) would recover the costs of its regulatory activities from the businesses regulated under the Anti-Money Laundering and Counter-terrorism Financing Act 2006 (AML/CTF Act).

This bill enables AUSTRAC to collect the supervisory cost recovery levy from businesses under the Australian Transaction Reports and Analysis Centre Supervisory Cost Recovery Levy Bill 2011. It establishes the framework for administering the levy, including matters relating to collection, invoicing, and dealing with late payments.

#### **Liability to pay levy**

Businesses that are not otherwise exempted from paying the levy will be required to pay it in any given financial year if they provided a designated service in the previous financial year and are enrolled or required to enrol at the census day. The census day will be the date on which an entity's liability to pay the levy for the current financial year will be calculated. The census day is defined in the Australian Transaction Reports and Analysis Centre Supervisory Cost Recovery Levy Bill 2011.

Reporting entities that cease to provide designated services and are not enrolled at census day will not be liable to pay the levy. This recognises that the legal status or business activities of reporting entities may change due to bankruptcy, merger or acquisition.

### Facilitation of group payments

In keeping with the government's commitment to reduce the regulatory burden, wherever possible, businesses regulated by AUSTRAC may nominate another entity to receive the levy invoice and to discharge the obligation on its behalf. This will enable corporate groups to streamline the receipt and payment of invoices through a single entity.

### Waivers

The government recognises that there may be some circumstances in which a business may not be able to pay the levy or where imposing a late penalty payment is not appropriate. In these circumstances, the AUSTRAC CEO will have the capacity to waive the levy and/or the late payment penalty. A decision by the AUSTRAC CEO to waive the levy or late payment penalty will be a reviewable decision before the Administrative Appeals Tribunal.

I commend the bill to the House.

Debate adjourned.

### Australian Transaction Reports and Analysis Centre Supervisory Cost Recovery Levy (Consequential Amendments) Bill 2011

#### First Reading

Bill presented by **Mr Brendan O'Connor**.

Bill read a first time.

#### Second Reading

**Mr BRENDAN O'CONNOR** (Gorton—Minister for Privacy and Freedom of Information, Minister for Home Affairs and Minister for Justice) (10:31): I move:

That this bill be now read a second time.

This is the last of three bills that will give effect to the 2010-11 budget announcement that from the 2011-12 financial year, the Australian Transaction and Reports Analysis Centre (AUSTRAC) would recover the costs of its regulatory activities from the businesses regulated under the Anti-Money Laundering and Counter-terrorism Financing Act 2006 (AML/CTF Act).

This bill amends the AML/CTF Act to require reporting entities to enrol with AUSTRAC and allow infringement notices to be issued for failure to enrol and failure to appropriately maintain enrolment details.

### Mandatory enrolment

Currently businesses required to be regulated by AUSTRAC are encouraged to voluntarily enrol with AUSTRAC by facilitating electronic reporting for those businesses that enrol through AUSTRAC online. As at January 2011, 17,888 businesses had enrolled with AUSTRAC—1,590 more than in January 2010.

In moving to a cost recovery environment, the government considers that enrolment must become

mandatory to implement a transparent, efficient and effective cost recovery scheme. Mandatory enrolment enables AUSTRAC to comprehensively identify its regulated population for the purpose of calculating and applying the AUSTRAC supervisory cost recovery levy. Failure to enrol attracts a civil penalty of up to 100,000 penalty units (currently \$11 million) for businesses or 20,000 penalty units (currently \$2.2 million) for individuals.

The levy for a particular business will be calculated in accordance with the information provided by the business on enrolment. Provision of false or misleading information to AUSTRAC is already a criminal offence under the AML/CTF Act regime.

Businesses regulated by AUSTRAC will be required to enrol within 28 days of providing or commencing to provide a designated service or within 28 days of the commencement of the relevant provisions of the bill.

The details of what businesses will be required to provide to AUSTRAC will be contained in rules. The AUSTRAC CEO will make the rules under the AML/CTF Act, in consultation with affected businesses. These rules will require reporting entities to provide business and contact details, as well as specific details that facilitate the calculation of the levy. To the greatest extent possible, these requirements mirror the information currently provided voluntarily by reporting entities to AUSTRAC.

Once enrolled, businesses will be required to keep their details up to date. The penalty for failing to keep details up to date is also a civil penalty provision and may attract the same penalties as a failure to enrol.

In addition, businesses may make a request to the AUSTRAC CEO to have their name and details removed from the roll. Prior to doing this the AUSTRAC CEO may take into consideration whether the business has discharged its reporting obligations.

### Infringement Notice Scheme

Schedule 2 of the bill extends the infringement notice scheme to the offences for failure to enrol and failure to appropriately maintain enrolment details. This infringement notices scheme will enable the AUSTRAC CEO to respond to breaches in a more efficient and proportionate way than proceeding to court. The use of infringement notices in these instances is consistent with AUSTRAC's use of infringement notices more broadly, and the powers and approach of other Commonwealth regulators.

I commend the bill to the House.

Debate adjourned.



**Tax Laws Amendment (2011 Measures No. 3)  
Bill 2011**

**First Reading**

Bill and explanatory memorandum presented by **Mr Shorten**.

Bill read a first time.

**Second Reading**

**Mr SHORTEN** (Maribyrnong—Assistant Treasurer and Minister for Financial Services and Superannuation) (10:36): I move:

That this bill be now read a second time.

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

Schedule 1 to this bill provides a 12-month export period for the supply of a recreational boat to be GST free, subject to certain conditions, where the boat has been supplied under a contract entered into on or after 1 July 2011.

The schedule implements a measure announced by the government in the 2010-11 budget. The measure overcomes a geographic disadvantage Australian boatbuilders face when competing in international markets.

The distance and sailing conditions between Australia and foreign ports make it difficult for boat buyers intending to have an extended sailing holiday before taking the boat out of Australia to meet the existing 60-day export period for a GST-free supply. On the other hand, it is relatively easy for boat purchasers in some other countries to meet the export requirements of comparable legislation because these countries are comparatively closer.

The schedule makes the supply of a boat GST free if the seller or purchaser exports the boat from Australia within 12 months of delivery. The main conditions are that the boat must be a new recreational boat and the boat must not be used in any disqualifying activity.

The first condition is designed to ensure that the 12-month export period applies only to boats of a type used for recreational purposes. It is not intended to apply to boats of a type used for commercial gain. The boat also has to be a new boat. This will generally be one that has not been used or sold before, although certain activities before sale are allowed. These include delivering the boat to a dealer or to a boat show, conducting speed trials on the boat or other uses in connection with the use of the boat as trading stock.

The disqualifying activity test is, broadly, designed to ensure that the boat cannot be used for commercial or financial gain while it is in Australia.

The Commissioner of Taxation will have a discretion to extend the 12-month export period. The discretion could cover circumstances that reasonably explain the delay in exporting the boat, such as bad

weather, serious illness to a crew member or significant accidental damage to the boat.

Schedule 2 amends the tax laws to remove a technical deficiency which prevents the ongoing imposition of the general interest charge in some cases. The general interest charge is an interest charge imposed by the tax laws on the late payment of income tax and shortfall interest charge liabilities.

These amendments will restore the ongoing imposition of the general interest charge. This ensures that all unpaid amounts of income tax and shortfall interest charge will be treated equally under the law and that the commissioner's ability to collect the general interest charge will remain uninterrupted.

Full details of the measures in this bill are contained in the explanatory memorandum. I commend the bill to the House.

Debate adjourned.

**Taxation of Alternative Fuels Legislation  
Amendment Bill 2011**

**First Reading**

Bill and explanatory memorandum presented by **Mr Shorten**.

Bill read a first time.

**Second Reading**

**Mr SHORTEN** (Maribyrnong—Assistant Treasurer and Minister for Financial Services and Superannuation) (10:40): I move:

That this bill be now read a second time.

This bill is one of a number of bills that together introduce fuel tax reforms first announced by the former Howard government in its 2003-04 budget.

The bills phase in the new taxation arrangements in respect of liquefied petroleum gas, liquefied natural gas and compressed natural gas. The bills also clarify the tax treatment of renewable fuels, namely ethanol, methanol and biodiesel, and correct a legislative anomaly that was wilfully ignored by the former Howard government, providing much-needed certainty for the renewable fuels industry.

Over time, the rate of excise applied to LPG, LNG and CNG will be calculated on the basis of the energy content of those fuels, discounted by 50 per cent to recognise the fuel security, potential environmental, and regional development benefits arising from their use. These arrangements will be phased in incrementally over a five-year period to ensure that industry and users of the fuels have sufficient time to adjust to the new system.

According to the ACCC's December 2010 report on the petroleum industry, Australia enjoyed the lowest automotive LPG prices in the OECD. The introduction of taxation on LPG will bring Australia into line with most other OECD countries.

This bill also includes a commitment that renewable fuels (ethanol, methanol and biodiesel) do not pay effective excise. This commitment reflects discussions with our crossbench colleagues and industry on these longstanding reforms. It will mean that these renewable fuels will play an important part in Australia's transition to a low-carbon economy and future energy security.

The taxation and grant arrangements that currently apply to ethanol, namely application of fuel taxation to both imported and domestically produced ethanol with a grant for domestically produced ethanol, will be maintained for a period of 10 years before a review is undertaken. Similarly, the taxation arrangements for biodiesel and renewable diesel, and the availability of the energy (cleaner fuels) scheme grants, will remain in place before a review is undertaken after 10 years.

The government will also exclude methanol, used in certain racing vehicles, from the new regime because of its limited use and small market. This recognises the concerns of the industry.

While the government has not made any final decisions about the treatment of fuel in the carbon price arrangements, a principle of carbon pricing is to apply a price that reflects the relative emissions of different activities.

The government notes the claims of the LPG industry that LPG generates 13 per cent less emissions than regular petrol and the low-carbon opportunities of ethanol, methanol, biodiesel and other alternative fuels. The government is committed to addressing the relative emissions generated by those fuels as part of its consideration of arrangements for fuel under the carbon price.

The support of the parliament for this legislation is crucial.

Under the former government's legislation that will apply unless new legislative arrangements are made, the taxation arrangements for both imported and domestically produced ethanol will both jump to 7.6c per litre from 1 July 2011. This will mean that on this date the net excise on domestic ethanol will rise by 7.6c per litre and the duty on imported ethanol will fall by more than 30c per litre. In addition, the tax on imported and domestic ethanol will continue to rise each year by more than 7.6c per litre until they are both taxed at the petrol rate of 38.143c per litre. Biodiesel will also be overtaxed from 1 July 2011 if the bills are not passed. The consequences of these arrangements would be devastating for industry. The Gillard Government is committed to completing the unfinished business of the Howard government and to acting in the national interest. It is imperative to have these bills passed to avoid the unintended tax consequences on the ethanol and biodiesel industries.

Once enacted, the legislation will provide certainty for alternative fuels taxation so that industry will be able to make decisions, confident in the knowledge of the tax arrangements that apply.

This is in stark contrast to the position of the Liberal-National coalition.

In May 2003 the then Treasurer, Peter Costello, announced the alternative fuels tax arrangements as long-term, important reforms—saying Australia must have a more consistent and sustainable fuel tax regime.

In December 2003 the then Prime Minister, John Howard, said the reforms will result in a more consistent and neutral tax regime for fuels used in vehicles. The then Deputy Prime Minister, John Anderson, at the time emphasised the importance of investment certainty.

This stance was reaffirmed by the coalition as recently as the 2010 federal election campaign. But after eight years of being coalition policy, on 28 January this year, the Leader of the Nationals made it clear that the opposition now opposed these once bipartisan fuel tax reform arrangements. This is despite the fact that the coalition was happy to include the positive revenue implications of this policy in the budget forward estimates from the time this policy was first announced.

In the face of this regrettable opportunistic policy reversal by the coalition, the government is determined to get on with the job, mindful of the new paradigm, but determined to act in the national interest.

It is critical that the bills are considered promptly in the parliament. Royal Assent is necessary before 1 July 2011 to prevent the changes legislated for ethanol, biodiesel and renewable diesel by the Howard government coming into operation on 1 July 2011. These changes would seriously undermine Australia's renewable fuels manufacturing industry.

These bills have been developed following an extensive consultation process with industry that included the release for comment of a discussion paper and release of exposure draft legislation.

The bills will also give effect to the government's decision announced on 24 January 2011 at a cost of \$26 million, to defer the start date of the new taxation arrangements for alternative fuels until 1 December 2011. This decision reflects the government's commitment to listen and respond to concerns raised by industry and provides additional time, particularly for the gaseous fuels industry, to prepare for these changes.

The new tax arrangements contained in the bills that apply to the taxation of LPG have been developed in close consultation with the LPG industry to ensure that industry compliance costs are minimised to the greatest extent possible.

These bills also address industry concerns about the fuel tax credit arrangements applying to alternative fuels when blended with other fuels. The bills set out rules to work out fuel tax credit entitlements for blends of fuels and ensures that current arrangements are maintained.

The application of fuel tax to alternative fuels by the package of bills recognises that ethanol, biodiesel and renewable diesel are already in the excise and customs system and generally qualify for existing grants. The bills ensure that these current arrangements will continue, with a review after ten years.

Grants currently payable under the Energy Grants (Cleaner Fuels) Scheme Act 2004 will continue to be payable from 1 July 2011. Renewable diesel and biodiesel will continue to have fuel tax applied at the full fuel tax rate of 38.143 cents per litre with cleaner fuels grants offsetting the fuel tax.

Methanol and the gaseous fuels (compressed and liquefied natural gas and liquefied petroleum gas) are not in the fuel tax system at present. Methanol will remain outside the system.

CNG, LNG and LPG will enter the fuel tax system from 1 December 2011 and be covered by new arrangements. These set duty on a net basis without applying an offsetting grant against duty payable and set the rates of fuel tax on CNG and LNG in cents per kilogram rather than on volumetric terms. These changes were supported during consultations as industry considered that they would reduce business compliance costs.

These improvements to the former Howard government policy reflect a government that is willing to listen. The Gillard government is committed to getting this policy right, and to continuing to monitor the policy settings over time.

Accordingly, the Gillard government will review the operation of the legislation after 30 June 2015 as it applies to LNG, CNG and LPG. At this time, a review of this longstanding policy will be timely given broader energy issues, including a carbon price. It would also be an appropriate time to analyse industry compliance costs, particularly in the LPG sector. Such a review can also consider issues such as the size of the alternative fuels sector and the market growth of these industries.

A separate later review of the taxation and grant arrangements that apply to ethanol, biodiesel, renewable diesel and methanol will be undertaken by the government after 30 June 2021. The exclusion of methanol from duty will also be reviewed at this time.

Full details of the Taxation of Alternative Fuels Legislation Amendment Bill 2011 are contained in the combined explanatory memorandum.

Debate adjourned.

### **Excise Tariff Amendment (Taxation of Alternative Fuels) Bill 2011**

#### **First Reading**

Bill and explanatory memorandum presented by **Mr Shorten**.

Bill read a first time.

#### **Second Reading**

**Mr SHORTEN** (Maribyrnong—Assistant Treasurer and Minister for Financial Services and Superannuation) (10:50): I move:

That this bill be now read a second time.

This bill is part of a package of bills concerning the taxation of alternative fuels. The bill provides for excise to be applied to certain fuels manufactured or produced in Australia.

The bill sets out the excise rates that will apply at each stage of phasing in the new alternative fuels tax regime for compressed and liquefied natural gas and liquefied petroleum gas, and sets out how blends of fuels in the fuels tax system should be handled to determine excise duty obligations.

Full details of the Excise Tariff Amendment (Taxation of Alternative Fuels) Bill 2011 are contained in the explanatory memorandum.

Debate adjourned.

### **Customs Tariff Amendment (Taxation of Alternative Fuels) Bill 2011**

#### **First Reading**

Bill and explanatory memorandum presented by **Mr Shorten**.

Bill read a first time.

#### **Second Reading**

**Mr SHORTEN** (Maribyrnong—Assistant Treasurer and Minister for Financial Services and Superannuation) (10:51): I move:

That this bill be now read a second time.

This bill forms part of a package of bills concerning the taxation of alternative fuels. The bill amends the law to introduce excise-equivalent customs duties on certain alternative fuels.

The bill sets out the excise-equivalent customs duty rates that will apply at each stage of phasing in the new alternative fuels tax regime for LPG, LNG, and CNG, and sets out how blends of fuels in the fuels tax system should be handled to determine excise equivalent customs duty.

Full details of the Customs Tariff Amendment (Taxation of Alternative Fuels) Bill 2011 are contained in the explanatory memorandum.

Debate adjourned.

## **Energy Grants (Cleaner Fuels) Scheme Amendment Bill 2011**

### **First Reading**

Bill and explanatory memorandum presented by **Mr Shorten**.

Bill read a first time.

### **Second Reading**

**Mr SHORTEN** (Maribyrnong—Assistant Treasurer and Minister for Financial Services and Superannuation) (10:53): I move:

That this bill be now read a second time.

This bill is part of a package of bills concerning the taxation of alternative fuels. The bill amends the Energy Grants (Cleaner Fuels) Scheme Act 2004 to extend its operation.

The change is a consequence of two circumstances. The first is the government's decision announced on 24 January 2011 to allow an additional five months until 1 December 2011 for affected industry participants and, in particular, the gaseous fuels sector to adjust to the changes. The second is as a result of revised fuel taxation arrangements for ethanol, biodiesel, renewable diesel and methanol.

Full details of the Energy Grants (Cleaner Fuels) Scheme Amendment Bill 2011 are contained in the explanatory memorandum.

Debate adjourned

## **Tax Laws Amendment (Medicare Levy and Medicare Levy Surcharge) Bill 2011**

### **First Reading**

Bill and explanatory memorandum presented by **Mr Shorten**.

Bill read a first time.

### **Second Reading**

**Mr SHORTEN** (Maribyrnong—Assistant Treasurer and Minister for Financial Services and Superannuation) (10:54): I move:

That this bill be now read a second time.

This bill increases the Medicare levy and Medicare levy surcharge low-income thresholds for individuals and families in line with increases in the Consumer Price Index. These changes, which historically have received bipartisan support, will ensure that low-income individuals and families will continue to be exempt from the Medicare levy and/or the Medicare levy surcharge.

This bill also increases the Medicare levy low-income threshold for pensioners below Age Pension age to ensure that these pensioners also do not pay the Medicare levy when they do not have an income tax liability.

These amendments will apply to the 2010-11 year of income and later income years. Full details of this bill are contained in the explanatory memorandum.

I commend this bill to the House.

Debate adjourned.

## **COMMITTEES**

### **Public Works Committee**

#### **Reference**

**Mr GRAY** (Brand—Special Minister of State for the Public Service and Integrity and Special Minister of State) (10:56): I move:

That, in accordance with the provisions of *the Public Works Committee Act 1969*, the following proposed work be referred to the Parliamentary Standing Committee on Public Works for consideration and report: Fit-out of new leased premises for the Human Services Portfolio at Greenway, Australian Capital Territory.

Centrelink, on behalf of the Human Services portfolio, proposes to undertake a fit-out of a new leased office building being planned for construction and lease in Greenway, Australian Capital Territory. The new building was originally intended to accommodate the national support office staff and facilities of Centrelink. In accordance with the government's service delivery reform program, which the then Minister for Human Services announced on 16 December 2009, the building is now intended to accommodate staff from across the portfolio. The building will enable about 90 per cent of the portfolio's national office staff to co-locate in the Tuggeranong Town Centre precinct. This will enable the portfolio to relinquish a number of smaller and, in some cases, substandard leases around the ACT. The building will be purpose designed and built and will be fitted out with 1,747 work points. The estimated outturn cost of the proposal is \$38.55 million plus GST. Subject to parliamentary approval, the proposed fit-out works are scheduled to start with design in August 2011 and completed, including certification, by June 2013. The developer is expected to commence base building construction in mid-May 2011. The building is expected to be ready for occupancy by the end of June 2013. I commend the motion to the House.

Question agreed to.

### **Publications Joint Committee**

#### **Report**

**Mr HAYES** (Fowler—Government Whip) (10:58): I present the report from the Publications Committee sitting in conference with the Publications Committee of the Senate. Copies of the report are being placed on the table.

Report—by leave—agreed to.

**BILLS****Corporations Amendment (Improving  
Accountability on Director and Executive  
Remuneration) Bill 2011****Second Reading**

Debate resumed on the motion:

That this bill be now read a second time.

**Mr BRADBURY** (Lindsay—Parliamentary Secretary to the Treasurer) (10:59): The government would like to thank those honourable members that have taken part in the debate on the Corporations Amendment (Improving Accountability on Director and Executive Remuneration) Bill. It is important that we have a system of remuneration that is not only internationally competitive but that also appropriately rewards executives for the value that they bring to a company. At the same time, directors should be accountable to shareholders for the level and composition of executive remuneration. As shareholders are the owners of their companies, they deserve more say over how the pay of company executives is set. While Australia's remuneration framework is relatively strong and has been acknowledged as such by the Productivity Commission, the global financial crisis highlighted a number of issues relating to remuneration structures. In particular it illustrated the dangers of remuneration structures that focus on short-term results, reward excessive risk taking and promote corporate greed.

In March 2009 the government asked the Productivity Commission to undertake a broad review of Australia's remuneration framework. Following a comprehensive inquiry the Productivity Commission found that Australia's corporate governance and remuneration framework is highly ranked internationally. However, it also recommended a range of reforms to further strengthen Australia's remuneration framework. The government supported and further strengthened the majority of the recommendations. This bill implements many of these recommendations and introduces measures that will empower shareholders to influence the remuneration decisions of their company.

The bill requires company boards to be responsive to shareholder concerns on remuneration issues and, if they fail to do this over two consecutive years, they will be held accountable by having their re-election fast-tracked through the two-strikes process. The bill also facilitates the independence of remuneration consultants by introducing requirements about who must approve the engagement of a remuneration consultant and who the remuneration consultant must report to. The bill also ensures that shareholders are able to make an informed assessment about the independence of the remuneration consultant. The bill

requires the board and the remuneration consultant to provide a declaration of independence as well as requiring disclosure of key details, such as the fees the remuneration consultant was paid.

The bill also contains a number of other important measures. The bill prohibits the company's directors and key executives or key management personnel and their closely related parties from voting their shares in the non-binding vote on the remuneration report. This will address the conflicts of interest that arise with key management personnel voting on their own remuneration. The bill prohibits key management personnel from hedging their incentive remuneration. This will ensure that remuneration remains linked to performance. The bill prevents boards from declaring 'no vacancy' without explicit shareholder consent. This will ensure that the board cannot operate in a closed shop fashion and will provide greater scope for shareholder oversight on issues like executive remuneration. Finally, the bill prevents proxyholders from cherry picking which proxies they exercise, which will enfranchise shareholders who choose to vote by proxy.

The government will also be moving amendments that would delay the application date of three of the bill's measures from 1 July to 1 August 2011. These measures are the prohibition on key management personnel and their closely related parties from voting their shares in the non-binding vote on remuneration, the prohibition on exercising undirected proxies on remuneration related resolutions, and the prevention of cherry picking of proxies. The amendments provide transitional relief to firms facing difficulties in their preparations during May and June for annual general meetings scheduled for July 2011 because the bill remains subject to parliamentary consideration. As the delay in application affects only three measures, the broad policy purpose of the bill would continue to be applicable from 1 July 2011. The coalition have circulated some amendments which they have proposed and I would like to turn my comments to those amendments now.

**Mr Tony Smith:** Deputy Speaker, I raise a point of order. To assist the House, we are about to move to consideration in detail, where we have the allotted and scheduled time in which to do that. If the parliamentary secretary wants to do it twice, that is his business.

**The DEPUTY SPEAKER (Ms S Bird):** The member has made his point.

**Mr BRADBURY:** I think it is important that we put on record the government's position in relation to these matters and, noting the member opposite's comments that there will be further opportunity—

**The DEPUTY SPEAKER:** Parliamentary Secretary, please resume your seat for a moment. Given that this is a second reading debate, which covers

issues more broadly, I am going to allow the parliamentary secretary to continue.

**Mr BRADBURY:** Thank you very much. I want to address the question of the two-strikes test, which is at the very heart of these reforms. These are the reforms that would be under threat if the opposition's amendment were to be approved. Under the two-strikes test, as has been indicated, where more than 25 per cent of shareholders vote against a remuneration report on two consecutive occasions, it would then give rise to an opportunity to vote on a spill resolution. If a 50 per cent majority were achieved on that spill resolution, that would then trigger a spill of the board. The two-strikes test is absolutely central to this package of reforms because it is the one mechanism that provides shareholders with leverage in this entire set of arrangements. To emasculate the two-strikes test is to strike at the very heart of these proposals.

The proposition that is being put forward is that the bill as it stands before the House should be amended so that that test should change from applying to 25 per cent of the votes cast to 25 per cent of shares issued. That does not seem like a significant change, but it is a very significant change. If this change were to be adopted, if this amendment were to be adopted, it would strike at the very heart of this package of reforms. It would make it almost impossible for shareholders to spill a board. We certainly do not see the spilling of a board as a first port of call; it should always be an absolute last resort. But we are serious about providing shareholders with an opportunity to spill boards where they have been recalcitrant: where they have failed to respond to the concerns of shareholders over two consecutive years. To move from a position where the 25 per cent is measured against votes cast to a position where the 25 per cent is measured against total available votes—that is, if you do not turn up to vote your vote is counted as being a vote in support of the remuneration report—is to strike at the very heart of this package. The Productivity Commission, in their extensive deliberations on these matters indicated that at present, on average, about 58 per cent of shares are voted at the AGM. Of those 58 per cent of shares voted, under our proposal there would need to be 25 per cent of those people indicating a 'no' vote, casting a 'no' on the remuneration report. If the coalition's amendments were to be adopted and included as part of this package of reforms, the 25 per cent would effectively be a 44 per cent vote.

I know that many contributors to this debate and many stakeholders simply said, 'Increase the 25 per cent to 50 per cent.' We have adopted the recommendation of the Productivity Commission in this regard. It is a non-binding vote, and we believe that 25 per cent is calibrated at the appropriate level. If the coalition are serious about increasing the level they should just come in here and move 50 per cent. They

should not try and do it through this backdoor method, emasculating the two strikes test by indicating that the 25 per cent should be in reference to total votes issued.

There are a couple of good reasons why it would be a travesty if these amendments were to be adopted. The first one is that this whole package is about greater accountability. We want to make boards more accountable to shareholders, but under the coalition's amendments we would actually make them less accountable—we would strip away some of the power that this bill is intended to give shareholders. So on accountability it would be a step backwards. This package above all else is about shareholder engagement. It is about saying to boards: 'We want you to engage with your shareholders and allow them to understand the principles behind the remuneration packages that you are awarding. Let them be fully informed of the dynamics that have driven your decision to award your executives salaries of the levels that you have been prepared to award.' We want more shareholders being engaged as part of this process.

One of the perverse incentives of the coalition's amendments is that they actually discourage boards from engaging with shareholders. To explain this I want to make a very simple point. I said earlier that the Productivity Commission had said that on average only 58 per cent of shares are voted at an AGM. Under the coalition's proposal, if fewer than 50 per cent of shares are voted at the AGM the two-strikes test can have no application; it can never work. What they are indicating—bearing in mind that that 58 per cent is an average, so for every company that has a higher turnout than 58 per cent there are others who will have a lower turnout—is that for those companies the two-strikes test, the very centrepiece of this package of reforms, would have no effect because it could not be applied in those circumstances.

The other point that I would make is that the coalition propose to amend the reference point in relation to the 25 per cent trigger, but they have not proposed to do that in relation to the spill motion. So it is theoretically possible for the threshold for the spill motion to be higher than the threshold for the trigger. That runs counter to the philosophy of this, which is all about the triggers. The non-binding votes are about giving shareholders an opportunity to express a view without spilling a board. But if they express that view on one occasion and they come back to the AGM the next year and they do it again, and the board still does not respond to their concerns, then there must be an ultimate sanction, being the sanction in the form of the spill resolution. I would certainly be putting forward the proposition, through you, Deputy Speaker, that the essence of these reforms will be put in jeopardy if such an emasculation, such a watering down, such a weakening of the two-strikes test were to be adopted.

In summary, this bill will give unprecedented power to shareholders, improve the accountability of company directors on remuneration issues, address conflicts of interest that exist in the remuneration setting process and promote a culture of responsible remuneration practices. 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 TONY SMITH** (Casey) (00:00): by leave—I move opposition amendments (1) to (4), as circulated in the name of the honourable member for North Sydney, together:

(1) Schedule 1, item 9, page 9 (lines 4 and 5), omit "votes cast on a resolution that the remuneration report be adopted were", substitute "total votes that were entitled to be cast on a resolution that the remuneration report be adopted were cast".

(2) Schedule 1, item 13, page 13 (lines 6 and 7), omit "votes cast on a resolution that the remuneration report be adopted were", substitute "total votes that were entitled to be cast on a resolution that the remuneration report be adopted were cast".

(3) Schedule 1, item 13, page 13 (lines 9 and 10), omit "votes cast on a resolution that the remuneration report be adopted were", substitute "total votes that were entitled to be cast on a resolution that the remuneration report be adopted were cast".

(4) Schedule 1, item 19, page 17 (lines 29 and 30), omit "votes cast were", substitute "total votes that were entitled to be cast were cast".

On 24 March the member for North Sydney, the shadow Treasurer, outlined on behalf of the coalition, as the parliamentary secretary would be aware, that we supported this bill. He said that at the outset of his speech. But he also flagged back at that point that there was one issue on which we would be moving an amendment. He said at the time that the coalition would be moving an amendment—which was circulated some time ago; it is my understanding that it was circulated back on 24 March—to amend wording in relation to the 25 per cent trigger that the parliamentary secretary has just referred to. He said:

The intention of the amendment is to improve the representation of total shareholder views, because as the legislation stands—

as the shadow Treasurer said—

it is possible for a no vote to be triggered against a remuneration report by less than 25 per cent of all available votes ...

On behalf of the coalition, the shadow Treasurer has consulted widely on this and, as a consequence, it is the view of the coalition that there would be an improvement if the amendments that have been

circulated were passed. The effect of the amendments is to ensure that the 25 per cent relates to all available votes. As the parliamentary secretary outlined, his legislation as it stands has the 25 per cent threshold applying to votes cast at an annual general meeting. That could be a fraction of the total votes that are available. The coalition, as the member for North Sydney outlined, has considered this. Following consultations, we believe that it is important to make this change. We think that the measures within the bill themselves are improvements but we think that, when it comes to this test, the 25 per cent test should apply in the way that the amendments moved would provide. The amendments would strengthen it. That 25 per cent test should apply to available votes. The amendments seek to make that change and that change only. Having heard the parliamentary secretary's opposition to these amendments in his speech in the second reading debate, I will now give him the opportunity to repeat everything he said in the last five minutes of his speech. Now he has had a warm-up, so we will see how he goes the second time around.

**Mr BRADBURY** (Lindsay—Parliamentary Secretary to the Treasurer) (11:16): I am only getting warmed up. The member opposite in his response to the matters that I raised was almost as weak and insipid as these reforms would leave the position of shareholders, were these amendments to be adopted. Frankly, it is shameful that on the one hand the coalition want to pretend that they are supporting the empowerment of shareholders. They want to pretend that that is what they are doing. In fact, I heard the member opposite say that this would strengthen the two-strikes test.

**Mr Tony Smith:** No, the bill.

**Mr BRADBURY:** It would strengthen the bill. He did not provide any elaboration as to how it would do that. If we look at the history of what has occurred here, these are not some proposals that we have slapped together over a very short space of time. This is a very deliberative process that we have worked through, a very consultative process. I want to take this opportunity and a little bit of time to take the House through the process that we have been through, because it is important to understand why we are so opposed to these amendments that have been moved by the opposition.

The government announced the Productivity Commission inquiry in March 2009, so it was not yesterday. It has been going on for a long time. An issues paper was released by the Productivity Commission in April 2009, a discussion document in September 2009, and a final report to government in December 2009, which was then publicly released in January 2010. The Productivity Commission received 170 submissions, so people have had plenty of

opportunity to contribute to this. There were 170 submissions received. The Productivity Commission conducted roundtables and public hearings over nine months. Government announced its response to the Productivity Commission report in April 2010. The government then released draft legislation on 20 December 2010 and consulted on that legislation through until late January 2011. More than 50 submissions on the draft legislation were received, and I personally met with many stakeholders about the issues and concerns that they held. The bill was finalised and then introduced into this House on 23 February 2011.

The amendments that have been brought forward by the opposition, as I mentioned earlier, strike at the very heart of this package of reforms. I have outlined how extensive a process this was. I note some comments made earlier in the debate by the member for Mayo in particular. He said some very nice things about the Productivity Commission. In fact, I think that they were warranted comments. He said:

What we do seek to do is empower shareholders more, particularly when the Productivity Commission, whose work I have a very high regard for, is making some sensible recommendations on how we do that.

The government agrees with that. We are not proposing to overturn some of those recommendations. Indeed, the member for Mayo went on later in his speech and said:

I do not think there is any doubt about the quality of the work that the Productivity Commission does for the Australian public; it is always there.

We agree. On this very question of whether or not the 25 per cent should be calculated by reference to votes cast or by reference to issued shares, the Productivity Commission had something to say. In their report, on page 391, the Productivity Commission said:

Normal voting protocols should apply, however, to the re-election of directors. (While some participants argued that sanctions should be triggered only by a majority vote based on issued shares, rather than votes cast, the Commission does not see a case for this departure from normal voting conventions.)

There it is from the Productivity Commission.

What the opposition are proposing here is to depart from normal protocols when it comes to voting at AGMs. One would have to ask the question: why, out of all of the votes that are considered at an annual general meeting, depart from protocol for this particular vote? I might remind the House that this is a non-binding vote. Why for this particular vote do we now see the coalition come forward and propose that we water down the calculation of that vote so that it would not be 25 per cent of votes cast but 25 per cent of issued shares? There is a good reason for that, and it is that those opposite are not committed to these reforms. They have had a range of positions in relation

to these measures that we have brought forward. (*Extension of time granted*)

**Mr Tony Smith:** Do it all again.

**Mr BRADBURY:** The member opposite has invited me to do it all again. I am tempted. As tempted as I am, I will stick to new material. When I heard those opposite were going to move amendments, I was interested to see what they would be. I was absolutely stunned when I heard that what they were proposing was to move from 25 per cent of votes cast to 25 per cent of shares issued. I was stunned that they would do that, but when I heard that was what they were proposing I thought to myself: 'I have heard that before. I have read that proposal somewhere.' Not many people that I met with through the stakeholder consultation raised this particular proposal. I did not see it in many of the submissions that were made either to the Productivity Commission or on the government's exposure draft. But I knew that I had seen it somewhere.

I did a little bit of research and I found that it was actually in a submission that was made on the exposure draft from the Australian Bankers Association. I will read from page 2 of their submission in which the Australian Bankers Association said:

The 25% 'no vote' threshold is set too low. It ignores the 75% majority view and can be inflated by the fact that the percentage required is of the votes cast, not total eligible votes ...

That was where I had heard it before. I have to say that it is not often that you would hold the Australian Bankers Association up as a beacon of honesty but, on this point, they have been much more honest than the coalition. At least the Bankers Association were upfront about it. They went on and said in their submission:

A majority vote is more appropriate. We recommend that the voting threshold be set at 50%, in line with other ordinary Board resolutions.

I understand the position of the Bankers Association, but what I do not understand is the sneakiness of those opposite who seek to conceal their distaste for the two-strike test behind this fig leaf that is their amendments. They want to move away from 25 per cent of votes cast to 25 per cent of issued votes so that every person who does not turn up at the AGM effectively votes in favour of the remuneration report. To put that in context, that would put us into a much worse position than where we are at the moment when it comes to shareholder rights. Under the current non-binding vote at least shareholders that do not turn up do not get counted as supporting the remuneration report. So the Bankers Association, understandably representing their interests, have made this point. At least they were honest about it. I say to the opposition: 'If you are serious about watering down this position, don't hide



behind your 25 per cent of shares issued. Come out and tell us what you really think.'

The reason the coalition are so confused is that they have had so many positions on this issue over the last little period throughout this consultation. It all started when Malcolm Turnbull was the leader. I know that we do not like to talk about that because it is ancient history. But when Mr Turnbull, the member for Wentworth, was the Leader of the Opposition he said:

All you need to do is change the law and say the senior executives, the chief executive and say the next two or three people, they're salaries must be approved by the shareholders—yes or no.

If the shareholders approve it, well it's their company they can pay their staff high and low what they wish.

He said that on the ABC on 27 February 2009. Mr Abbott backed him on it. The now Leader of the Opposition said at the time:

I certainly think that Malcolm Turnbull's suggestion that the shareholders ought to be able to vote down directors' fees and salary increases is a very good one. I think the Government can do that straight away. They don't need to go to the G20 for that. They don't need to form another committee, review or inquiry to go ahead with that, and they should—straight away.

He said that on *Lateline*, also on 27 February 2009.

So we had a situation back in 2009 where the coalition were so gung-ho about this that they wanted a full binding vote. But now they will not even support some very sensible reforms supported by the Productivity Commission. (*Extension of time granted*) As I said, they were not happy with their original position and not only have they backflipped on it but if those opposite had listened to the debate they would have been a little bit surprised by some of the rhetoric in it. Frankly, listening to some of the opposition speakers on this bill you would think that they were opposing the bill. They come in here and they want to send mixed messages. But they do not want to go back to their electorates and have to admit that they voted against this legislation. They do not want to do that because they know that the Australian community want us to take the action that we are proposing. If they come in here and send their mixed messages they can pretend somehow that they support these measures and dress it up behind this fig leaf of amendments. But in the end they have been exposed. They do not support this. They want a system in place that strips away any power that shareholders have. Shareholders will have less power than they currently have. We are opposed to those amendments and we will be recommending that all members do what is in the interests of shareholders and their electorates and oppose these amendments.

**Mr TONY SMITH** (Casey) (11:28): I will just speak very briefly. We reject for the second time the opposition of the parliamentary secretary to these

sensible amendments. I will not restate all of the obvious reasons why we believe—

*Mr Bradbury interjecting—*

**Mr TONY SMITH:** Excuse me, Madam Deputy Speaker. You are in the chair. I listened—

**Mr Bradbury:** You were interjecting when I—

**Mr TONY SMITH:** I did not interject. It is a case of mistaken identity, I say to the parliamentary secretary.

**The DEPUTY SPEAKER (Ms S Bird):** The member for Casey will hold up for a moment. I will indicate that I am indeed in the chair and people will not interject while someone has the call.

**Mr TONY SMITH:** The member for McEwen would defend me!

These amendments were outlined by the shadow Treasurer on 24 March. We believe they are sensible amendments. The issue the parliamentary secretary will not address is that under the existing legislation a small number of shareholders could potentially dictate the envisaged result.

*Mr Bradbury interjecting—*

**Mr TONY SMITH:** The parliamentary secretary, having spoken for 13 minutes, obviously still has not got to his critical point. We will give him another opportunity if he wants it. These amendments are well framed and they are the result of consultation. We have already outlined that we support the bill with all its seven schedules, but we think there is a flaw with respect to the 25 per cent trigger test. As it stands, a small number of shareholders could dictate the terms and the result. These amendments, we believe, rectify that. It will be the case, if these amendments are passed, that 25 per cent of all available votes will be required. We believe that is an appropriate threshold. I commend the amendments to the House.

**Dr LEIGH** (Fraser) (11:30): I rise to speak against the amendments to the Corporations Amendment (Improving Accountability on Director and Executive Remuneration) Bill that have been moved by the Liberal Party with all the energy and passion that the member for Casey has been able to muster today. The Parliamentary Secretary to the Treasurer has raised the central flaw in the opposition's amendments, which is that by watering down the 25 per cent threshold, by including all those who fail to vote as effectively voting in favour of the remuneration package, the opposition's amendments would make the 25 per cent no vote threshold extraordinarily difficult to achieve.

While the parliamentary secretary has talked about the overall turnout figure—turnout for the typical company is 58 per cent of shareholders—I think it might assist if I take the House through a few recent examples which the Parliamentary Library has drawn for me of ASX 100 companies where more than 25 per

cent of shareholders voted against a remuneration package. According to the figures that were extracted for me, nine ASX 100 companies were in that position—that is, they would have received a first strike. But if the opposition's amendment were to get up, were it to be the case that it was not 25 per cent of voting shareholders but 25 per cent of all shareholders, only five of those companies would have met the threshold and got a strike. AGL Energy received a no vote of 29 per cent on its remuneration report, but because they only had a 40 per cent voter turnout it would not have met the 25 per cent threshold under the opposition's amendment. Aristocrat Leisure: 29 per cent of voting shareholders said no to the remuneration report, but because only 60 per cent turned out that would not have met the 25 per cent threshold under the opposition's amendment. Mirvac Group: 25 per cent of shareholders voted against the remuneration report, but only 65 per cent of shareholders turned out, so under the opposition's amendment that would not have met the test. OneSteel: a full 43 per cent of OneSteel shareholders voted against the remuneration report, but because only about half of OneSteel shareholders voted, if the opposition's amendment had come into play, it would not have met the 25 per cent test.

It is very clear where the opposition stand on this. They are on the side of overpaid directors, not on the side of shareholders. As usual, the modern Liberal Party have lined up in favour of the few, not in favour of the many. They like to come into this place and put themselves forward as a party of reform, but every time you look you see that the reforms they favour are Clayton's reforms. If you think Work Choices is good for workers, you will like the opposition's amendments. If you think Direct Action can deal with dangerous climate change, not only would you be unlike every other business leader and economist in this country but you would probably like this reform as well. If you think a budget can balance even when it has an \$11 billion black hole, I reckon you would probably like the opposition's amendments today.

The modern Liberal Party are the Clayton's reformers of Australian politics. They come in here with toy amendments—things like tax receipts. While we in the Labor Party are putting forward real reforms—overhauls of mental health, the MySchool 2.0 website—the Liberal Party stand against reform. They are doing it again today. They come sliding into this chamber trashing the 25 per cent rule, wanting to remove the accountability that rule would provide to shareholders. Instead, they are raising the bar in such a way that would mean shareholders lose the opportunity to hold their directors to account. It is a reasonable package that the government is putting forward in this bill. It is a package that is aimed at giving more power to shareholders. It is a package that supports capitalism the way capitalism is meant to operate: empowering

shareholders to hold directors to account. But the only people who do not want directors held to account are the modern Liberal Party. They are happy to see their mates unaccountable to shareholders. They are standing up for the few. Question put:

That the amendments (Mr A Smith's) be agreed to.

The House divided. [11:40]

(The Speaker—Mr Harry Jenkins)

Ayes ..... 71  
 Noes ..... 75  
 Majority ..... 4

AYES

- |                 |                     |
|-----------------|---------------------|
| Abbott, AJ      | Alexander, JG       |
| Andrews, KJ     | Andrews, KL         |
| Baldwin, RC     | Billson, BF         |
| Bishop, BK      | Bishop, JI          |
| Briggs, JE      | Broadbent, RE       |
| Buchholz, S     | Chester, D          |
| Christensen, GR | Ciobo, SM           |
| Cobb, JK        | Coulton, M (teller) |
| Dutton, PC      | Entsch, WG          |
| Fletcher, PW    | Forrest, JA         |
| Gambaro, T      | Gash, J             |
| Griggs, NL      | Haase, BW           |
| Hartsuyker, L   | Hawke, AG           |
| Hockey, JB      | Hunt, GA            |
| Irons, SJ       | Jensen, DG          |
| Jones, ET       | Keenan, M           |
| Kelly, C        | Laming, A           |
| Ley, SP         | Macfarlane, IE      |
| Marino, NB      | Markus, LE          |
| Matheson, RG    | McCormack, MF       |
| Mirabella, S    | Morrison, SJ        |
| Moylan, JE      | Neville, PC         |
| O'Dowd, KD      | O'Dwyer, KM         |
| Prentice, J     | Pyne, CM            |
| Ramsey, RE      | Randall, DJ         |
| Robb, AJ        | Robert, SR          |
| Roy, WB         | Ruddock, PM         |
| Scott, BC       | Secker, PD (teller) |
| Shultz, AJ      | Simpkins, LXL       |
| Slipper, PN     | Smith, ADH          |
| Somlyay, AM     | Southcott, AJ       |
| Stone, SN       | Tehan, DT           |
| Truss, WE       | Tudge, AE           |
| Turnbull, MB    | Van Manen, AJ       |
| Vasta, RX       | Washer, MJ          |
| 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      | Crook, AJ    |
| Danby, M       | D'Ath, YM    |
| Dreyfus, MA    | Elliot, MJ   |
| Ellis, KM      | Emerson, CA  |
| Ferguson, LDT  | Ferguson, MJ |
| Fitzgibbon, JA | Garrett, PR  |
| Georganas, S   | Gibbons, SW  |

NOES

|                    |                   |
|--------------------|-------------------|
| Gray, G            | Grierson, SJ      |
| Griffin, AP        | Hall, JG (teller) |
| Hayes, CP (teller) | Husic, EN         |
| Jones, SP          | Kelly, MJ         |
| King, CF           | Leigh, AK         |
| Livermore, KF      | Lyons, GR         |
| Macklin, JL        | Marles, RD        |
| McClelland, RB     | Melham, D         |
| Mitchell, RG       | Murphy, JP        |
| Neumann, SK        | Oakeshott, RJM    |
| O'Connor, BPJ      | O'Neill, DM       |
| Owens, J           | Parke, M          |
| Perrett, GD        | Plibersek, TJ     |
| Ripoll, BF         | Rishworth, AL     |
| Rowland, MA        | Roxon, NL         |
| Rudd, KM           | Saffin, JA        |
| Shorten, WR        | Sidebottom, PS    |
| Smith, SF          | Smyth, L          |
| Snowdon, WE        | Swan, WM          |
| Symon, MS          | Thomson, CR       |
| Thomson, KJ        | Vamvakinou, M     |
| Wilkie, AD         | Windsor, AHC      |
| Zappia, A          |                   |

PAIRS

Frydenberg, JA Gillard, JE

Question negatived.

**Mr BRADBURY** (Lindsay—Parliamentary Secretary to the Treasurer) (11:45): I present a supplementary explanatory memorandum to the bill. I ask leave of the House to move government amendments 1 to 4 as circulated together.

Leave granted.

**Mr BRADBURY:** I move government amendments (1) to (4):

- (1)Schedule 1, item 37, page 29 (line 26), omit “1 July 2011”, substitute “1 August 2011”.
- (2)Schedule 1, item 37, page 30 (line 3), omit “1 July 2011”, substitute “1 August 2011”.
- (3)Schedule 1, item 37, page 30 (line 5), omit “1 July 2011”, substitute “1 August 2011”.
- (4)Schedule 1, item 37, page 30 (line 10), omit “1 July 2011”, substitute “1 August 2011”.

Today I move amendments to the bill that demonstrate the government’s preparedness to assist companies in managing their corporate governance responsibilities. The amendments respond to concerns raised by business. They seek to delay the application date of three of the bill’s measures from 1 July 2011 to 1 August 2011. These measures are the prohibition on key management personnel and their closely related parties from voting their shares in the non-binding vote on remuneration and exercising undirected proxies on remuneration related resolutions and the prevention of cherry picking of proxy votes.

The amendments are proposed as a small number of companies have requested transitional relief from these aspects of this bill. These companies are scheduled to

hold their annual general meetings in July 2011 and as such are due to finalise their meeting notice papers in May or June. As the bill remains subject to parliamentary consideration, these companies are seeking relief on the basis that they will not know at the time of finalising their meeting notice papers when the bill will be enacted and what its final form will be.

The amendments demonstrate the government’s preparedness to assist companies in implementing sound corporate governance and the efficient provision of advice to their shareholders. As the delay in application affects only three measures, the broad policy purpose of the bill would continue to be applicable from 1 July 2011, the date on which the government has publicly stated its intention for the reforms to take effect. The full force of the bill, including the prohibitions on key management personnel voting in the potential first strike, would apply to the vast majority of companies that hold their annual general meetings during the October reporting season.

**Mr TONY SMITH** (Casey) (11:47): These late amendments to the government’s own bill—which were circulated on Tuesday, on budget day—are obviously, for the reasons the parliamentary secretary has outlined, mechanical amendments to assist with the smooth introduction of this bill. On this occasion the opposition is glad that the government has listened to concerns about the smooth introduction of this bill and these amendments delay three provisions—I think the parliamentary secretary said—for just one month.

Given that we are now debating this in May, I take it from the parliamentary secretary that the necessity for these amendments has arisen because it was his expectation that this bill would have been dealt with on 24 March. My recollection is that we got very close to finalising debate on 24 March, which was a long day, from memory, as we were waiting for things to return from the Senate. I take it that the length of the break—which I do not blame the parliamentary secretary for—in the sitting schedule from 24 March to 10 May, is the reason that it has become necessary to delay for one month. Taking his assurance that that is the case, I can understand how in those circumstances, with these measures due to come into effect very soon and with the bill to go to the Senate following our conclusion today, it has become necessary for him to move these amendments to deal with the implementation.

Question agreed to.

Bill, as amended, agreed to.

**Third Reading**

**Mr BRADBURY:** by leave—I move:

That this bill be now read a third time.

Question agreed to.

Bill read a third time.

## Migration Amendment (Complementary Protection) Bill 2011

### Second Reading

Debate resumed on the motion:

That this bill be now read a second time.

**Mr ROBERT** (Fadden) (11:51): I rise in continuance to lend some comment on the Migrant Amendment (Complementary Protection) Bill 2011. I started my discussion in the House of Representatives pointing out that this is one more iterative change to the policy of protecting our borders, one more in a long litany of disastrous changes that began in 2008. I made the point yesterday that in 2008, or prior to the last election in 2007, there were a handful of people in detention. Whilst a handful is generally a euphemism for a small number, I mean a handful. There were four and, I think, one child. The boats coming to Australia had, over many years, reduced to zero—at the most, there were three per annum.

Enter stage left the Rudd government and administration. In August 2008, the very effective policies that had stemmed the tide of people coming by boat to Australia were unilaterally stopped. In August 2008 they were pulled apart. Since 2008, 11,246 people have arrived on 224 boats. The government is desperately trying to seek solutions and has put together piecemeal approaches to try to stem the numbers. The government unilaterally dismissed offshore detention on Manus Island and Nauru with all sorts of hyperbole about how immoral such a thing was and how inhumane, and now of course the Prime Minister is in discussions with Manus Island and Papua New Guinea. Sheer hypocrisy. Using the same sort of inflated language they dismissed the temporary protection visas that, in concert with the Pacific Solution, had worked so effectively, and now the minister is looking at temporary protection visas for those who have committed some degree of crime while in detention.

The Migration Amendment (Complementary Protection) Bill is another piecemeal approach. I make it very clear: adopt the coalition policy sets that have stopped the boats in the past and I guarantee they will stop them again. Do not simply cherry-pick the bits that you think are politically saleable in this damaging affair that is the boat people, because it simply is not working. Since the last polling day, the total number of people who have arrived is 3,897, and they came on 69 boats. The total number of arrivals since Prime Minister Gillard became Prime Minister on 24 June 2010 is 83 boats and 4,694 people.

The government has completely, utterly, totally failed to protect our borders. It has weakened our national security, to the point where those three asylum seekers who were charged with setting fire to the boat, an action that cost a number of lives, were found

guilty, given cursory sentences and then provided with visas to live permanently in Australia. If that does not put up a sign that says, 'Welcome, come along,' I do not know what does. We know that if you are in Afghanistan and are seeking asylum you have about a 10 per cent chance of making it to Australia. But, if you come across into Malaysia, where the persecution you are fleeing has gone and you are free, or if you fly to Kuala Lumpur, where the persecution you are fleeing from has stopped and you are now free, or if you go to Indonesia, where, again, you are free, and you then jump onto a boat to come to Australia, seeking a 'better' freedom, you have an over 90 per cent chance of being given a permanent visa in Australia, using the current appeals process. Iterative, piecemeal change is a disaster and does not work.

So here the government is with another amendment, another piecemeal change, to allow all claims for onshore protection to be considered under a statutory process, another process, for a single visa applicant against our non-refoulement obligations, in the same way that our non-refoulement obligations are triggered under the refugee convention. This bill is remarkably and substantially similar to a bill with the same name introduced in 2009 by the government, which the government let lapse. The differences between that bill and this bill are minor and technical and do not alter, ostensibly, the function of the bill.

In terms of definition, complementary protection is a term that describes a state's, Australia's, obligation to people when they do not meet the 1951 refugee convention definition but nevertheless are in need of protection on the basis that they may face serious violations of their rights if sent back to a country of origin. These amendments insert a statutory process to deal with applications, rather than have the minister consider applications against our international non-refoulement obligations when he is asked to exercise his interventionary powers. The minister's interventionary powers will remain, but clearly they are unlikely to be called upon in this area if the proposed statutory process is put in place.

Consistent with ministerial decision powers more broadly under the act, the minister's decision is, of course, non-appealable. The use of a ministerial decision process ensures broad flexibility in considering the specifics of each case. Looking at the facts, between 1 January 2010 and 20 October 2010, the minister finalised 1,690 requests for interventions. Of these, the minister granted visas to 438 people. According to the minister's office, of those 438 visas, only six satisfied the requirements of the proposed new complementary protection provisions. So we are putting in a whole new process, another piecemeal approach to dealing with the protection of our borders, ostensibly—looking at the minister's own numbers—for six people per annum when the minister's own

ministerial prerogative and interventionary powers allow him to deal with them. This is a whole new process for six per annum. Surely the minister is not that busy that he cannot look at six cases per annum! Surely he does not need another process to deal with just six cases!

Consistent with the evidence previously provided to the Senate committee, DIAC and the minister's office have reconfirmed that they do not expect the number of applicants being granted protection visas under the complementary protection provisions to increase at all. So DIAC and the minister's office have indeed confirmed that that number of fewer than 10 per annum is about right. It begs the question why the government believes it is necessary to introduce a statutory framework to deal with fewer than 10 cases per annum, having just decided in 2009 to let the bill lapse. Why bother? Why bring it back two years later when it is 10 cases and dealing with them would take the minister a short amount of time? I am sure DIAC is suitably professional such that it can provide the minister with the advice he needs to make decisions, so why do this?

In evidence to the Senate committee DIAC advised that, of the 606 visas granted by the minister using section 417 powers in 2008-09, only 55 were granted out of the humanitarian program and that less than half of those cases involved non-refoulement issues. The minister's office has confirmed that no-one who would be considered under the new provisions who had previously failed to obtain a protection outcome under the current arrangements. They have also confirmed that the number of genuine applicants in this category is very small. I think the evidence is absolutely and utterly overwhelming that these measures will not add a single level of protection for those whose circumstances do not meet refugee convention criteria but who may trigger our non-refoulement obligations under other treaties and protocols. The government concedes that our current arrangements have honoured all treaty obligations in such cases. We consider that the ministerial intervention currently in place delivers flexible arrangements for individuals and families whose circumstances are one-off, unique and complex and who may be disadvantaged by codified criteria administered by officials. The minister is also responsible, and accountable, for decisions that he makes.

It should be noted that superseding ministerial intervention powers with these amendments for another process could create a surge of vexatious claimants who are encouraged to believe that the government has further unravelled strong immigration control measures. Under this proposal, vexatious claimants would be able to extend their stay by appealing the negative decision in the courts. So not only are we dealing with a minister who apparently does not want to exercise his intervention powers, for

fewer than 10 cases per annum, but we are putting in place a process that will allow vexatious claimants to appeal to the courts to extend their stays.

To say this is simply outrageous does not even come close to where we are. There are no additional protection outcomes in this bill—none. It does not provide additional protection outcomes to those that are currently afforded in practice or in process as we speak. This bill will not lead to any greater protection and/or compliance with existing treaty obligations. And there is no suggestion that the Australian government has been in breach of any of these obligations. It therefore begs the question once more. We are not contravening obligations. We are looking at a very small number of cases—maybe six to 10 per annum—that are complex by their very nature. The minister has intervention powers under the act that allow him to make decisions that are non-appealable, but the government wants to throw that out and put in place a bureaucratic process that is appealable to the courts. And the government thinks this is a deterrent to people smugglers plying their vicious and horrid trade.

I simply say to the government: this bill cannot be supported. It has no level of protection. If anything, it further weakens protection. I plead with the government to heed common sense. The government has flip-flopped everywhere. It has gone from changing our strong regime in 2008 to then deferring the review of decisions for Afghan asylum seekers for six months and Sri Lankans for other time periods. It has gone from the never-never solution of East Timor to discussions now about Manus Island and a one-for-five swap with Malaysia—we give one but five come, and we pay for it all—putting aside that when people arrive in Australia there may well be provisions for them to appeal to the courts to extend their stay and not go to Malaysia. These are all things that perhaps have not been considered.

Considering the debacle that is the government's border protection regime, I plead with the government to exercise some common sense. History is always a great lesson. History shows that the Howard measures worked. They were an effective deterrent. They took away the product from these dreadful people smugglers, and people did not put their lives in their hands by taking leaky boats to Australia. There was integrity in our refugee process for people coming from offshore into our country. It protected our borders and, importantly, lives were not lost—all of which cannot be said for the government's botched approach to border protection.

**Mr HAYES** (Fowler—Government Whip) (12:04): I am very glad to follow the member for Fadden. I respect his background as a military officer. I respect the fact that he was elected into this parliament. I also respect the fact that he is tied by party discipline to

bring sloganism and fearmongering into debates such as this. I am sure the member for Fadden would have been grotesquely upset that his leader tried to enter into negotiations with the member for Denison to increase our refugee intake by 100 per cent. By the way, we take 13,750 refugees a year. Those on the other side of politics were not prepared to simply say, 'That is what the figure has been all that time.' They said, 'We'll offer to double that if you vote for us and deliver us government.' So let us not get too moralistic about this. The opposition do not get wound up about the values or the principles involved or something as basic as doing the right thing. Their attitude is, 'Let's play party politics, particularly when it comes to the issues of refugees, because that is where we think we score political points.' That is essentially what we hear, particularly in these debates, and today is no different.

The Migration Amendment (Complementary Protection) Bill 2011 seeks to fill an administrative hole which currently exists in the Migration Act. The Minister for Immigration and Citizenship outlined that in his second reading speech. The bill will make Australia's migration process more efficient, transparent and accountable. Australia has a very proud history of welcoming immigrants and refugees. We are a good international citizen when it comes to welcoming new members to our community, because we know that immigration has been one of the most effective drivers of the prosperity of this country.

According to the ABS, I have the most multicultural electorate in the whole country. For the record, 20 per cent of my electorate is made up of people who speak Vietnamese at home. By the way, people who came to my electorate who are Vietnamese speakers have been there for no longer than 36 years, because that is when the Communist insurgency took over and Saigon fell. Australia, to its credit, at that stage took in excess of 200,000 refugees—boat people. It took those people in, and they have made an extraordinary contribution in the 36 years that they have been in this country. I get to see what they do; how they apply themselves; how they build, certainly in terms of assisting and developing our enterprise; what they do in our professions and trades; and how they commit to ensure that their kids get a very good education. Something that should not be forgotten is that a lot of people think that the Vietnamese do very well in school, and they do. I see mums and dads who are not necessarily doctors, lawyers or other professionals working two or three jobs to ensure that their kids get a good education and they are provided with tutoring, because those mums and dads know that, to make the adjustment to their new country and to be part of the prosperity of this country, education is a start. You only have to talk to high school principals to know how the partnership works between schools and the Vietnamese who were new arrivals to this country.

The point I am making is that 36 years ago they were boat people. I know that most of the young people in the gallery will not recall all that, but I vividly recall 1975 and the fall of Saigon and what that meant to this country. As a country we took a very clear position because we had a humanitarian issue to consider. We did the right thing, and there is no question that our country has been the economic beneficiary of the contributions made to this country by the refugees that we accepted from 1975 from Vietnam.

This amendment bill seeks to fulfil Australia's non-refoulement obligations under international law by incorporating these claims into existing processes of asylum applications dealt with under the Convention relating to the Status of Refugees. It would cover asylum seekers who are not refugees under the refugee convention but for whom refusing a visa would breach our non-refoulement obligations. This protection only exists for people after ministerial intervention, which is to some extent a very bureaucratic, ineffective and often very drawn out process, as most members in this chamber who have sought or been associated with claims seeking ministerial intervention in those matters can attest. Not only does the current system deny these applications a current level of fairness and due process but the minister does not have to intervene to provide this protection. There is no requirement to provide the reasoning for any ministerial decision and there is no review process for any decision that may be taken. This amendment bill is a simple one to that extent, fixing an aspect of our protection visa system which is currently stressful and time consuming for all involved.

It is not, as we have just heard from the member for Fadden, a case of going weak about protecting our borders. We were given a dissertation about how many people have arrived on boats. This does not apply to that. Just to give an example of the people who would be subject to this visa requirement, the types of claimants would include people who are at risk of being stoned to death for being homosexuals, women at risk of being subject to honour killings if they are returned to their land of origin and women fleeing ritual genital mutilation. They might not be considered refugees in the ordinary course of events, in terms of fleeing persecution for political or other reasons, but they are the people who are being looked at under the terms of this amendment bill.

However, under this proposed bill, the refugee convention will still be the starting point for assessing the applicants for protection visas, but if rejected the claims will then be assessed under Australia's obligations under other treaties for complementary protection. These are treaties we are all part of: the International Covenant on Civil and Political Rights; the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment; and

the Convention on the Rights of the Child. We have all taken time in this House to take pride in the fact that we are part of these things, we support them and we promote them within our region. This is how the consideration is being made. People who will be subject to those treaties are the ones being considered for this complementary protection.

In essence, it will ensure that Australia is not returning people to a place where they may suffer harm or torture. Specifically, it will protect those who are at risk of arbitrary deprivation of life, such as having the death penalty carried out on them; being subject to torture; being subject to cruel and inhumane treatment or punishment; and being subject to degrading treatment or punishment. We are talking about people who are in genuine need.

What we were hearing from the other side is what we should be doing as a matter of course: how you divert boats and how you cull numbers. This bill goes to doing the right thing for people in genuine need. Unfortunately, some in the parliament will try to oppose this on the grounds that it is softening our border protection or our visa regime. This is not softening the regime. This is doing something that we as individuals believe to be right. I indicated as an example the people to whom this is likely to apply. It is not seeking to extend this other than to those specific cases—and I know there are not many. This is trying to get it right. This is also taking it out of the hands of politicians, and any judicial review will be conducted by our independent judicial system, by a judge. The opposition rail against that. It will not necessarily be a judge appointed by our side of politics, and that probably would not matter anyway because one thing that we do stand fast on in this parliament is the appointment of our judiciary. We see it and honour it as an independent jurisdiction being able to bring independent thought and give proper review of process. That is what this is seeking to do. This is not a softening of our protection visa system.

There are people in this place who believe there are simpler solutions to what is a very complex problem. This goes back to the whole issue about irregular immigrants to this country. They want to reduce everything to sloganeering. 'Stop the boats' comes to mind. They want to count how many boats arrive in this country and want to make sure that that is where they put the stake in the ground pinning Liberal Party policy. This is not what this amendment is about, and the member for Fadden should know that. It is a soft point with those opposite because they have now committed to oppose this. They want to make sure that the decision making on these classes of visa remains solely with the minister of the day as opposed to there being any external review process on decisions that are going to be made. If we are to believe in equity and humanity, we should measure up to the obligations we

have signed on to in regard to those treaties as well as the international refugee convention of 1951, which we were a principal player in establishing.

Passing this bill brings us in line with the United States of America, Canada, the United Kingdom and nations across Europe, and also our neighbours across the ditch. It is true that New Zealand has got there before us. It has moved similar legislation or already has in place complementary protection systems. By passing this amendment to provide complementary protection, this parliament is following the recommendations of several of the parliamentary committees in this and the other place, the United Nations Committee against Torture, the United Nations Human Rights Committee and the United Nations High Commissioner for Refugees. Not only that, this amendment has the support of the key refugee advocacy groups such as the Refugee Council of Australia.

It is fair to say that the issue of asylum seekers is a vexed one for our community. We understand that. There are some in the parliament who are eager, maybe too eager, to exploit it. It is right that we move to ensure that we are not as a nation being exploited as a destination by people regarding us as an easy touch to migrate to. But when it comes to some serious issues of evaluating genuine need of protection, we cannot shirk our responsibilities. This is not about how we demonstrate how tough we are or about trying to out-hairy-chest one another in terms of how bold we can be in belting refugees. In my electorate 20 per cent are refugees—20 per cent of my electorate are Vietnamese people who have come in the last 36 years. They have made a genuine contribution, and that has obviously been replicated in many other electorates that make up this chamber.

This is a good, fair and just bill. It brings us in sync with international obligations. I commend the amendment to the House.

**Mr HAWKE** (Mitchell) (12:19): I rise to oppose the Migration Amendment (Complementary Protection) Bill 2011 and in doing so I want to state from the outset, after listening to the member for Fowler, that it is odd that we stand in this place today when our border protection system is in a mess, in complete disarray, and the government is asking us to pass a piece of legislation that will in effect solve no problem and make no difference to the current regime other than to demonstrate to people smugglers that the government has no understanding of the problems that face border protection and migrants. Let me outline what I mean. This bill will provide no additional protection that is not already afforded to people seeking asylum in Australia today. There is no suggestion that anyone in this chamber does not agree that we should meet our international obligations. In

fact, there is no suggestion that Australia has not met its international obligations—none whatsoever. If any member of the government wants to state that their own government has not met our obligations, then come forward and do so. But of course that is not the case, and that is not why we are here today.

I reject this sort of legislation, the sort that comes before us when a government is in political turmoil and says, 'We need to do something.' I reject such legislation at this sort of juncture. We have a bill before us today that proposes to scale back the nature of ministerial discretion in our well-functioning Westminster democracy. If you said to me, Mr Deputy Speaker, 'I am nervous about the quality of many of the frontbench of the Labor Party in making decisions,' I would say to you, 'I understand.' If you said to me, 'There are some people there whose judgment I don't trust,' I would hear you on that. If people in the government want to say, 'We are nervous about the capacity of our ministers to make decisions in a parliamentary democracy,' I think a lot of people around this country today, after experiencing four years of this Labor government, would agree with that, particularly if they are in the pink batts industry or other key parts of our economy. But the principle is very important here, and what this legislation is doing is undermining our Westminster democratic traditions. I believe that passionately. The member for Fowler said there are people who might be sent back to face the death penalty because they are gay. Do we really think that the Minister for Immigration and Citizenship, who has the power under the act to exercise his discretion, would not exercise his discretion in that situation? That is the argument of the government back bench: 'We need a statutory process to replace the minister's intervention and discretionary powers under the act because, effectively, we do not trust his judgment.' That is what you are arguing. That is why we have this piece of legislation before us today.

I reject that. I am going to stand up for the minister for immigration. I note that many of the government backbenchers have raised this point. Maybe they are looking to get to the front bench, but I do not think that there is any minister in this government or was in our government, or in future governments, who would not act in a humane or compassionate way in those circumstances to ensure that our international obligations are met. There is a little bit of scoffing from one or two government backbenchers. There is no suggestion that Australia has not complied with its international obligations—none—and it is offensive for anybody to stand up here and say that it has not. I would defy any member of this place to do so and point to the examples.

We know that between 1 January 2010 and 22 October 2010 the minister finalised 1,690 requests for

intervention. The minister granted visas to 438 of those people and, according to the minister's office, only six have satisfied the requirements of the proposed new complementary protection visa. So, once again, the first question and duty of a government is to say, 'What problem are we trying to solve?' If we are trying to solve the problem of six cases that met under this provision and say that we do not rely upon our ministers under the Westminster system, that is not an inspiration for a piece of law in this chamber.

The instinct of this government too often is to legislate first and not do something practical to fix it. We do not need legislation when we have a well-functioning system, when we are meeting our international obligations and when hundreds of years of parliamentary tradition, democracy and ministerial accountability apply and there is no suggestion that that system is not working. So, instead, we are going to add another piece of legislation for good governance to the statute books, as if that is the panacea for all our problems. What problem are we trying to solve?

The government has not made a case. We heard the member for Fowler talk about the fall of Saigon and some other distant topics. The member for Fraser read out some stanzas of the national anthem. He did not get all four or five of them in and he did not address why we need a law to do this. Neither have government members opposite made a sustained case about why we should add another law to the statute books. There is a very serious issue at stake in this bill. By putting a statutory process in favour of a ministerial power, you are actually reducing the flexibility of government. You are setting up your own government for further problems in immigration and in this domain.

It is our role as an opposition, as a coalition, to point out bad legislation—not to just oppose but to argue why we should not have another law added to the books when it will not work. In fact, using this kind of statutory process could easily attract vexatious litigants. I note that Dr Ben Saul—as pointed out by the shadow minister for immigration—of the University of Sydney was of the view that the criteria contained in the 2009 bill were poorly drafted. It was the result of the inclusion of unnecessary qualifying phrases and, far from creating certainty, Dr Saul thought this would invite needless litigation. That is very important for this House to note at this juncture.

The capacity for people smugglers to market, 'Once you get here, and once you have an issue that you may have back home, we can then go through a statutory process, then go to court and then tie this up for months or years of further legal process,' is a selling point for people smugglers. Again, from our point of view as a parliament, as a nation, we do not rely on ministers of the crown elected by the people of Australia sent to this parliament to administer acts of



the parliament; we do not rely on their discretionary judgment to do these things?

There is a very serious issue and principle here in this legislation today that I reject. We ought to have our ministers firmly accountable for the decisions they make under the acts of parliament that this parliament passes. They should be held accountable for every decision. They should make decisions. They should not be afraid of making decisions. We know we have a government at the moment that is afraid to make decisions but, frankly, when you look at the facts and the figures there is no problem here that the government is trying to solve.

Of course, we take very seriously human beings who arrive here who could be threatened with death or other circumstances back home. Of course the minister should intervene when appropriate, as appropriate, in those situations. That is what is occurring already today. And, again, we do not have an answer about why we have this legislation here today, other than we have a political problem in Australia for the government, and that is that it has lost control of Australia's borders.

But just by passing a law we may not make things better. As Dr Ben Saul points out, there could be in that 2009 legislation, which is largely replicated before us today, the opportunity for vexatious litigants. From the shadow minister, the member for Cook, we have sought advice from the government about what agencies have been consulted on this legislation. We understand the Australian Federal Police, the Customs and Border Protection Service, ASIO and other relevant agencies have not been consulted about the potential impact of this measure and, at a time when we are asking them to do so much in relation to the processing of asylum seekers and to screen and do other things, I do not understand why wide consultation would not be sought on a bill that seeks to remove ministerial discretion and power. It makes no sense. The whole bill makes no sense.

Going further, for many of the provisions, I think there are some other important things. When this was last considered, Liberal senators in their dissenting report to the inquiry in 2009 made some very good points. This bill will add to the problems. We know that between the time of the bill's introduction in 2009 in the House and today the figures worldwide have become much worse. At the time of the bill being introduced, about 53 per cent of people who were in detention had been there for six months or more. That has now risen to 60 per cent of the record population of almost 7,000 in our detention network. We have a crisis in the fact that this legislation was dropped, which was a good idea, at the proroguing of parliament in 2009—let us abandon bad pieces of legislation, let them go and move on—and now we find that we are

back here in a pure attempt to understand that the government is looking like it is doing something. In concluding, I want to say that the government is today positing that somehow this is going to improve the situation for asylum seekers in Australia or that it will add an extra layer of protection or an extra layer of being able to meet our international obligations. That is not the case. There is nothing that can be pointed to here that will demonstrate that. We are meeting our international obligations. There is no suggestion that the minister for immigration has not acted appropriately in exercising his discretion to grant visas, in using his discretion and the flexibility contained within that discretion to solve the problems of the complex nature of humanity and the people that arrive here. Nobody is making that argument here today.

What we are saying is that with our border protection in crisis—with almost 1,000 children in detention, with 7,000 people in camps in Australia today rioting, protesting, burning things on roofs—we do have a problem that must be addressed. This bill will not address it. This bill will go nowhere. This bill has the potential to cause further complexity and legal delay and problems in our system. I think it is the sloppiest and worst way of dealing with very serious problems, very complex issues and things that do require the attention of government and, sometimes—if I could say to the member for Fowler and some of the other government backbenchers—a firm hand. Being firm and being administratively competent is a better way of being compassionate than being completely emotional. Emotion tends to dominate the speeches of government backbenchers—pure emotion. They are driven by this constant idea that somehow, if we feel empathy for people, things will be better. Yet we find a thousand children in detention today. That is something that has to be addressed. We find 7,000 people in camps. There are riots. We have expanding detention facilities all over the country. We have more boats coming in than ever before. We have ships being wrecked. We do have problems.

The blind move in 2008 to weaken our border protection system in the name of compassion has led us to where we are today. Legislating to remove a ministerial power, a flexibility—a proper, functioning and lauded system such as the Westminster parliamentary democratic system, where ministers have discretion and have appropriate powers under acts—in favour of a statutory process, I contend and the opposition contends, will add to the problems in our system, not help fix them. So we warn the government and urge them to do things that will improve the state of our border protection system, to do things that will deal with the real problems that are out there, not to pass needless law that removes the discretion from their own ministers—the appropriate

discretion to grant the appropriate visas to people in these very serious circumstances.

**Ms SMYTH** (La Trobe) (12:32): In any other circumstance it really has to be said that a discussion in this place about improving the consistency and the efficiency of the administration of justice and our system of law would be met rationally—in any other circumstance. But, when it comes to this particular issue and the particular people who are being made the subject of this issue, this is simply another opportunity for the opposition to chant, 'Stop the boats'—just another opportunity to chant the same thing. I have to say: I for one would be very happy at this point to send the hat around and ask members to contribute some loose change to maybe get a focus group together to consider a new three-word slogan, because it is getting tired. I think most rational Australians would regard it as extremely tired, fading and pathetic.

In making my remarks about the improving the consistency and efficiency of the administration of justice through the Migration Amendment (Complementary Protection) Bill 2011, we are not the only ones who have that view. Indeed, there are a number of organisations, a number of groups, that have recommended the introduction of legislated complementary protection. It has been recommended by several parliamentary committees, the Australian Human Rights Commission, the United Nations Committee Against Torture, the United Nations Human Rights Committee, the United Nations High Commissioner for Refugees and key refugee advocate groups such as the Refugee Council of Australia. So we are not exactly talking about people who are fringe dwellers; we are talking about people who pay due regard to the development of law in accordance with our international obligations, who pay due regard to development of law on these issues right around the globe.

I thought it was important to bring a little bit of balance back to the debate after the contribution of the last member, who seemed to be off in a world of unreality. I think it is appropriate to discuss the background of the refugee convention and where our international obligations, which are reflected in the legislation before us, are derived from. When we ratified the refugee convention and the protocol, we as a nation, along with the 141 other states party to those, committed ourselves to ensure that people could flee persecution on the basis of their race, religion, nationality, political opinion or membership of a social group, and seek asylum. We did ratify the convention over 50 years ago and we know that it has been relied upon by many around the globe—from those fleeing the horror of World War II to the present day. We know that the convention has been robust and that it has surely saved the lives of countless thousands worldwide. But, like any law which has been in place

for some time, there are circumstances and there are types of treatment which were not contemplated at the time of establishment of the convention but which are nonetheless regarded by the bulk of the international community as forms of persecution. There are some circumstances which any right-thinking person would recognise as a serious violation of human rights but which are not specifically captured under the letter of the convention.

International human rights instruments and international human rights law in general has evolved and developed since the drafting of the refugee convention in 1951. Nations and their courts have recognised that refugee law needs to be interpreted in light of this. The principle of nonrefoulement is a principle of international law which forbids the expulsion of a person into an area where that person might again be subjected to persecution. We know that it is reflected in the refugee convention, but it is also reflected in other instruments to which we have become party over the years. Those include the ICCPR, the convention against torture and the convention on the rights of the child. This concept of nonrefoulement, as reflected in these instruments, prevents a state from sending people to places where they risk being tortured; exposed to cruel, inhumane or degrading treatment or punishment; subjected to the death penalty; or arbitrarily deprived of life. Those who are likely to be exposed to or who experience those kinds of circumstances but who do not fall within the categories of persecution contemplated in the refugee convention are not protected under the convention, but returning them to their home country obligations we know would breach Australia's non-return obligations. Under Australian law those people currently rely on the discretion of the minister of the day to enable them to remain in Australia and free from persecution. We know that is a form of complementary protection that does certainly exist. But the new complementary protection framework contemplated in the bill would clearly capture Australia's obligations under the ICCPR, the Convention Against Torture and the Convention on the Rights of the Child in relation to nonreturn.

Absent the provisions of the bill before us, there will continue to be no legislative basis in Australia pursuant to which a person who feared torture but did not satisfy the refugee convention criteria, for example, could claim protection. Unless the harm feared also satisfied those refugee convention criteria, Australian decision-makers would have no power to be able to make a determination based on a torture claim. A person in those circumstances, we know, could go on to appeal to the minister under section 417 of the Migration Act to permit them to remain here. But the minister is not required to consider any such claim.

There are a number of reasons why the current mechanism under section 417 of the Migration Act is simply not an adequate basis for complementary protection. Firstly, we know that the discretion is nonreviewable, which means that the decision cannot be the subject of appeal. Secondly, we know that the discretion is noncompellable, which means that the minister is not even required to consider the claim. Thirdly, even though the minister of the day has available certain guidelines under which they might consider any claim based on international law requirements, they are not required to be considered under the section 417 mechanism. And, finally, the reasons for the decision of the minister of the day are not necessarily required to be revealed or made clear. So, on any basis, we would have to say that this is a very wide discretion that is available to any minister under section 417.

This legislation has been considered for some time and considered in circumstances which apply to a minister of any hue. I note that the last speaker was keen to make the connection between the current Minister for Immigration and Citizenship and certain backbenchers' apparent concerns about his role in making determinations under section 417. I can certainly say that I have tremendous faith in the current minister for immigration and I know that this was one of the first pieces of legislation that he hoped to pursue in this place upon taking up his role. And what a responsible move that has been.

In addition to the matters which go to consistency, predictability, fairness and accessibility of justice, there is also a range of practical and administrative matters which mean that the complementary protection arrangements currently in place are really inefficient and inconsistent. A person seeking the exercise of ministerial discretion will frequently only pursue the exercise of that discretion after going through quite a futile process of applying for protection as a refugee aware that their claim will almost certainly be rejected. They proceed through the appeal process and then proceed to seek ministerial intervention. So it is very hard to see why the opposition regards this as a tremendously efficient process and something that is to be lauded.

This bill seeks to remove that artificial process and enable applicants to pursue a predictable, consistent process which is able to respond directly to the claim which they present. This has obvious consequences for improving the efficiency with which claims are dealt, limiting the hardship suffered by applicants during the claim process and freeing up decision-makers otherwise forced to consider claims which are almost certain to fail. These are all what would seem to be tremendously logical considerations. They are procedural considerations; they are things which reflect regimes that apply to other applicants for asylum. It is

extraordinary that they are being opposed by the opposition today. Once again, it is merely an opportunity to grandstand on the 'stop the boats' slogan which we have heard so many times so tediously.

The introduction of a consistent process for handling these types of claims means that Australia will be less at risk of inadvertently breaching its non-refoulement obligations under international law. As a nation, we have a history of involvement with the development of international human rights law, particularly in the area of human rights. As a legislator in this place, I consider it to be of particular importance that we continue to be regarded as a country which complies with the international human rights obligations that we have signed up to. In that regard I note that most Western democracies have a formal system of complementary protection in place. This is hardly controversial territory. The European Union, Canada and the United States have already established complementary protection arrangements and we know that New Zealand has recently introduced complementary protection legislation. Once again, in a matter which is entirely rational and which is being reflected in legislatures right round the world in developed countries, we see that the opposition lags behind and that it simply sees these matters, which are of significant national and international importance and which go to our level of compassion as a community, as an opportunity to grandstand and secure political points.

We know that there are many truly horrific examples of cases which would be covered by complementary protection arrangements. These include circumstances of people who are at risk of being stoned on the basis of their homosexuality. The refugee convention does not contemplate sexual preference as a category of persecution nor does it deal directly with circumstances of women who are fleeing ritual genital mutilation or women who are at risk of so-called 'honour killings'. I am absolutely confident that all of these forms of persecution would very readily be regarded by most sensible Australians as utterly abhorrent and I am confident that the overwhelming majority of Australians would expect that our system of migration law would directly enable claims for protection on the basis of such abhorrent persecution to be heard in a consistent and predictable way. Unlike the observations made by members of the opposition, I know and members of this side know, and all of the organisations that I mentioned earlier which had recommended legislated complementary protection regimes know, that the introduction of such a regime does not represent a softening of Australia's approach to asylum seekers. The change is simply designed to bring the consideration of certain claims—

*Opposition members interjecting—*

**Ms SMYTH:** I note that the members opposite who are interjecting are not on the speakers list at the moment and I would certainly invite them to make a contribution.

*Opposition members interjecting—*

**Ms SMYTH:** Marvellous. We will certainly hear from one of the members opposite, but I presume that the member for Mackellar can put herself on the list if she wishes to make some remarks. The introduction of complementary protection does not represent a softening of Australia's approach. The change is simply designed to bring the consideration of certain claims within the existing protection visa process. There is no floodgates risk. We know that six protection visas were granted on the basis of complementary protection grounds in 2009-10. There is no floodgates risk.

This bill will enable us to properly fulfil our obligations under international law by determining consistently and in accordance with due process that individuals who are at risk of serious harm are not returned to danger. Importantly, the change envisages that beneficiaries of complementary protection will be granted the same rights as those who make their claims currently under the refugee convention. This bill will enable them to live in safety and dignity within the Australian community, and it does no more than ensure consistency with our international obligations and our current domestic arrangements. It reflects what I expect most Australians would regard as an appropriate response to circumstances where certain categories of people would be exposed to abhorrent harm were they returned to their countries of origin.

**Mr RANDALL** (Canning) (12:46): I am very pleased to speak on the Migration Amendment (Complementary Protection) Bill 2011. As we know, the purpose of this bill is to amend the Migration Act to introduce a statutory regime for assessing claims that may engage Australia's nonrefoulement—in other words, return obligations under various international human rights treaties, otherwise known as complementary protection. The bill proposes to assess such claims under a single protection visa application process, which means applicants who are found not to be refugees but who are owed protection on complementary protection grounds will be entitled to be granted protection visas with the same conditions and entitlements as refugees. In turn, the unsuccessful applicants will have administrative review rights equivalent to a person seeking protection under the 1951 Convention relating to the Status of Refugees. That is the purpose of the bill. We all know that, and I am not going to regurgitate what previous speakers have said.

In fact, there have been some very good speeches made on this today. I compliment the member for Cook—Mr Morrison, the shadow minister—and the

member for Fadden, Mr Robert. I sat in this chamber and listened to their contributions, and I listened to the member for Mitchell, Mr Hawke, in my room. They gave very good examples of why this legislation is bad, and I will address some of that in a moment. On the other hand, the member for La Trobe, Ms Smyth, obviously had her staff write some notes, which she regurgitated—so out of touch with reality that anyone in Australia listening to this broadcast would realise that it was just the ideological mantra of her party, which is seeking to ram its policy down the throats of Australians, who do not want it.

At the end of the day, why are we in this position? The reason is that when this government came to power in the fantastic Kevin '07 election there were only four people in detention. What have we got today? In detention throughout Australia, and now it is going to be elsewhere in the world, there are over 7,000 people. How did this happen? It happened because the Labor Party coming into government put on the green light and said, 'If you can get to Australia we'll give you a visa. All you have to do is get here and we'll give you a visa.' On that point, you only have to go to the statistics, which have shown that, out of the thousands who have come already and been assessed, only a handful, in the tens, have been sent back to their countries of origin not deemed to be worthy of getting a visa in Australia. That reinforces what I am saying: get to Australia, get a visa. That is further reinforced by recent details. For example, Afghans applying offshore have a success rate of one in ten of getting a visa. Yet, of Afghans who make it to Australia or Australian territories, nine out of ten get a visa. I confirm my case: if you can get here, you get a visa.

This legislation is quite abhorrent for most Australians because it says that once you get here, and if you are actually deemed not to be a refugee and you want to stay here, you are going to have access to all the Australian courts available. Why has this not been a problem until now? It has not been a problem until now because, as I said, when we handed this place over, when the Labor Party took government in 2007, there were only four people in detention, so the courts did not need to act. Before then, before John Howard took his action to stop the boats, we had thousands of cases in the Federal Court. Of course you had activist judges, like Justice North, who basically reinterpreted the rules so that any sort of story was plausible enough to grant people their appeal. We dried up the system, and that is how we dried up the courts. Now the minister, who has an unappealable right to hear these cases himself, is saying, 'I'm going to put in a statutory mechanism which basically allows anyone who has been rejected to now use all the facilities of the Australian courts to give them a whole heap of appeal rights.'

A humble servant of the people like me would tell you that in my electorate this is abhorrent to people. Fathers trying to contest child issues in the Family Court and a whole lot of other people who are trying to get legal aid cannot get it. But it is immediately accessible under all our treaty obligations to those illegal arrivals that the Labor Party have now got a nice Orwellian term for—'irregular arrivals'. How good is that? In other words, illegal people turning up are now called 'irregular arrivals'. So at the end of the day the green light has been turned on, saying that if you can get to Australia you can get to stay here. And not only that—if we find that you are not genuine we are now going to open up the courts to you and you can go through all the appeal mechanisms in the courts. What was happening before, as we know, was that, if they got a negative decision in one court, they continued with this great industry of the legal fraternity to find another way through the courts to stay here. People were staying 10 years, having a family in that time. Then came the complication of what to do with the children who were born in Australia. We could not throw out the children because they were born on Australian soil. Under John Howard—and we had to use the whole scheme—for the purposes of migration we made our territories out of bounds. But the courts then said, 'No, we'll still hear the cases.' That is why they went to Nauru and Manus Island. So when you hear the Prime Minister and the immigration minister say, 'We're going to do a soft version of temporary protection visas and we're going to look at Manus Island because that seemed to work for the Howard government and might take a bit of heat off us in our electorates,' it is not the full monty because if you do not do the whole lot it does not work. If you do not put all the parts in the machine it does not work. You have to have protection visas as they were done under the Howard government, so that we could check they are bona fides in that period—three-year protection visas—and then they would go home if they were not deemed genuine.

People who got to Christmas Island and were sent to Nauru or Manus Island were outside Australia's court jurisdiction. That dried it up totally. But no, they are going to tinker around and now we are looking for a place, anywhere in Australia. As we know, they were not going to bring them onshore—another broken promise. They were not going to bring them to Australia. In my state, Western Australia, we have Curtin and Leonora—besides the Perth airport—and we are going to try to open up Northam. In South Australia we have Inverbrackie and in Queensland Scherger, and we are looking at Tasmania. Where will it end? We are running out of suitable Commonwealth land. In Darwin the minister said—he was very tricky—'We're going to build a detention centre because we're full on Christmas Island. They've been

burning the joint down. It's only going to cost us \$9 million.' What an absolutely fraudulent statement that was because he did not tell us it was going to cost them \$25 million for releasing and renting the land—that is, far more.

This government are in such a malaise over migration. They do not seem to be able to say, 'We'll take the measures that will stop this.' We now have the Gillard-Brown coalition so they cannot do anything with the left of their party. Privately their members tell me, 'We're just so euchred over this. Our electorates are barking at us in an incredible way and, seriously, we just don't know where to turn. We hear bleats from the government caucus that it's an issue. Dougie Cameron is getting up and having a go'—all these sorts of things. They have a real problem and they cannot do anything about it.

The minister is now saying 'No worries' in the heat of this violently obscene debate. In Australia at the moment people hate seeing what is happening. On Anzac Day, when going around to all the ceremonies, people I do not know personally were coming up to me in droves saying, 'What are you going to do about this? When can we do something about what this government's doing to this country? They're traducing our reputation.'

Australia had a reputation of having a non-discriminatory migration system, one of the best in the world. When Australians went overseas, people would say, 'You Australians have got it right. You know who's coming, you know who's going and you know exactly where people are coming from and going to.' We are actually losing that reputation.

I want to turn to Malaysia quickly because it is an issue I am very concerned about. I have raised it in this House before. We are shopping around now with Malaysia and Manus Island. It would be funny if we end up trying to build one in Vietnam because they are still coming here by boat. I wonder whether we will end up in the Philippines. Even Brunei might do us a favour and let us build a so-called regional centre if we pay them off a bit. Malaysia seems very keen to do a deal. There seems to be a fair bit of money coming with it. Manus Island said they had never had so much money on the island before so they are going to do a deal.

This 800 for 4,000, the five to one ratio, is just laughable. People are laughing about it. They are even willing to talk about it publicly. They are coming up to us and saying, 'Can you believe we've got sucked into a regime and they're going to take 800 of ours'—I understand they are going to be hand picked—and we're going to get 4,000 of theirs; what sort of trading is that?' Thank goodness they are not my banker or my financial adviser because that is one of the biggest dud deals I have ever seen.

That 800 are about three months worth of boats. When the 800 finish, it will all start again and we will have to find another country. So here we come Manilla. We will throw them in Manilla and they will again shop all around Australia. Should they get to Malaysia—there are stories about how Malaysia treats these people and that security is not so good—what if they get on a boat and come again to Australia? They will get in again through the back door. Malaysia is not taking them for good. Malaysia is not going to give them a visa. They are only taking them there to be processed. Then Malaysia might say, 'They're genuine refugees. Australia you'd better take most of the 800.' It is just an unbelievable and farcical deal.

I have raised this in this place before. Genuine people who are waiting in these places are seriously concerned that they are not going to get a fair go. I have raised the name of Mr Abdolhossein Harati, one of my constituents whose daughter is held up in Malaysia. I have already told the story of how he had to flee Iran because he was an enemy of the state. He and the government were at odds. He came through Malaysia and is now an Australian citizen. His daughter went to Malaysia with her husband but they became estranged. He took the daughter back to Iran. She cannot go back there to get the daughter so she is stranded in Malaysia. I have approached the minister personally. I have approached the department numerous times. Mr Harati is threatening a hunger strike in front of my office to try to get his daughter but she is stranded in Malaysia. Why can't we have her here? We have approached the minister. We have tried for this girl, Samira Harati, through the department so many times. She will be left out. If her father had \$20,000, I suspect he would try to put her on a boat because she would probably get a visa given the way it is going.

We have all these anomalies. In Western Australia, we are short of unskilled workers. One-third of Perth's buildings cannot be cleaned due to the lack of unskilled workers. I have asked the minister to zone it as a regional zone for migration, like Adelaide, so that we can get skilled and unskilled workers in. But, no. We have people timing out on 457 visas who are going to go home because the bar has been lifted. The ASCO codes have been changed since they got their 457 visa. People want to continue to employ them, but they are timing out and they cannot apply again because in certain cases the ASCO codes no longer apply to them. This is one of the messiest things this government have done. The minister has brought a regime into this place which will see Australian courts choked with vexatious litigants who have been rejected and who will appeal their rejection. Pensioners and people on low incomes in my electorate who want to access the courts will not be able to because people in front of them will get access before them. It is a disgrace. (*Time expired*)

**Mr MITCHELL** (McEwen) (13:01): What a pleasure it is to rise after that 10 minutes of diatribe that contained nothing about the Migration Amendment (Complementary Protection) Bill but just typical dog-whistling from the opposition because they have nothing intelligent to say and nothing to actually put on the table—

**Mrs Gash:** What is your electorate saying?

**Mr MITCHELL:** I will tell you what my electorate are saying. They are saying that we should be compassionate and we should be humane, something that you should listen to instead of worrying about whether the grass is being dug up as we try to make your electorate a better place and bring it into the 21st century.

I support the government's longstanding commitment to better protect those people who are unfortunately at risk from the most serious abuse of human rights. We are a generous nation, a country which has been built on fairness and mateship, a country which proudly defines itself by its liberty and its democracy. So we have an obligation to enhance, support and uphold the protection of human rights.

We must always be cognisant of the fact that there are many people across the world who do not have our opportunities, our privileges or the quality of life that we in Australia are fortunate enough to enjoy. With this in mind we must continue to do what we can to ensure that we have the right systems in place to process requests of people seeking asylum in our country, particularly if those seeking our protection are fleeing persecution, a violation of their basic human rights or even death in their home country.

This bill provides a criterion for the granting of a protection visa in circumstances where a non-citizen has been found not to be owed protection obligations under the refugees convention but where, as a consequence of that non-citizen being removed from Australia to a receiving country, there is a real risk that this person will suffer 'significant harm', as defined in the bill.

This bill will incorporate our non-refoulement obligations under international law into the current process for the assessment of asylum under the refugees convention which will allow claims to be considered under a single integrated protection visa application process. Non-refoulement obligations cover people who, if returned to their home country, would face a violation of their fundamental human rights such as being arbitrarily deprived of their life, being subjected to torture, being subjected to cruel, inhuman or degrading treatment, or having the death penalty carried out them.

We are a developed nation in our way of thinking. We are a nation which has a strong history in the protections of freedoms, a strong history in fighting for

human rights, and we should never waiver from this proud history. The passage of this legislation will ensure that the structural procedure to assess the status of non-citizens is quicker, more efficient and transparent under existing international nonrefoulement. Importantly, this bill addresses the protection of asylum seekers from being returned to a country where their lives or freedoms could be threatened.

Complementary protection already exists in Australia. However, at the moment, it relies on the use of ministerial intervention powers and is considered only after primary and review refugee status determination has been completed. Currently, applicants have to go through a ludicrous charade, applying for a protection visa as a refugee already knowing that they are going to be rejected. Then they have to appeal that decision, again knowing they are going to be rejected, before eventually seeking the minister's personal intervention. Think about how much time and energy is being used to run this charade process for people already under personal distress. Also consider how much diversion and time is being used by officials to play this silly game. It is not only an inefficient use of taxpayers' funds and time; it relies on having a minister who is as compassionate and hardworking as the current minister. That is all well and good now, but in the future we may actually have a Liberal government, and we know their track record on hard work and compassion. They are absolute failures in that regard.

This bill seeks to remove this legal fiction and streamline the existing process. In essence, this amendment to the Migration Act 1958 will bring the consideration of the claims of asylum seekers into the existing protection visa process and eliminate the complexities and the untimely process that currently exists. Despite the carping from those opposite on the refugee situation, the bill does not seek to increase our refugee intake. Rather, it will ensure that people seeking the granting of protection will be processed efficiently and it could shorten the amount of time they are in detention and under personal distress. The bill will ensure that our non-refoulement obligations are integrated into a new complementary protection framework as contained in international human rights conventions including the International Covenant on Civil and Political Rights, the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, and the Convention on the Rights of the Child. Subsequently, these non-refoulement obligations will cover people who, if they were to be returned to their home country, would face breaches of their fundamental human rights. I want to keep pushing that point because it does not seem to be getting through to the other side. They do not seem to understand that we are actually talking about decency

and humanity, two words which I am sure are not in the Liberal playbook. As the minister said, complementary protection would provide greater certainty and faster outcomes for vulnerable people at risk of violation. He said:

A woman fleeing a so-called 'honour killing' may not be covered by the Refugee Convention, whereas she will be covered through the inclusion of complementary protection in Australian law.

Women facing this kind of harm will have their claims considered more quickly under the integrated protection visa process.

This will bring Australia into line with many like-minded countries—including New Zealand and European and North American countries—which have already incorporated complementary protection into their own processes.

I concur with the words of Minister Bowen and the ideals to protect the most vulnerable in our global community.

On 21 March we celebrated Harmony Day, an annual celebration of our cultural diversity which coincides with the United Nations International Day for the Elimination of Racial Discrimination. The message for Harmony Day this year was 'Everyone Belongs'. Every Australian belongs to this nation, regardless of who they are or where they are from. Our history and our stories are what make Australians Australian. I truly hope that we can all embrace this year's theme. As community leaders we should be promoting and enhancing this message.

I would also like to take the opportunity to congratulate our government on our new national multicultural policy 'The People of Australia', which will build on our strong support for multiculturalism here in Australia. Multiculturalism has greatly enhanced and strengthened our economy and continues to further our national identity. It can be seen when you walk down the streets of our cities, suburbs, towns and regions. Effectively, it is what has helped establish and build our nation, the places that we know and love.

Despite the great work of the Gillard government in strengthening multiculturalism, surprisingly there are some people who continue to oppose, wreck and tarnish it. Some of those people hold their own interests above those of the people that they claim to represent. No surprises as to who they are! Remember that we had the shadow immigration spokesman tell the shadow cabinet that they should capitalise on concerns regarding 'Muslim immigration' and the 'inability' of Muslim migrants to integrate. It was reported very widely that shadow cabinet members were asked to bring three ideas to the table for the Liberal Party to focus on this year, and scaremongering, discrimination and promoting religious intolerance was all that they could come up with. If these are the best ideas that are being concocted and brewed in the dark, hazy party room of

the Liberal Party and if this is the best that they have to offer the people of this country as the so-called alternative government, then we are in trouble. With this strategy, they are the only group out there making it difficult for any persons of various religious or cultural beliefs to integrate into our society, to be part of the Australian society. It is the Liberal Party who thrive on the creation of a societal divide for their own cheap and lazy political gain.

Unfortunately, we know that this has been a long-term strategy of the conservatives. They are always thinking of themselves rather than the Australian community and forgetting that it is our duty when we leave to have made this nation a better place than it was when we found it. As elected representatives, we have to strive to eliminate discrimination on all grounds—sex, race and religion—not encourage or feed it. I hope the Victorian Premier is listening, as he has been trying to wind back antidiscrimination laws. We must always be looking to the future, and building a world we want to live in, a world we want our children to grow and live freely in. We must continue to foster and nurture acceptance and tolerance, because if we don't do it, who will? If we as leaders do not lead, how do we expect others to follow?

This bill will go towards eliminating unnecessary processes for people at risk of torture, inhuman treatment or likely death so they receive a protection visa in accordance with Australia's existing international obligations. The Minister has stated that the Migration Amendment (Complementary Protection) Bill 2011 allows claims raising Australia's non-refoulement obligations under international human rights treaties to be considered through the same visa process as claims that raise obligations under the refugee convention. This is about helping vulnerable people, people at risk of the most serious forms of harm if returned to their country. Our international treaty obligations mean we cannot and do not send these people home. But, under existing processes, currently they are only able to get a visa through the personal intervention of the minister. This bill addresses that concern. With those few words I would like to wish this bill a speedy passage.

**The DEPUTY SPEAKER (Mrs D'Ath):** Order! Before I call the next speaker, I acknowledge the visitors from Regents Park Christian School and Toongabbie Christian School in our galleries today.

**Mrs MOYLAN (Pearce) (13:13):** In addition to the refugee convention, Australia is a signatory to a number of international conventions that prohibit refoulement of people seeking protection. These agreements include the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, the Convention on the Rights of the Child, and the International Covenant on Civil and Political

Rights. Non-refoulement obligations arise where an individual currently on Australian shores is determined not to be a refugee under that convention but nonetheless would face a real risk of torture or cruel, inhuman or degrading treatment if returned home or would be exposed to the death penalty or other arbitrary deprivation of life. The obligation of nonrefoulement is described as complementary protection. Currently, requests for asylum based on nonrefoulement, other than under the refugee convention, can only be granted by the immigration minister. Ministerial discretion can only be invoked after an application has been refused by both a primary assessor and on a merits review. This bill seeks to establish a statutory regime where, instead of ministerial intervention, officers of the immigration department can determine claims based on both refugee and non-refoulement grounds. These grounds would be enunciated in law, and they would be judicially reviewable.

Strong parallels can be drawn between this bill and legislation enacted by the government in 1981, which introduced section 6A(1)(e) to the Migration Act. That paragraph allowed for the grant of an onshore visa to those who did not meet refugee criteria but still had 'strong compassionate or humanitarian grounds' for asylum. In giving evidence to the Senate Select Committee on Ministerial Discretion in Migration Matters in 2003, Ms Philippa Godwin from the immigration department commented that the provision: ... was an attempt to codify the concept of discretionary compassionate circumstances [but] it essentially just blew out and blew out until it became largely meaningless.

The expanded application of 'strong compassionate or humanitarian grounds' was due largely to judicial interpretation, and the resulting administrative difficulties were profound. Whilst it was estimated that less than 100 people a year would benefit from the provision, indeed 226 people were approved in the following year, 1981-82, rising to 3,260 approvals in 1987. By December of 1989, when the provision was then repealed, over 8,000 applications were outstanding. In further evidence to the committee, Ms Godwin stated:

... all of the information around [the section's] creation indicated that it was meant to be used in exceptional circumstances. The difficulty was that it was hard to prescribe objectively what those circumstances are.

The same difficulty is faced in codifying complementary protection. While the grounds for protection are set out in the relevant conventions, their practical application needs to balance the flexibility to provide protection when necessary with the need to ensure protection grounds do not blow-out beyond their original intention. Such a balance is difficult to achieve, as highlighted by the Refugee Council of



Australia in a briefing note they provided on this matter. To quote from that note:

The threshold for standard of proof in relation to meeting the requirements for complementary protection has been set so high that it is inconsistent with international standards. If unamended, this legislation could result in the denial of protection to people who require it, putting Australia in breach of its human rights treaty obligations.

Associate Professor Jane McAdam, on page 4 of her submission to the Senate Legal and Constitutional Affairs Legislation Committee enquiry into this bill, submitted:

Since the purpose of the bill is to implement Australia's international human rights obligations ... it seems only sensible and appropriate that Australian legislation reflect the language and interpretation of these obligations as closely as possible.

Minister Bowen has referred to honour killings and female genital mutilation as instances where this bill would apparently provide protection. The examples would fall under arbitrary deprivation of life and cruel or inhuman treatment respectively under the bill. Those sections, however, are qualified by proposed section 36 (2)(c), which provides that the risk of such events must not be one 'faced by the population generally' but one 'faced by the non-citizen personally'. Both Amnesty International and the Refugee Council queried the application of the proposed section 36. Amnesty noted on page 7 of their submission:

The requirement that the risk faced must not be 'faced by the population generally' may result in an applicant fleeing domestic violence to be excluded from protection on the grounds that the applicant originates from a country where domestic violence is widespread—

And, I would go on to say, even an accepted practice, as we know it is in some countries. The submission continued:

Additionally, the stipulation that the risk must be 'faced by the non-citizen personally' has the potential to exclude, for example, applicants who have not been directly threatened with female genital mutilation but due to their age and gender face a probable risk that they will be subjected to the practice upon return.

Whilst Amnesty International, the Refugee Council and the Senate committee itself all recommended that the provision be clarified, none were able to suggest an appropriate definition that struck a balance between protecting intended beneficiaries and, at the same time, ensuring the scope was not open to widespread, unintended, claims. Being unable to appropriately define the circumstances that give rise to protection is a critical deficiency in this bill. If the provisions are interpreted narrowly, excluding the very people they are intended to protect, then applicants still have to apply for ministerial intervention. On the other hand, if the provisions are too wide, then, as happened under the system operating in 1981, the process can become

administratively unworkable, overwhelmed by cases never intended to give rise to protection. People could spend even greater amounts of time in detention as the immigration department works through the expanded volume of claims.

Further, it is unclear to me why the very people this bill seeks to assist are currently not successful under the refugee convention. There are five threshold categories under the refugee convention, one of which is persecution based on being a member of a particular 'social group'. Many examples that would fall under complementary protection have been accepted or favourably viewed by the High Court as falling under the social-group protection. Current Australian law, informed by the reasoning of High Court decisions, should already operate to protect many of the people that are claimed to be solely reliant on ministerial intervention.

So, rather than enacting legislation that could possibly exclude the very people it seeks to assist, a prudent approach would be to revise the policy guides available to departmental decision-makers when assessing claims in the first instance. To avoid doubt, that guidance could, for instance, specifically state that women fleeing genital mutilation are considered to be part of a 'social group' for the purposes of the refugee convention, ensuring that people who legitimately deserve protection are not rejected on technical grounds. This requires no amendment to existing legislation, is consistent with High Court interpretations of the refugee convention provisions and relieves the burden on the minister, without changing the existing processing system. I find it quite paradoxical that the parliament is considering this bill today, in light of the government's recently announced 'Malaysian solution'. The intention of codifying complementary protection grounds, as described on page 1 of the explanatory memorandum to this bill, is to:

... better reflect Australia's longstanding commitment to protecting those at risk of the most serious forms of human rights abuses.

And what is the government doing in relation to the Malaysian solution? It is directly placing people into a situation where they are at risk of the most serious forms of human rights abuses. How can the government make such a pious claim in light of its new policy? The Malaysian solution will transfer people seeking assistance to a country not signatory to the refugee convention, with the added stipulation that they shall never be allowed to settle in Australia.

I commend Amnesty International for its recent report on the dire conditions facing refugees in Malaysia, and I commend the reading of that report to every Australian. I acknowledge the great difficulty the staff of Amnesty International have had in undertaking

the task of documenting the plight of refugees in Malaysia. Amnesty International points out that, as Malaysia is not a signatory to the refugee convention, it does not distinguish between refugees and illegal migrant workers. In 2002 the Malaysian government passed a law endorsing caning as a form of punishment for immigration violations; a punishment that the UN warns could be considered as cruel, inhuman or degrading treatment. While we can understand the difficulties faced by Malaysia, with over 90,000 refugees within their borders to care for, we cannot condone the terrible conditions refugees are subjected to in that country. Once again, I refer this parliament and the public in general to Amnesty's report, which makes sobering reading indeed.

The government has placated its policy with a promise to accept 4,000 refugees from Burma, and in doing so claims to be laying the foundation for a regional solution to this problem. I put it to you that this is a deal that the government conceived in secret, that is politically expedient and that plays to the political cycle. But it is hardly a foundation for a durable solution in a region that continues to face a flow of refugees and the challenge of how to deal with people smuggling. The government should be working constructively to share in the management of the flow of refugees in the region and should reject policies that simply deflect our responsibilities onto other countries, which often bear a disproportionate share and in some cases are less well equipped to care for refugees. I think that it is a diplomatic disaster as well as a humanitarian disaster to shovel our responsibilities onto countries that are much less better equipped than our country to deal with this flow of refugees that we are currently witnessing.

In conclusion, as a co-convenor of the Amnesty International Parliamentary Group I commend the work of Amnesty International, which has consistently campaigned for a humane and durable solution consistent with Australia's international obligations.

**Mr STEPHEN JONES** (Throsby) (13:27): Australia is a nation built on immigration. Indeed, this phrase has been repeated so many times that it is almost a part of our commonsense. Paradoxically, we are also a nation that has, with each generation, wrestled with the idea and the consequences of immigration: what it does to our identity, what it does to our community and what it does for our economy. As we have engaged with this debate, we have usually come to the conclusion, the right conclusion in my view, that migration has not only made us a more prosperous and interesting place but has helped to draw this small and new nation situated at the bottom of the globe closer to other countries in our world. It also breeds a love of country in those who have made Australia their home, as a letter published recently in the *Illawarra Mercury* shows. The letter said:

I want to thank Australia and all Australians for giving me and other immigrants the chance to live here permanently as a citizen. It is a beautiful country with very good people and I think I am spending the best days of my life in Australia. I also think that, if someone lives here once, they cannot live somewhere else. It is like heaven to me. So, again I say thanks and wish Australia the best of luck in the 2011 Cricket World Cup.

The Migration Amendment (Complementary Protection) Bill 2011 reflects our values, which were demonstrated in that letter. It demonstrates to the world that we are a humane country willing and capable of providing refuge to those who have or may suffer extreme persecution or torture in their country. We will do this in accordance with Australian and international law. We will do this in an orderly and transparent way. This bill introduces complementary protection arrangements into all claims that may engage Australia's non-refoulement obligation under certain human rights instruments. Complementary protection describes a category of protection for asylum seekers who are not refugees under the 1951 refugee convention criteria but who deserve our protection because returning them home would mean they would face a violation of their fundamental human rights, a violation which may include being arbitrarily deprived of their life, being subject to torture, being subject to cruel, inhumane or degrading treatment, or having the death penalty carried out on him or her.

In international refugee law this is known as a non-refoulement obligation. Australia's non-refoulement obligations arise under various international human rights instruments, such as the International Covenant on Civil and Political Rights; the Convention Against Torture and Other Cruel, Inhumane or Degrading Treatment or Punishment; and the Convention on the Rights of the Child. This means that, as a signatory to these conventions and these treaties, the obligation to abide by them has existed in international law but has not, as yet, been integrated into Australian domestic law. The introduction of complementary protection arrangements into Australia's immigration laws has, as previous speakers have indicated, been advanced on a number of occasions and has most recently been discussed in a Senate inquiry into the matter.

Introducing complementary protection arrangements into applications for a protection visa will mean that there will be a clearer, more efficient and transparent mechanism to deal with these claims. That is because at present this is dealt with by ministerial discretion and the consideration of complementary protection occurs only after all primary and review refugee status determinations have been completed.

As you would expect, the existing legal process takes time, during which these people are detained in Australia's immigration detention system. It is not fair to individuals, should their claims subsequently be

found to be valid, and it is not an efficient or a humane way to deal with people facing these situations.

Under the system proposed in this legislation, a complementary protection system would be integrated as part of the protection visa application process. This will mean that people will be held in detention for shorter periods of time due to a more streamlined process. With regard to complementary protection it is important to note that not everyone who arrives in Australia seeking asylum will satisfy the definition of 'refugee' as set out in the 1951 Refugee Convention, yet these people, who are often stateless, may still be in need of our protection.

Under this amending legislation, for a person to fall within this non-refoulement obligation they must be at real risk of significant harm. The danger of harm in this regard must also be personal and present. This harm must also be a necessary and foreseeable consequence of their removal from Australia. These criteria are strict and mean that substantial grounds have to be established to receive complementary protection under this arrangement. Examples of some categories that may come within this consideration for complementary protection include homosexuality and women at risk, particularly single women.

We know that there are still too many countries in this world where people do not all share the high level of human rights and equal opportunity that we in Australia take for granted. The serious levels and types of discrimination against women in a number of countries around the world are well known by members in this place. For example, we know that in the United Arab Emirates it is sanctioned by the state that a husband can beat his wife, provided no bones are broken. In Pakistan, two women a day die as a result of honour killings. Some three million women every year are exposed to the risks and the terror of genital mutilation.

What we as Australian parliamentarians know is that the danger of harm in situations like this is purely personal and therefore falls outside the definition of refugee under the 1951 convention and because we—at least on this side of the House—believe that people in this type of situation deserve to have their applications for complementary protection dealt with in a timely and efficient manner, as we propose in this legislation.

The introduction of an administrative process to deal with complementary protection will remove this consideration from the Minister for Immigration's discretionary powers and will thereby increase accountability and transparency, which is a good thing.

I am sure that there will be those opposite—and we have heard a few speak in this debate—who may seek to portray the introduction of complementary protection as a softening or a confusion of the government's policy and who will seek to cause

concern and confusion in their communities regarding Australia's immigration policy. Regrettably, many of those who choose to trade in fear and division when it comes to Australia's treatment of refugees and asylum seekers do nothing to add to this debate. The base politics of fear, practised by the opposition, is in fact a barrier to reaching sensible policy solutions to the issue of asylum seekers that were so passionately and recently advocated by the member for Pearce in her contribution to this debate. It is somewhat difficult to be heard above the shouting by those opposite on this issue, but that does not mean that we will give up trying to reach sensible policy outcomes. Despite this, I think there is a broad consensus that it would be good to stop refugees paying people smugglers to get on a boat for the highly risky trip to Australia. Labor's approach is to work within our region to develop regional solutions to this problem. Our recent agreement with Malaysia is an example of this.

This agreement, which will be concluded under the regional cooperation framework agreed to at the Bali process ministerial conference in March, is aimed at breaking down the business of people smuggling in a sustainable way. We know that the best way to deter people from getting on a boat to Australia is to clearly demonstrate that it simply does not work. We hope that, with no guarantee they will end up in Australia, people will be less likely to risk the perilous journey by boat. However, in taking this course of action, we also need to be mindful of our international obligations by, in return, accepting a significant number of refugees from Malaysia over the next four years. We cannot adopt an isolationist posture on these matters—that is not the way to get regional cooperation. It has already been pointed out in the course of this debate by the member for Pearce that Malaysia has in excess of 90,000 refugees within its borders. That somewhat puts our domestic debate into perspective, when we consider that at present we are offering humanitarian visas to somewhere in the order of 12,000 to 13,000 refugees—a small fraction of the 90,000 who are living in refugee camps in Malaysia at present. There are equivalent numbers in Indonesia and elsewhere around the region.

Our traditions and history of doing our part as a good international citizen, including in the global response to the mass movement of those seeking asylum, are reflected in the legislation before the House and our approach to a regional solution to people smuggling, mass migration and dealing with refugees. I commend the bill to the House.

**Mr BRIGGS** (Mayo) (13:39): I rise to oppose the Migration Amendment (Complementary Protection) Bill 2011. It adds nothing to our current immigration laws. The Minister for Immigration and Citizenship rightly has the power to make these decisions and, as the opposition understands it, there has not been an

example where the minister has not been able to use his power to make these decisions. So, this bill gives no additional power to those who seek to flee the circumstances outlined by the member for Throsby. I am sure we would all agree that people do deserve a compassionate response. When in government this side of the House had the same approach.

The bill really sums up the Labor Party's failure in this area. It was interesting that the member for Throsby sought to do what so many of those on that side do and go down the path of abuse of those on this side; trying to act in a sanctimonious fashion about their failure in this area. In my electorate we are seeing the consequences of the failure of the Labor Party to manage the border protection issue properly. They try to be soft but hard—they pretend to be tough with a proposal like the Malaysian proposal, but members on this side have had to put up with Labor Party members telling us for so long that we could not go back to Nauru because they were not a signatory to the UN Convention, but of course Malaysia is not a signatory to the UN Convention. Somehow that is different. Somehow that is better. Somehow that does not matter. Somehow that is a perfectly reasonable solution. They are panicked, because they are going into their electorates and being told by their constituents that this failure has got to stop. The policy approach by this government is causing massive consequences in communities across our country. It is undermining the value that we put on these issues. Labor Party members are seeking to engage in the politics of personal abuse and to question the motives of those of us on this side.

I can tell you, Mr Deputy Speaker, that my electorate is suffering under the consequences of this failure, with the Inverbrackie detention facility causing untold pain and anguish in our community. The front page of the *Sunday Mail* in Adelaide last weekend highlighted example after example of community concern about the Inverbrackie detention centre—just one of the facilities that have been opened up, building the detention centre revolution across our country. Any unused army barracks around the place will be used by this government because they have failed to manage this border protection issue properly.

This is another example of this failure. They try to pretend on one side that they are tough, with the so-called Malaysian solution, but on the other side they claim that they are being humanitarian and soft and are creating some new provision—a provision which of course already exists. There is a sop to the left and then a sop to the right, as occurred last weekend. The problem is the inconsistency of policy, like when the government changed this law back in August 2008. That has led to over 200 boats and 11,000 people arriving since then. That is creating a risk for the people who get on these boats, all because the people smugglers are back in business. This bill creates

another product for people smugglers to sell, and that is why we will oppose it. There is no evidence of a need to change. No evidence has been presented by the minister or by those on the other side that there is any need to change the law. The minister has the power to do what this bill seeks to codify.

What we are debating today is a further example of how the government has so badly mismanaged this issue. They do not know whether they are Arthur or Martha; they do not know whether they are tough, with Malaysia, or they are soft, with this bill. They were soft in 2008 when they found a solution and created a problem. This bill adds to the failure of the government to deal with the issue properly—11,000 people, and we see the consequences of delays with riots at Villawood and riots at Christmas Island and riots at Curtin. There is a \$1.75 billion blowout over and above what was already allocated in the budget, with the additional money having to be found through a \$2 billion whack at middle-income families to pay for the blowout. This bill is a further example of the complete failure of the government to deal with this matter properly. The response from those opposite is so predictable. It is the politics of personal destruction. They question the motives of those of us on this side—

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

## STATEMENTS BY MEMBERS

### Gladysdale Apple and Wine Festival

**Mr TONY SMITH** (Casey) (13:45): It was my pleasure to attend on Sunday, 1 May the annual Gladysdale Apple and Wine Festival at Gladysdale Primary School. I want to pay tribute to the Gladysdale Primary School principal, Garry Lewis, who was the director of the festival. This is the major fundraiser for the primary school and a pivotal community event in Gladysdale. I pay tribute to the winner of the music competition, Katrina Marchese. I congratulate her. It might surprise honourable members that I co-judged this competition along with former student Nicole Livingston and country and western singer Steve Eales. You might think it was a lucky occurrence, but I congratulate Katrina. I also congratulate the school council president, Roslyn Firth, together with the principal, who I mentioned. Gladysdale Primary School is a great school. It is great because of its great community spirit and the dedicated volunteers, community members and teachers at the school. It was a wonderful festival and I look forward to attending it again next year on 6 May.

### RSPCA Million Paws Walk

**Ms PARKE** (Fremantle) (13:46): This morning I attended the national launch of the RSPCA Million

Paws Walk for 2011 at the Hounds on the Hill event together with many parliamentary colleagues, including my fellow co-chair of the RSPCA Parliamentary Friendship Group, Senator Gary Humphries; as well as Heather Neil, CEO of RSPCA Australia; Michael Linke, CEO of RSPCA ACT; and a number of RSPCA staff and volunteers and many four legged friends. It was wonderful to see MPs and senators from all parts of the political spectrum put aside their political differences to support the RSPCA while also spending some happy moments with the puppies and dogs who are some of the present residents of the local RSPCA shelter.

The Million Paws Walk is the RSPCA's biggest annual fundraising event for the highly important, unique job that it does around the country in protecting and caring for our domestic animals, wildlife and livestock. Last year the RSPCA took in over 159,000 stray, injured or unwanted animals and investigated more than 53,000 complaints of animal cruelty and neglect. Most of the funding for this work comes from generous private and corporate donors and fundraising, whilst just 1.8 per cent of funding comes from governments around Australia. The Million Paws Walk will take place in all states and territories this Sunday, 15 May. As the RSPCA says on its website: 'brush off your walking shoes, pull out your pet's leash and bring along your best friend to Australia's premier pet event'. In doing so you will be extending a helping hand—or should I say paw—to animals in need.

### **Cyclone Yasi**

**Mr ENTSCHE** (Leichhardt—Chief Opposition Whip) (13:48): How can the Gillard Labor government publicly boast about helping Cyclone Yasi victims recover when it is hindering the recovery efforts and holding back money from so many businesses in desperate need? The Natural Disaster Relief and Recovery Arrangements for Cyclone Yasi are a complete farce. Businesses directly hit by Cyclone Yasi in Far North Queensland are being knocked back for assistance. They are told they are ineligible under the current ridiculously stringent and onerous criteria. The majority of businesses are ineligible for NDRRA category D relief despite being told that they will get access to it by this government. These people are on their knees and are dismissing employees by the day and are at breaking point. Many are faced with closing their doors and joining the unemployment queue in a region with the nation's highest unemployment, at close to 14 per cent.

The category D extension for Cairns under the NDRRA, which has been hailed by the government in recent media announcements as a 'commitment to respond to the challenges facing communities impacted', is quite frankly farcical. Most people in business in Far North Queensland do not qualify. The

NDRRA also fails to support communities such as Bloomfield, Cooktown and the wider Cape York area which have had their businesses destroyed, with main roads cut off since February this year when Cyclone Yasi hit. This is three months without trade. My office is being bombarded with calls from people furious about this situation. These business people feel hung out to dry. Instead of spinning, start delivering and support the business people who provide employment and drive our economy. (*Time expired*)

### **Easter Sunday Trading**

**Ms BURKE** (Chisholm) (13:49): Today I wish to present a petition, which has been through the Petitions Committee and is in order, signed by over 180 people in Victoria objecting to Easter Sunday becoming another day for the shops to open. This is an outrage. Victoria is now the only state in Australia where shops can open on Easter Sunday. The petition is calling on Fair Work Australia to recognise Easter Sunday as a public holiday, because it is not a recognised national public holiday. Previously, people got Easter Sunday as a holiday because the shops were shut. Surely there is time in this life to have one extra day. Currently there are 3½ days in Victoria when the shops do not open. Surely you can organise yourself and retailers can work out that this is a day of significance not only to Christians but for people taking a break. We are still a majority Christian country. We should recognise the significance of this day and we should say to shops, 'You can shut for this one extra day.' It is the only state.

The Liberal government rushed this through with no announcement. People were forced to work, to make changes. They had no notification of it. Surely we can have some respect for Christian values and say that Easter Sunday the shops are not open. Even the Liberal government in WA has not sought to have trading on Easter Sunday. I call for it to be made a public holiday. (*Time expired*)

### **New South Wales Floods**

**Mr COULTON** (Parkes—The Nationals Chief Whip) (13:51): I rise today to raise the plight of the residents of western and central New South Wales in my electorate who have been severely discriminated against by the Gillard Labor government. Despite the fact that they suffered extensive flooding from late November, in some areas right through until February, they have been deemed ineligible to receive funding under the Australian government disaster relief program. The Attorney-General, despite putting out a press release identifying 13 local government areas as being eligible to receive this payment, then deemed them ineligible because the water was supposed to have come from Queensland. If anyone knows anything about the geography of New South Wales, they know that areas around Mudgee and Dubbo are never going to get flooded by water from Queensland.

Those people suffered severe inconvenience. Indeed, one mother in the small village of Quambone, which is completely surrounded by water, has a profoundly disabled son who was stuck in an electronically operated bed because the power was shut off. She has been denied this fund. To add insult to injury, from 1 July they will be slugged with the government's flood tax. So their tax money will be going to fund recovery in areas of Australia that were no more disadvantaged than their area was. This is a great injustice.

### **Quakers Hill: Mobile Phone Tower**

**Ms ROWLAND** (Greenway) (13:52): I rise on behalf of residents in my electorate of Greenway who strongly oppose Telstra's proposal to build a 28.5 metre mobile phone tower in Quakers Hill.

On Monday evening, a group of approximately 70 residents met to raise these concerns regarding the proposed construction of this tower. I would like to recognise the efforts of Kathi Janssens, a resident of Quakers Hill, who organised the meeting. Indeed, I would like to thank the many residents who attended the meeting to make their voices heard. I, too, am concerned about this proposal and I understand and completely support the reservations of these local residents. The proposed location is simply unacceptable because of its close proximity to homes, a large number of schools, childcare centres and aged-care facilities. A 28.5 metre mobile phone tower is not only an eyesore; residents have raised serious concerns about the potential health effects arising from this proximity.

I call on Telstra to instead pursue co-location of its new antenna on an existing tower. This would be consistent with the long-standing policy objective of the regulatory regime designed to minimise inefficient investment in new towers, as well as the detrimental aesthetic and environmental outcomes of tower proliferation.

Once again, I thank the residents of Quakers Hill for making their voices heard on this issue. I am committed to advocating on their behalf to ensure that Telstra on this occasion—and all other carriers in future—take local residents' concerns into account.

### **Faust, Mr Sam**

**Mr EWEN JONES** (Herbert) (13:54): Sam Faust is a North Queensland man and Proserpine junior. He is married and has three beautiful little girls. He was a full-time professional Rugby League player with the mighty North Queensland Cowboys. He was a rarity in professional football in that he kept up his apprenticeship in the building game. He is a very good man. He is now in the fight of his life against a very aggressive cancer. This cancer refuses to submit. There is a chance, if we can get him to Germany, that an

experimental treatment can finally put this disease on hold.

The North Queensland community, including the Cowboys and the Men of League, have swung in behind this family. There is a lunch coming up to assist with fundraising to get Sam to Germany. I am not able to attend but I have paid for a seat. I urge all North Queenslanders to see what they can do to help out. The lunch, on 25 May at A Touch of Salt, will be a great event. I am asking all North Queenslanders to see if they can free up some time to attend or to help out.

'Faust' is a famous family name in North Queensland. The family are proud people. They are humble people. They do not show too much emotion. Sam's wife, Kya, and his daughters, Kaiulani, Meika and Lola, all know how brave dad is. Sam, we are right behind you, mate. Stay strong.

### **Geale, Mr Daniel**

**Mr LYONS** (Bass) (13:55): I rise to acknowledge a Tasmanian who has reached the pinnacle of his profession. Daniel Geale won the IBF world middleweight title in a split decision over Germany's Sebastian Sylvester on 8 May. Daniel is the first Tasmanian to hold a world championship belt and joins other Australian boxing legends Jeff Harding, Lionel Rose and Jimmy Carruthers as the only Australian-born fighters to win a world title overseas.

Daniel's wife, Sheena, and his children Baily, Lilyarna and Ariyelle, and his father, Wayne, and mother, Michelle, like all Tasmanians, feel proud of his achievements. This quiet boy from Bass has shown how dedication, commitment and focus can take you to the top of the world. Daniel is an inspiration to all Tasmanians and all Australians.

### **Solomon Electorate**

**Mrs GRIGGS** (Solomon) (13:56): We are now two weeks into the official dry season, which means the weather is perfect and there is a lot of activity in my electorate of Solomon, including the Mindil and Palmerston markets now opening. My team and I have been involved with Activate NT, a community and health wellbeing program organised by General Practice Network NT and the Darwin and Palmerston city councils. This excellent 10-week program has been running for six years now. As part of the activities on Sunday, I hosted a leaders walk at Palmerston and I thank everyone who came along.

On the matter of sport, I would like to acknowledge the great start our local football team, the NT Thunder, have had. Coach Murray Davis and new captain Cameron Ilett have done a great job, and it is no surprise to us that they are currently on top of the ladder, undefeated after six games. I wish them luck this weekend in Alice Springs when they play against the Mount Gravatt Vultures.

I am also delighted to let this House know that the RAAF Base Darwin fishing club have negotiated, secured and relocated to the new clubhouse, an empty RAAF base house at Eaton. On this matter I would like to thank Minister Snowdon who has been true to his word at our meeting that the RAAF base houses will indeed be made available for Territorians. Sadly, though, we still have over 100 houses vacant. I will continue to push this issue, because no-one likes waste and mismanagement.

Finally, the iconic Arafura Games are well underway. The competition, held every two years, is a major sporting event targeting developing athletes across the Asia-Pacific. I wish all the athletes well, including competitors from the Oceania Paralympic Championships. It was disappointing and embarrassing for the Territory Henderson government that yesterday our beaches were closed for swimming due to the high levels of E. coli and other bacteria.

### Loneliness

**Dr LEIGH** (Fraser) (13:58): A recent article in the *Australian* noted that one in four Australians suffer from loneliness as a serious problem. In fact, loneliness is one of the fastest-growing contemporary issues in modern Australia. Many of us here know Professor Adrian Franklin as a panel member on the ABC's *Collectors* program. But he is also one of the country's leading sociologists and has recently conducted extensive research on housing, loneliness and health. Loneliness is a grim reality that I know the member for Wakefield has also written about.

Between 1986 and 2006, the share of people living on their own rose from 9 per cent to 13 per cent. People who report being lonely are twice as likely to experience poor health as those who do not. As our population ages, more elderly people will be living alone. Loneliness exacerbates anxiety and depression, already the leading cause of disability in young Australians. If we are not careful, we may be caught in a classic pincer movement where loneliness and its physical, mental and social implications will affect more and more Australians, both young and old.

So I would encourage us to continue our efforts to engage with marginalised and vulnerable members of our communities. It is something I do in my own electorate of Fraser. As I wrote in *Disconnected*, 'A smiley face emoticon isn't much of a substitute for a smile.'

### Government Regulation

**Mr BILLSON** (Dunkley) (13:59): The Rudd-Gillard government seems to think there is no problem that cannot be fixed by more regulation. Despite a promise of one in, one out the Rudd-Gillard government is damned by its own statistics. The Commonwealth's own Comlaw register reveals that

between 2008 and 2010 federal Labor introduced 12,835 new regulations while repealing how many—58. Missed by that much, as Maxwell Smart would say.

**The SPEAKER:** Order! The time for members' statements has expired.

## QUESTIONS WITHOUT NOTICE

### Budget

**Mr ABBOTT** (Warringah—Leader of the Opposition) (14:00): My question is to the Prime Minister. I remind the Prime Minister of her statement before the election, 'There will be no carbon tax under the government I lead.' Why should the people believe that her commitment to deliver a surplus is any more trustworthy than her commitment not to introduce a carbon tax?

**Ms GILLARD** (Lalor—Prime Minister) (14:00): I thank the Leader of the Opposition for his question and I thank him for raising the question of surplus, because it is indeed the issue for today. The government's budget on Tuesday night showed that the government will bring the budget back to surplus in 2012-13, exactly as promised. It shows that we have taken the tough decisions necessary to deliver the budget to surplus—they are there in the budget papers for all to see. Since the government launched the budget on Tuesday night, we have seen members of the opposition running around with completely contradictory claims. On the one hand, they criticise the government on the question of surplus; on the other hand, they oppose every cut in the budget. And, of course, we have the shadow Treasurer's representation that he could get the budget back to surplus one year earlier than the government.

All of this charade, all of this mindless negativity, hits one big roadblock and decision point tonight. That is when the Leader of the Opposition gets to his feet to deliver his budget reply. He will walk into this chamber with no budget savings in his pocket. During the election campaign the Leader of the Opposition was out there claiming to the Australian people he had identified \$50 billion of budget savings. As we know, Treasury said \$11 billion of those savings were a big black hole. Indeed, one of the reasons the Leader of the Opposition is not the Prime Minister today is that the Treasury found he was an \$11 billion risk to the budget. The rest of the savings identified by the opposition were committed to expenditure programs. They committed them to the Australian people in the form of new expenditure during the election campaign.

Let us just add up the maths. He said there were \$50 billion of savings, \$40 billion committed by him in new expenditure and \$11 billion which was a big black hole. So the Leader of the Opposition will walk into this parliament tonight with no savings in his pocket. That means he has got only two options: he can

identify savings, if he is going to criticise the savings of the government, savings that stand up to Treasury scrutiny, or he can endorse the government's budget. But what he cannot do is walk out of this parliament without having identified every number, every feature and every part of his budget strategy. He cannot do that.

The leadership test that the Leader of the Opposition faces tonight is a very clear one. He has to make transparent to the Australian people every figure he relies on, every figure he says would bring the budget to surplus under his leadership. We know he has failed these tests shamefully and woefully in the past. We remember the farce of last year's budget reply when he delegated to the shadow Treasurer, who delegated to the shadow minister for finance in a press conference even his press secretary could not bear to watch. Tonight is the only opportunity that the Leader of the Opposition has to show that he is not a risk to the budget surplus, a risk to the cost of living of Australian families and a risk to the economy. We await the budget reply speech.

### Employment

**Mr PERRETT** (Moreton) (14:04): My question is to the Treasurer. Will the Treasurer update the House on the employment numbers released this morning?

**Mr SWAN** (Lilley—Deputy Prime Minister and Treasurer) (14:04): I thank the member for Moreton for that very important question because I do want to update the House on April's employment numbers. The unemployment rate in April was steady at 4.9 per cent. These figures show that jobs were down in New South Wales and Victoria but they were strongly up in Queensland. Employment in Queensland is now higher than it was before the natural disasters. Today's figures build on this government's exceptional record when it comes to jobs. Since we came to office, the economy has created over 700,000 jobs. If we compare this to the rest of the world, we will see that there have been something like 30 million jobs shed elsewhere during that period. Just take the United States: the number of jobs in the United States is now seven million less than it was prior to the global financial crisis and the global recession, and of course their unemployment rates are very high, as they are across many other developed economies. Of course, the high rates of unemployment in those countries weigh heavily on their economies and produce high budget deficits and high debt.

Here in Australia we have the benefit of a strong labour market and the benefit of an investment boom, which will continue to create jobs. As we have forecast in the budget, there will be a further 500,000 jobs in the next couple of years. That is 500,000 reasons why we need to invest in the skills and in the participation of our workforce—to going about reforming our training system; to making sure that we give people

access to work experience, to capacity building and to a whole range of programs that will empower people to take up the opportunities that will come from the mining boom; to giving extra reward to sole parents; to making those training places available; to giving people more in the hand when they work another couple of hours. This has been endorsed by a number of commentators. This is what Craig James had to say about our plans:

If there was one area crying out for attention it was the tight job market. And the good news is that the Government has taken action in a big way.

Overall, it is a smart Budget, right for the times and challenges ahead.

Or the Business Council of Australia:

The skills package is a clear highlight of the Budget and will be good for the economy in helping to ensure that we can deliver major investment projects in years to come.

Business is very much engaged in these challenges. We intend to work very closely with business and unions to ensure we lift our productivity, we train all of our people and we spread the opportunities of the boom right around the country because we do not want to leave people behind. These are very important objectives which will strengthen our economy for the future. From our perspective, the central core of what we must do here is to secure employment to create jobs to make sure that we continue to have a prosperous economy.

### Budget

**Mr HOCKEY** (North Sydney) (14:08): My question is to the Prime Minister. I refer to the proposal by the government to increase its borrowing limit from \$200 billion to \$250 billion. Why is the government increasing the government's credit card limit while claiming to be paying off debt? Doesn't the Prime Minister agree that Australians struggling with a higher cost of living deserve a Treasurer with a steady hand, who doesn't fumble with the figures and fiddle with the facts?

**Ms GILLARD** (Lalor—Prime Minister) (14:09): I thank the shadow Treasurer for his question. I agree with him that Australians do deserve a Treasurer with a steady hand, and they have one. They have a Treasurer who has delivered a budget that will return the budget to surplus in 2012-13 exactly as promised. When they look at the alternative, the shadow Treasurer, all of his claims, all of his mindless negativity, lands in a bundle at his feet tonight, because he has been wandering around saying that he could get the budget into surplus a year earlier than the government. So, if he is truly concerned about questions of debt and deficit, what he well knows is that to deal with debt and deficit you need to have a plan that gets the budget into surplus. We do.



Now tonight is the opportunity for the shadow Treasurer to give the Leader of the Opposition a page of figures which explains his plan to get the budget into surplus 12 months earlier. We await that plan. What we know about the shadow Treasurer is that he has been alongside the Leader of the Opposition in some shameful, farcical exercises when it comes to trying to put figures together. We remember their flood funding package farce earlier this year, when they said to the government: 'Gee, we could get all of this together. It'd be easy. It'd be easy to find billions of dollars of savings to rebuild the nation. We wouldn't need a flood levy,' they said. 'We'll produce the figures.' When they produced the figures they degenerated into a week of internal chaos. Because they were so desperate for savings, they snatched up a One Nation email. We remember the election campaign when presumably the shadow Treasurer was involved with the Leader of the Opposition in generating their so-called costings for the election? We remember the \$11 billion black hole the shadow Treasurer was no doubt—

**Mr Hockey:** Mr Speaker, I rise on a point of order which goes to relevance. The question is: why is the government increasing its own credit card limit while claiming to pay off the debt?

**The SPEAKER:** Order! The member for North Sydney will resume his seat. A member getting the call for a point of order is not an invitation to repeat the question. But if the question is going to be repeated it needs to be repeated in full. It was—

**Mr Hockey:** Okay.

**The SPEAKER:** Order! No. That is not an invitation from the Speaker. It is just a warning about how to handle a point of order. The Prime Minister is responding to the question. She should not also respond to interjections, and the member for North Sydney should not interject. The point of order is not upheld on this occasion.

**Ms GILLARD:** Thank you very much, Mr Speaker. I was asked about questions of budgeting, of debt, and I am responding to that question. I am particularly responding to what would have made circumstances for this country worse. And what would have made circumstances for this country worse, if we want to talk about questions of debt, is the shadow Treasurer's approach to accounting. He claimed in the election campaign that he had \$50 billion of savings. He ran out and spent \$40 billion of them and then, of course, Treasury found an \$11 billion black hole. As I am advised, if we were pursuing the course that the shadow Treasurer recommended then there would be a deficit at the bottom of every year in the forward estimates in this budget. If the shadow Treasurer does not agree with that contention, he has a great opportunity tonight to give the Leader of the

Opposition a page of figures which shows what they would cut to get the budget into surplus a year earlier, as the shadow Treasurer has said that they are able to do. If he cannot give the Leader of the Opposition that page of figures, he has failed the test of credibility. And if he does not give the Leader of the Opposition that page of figures, then the Leader of the Opposition will stand tonight before the Australian people as a risk to the budget surplus, a risk to their cost of living and a risk to our future economy.

### Budget

**Ms O'NEILL (Robertson) (14:14):** My question is to the Prime Minister. Why is strong fiscal management vital to keep the economy strong and deliver jobs for Australian families?

**Ms GILLARD (Lalor—Prime Minister) (14:14):** I thank the member for Robertson for her question. I know that, as a great representative of her local community in this parliament, she is vitally concerned about making sure that, through the budget, we keep the economy strong. Mr Speaker, perhaps you did not hear it but when the Treasurer rose to answer the first question in parliament today, which was about the jobs numbers released today, the Manager of Opposition Business yelled out, 'What's this got to do with the budget?' and then repeated on a number of occasions, 'Why aren't you talking about the budget?'

How could you be so out of touch with the lives of Australians? How could you be so divorced from the concerns of everyday Australians as to think that jobs were somehow not associated with the government's budget? The government's budget is all about jobs. It is about keeping the economy strong; it is about getting Australians the opportunity that they want and deserve to improve their own lives, to make sure that they can improve the lives of their children. That is what the budget is about. It is built on the foundation stone of having created 750,000 jobs—jobs created while many nations around the world ended up with unemployment rates of eight and nine and 10 per cent: millions of jobs destroyed by the global financial crisis as this government acted to protect Australian jobs.

The government having created 750,000 jobs, this budget builds on that to create more jobs and more opportunity—another half a million jobs to be created in the next couple of years and a deliberate strategy to spread the benefits of opportunity throughout the Australian community. In order to do that we have to make sure that we are supporting Australians who are capable of work but who are not currently in the workforce into that workforce—responsibility and opportunity in one package so they too can experience the benefits of the current growth phase of our economy as our economy moves towards full capacity and the budget comes to surplus in 2012-13.

As well as building a culture of opportunity for Australians who are currently beyond the workforce, we want Australians within the workforce to have better opportunities. That is what our \$3 billion training package is all about. We also want to make sure we are supporting Australians with the services that Australians need today. We have acted to improve skills; we have acted to improve child care; we have acted to improve vocational education and training, universities, our health care system—and the list goes on. But in this budget particularly we are focusing on mental health because too many Australians confront mental illness, either their own or within their own family, with insufficient support. So we have put a priority on that. But we have done it all in the context of bringing the budget to surplus in 2012-13, exactly as promised. You can only do that if you show a tough approach and make the appropriate cutbacks.

The opposition have condemned basically every cut the government has made. You cannot surplus budget and not make cutbacks. So tonight is decision-making night for the Leader of the Opposition. Does he endorse the government's budget or can he identify savings of his own? He walks into this room with no savings in his pocket. Let's see if they can get the job done.

### Budget

**Mr TRUSS** (Wide Bay—Leader of The Nationals) (14:18): My question is to the Treasurer, and it follows on from the previous, unanswered, question to the Prime Minister. Will the Treasurer confirm that, unstated in his budget speech, the government is seeking to increase the maximum amount that it can borrow to \$250 billion? If the government's budget was so responsible and the government really believes that it will return the budget to surplus, why does it need to borrow \$250 billion?

**Mr SWAN** (Lilley—Deputy Prime Minister and Treasurer) (14:19): I really do thank the member for that question. I think it was a flick pass from Joe, because he said in the question that it was unstated in the budget papers that we were going to lift the borrowing limit. Those opposite had six hours in the budget lock-up to read the budget papers. It is very clear after that after that six hours they were incapable of absorbing even the most basic information, because our intention to lift the borrowing limit has been flagged for a long time. It has been known in markets and it is there very clearly in the budget papers. Indeed, it is in budget statement 7 at page 18, but they could not find that. They could not read the budget papers. It was also in Budget Paper No. 4 at page 11, but after six hours they could not see it there.

Despite the fact that it has been flagged, despite the fact that it has been talked about in markets, they then missed something else, because the Assistant Treasurer

came into the House and announced it. He announced it in this House, following the budget speech, to everybody in the House and to everybody listening. He did it in the appropriate place; he did it in the appropriation bills. Despite all of that in here, in the bright lights, in the people's House, in the parliament, they even missed that. Then it went another 48 hours before they suddenly realised that we were increasing the borrowing limit. That just shows how incompetent, how out of touch, they have become.

*Government members interjecting—*

**Mr SWAN:** I am asked why. All of the reasons have been detailed in the budget speech and in the budget papers. I know that they do not do a lot of work, I know that they are pretty lazy and I know that they are pretty sloppy, but to make this sort of allegation they must have slept all the way through the global financial crisis and the natural disasters earlier this year, because what we have detailed and have been talking about for weeks and weeks is the impact of the natural disasters on the budget bottom line and the additional impacts of the global financial crisis and the global recession.

**Mr Pyne:** Mr Speaker, I raise a point of order. We have given the Treasurer three out of four minutes to detail where in the budget speech this blow-out in debt is contained. I thought that he was going to try to point to that. He has not mentioned anything to do with that so he could not possibly be relevant. I ask you to bring him back to answer the question.

**The SPEAKER:** At this point in time of interruption, the Treasurer is responding to the second part of the question directly. The Treasurer has the call, and I remind him that he should refer to members by their parliamentary titles accurately.

**Mr SWAN:** There is nothing unusual about the government lifting the borrowing limit, nothing at all. I am going to cite an unusual authority who is backing us up on this. I am going to cite senator Barnaby Joyce, who has already backed lifting the borrowing limit. It is just common sense. We are bringing our budget back into the black in 2012-13. We will pay down debt and we will also have a conversation with the Australian community, the parliament and the financial markets about what we will do in terms of a deep and liquid bond market. These are all questions associated with this very important part of economic management. There is nothing new about it. It has been known for ages. It was flagged in the mid-term review, it was in all the budget papers on budget night and it was announced to the House by the Assistant Treasurer, but those people opposite are so incompetent they know nothing about it.

**Mr Hockey:** This is a supplementary question to the Treasurer and it follows on from his answer. What

is the average interest rate that the government expects to pay on that debt?

**The SPEAKER:** I am sorry. I have given the call incorrectly to the member for North Sydney.

*Mr Hockey interjecting—*

**The SPEAKER:** No. The original question was from the Leader of the Nationals. I have indicated previously that I would give the call to the questioner if it was not the Leader of the Opposition. I clearly indicated that to the House on an earlier occasion, much to the regret of somebody else on the front bench.

*Opposition members interjecting—*

**The SPEAKER:** Order! I do not understand why those on my left would want to delay proceedings. The Leader of the Nationals is seeking the call.

**Mr TRUSS** (Wide Bay—Leader of The Nationals) (14:25): I ask a supplementary question of the Treasurer. What is the anticipated interest rate on these increased borrowings?

**Mr SWAN** (Lilley—Deputy Prime Minister and Treasurer) (14:25): It is based on the forecast of average rates in the future in the market.

### Transport Infrastructure

**Mr KATTER** (Kennedy) (14:26): My question is to the Minister for Infrastructure and Transport. Is the minister aware that an RACQ bulletin on 9 May 2011 shows that the Mackay-Cairns highway was closed 334 times in 2010? As a result of this, bananas, pawpaws and myriad other crops are at risk, and tourism, mining and cattle fare even worse. In the light of not a single cent in the budget being allocated to facilitate access to the North's treasure trove of riches, can the minister assure the House he will redress with a second southern access corridor the current unfairness of travel from Cairns Airport to Innisfail taking two hours while from Brisbane to Surfers Paradise it takes only 50 minutes? That was the result of \$25 billion in one case and \$1 billion in the other. Finally, will the minister endeavour to secure \$60 million in matching grants for an alternative highway 1 route—namely, Cairns, Ravenshoe, Charters Towers and Rockhampton?

**Mr ALBANESE** (Grayndler—Leader of the House and Minister for Infrastructure and Transport) (14:27): I thank the member for Kennedy for his question. I am pleased to get a question on infrastructure from that side of the House even if it is from an Independent, because I cannot get one from the opposition over there, although I do note the shadow Treasurer's support for infrastructure where, perhaps, it will help roads to his farm up in North Queensland.

**The SPEAKER:** Order! The minister will go to the question.

**Mr ALBANESE:** I have had very productive discussions with the member for Kennedy on the infrastructure challenges facing North Queensland. I have visited with him places such as Karumba and Ingham, and indeed the site of the fantastic Ironsley River bridge, which was talked about for decades but fixed by this government as part of the economic stimulus plan. Indeed I will be back in Cloncurry with the member for Kennedy next Thursday, travelling with him through his electorate and looking at these infrastructure challenges firsthand. I can say to the member for Kennedy that Tuesday night's budget did in fact confirm transport infrastructure spending for Queensland of some \$8.5 billion under the Nation Building Program—more than double what the former government did. Indeed it is more in half the time than they delivered in 12 years. The member referred to the Bruce Highway. The Bruce Highway is on the national network and it is consequently our primary funding priority for this region. We are now investing some \$2.8 billion in the highway—\$2.8 billion from us, \$1.2 billion from those over that side of the House.

*Mr Ewen Jones interjecting—*

**Mr ALBANESE:** And I thank the member for Herbert for his glowing endorsement when he acknowledged that this side of the House has delivered more than the former government did when it comes to the Bruce Highway.

We are committed to improving road infrastructure in Northern Queensland. The McEwen Highway is of course an inland alternative to the Bruce. The member for Kennedy rightly points out it could be an important alternative freight route. As the member knows, Infrastructure Australia is currently developing a national freight strategy to look at these very issues. I know that the infrastructure coordinator, Michael Deegan, has travelled firsthand to this region to look at these issues, not just in terms of roads but also the energy issues, the water issues and the challenges facing this part of Far North Queensland. As part of the national freight strategy, they are consulting industry, the Queensland government and other stakeholders on the most effective freight routes. They will then provide advice on priorities and feasibilities.

Also, as the member knows, we have established the Regional Infrastructure Fund to do just that—to give regional Australia their fair share back from the mining boom. One of the themes of our budget was everyone getting a fair share from the mining boom, spreading opportunity. We take our commitment to regional Australia very seriously indeed.

I look forward to continuing to have dialogue with the Treasurer and the member for Kennedy. I look forward to seeing the member for Kennedy next week and to having a very pleasant chopper ride with him—in a confined space; lucky they give you earmuffs on

the helicopter! But I look forward to that just next week.

### Fiscal Policy

**Ms ROWLAND** (Greenway) (14:32): My question is to the Treasurer. Will the Treasurer outline to the House the importance of responsible fiscal policy. How has this approach been received and what are the consequences of not taking fiscal policy seriously?

**Mr SWAN** (Lilley—Deputy Prime Minister and Treasurer) (14:32): I thank the member for this very important question. The government is very serious about bringing our budget back to surplus in 2012-13, on time and as promised. This will be the quickest return to surplus that we have seen since these figures have been recorded. Of course, that involves the government taking some difficult decisions—something like \$22 billion worth of savings in this budget. It means that there is very tight spending restraint—increasing spending by only one per cent a year over five years, compared to those opposite, who were increasing spending by something like 3.7 per cent a year over five years. So we will get the budget back to surplus as planned, and we are going to do that because we do not want to compound the price pressures in the economy which will flow from this very, very big investment pipeline.

These facts have been noted by many commentators. Mr Davies, the economist from RBS, says:

This is substantial turnaround and would be one of the biggest improvements in the Budget balance in the post-WW2 period.

All of this is ignored by those opposite. They do not need to have any facts when they are analysing or critiquing public policy. They just go out there on mindless rants all the time—nothing positive to contribute to the debate.

We have seen some commitments from the shadow Treasurer. The shadow Treasurer claimed during last week that he could bring the budget back to surplus next year. So we have done a bit of work on their commitments. We have had a good look at the starting point. We have seen what they have been saying about our savings. We have seen what they have been saying even about this budget. So we have had a comprehensive piece of work done as to where the budget bottom line actually is. That work was released by the Minister for Finance and Deregulation this morning and it shows that, if they were in government, on their current commitments they would be in the red to the tune of \$20 billion in 2011-12 and again in the red, to the tune of \$4.4 billion, in 2012-13.

We have been listening to what they have had to say about the budget, and it has all been a bit confusing. One minute they are saying there should be more savings; the next minute they are saying there should be less. One minute they are saying the budget is too

tough; the next minute it is not tough enough. They are in an absurd mess. They say they want to have less savings and more spending, and they then say they can come back to surplus even earlier. None of this adds up.

Today is D-day for the Leader of the Opposition to demonstrate how he could bring a budget back to surplus or whether he is going to set out to wreck this surplus and compound price pressures in the Australian economy. If he did that, the Australian people would be the losers from that. What we should expect to see is a fully costed plan tonight. If he does not deliver a fully costed plan tonight, we will see what a risk he is to the economy and just how reckless those opposite are.

### Budget

**Mr ROBB** (Goldstein) (14:36): My question is to the Treasurer. Now that the government has revealed details of its spending on the National Broadband Network totalling \$18.2 billion over the forward estimates, including \$4.4 billion in 2012-13, will the Treasurer confirm that, if this government spending were added to the budget bottom line, the budget would be in deficit rather than surplus up until at least 2014-15?

**Mr SWAN** (Lilley—Deputy Prime Minister and Treasurer) (14:36): Mr Speaker, that question just demonstrated why they refused last year to adhere to the Charter of Budget Honesty. Of course, last year we found, when all of their commitments were finally examined by the Department of the Treasury and the Department of Finance and Deregulation, that there was an \$11 billion hole in their savings. What they demonstrated there was gross incompetence, yet again.

The member knows full well that this is an investment with a return and therefore we are perfectly entitled to account for this the way we have—and, indeed, we have accounted for it in full in the budget. It is all there for everybody to see—the nature of this investment and the size of this investment—and we do not apologise for it for one moment, because this is a critical piece of nation-building investment which will lift the productivity of our economy. It will be of particular benefit to those in regional areas. It will lower the cost of doing business. It will connect regional Australia—places like Mackay, Townsville and Gladstone—not just to the national economy but to the international economy, so there is a very strong case in economic terms for the investment that we are making.

We should never forget that our investment in NBN is a very substantial microeconomic reform, a microeconomic reform that those opposite were not capable of implementing during their 12 long years of being in government and ignoring the problems. We had the guts to face up to structural separation, to make

these decisions in the interests of the Australian people and to make the investments for the long term. I am not surprised you do not get it on the NBN, just like you did not get it in the middle of the global recession.

**The SPEAKER:** Order! The Treasurer will refer his remarks through the chair.

**Mr SWAN:** You would have let small business swing. You would have seen Australian workers out of work. You simply do not get it when it comes to just about any area of national economic policy.

**Mr Pyne:** Mr Speaker, I raise a point of order. You have already asked the Treasurer to refer to people by their correct titles. We know that he is having a very bad day, but he should not be defying your ruling and he should return to acting as a responsible Treasurer with a steady hand, unlike so far today.

**The SPEAKER:** Order! The Manager of Opposition Business will resume his seat. The Treasurer of course knows the requirement to refer to people by their parliamentary titles, and I remind him to refer his remarks through the chair.

**Mr SWAN:** We have accounted for the NBN in our budget papers and in our forecasts and in our projections in the same way the previous government would have accounted for it had it been in power right now. We are using the same rules. We are using the same officials. The same people are doing the forecasting. The same people who enforced the rules on the previous government are enforcing the rules on us. For the opposition to come into this House and try and discredit those approaches, which were ones that they used in government, just shows how reckless and how irresponsible they have become. They are just demonstrating yet again that they are not capable of managing a modern economy, which requires judgment and discipline. What we are getting is a reckless rant from those opposite, having a tantrum because they are in opposition.

### Budget

**Mr MELHAM** (Banks) (14:40): My question is to the Minister for Mental Health and Ageing. How has the government's record investment in mental health been received? How have key stakeholders been involved in the development of this package?

**Mr BUTLER** (Port Adelaide—Minister for Mental Health and Ageing) (14:40): I thank my good friend the member for Banks for his question. This week's budget delivered the largest mental health package in our history. It is a balanced and a comprehensive package targeted across the life span. It is important to acknowledge that this was the result of the work of an expert group appointed by the Prime Minister to work intensively over the course of summer to develop the best directed, best targeted package possible. This group included well-known figures like Pat McGorry,

Ian Hickie, Monsignor Cappo and Christine Bennett; consumer and carer representatives; and paediatric, GP and psychological experts, as well as Mission Australia and Employment Services Australia.

It is perhaps not surprising, given that stakeholders largely designed this package, that they have warmly and overwhelmingly welcomed it. Frank Quinlan, the new head of the Mental Health Council of Australia, said:

Today is a very good day for the mental health sector—increased investment, reform and better governance and accountability in mental health ...

I could read many other endorsements, but I will resist labouring the point.

There have only really been two opponents to our package—the opposition and the AMA. The opposition has been out there suggesting, among other things, that this \$2.2 billion is back ended. It is natural, of course, that transformative reform will involve an element of scaling up, but the parliament should be very clear that the two biggest injections of new money in this package are in year 1 and year 2, and the new money in year 5, out of the \$2.2 billion, is just \$50 million, about two per cent of the total package.

The other voice of protest is the AMA. The recent evaluation of the Better Access program clearly showed that GPs have been getting paid over the odds under that scheme. For a referral consultation under Better Access, which data shows us takes on average 28 minutes, they have been getting \$163. For a standard consultation under Medicare that lasts more than 40 minutes, a GP will get \$99. That is two-thirds more money under Better Access for one-third less time. This budget brings the Better Access rebate back into line with a standard-time consultation under Medicare, but it still gives GPs a 27 per cent premium on top of that if they have done six hours of mental health skills training.

In anyone else's book—maybe not the opposition's and maybe not the AMA's—that is a good deal. That is a fair deal for general practitioners. That is why this redirection has been supported by, among others, the Consumers Health Forum, the Australian General Practice Network, Professor Patrick McGorry and Professor Ian Hickie. This package will make a real difference, and perhaps it is time that the opposition came in from the cold and got behind it.

### Budget

**Mr TONY SMITH** (Casey) (14:44): My question is to the Treasurer. Will the Treasurer outline in simple dollar terms the budget bottom line or estimated budget bottom line, as the case may be, for each of the last four budgets he has delivered?

**Mr SWAN** (Lilley—Deputy Prime Minister and Treasurer) (14:44): They are all published in the

budget papers and I am not going through a pop quiz in this parliament.

### Family Payments

**Ms HALL** (Shortland—Government Whip) (14:44): My question is to the Minister for Families, Housing, Community Services and Indigenous Affairs. Minister, how is the government improving support for Australian families?

**Ms MACKLIN** (Jagajaga—Minister for Families, Housing, Community Services and Indigenous Affairs) (14:45): I thank the member for Shortland for her question. She knows, as does this side of the House, that this budget is all about improving support for Australian families. We are delivering additional support for low- and middle-income families and, as I outlined yesterday, we are particularly adding support to families with teenagers. Next year in total this government will spend \$32 billion on assistance for families through the Family Tax Benefit, through our child-care rebate, through the Baby Bonus, our new Paid Parental Leave Scheme and our family support service.

Of course, we know that we need to continue to look at different ways to improve support and especially providing that assistance for families who are doing it tough. One of the very important centrepieces of this budget is the way in which we are delivering both additional support and increased obligations for those jobless families and for teenage parents and especially targeting those areas of Australia where we know we have very high levels of unemployment. We want to give those families, especially those single parents and teenage parents, the extra support that they need to finish their education, to get the skills that they need so that they can get a job. We want them to get the most out of the economic opportunities that this country has to offer.

The budget includes \$40 million extra for Communities for Children, and that is a very important addition in support for families who are doing it very, very hard, especially in the most disadvantaged locations across the country. In these areas we are also providing additional child-care support so that families, particularly single parents and young mums, will be able to go back to school and get the additional training that they need so that they will get jobs in the future. The budget also includes an extension to the education tax refund to cover school uniforms, which I am sure will be widely welcomed by parents around the country.

One of the areas that is very important in this budget for families who are under very significant pressure, families with children who have a disability or with children who have a mental illness, is that we are investing \$500 million in new mental health services for those families where either their children or their

young people are suffering from mental illness. There is also \$150 million for those families who have a child with a disability. We want to make sure that those families get the support they need so that they can afford early intervention for their children with a disability.

These are very significant reforms that have been widely welcomed by organisations like Family Relationships Australia, Uniting Care and Anglicare, all of whom recognise that this budget is all about putting families at the centre of this government's concern.

### Budget

**Mrs MARKUS** (Macquarie) (14:49): My question is to the Treasurer. I refer the Treasurer to the case of a typical tradesman who lives in Windsor in my electorate and earns \$78,000 a year. His wife works part-time as a nurse. They have two children under the age of five. Under changes in this week's budget this working family will now be hit with the flood tax, will receive less family benefits and will be hit with the FBT on the work ute. They will likely face higher interest rates later this year and then get hit with a carbon tax. For the first time in eight years they will see no tax cuts. What has the Treasurer got against this working family and the millions like it?

**Mr SWAN** (Lilley—Deputy Prime Minister and Treasurer) (14:49): These working families are valued by this government and they have been strongly supported by this government. Let us go right through that. Working families, particularly those with two incomes, have been the substantial beneficiaries of tax cuts three years in a row. Because they are relatively modest incomes, those tax cuts have been bigger for that family; they have been reasonably substantial for that family. They will also benefit from the modest increase that will come through paying the low income tax offset early. They will benefit from the fact that we increased the child-care cash rebate from 30 per cent to 50 per cent. They may well be eligible for the addition of uniforms to the education tax rebate.

I do not have all of the figures in front of me but I know one thing: families like that are very important to our nation and when they work hard they deserve to be rewarded. That is the reason we put in place the tax cuts. What I also know is that that family will be receiving very substantial benefit from the massive investments that we have put into health and into education over time—areas that were neglected by those opposite for a long period of time. Without the details in front of me I cannot know whether they will be affected by the pause at the top end, but what I can say to everybody in the House and what I can say to all Australians is that that pause will affect about two per cent of those who receive Family Tax Benefit.

It was only last week that the shadow Treasurer was ranting and raving and saying that we should not be increasing Family Tax Benefit Part A for teenagers who are still studying. He went out and said that was reckless and irresponsible. This was a very important addition to the family payment system and it was opposed by the shadow Treasurer last week. So he cannot make up his mind what side he is on. One day he says we have not cut hard enough, the next day he says we are not tough enough, then he goes on and advocates additional spending; and the merry-go-round goes round and round. Then we have the Leader of the Opposition. He has supported pauses like this in the past. In fact, he has been hostile to these payments in the past. We on this side of the House have been very strong supporters of the family payment system. We recognise that parents who are bringing up children are doing the most important job in the country and that is why we are a strong supporter of the family payment system. Family tax benefit A, family tax benefit B—we are strong supporters of all the childcare support and we have moved to considerably improve all of those benefits in our time in government.

We know we have to bring the budget back to surplus in 2012-13 and we know that if that does not happen price pressures in the economy will be compounded. If this Leader of the Opposition wants to wreck the surplus he will be responsible for price pressures which impact on families like those who were raised by the member over there. Their reckless behaviour, their irresponsibility, their incoherence and their incompetence are on display for everybody to see.

### Infrastructure

**Ms OWENS** (Parramatta) (14:53): My question is to the Minister for Infrastructure and Transport. What are the government's initiatives to reform infrastructure planning and financing in Australia? How have these reforms been received and what is the government's response?

**Mr ALBANESE** (Grayndler—Leader of the House and Minister for Infrastructure and Transport) (14:53): I thank the member for Parramatta for her question. Indeed, Labor set up Infrastructure Australia in 2008. It was one of our first pieces of legislation to overhaul the way that our nation plans and finances major infrastructure. The coalition, who are now bagging the initiative, did that at the time too. The shadow minister for infrastructure said at the time: 'I am concerned about the establishment of Infrastructure Australia. It is going to be a bureaucratic body that is going to spend time doing the work that has already been done.'

That was their response in attempting to block this legislation. Well, Infrastructure Australia has become world's best practice. It has been copied in New Zealand, it has been copied in the UK and it has been copied, almost word for word, by the New South

Wales government. We welcome the establishment of Infrastructure New South Wales and we look forward to Infrastructure New South Wales working with Infrastructure Australia.

Of course, the work of reform is never done, and that is why in the budget we announced a reform package to strengthen IA and promote private and superannuation investment: 40 per cent more funding for IA; strong leadership and budget independence that reflects their independent advice; improvements to governance and transparency; a national infrastructure construction schedule; a post-build evaluation framework; best practice demand forecasts; and an investment tax incentive—asked for for years by the superannuation industry and the private sector and delivered by us—which will attract up to \$25 billion of private sector investment to projects listed on the Infrastructure Australia priority list, encouraging the super industry to invest here in Australian infrastructure, not overseas. It will deliver more infrastructure at less cost to the taxpayer.

These things are all good policy, and I flagged them when I went on the Sky program *Australian Agenda* on 3 April. I said that we would be boosting Infrastructure Australia's capacity, reappointing its chair and making a number of reforms. The *Australian* reported, as they do, on that program. They reported on the front page the next day. So I was surprised 10 days later that the Leader of the Opposition discovered infrastructure and released a speech, which I read about in the *Australian*, again, under 'Abbott's cost-benefit vow on infrastructure'. This is the same coalition leader who said that transport infrastructure is a state responsibility, full stop. It is the same Leader of the Opposition who said, when referring to engagement in urban infrastructure, that it was as silly as the state government having to 'buy new tanks for the army'.

But Labor welcomes this new interest. You would think the Leader of the Opposition, having had three years to copy Labor's policy, to reverse his opposition to infrastructure, would do it properly, but he did not. We know from the *Canberra Times* that he did not even inform the shadow minister for infrastructure and transport about what he was going to say. We know this because it was reported. One of his own colleagues said:

The shadow minister responsible for that particular portfolio was looking on in horror, completely unaware of what Tony was talking about.

Another member of his team said:

Things like that have been happening all the time.

We will see what happens tonight. Will it be more mindless negativity from the Leader of the Opposition? My prediction is more mindless negativity. What do you reckon? I think that is probably the case, because

they have been out there trying to lower expectations all day.

### Budget

**Dr WASHER** (Moore) (14:58): My question is to the Treasurer. I refer the Treasurer to the budget fringe benefits tax increase on working vehicles. Has the Treasurer seen the analysis by Deloitte's which shows that a typical tradesperson who drives 26,000 kilometres a year will lose \$2,000 per year, or a tradesperson who drives 41,000 kilometres per year will lose \$3,000 per year? What has the Treasurer got against the hard-working tradespeople of Australia who do the right thing and just want a better life for their families?

**Mr SWAN** (Lilley—Deputy Prime Minister and Treasurer) (14:58): We are supporting tradies in this budget and are absolutely proud of it. We are absolutely proud of supporting tradies in this budget. We have added to the \$5,000 instant asset write-off an ability for people like that to write off the first \$5,000 of the purchase of a ute. We are really proud of bringing in this initiative, but it will not happen if those opposite have their way because they are going to oppose it. The fact is that I know they are acutely embarrassed by that fact.

No, I have not seen that analysis. I will have a look at it. The fact is that we have made some changes to fringe benefits taxation, but those people who are using their vehicles for work can fill out a logbook and there will be no change for them.

### Budget

**Mr CHEESEMAN** (Corangamite) (15:00): My question is to the Minister for School Education, Early Childhood and Youth. Will the Minister explain how this year's budget makes every school a great school?

**Mr GARRETT** (Kingsford Smith—Minister for School Education, Early Childhood and Youth) (15:00): I thank the member for his question. The fact is that this budget is about setting up Australia for the future, and education is a key component of this budget. We on this side of the House know that education is the great enabler. With education and training we develop our skills, we increase participation, we deliver productivity and we ensure prosperity. That is what this budget is all about. I am pleased to be able to outline some of the initiatives—\$800 million worth—identified in this budget which will deliver important education reforms for Australia.

This budget provides \$425 million over four years for national rewards for great teachers. These rewards will foster the development of a nationally consistent performance management system for teachers for the very first time. From 2014, the top 10 per cent of teachers identified through this system will receive a bonus of up to 10 per cent of their salary. There is extra

new funding in this budget, with some \$200 million more in support for students with disabilities. This initiative is really important because we can now deliver therapy services, in-school training, teacher training and additional technologies to government schools, Catholic schools and independent schools that have kids with disabilities in their classrooms. I was especially pleased at the response that the government had to that initiative.

There is \$18.1 million for the Teach Next program. Here is an opportunity to create new pathways for teachers, particularly those with expertise in areas like maths and science. There is a \$7 million investment in the development of an Australian baccalaureate, enabling Australian secondary students to acquire a credential of international standing—increasingly important in a globalised world. There is an additional \$222 million in funding for the National School Chaplaincy Program. This will mean that an additional 1,000 schools, particularly schools in regional, remote and disadvantaged Australia, have access to chaplains. I did note that this was welcomed by the Australian Primary Principals Association. As well as that, from 2012, Indigenous students in regional and remote Australia will have access to the Indigenous Ranger Cadetship initiative. This will give those Indigenous students an opportunity to gain recognised qualifications and then gain work in the Working on Country Indigenous Rangers program, which is very successful around Australia.

These reforms are supported by education stakeholders. The Business Council of Australia is congratulating the federal government for the leadership it is providing on school education reform. The Australian Federation of Disability Organisations, the Australian Special Education Principals Association and the Parents Council are welcoming the More Support for Students with Disabilities Initiative. I did note that the Australian Special Education Principals Association said 'applause to the Gillard government'. They called it a huge step forward, and indeed it was.

This government continues to deliver great reforms and solid investment to education, and that has been a hallmark of this budget. We do that on the back of record investment, nearly double what the coalition had spent, making sure that every kid in our schools in Australia gets access to a great education and that every school is a great school. So tonight the opposition leader has to tell us whether or not he will continue to maintain the \$2.8 billion in cuts to education that the coalition have identified—cuts to teacher quality, cuts to students who are learning in low-SES schools, cuts across an education agenda that this government is delivering at this important time. Every child deserves the best education they can get.



This government is delivering that education to every child.

### Budget

**Mr BRIGGS** (Mayo) (15:07): My question is to the Treasurer. Will the Treasurer advise the House why electrical retailer Harvey Norman can supply a fully installed set-top box for \$168 yet your government is handing out more than double that under its set-top box scheme? Can the Treasurer guarantee that this scheme will not just be another roof batts, computers in schools, green loans, solar panels and school halls fiasco?

**Mr SWAN** (Lilley—Deputy Prime Minister and Treasurer) (15:07): I do really welcome this question because the campaign that is being conducted by those opposite and some sections of the media about this matter has been inaccurate and irresponsible. Thirty-eight thousand have been installed. If there were some substantial problem here, given that they have been generally installed across the electorates of those opposite, we might have heard a peep about it. If something were going wrong we might have heard something about it from those opposite. We have heard nothing, because this is a program which has integrity. It is one that has been supported by those opposite. This is what the member for Mayo had to say about this on 25 May 2009:

It is right that the government does help Australians, particularly those at the lower end of the income scale, to switch over to digital TV.

What hypocrisy, what absolute hypocrisy. The costings that have been used and the way in which this has been approached have not taken into account that when these things are installed there is a service which goes with it. It is not just a question of the set-top box. I know there are members over there who are going into the homes of pensioners and who think they have got good value. But they are not speaking up for the pensioners of Australia. And we make no apology for supporting the pensioners of Australia with this important program because, if it were not there, too many of them would be left in the dark when the digital switchover happens. So this is a good program, it has a good social purpose, but once again it is being absolutely trashed by those opposite for base political purposes.

**Mr Briggs:** I seek leave to table the ad which says you can do this for 168 bucks, not double the money!

Leave not granted.

### Budget

**Mr HUSIC** (Chifley) (15:07): My question is to the Prime Minister. Will the Prime Minister outline the government's approach to delivering more infrastructure to the people of New South Wales and how this is being delivered in the budget?

**Ms GILLARD** (Lalor—Prime Minister) (15:07): I thank the member for Greenway for his question. I know that he and members, such as the member for Lindsay, work hard to represent Western Sydney in this place and they do a fantastic job.

*Mr Hockey interjecting—*

**Ms GILLARD:** Sorry, I should have said the member for Chifley. Thank you to the shadow Treasurer for the correction and giving me the opportunity to congratulate another Labor member on representing his community and representing the interests of Western Sydney in this place.

The member has asked me about infrastructure investments. Infrastructure investments are of course core to the budget that we delivered on Tuesday night—in transport, in broadband, in clean energy, in housing, in schools, in universities and in hospitals. I have been asked directly about investments in New South Wales and I want to make it very clear to the parliament that the federal government is delivering more funding in infrastructure to New South Wales than any other state. All up, New South Wales receives \$12.1 billion through the Nation Building Program. One in every three infrastructure dollars goes to New South Wales, their fair share per capita and more than any other state. We have committed \$3.5 billion directly to Sydney's transport network. Just in case anybody is asking themselves the question 'Which government has best delivered for Sydney's transport network?' I ask them to consider that \$3.5 billion figure compared with the Howard government's investment of \$350 million over 12 years. That is, we have spent 10 times as much in a third of the time.

This budget allocates an additional \$1 billion for the Pacific Highway. That brings our investment in the Pacific Highway to \$4.1 billion compared to the Howard government's \$1.3 billion. On the question of our commitment to infrastructure in New South Wales, I ask people to compare and contrast those figures. Of the \$4.1 billion, new funding for the Pacific Highway is \$750 million and in accordance with our usual partnership we are asking the New South Wales government to match this.

There has also been money redirected from the M4 East. I know there has been some debate about this and I have been particularly surprised to hear Premier O'Farrell's claim about the M4 East. So let me advise the House of the following. First and foremost in relation to the M4 East money: this is Premier O'Farrell's contract with New South Wales—the commitments that he is going to keep—and there is no mention of the M4 East. Yesterday, in state parliament, the New South Wales Roads Minister said:

The New South Wales Liberals and Nationals have been advised that the M4 East extension is not currently shovel ready and that further work is required to define the scope of

the project, to complete the planning process and to carry out an environmental assessment, including consultation with the community.

In other words, if we wanted to spend the \$300 million, even if we wanted to extend this congested motorway, we could not do so. I have personally discussed this question with Premier O'Farrell and an arrangement has been reached between our two governments. So we will continue to work in a spirit of national interest with the New South Wales government. But let me say to Premier O'Farrell that I believe that spirit needs to be matched with a cooperative spirit on his side. He has said in the past that matters of infrastructure should be above party politics. We will stick to that standard and we look forward to Premier O'Farrell doing the same.

### People Smuggling

**Mr MORRISON** (Cook) (15:11): My question is to the Prime Minister. I refer the Prime Minister to her stated concerns to get tough on people smugglers. Can the Prime Minister confirm that the government has ceased specific additional funding to the Commonwealth Director of Public Prosecutions for people-smuggling prosecutions and can the Prime Minister confirm whether the director has written a directive to staff that the DPP will be forced to absorb the cost of undertaking the significant number of prosecutions from within their existing appropriation?

**Ms GILLARD** (Lalor—Prime Minister) (15:12): I thank the member for his question. He might like to note that there was quite a significant arrest of a people smuggler in Sydney today, something that I anticipate will excite some public interest. I am sure the shadow minister, despite his complete negativity—because, like the Leader of the Opposition, what they do is mindless negativity—will want to congratulate the people who have worked hard on that.

**Mr Morrison:** Mr Speaker, on a point of order: my question was very specific about the matter of funding to the DPP. It was not an invitation for self-congratulation.

**The SPEAKER:** I would remind the member for Cook that raising a point of order is not an opportunity for him to enter into debate. If the point of order is on direct relevance, the Prime Minister understands the requirement to be directly relevant and she will respond to the question with that in the back of her mind.

**Ms GILLARD:** I just assumed that all members of the House would want to congratulate the police who have worked on this matter. They were the ones to whom my congratulations were directed. I understand that the member opposite may not join me in that but I am sure that many members of this House would congratulate the police on their work. Can I say in relation to the shadow minister's question that after

arrests are made prosecutions have to follow. The Attorney-General's Department is working with the Commonwealth Director of Prosecutions to ensure appropriate resourcing for prosecutions of people smugglers and appropriate follow-up of cases. Clearly the shadow minister's question is directed to a budget measure where we are looking for efficiencies. We are looking for efficiencies across agencies, across the Public Service. I would remind the shadow minister, if he is in any way concerned about these things, that the savings that the Leader of the Opposition presented and then spent on other priorities during the election campaign actually had sharper cuts to public sector activity and presumably very sharp cuts, therefore, to the Commonwealth Director of Public Prosecutions. We will continue, through the Attorney-General's Department, to work with the Commonwealth Director of Public Prosecutions to ensure rigorous people-smuggling prosecutions and, of course, the maintenance of effort on prosecutions under all Commonwealth laws.

**Mr Pyne:** All feathers, no meat!

**The SPEAKER:** The member for Sturt will withdraw.

**Mr Pyne:** I withdraw 'all feathers, no meat'.

**The SPEAKER:** The member for Sturt is warned. The member for Cook on a point of order?

**Mr Morrison:** A question to you, Mr Speaker. As is often the practice, would you be able to ask the Prime Minister if she could return to the House before the House rises this evening and confirm whether that directive to staff was provided by the DPP?

**The SPEAKER** (15:17): I would advise the member for Cook he might like to make a representation to the Procedures Committee to change procedures and standing orders to allow that. I just add that the invitation to raise a point of order is not an invitation to ask me a question. I take it as a very serious matter that these devices are used to make points, especially given the very charitable way that I dealt with the member for Cook on the additions that he made to his point of order, that if they had been made straight up and down I might have been more sympathetic at the time. Of course, the member for Dickson, who has some expertise in this matter given that I have had to invite him to leave on about eight or nine occasions, is well aware of it. But these are serious matters. If members want me to protect their individual rights, I would hope that they would use those devices that they have in the appropriate manner and sparingly.

### Skilled Migration

**Mr MURPHY** (Reid) (15:18): My question is to the Minister for Immigration and Citizenship. Minister, will you outline to the House how the skilled migration

program announced in the budget is helping address Australia's skill shortages, especially in regional and rural areas, and how has it been received?

**Mr BOWEN** (McMahon—Minister for Immigration and Citizenship) (15:19): I thank the member for Reid for his question. This government understands that Australia's migration settings are vital to our productivity and our economic growth. We also understand that skilled migrants who settle in regional areas make a particular contribution to the fast-growing regional and rural areas around the country—to their local businesses and to their economies. This is good for the regions and good for the nation. That is why, as well as a sensible increase in our skilled migration intake announced on Tuesday night, we announced important steps to ensure migrants are prioritised in regional areas, where they are most needed, growing the skills of the regions.

In the last decade, we have seen a fourfold increase in the number of skilled migrants who settle in regional areas, and that is a good thing. But we need to do more. That is why we have announced an innovative new program of regional migration agreements—so that communities, employers, employees, local councils and unions can work together for a regional response to labour market needs. Regional migration agreements will include training requirements and local employment requirements so that we also continue to work to get more Australians into jobs. This will complement the government's \$3 billion investment in major new skills initiatives announced by the Treasurer.

Of course, governments have always made it clear—and this government has always made it clear—that we are committed to boosting Australia's skills base and ensuring that Australian workers get the skills they need as well, but skilled migration is an important part of our response to the shortages around the nation. We are also allocating 16,000 skilled migration places to regional areas through the Regional Sponsored Migration Scheme, a 60 per cent increase on the expected demand in the year 2010-11. We are taking steps to ensure that our temporary skilled migration program continues to play a vital role in supporting all businesses and resource projects with the announcement of enterprise migration agreements, another significant step forward announced on Tuesday night.

So the government has taken a very sensible and responsible approach to skilled migration, which has been welcomed across the board by industry groups. The Minerals Council of Australia said:

... a lift in permanent skilled migration, the creation of enterprise or regional-focussed migration agreements and a streamlining of the processing of temporary skilled migration will help tackle immediate constraints.

The Business Council of Australia said these are:

... sensible measures which add flexibility around temporary migration arrangements with relevance to business.

So we know that this has been welcomed by third parties, by business groups, by farmers groups and by groups representing regional areas around the country. What we do not know is what the opposition thinks. We do not know what the opposition thinks, because we have not had much comment at all from the shadow minister for immigration about immigration settings. Call me old fashioned, but I would have thought the shadow minister for immigration might have something to say about the nation's annual immigration settings or about new initiatives like the regional migration statements or the enterprise migration agreements, but we have not a word. All we have had is our old friend the Leader of the National Party saying it is not enough, that there are not enough migrants going to regional areas. He has not outlined how much more they would increase migration by, what more they would do or how they would change our initiatives on regional migration statements. All we get in the space of immigration policy from this opposition are three-word slogans. When it comes to big decisions, like how much to increase the migration intake and whether we should encourage more people to live in regional areas, we hear nothing, not a word, from the shadow minister for immigration, the walking sound bite himself. When it comes to substance, we get nothing.

There is an opportunity tonight for the Leader of the Opposition in his budget reply to put some substance on the table and show us not only his savings but how he would return the budget to surplus. He proposes to oppose our cuts and our savings while returning the budget to surplus. How is he going to do it? And what is he going to do about immigration? (*Time expired*)

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

## COMMITTEES

### Appropriations and Administration Committee Report

**The SPEAKER** (15:23): I am pleased to present to the House the first report of the Standing Committee on Appropriations and Administration, entitled budget estimates 2011-12 for the department of the House of Representatives together with the minutes of the proceedings.

The report addresses the requirement under standing order 222A for the committee to provide to the Speaker for presentation to the House the amounts for inclusion in the appropriation bills for the Department of House of Representatives.

The total appropriation to be approved by the parliament for the Department of the House of

Representatives in the Appropriation (Parliament Departments) Bill (No. 1) 2011-12 is \$23.253 million compared to \$22.387 million in 2010-11.

The committee is pleased to see new funding in the bill for the two measures detailed in the report. The committee had considered and endorsed the department's proposals to seek the additional funding.

I thank all members of the committee for their assistance in the successful establishment of our committee. I believe it will make an important contribution, and it is pleasing to me to see that it has commenced its work in a practical and constructive way.

I commend the report to the House.

### **Selection Committee**

#### **Report**

**The SPEAKER:** I present the Selection Committee Report No. 20 relating to the consideration of bills.

### **DOCUMENTS**

#### **Presentation**

**Mr ALBANESE:** 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 documents Nos 3 and 4.

Debate adjourned.

### **MATTERS OF PUBLIC IMPORTANCE**

**The SPEAKER (15:25):** I have received letters from the honourable member for Lyne and the honourable member for Goldstein 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 member for Lyne, namely:

The current threat posed by funding disputes for urgently needed projects for regional Australia, such as the Pacific Highway.

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—*

#### **Regional Australia**

**Mr OAKESHOTT (Lyne) (15:25):** I appreciate members from both sides of the chamber staying to support this matter of public importance, because it is important and it is urgent. This is a matter in time in public policy where we have a great opportunity for state and federal governments to work together on many projects. We have a great threat at the moment where party politics can get in the way of the opportunity and we have an inability as a consequence

to achieve the outcomes for this country that we might otherwise achieve.

I start with the good news. Six months ago Australia voted. A tight result was the consequence. The father of the House is obviously passionate about this topic, but a tight result was the outcome federally of the last election. Some tough negotiations happened. It was wound up with a bit of a longish speech at the time and a power-sharing arrangement was what occurred federally as a consequence. Over 80 commitments were agreed to over this period. A lot of work has gone into these over the last six months in getting the structures right and now we are starting to see from last Tuesday night some of the funding commitments, particularly in regional Australia, that are occurring as a consequence. Some of the long-term structural changes for future parliaments regardless of their political persuasion that will remain embedded as a consequence of this are a regional development department that is now back in place, a subcommittee of cabinet that now reviews all aspects of decision making on behalf of the regions and, importantly for this motion and for relationships between the Commonwealth of Australia and the states, real funding going into the Regional Development Australia network.

Fifty RDA committees are now in place around Australia. They are all doing good work strategically on behalf of their communities and, importantly, this structure is the meeting place between the Commonwealth and the states. The regional development arm of New South Wales is essentially the same regional development arm as of the Commonwealth. That has been important as of the last six months. What was a frustration before that was that real funding was not attached to this meeting place. That is now there and it empowers local communities and regions to get on with the job of community building. That is the good news and hopefully the good example for this debate of the power of cooperation that can achieve real results in building more productive and more resilient communities and getting better results with taxpayers' money. State and federal governments, therefore, regardless of political persuasion, can work together. The consensus structure that is now here to stay will, over time, deliver significant outcomes, mostly around the fact that there has been agreement and cooperation between the Commonwealth and the states, and because party politics has been put in the back pocket.

Now for the warning bells. We have seen in today's news some expression of concern, surprise and shock by the new New South Wales Liberal Premier that the \$1 billion of extra money allocated to the Pacific Highway from the Commonwealth in Tuesday night's budget may be under threat. This Commonwealth commitment of an extra \$1 billion—\$750 million of

new money and \$250 million-odd that has been moved from a project in Sydney, with the agreement I understand of New South Wales, across to the Pacific Highway project—has significantly boosted the Commonwealth commitment to the Pacific Highway project, from \$3.1 billion in its lifetime to \$4.1 billion. That is about a 30 per cent increase we have achieved—

*Mr Ruddock interjecting—*

**Mr OAKESHOTT:** I think you are agreeing with me. Thank you, Father of the House, for agreeing with my point. We have seen a 30 per cent increase in the commitment from the Commonwealth for the construction of the Pacific Highway project.

*Mr Ruddock interjecting—*

*Mr Albanese interjecting—*

**The SPEAKER:** Order! The member for Berowra and the minister will not have a discussion across the table. The member for Lyne has the call. The member for Berowra knows much better.

**Mr OAKESHOTT:** This \$1 billion of extra and new money into the Pacific Highway project does lay down a challenge. It reaches out to New South Wales to match that commitment in what has been traditionally a fifty-fifty funding agreement for what is a very important nation-building project. The challenge is there for the New South Wales government in its first budget after campaigning heavily on this issue, visiting sites such as the site of the Clybucca bus crash and making plenty of noise that it would commit to a 2016 completion date. It will not get there unless it matches the funding that was in the Commonwealth budget. Unless an extra \$2 billion goes into this project, the Pacific Highway dual carriageway will not be completed by 2016.

We can bang on like the member for Berowra is banging on about party politics and about the conflict between the Commonwealth and the state or we can focus on getting the job done. I would hope the member for Berowra, like all members in this parliament, wants to focus on getting the job done. It is that simple. This project can go in one of two directions: it can be a cooperative project that does have a real chance of completion by 2016, making a more efficient road, a safer road and a road that contributes to productivity in this nation, or it can be an ongoing squabble about funding. I would hope this place works closely with other chambers—in particular for this project New South Wales—to focus on the state and national interest in completing the job.

Here is the rub: in my view, cooperation in public policy beats conflict every time. Personally, I have done all that I can at my level to ensure full completion of this project by 2016. We should not sneeze at \$1 billion of extra money. I have read comments over the

last 48 hours from members of this chamber who are local members on this highway not only sneezing at this money—

*Ms Saffin interjecting—*

**Mr OAKESHOTT:** I know the member for Page is not, but there are some who are really trying to bag this project and the money going in. They should be focusing on the importance of this money to getting the job done.

The New South Wales government has a challenge—I hope it takes it up and commits. It campaigned on it and if it is going to fulfil its promise of completion by 2016 it has to match the Commonwealth commitment; otherwise, a significant broken promise will have taken place in New South Wales. I reach out to Barry O'Farrell to do the deal—let us get this project done. Through cooperation, let us do what former governments—state and federal, Labor and Liberal—have failed to achieve. The Regional Development Australia model of cooperation that I began my speech with is the answer. The Pacific Highway can be an example of similar and further cooperation. If not, the message and the big warning bell for this chamber is that this will be the start of a significant threat to public policy and the national interest. In Tuesday night's budget, we saw for the first time a separate regional Australia document. There is a great deal of money coming down the pipe from the Commonwealth largely to state assets, whether it be for infrastructure, hospital projects or education projects. If the Pacific Highway is the first part of an ongoing game that goes on between the Commonwealth and the states, between Labor and Liberal, it will be the greatest threat to nation building in this country. I would hope—

*Opposition members interjecting—*

**Mr OAKESHOTT:** I hear nothing but confirmation of my argument. I hope that this is a parliament that, regardless of minority status or otherwise, is focused on the national interest, cooperation and partnerships. This is a test for federal Labor, as it is a test for New South Wales Liberal. Their political positioning must come second to state and national outcomes. It is being done as an example through the Regional Development Australia network. I think that is a good example for us to hang our hat on and to try and exemplify in other areas of public policy. But it is, as of today, under threat in regard to the Pacific Highway, despite the \$1 billion of extra money in Tuesday night's budget. As I said before, of greater concern is the significant partnership projects, particularly those in health and education, that are coming quickly down the pipe and that we must work on sensibly and together. So, yes, I think it is there for all to see: federal Labor gain power by a millimetre and the New South Wales Liberals gain power by a

mile. But my request to the House today, which I hope gets support, is to get over it and to get on with it. This is too important a moment to lose. Building a better, stronger and more resilient nation and building better, stronger and more resilient regions is the best path for both parties. It is the only path that will maximise the value of taxpayers' money, because the other path is one of squabbling and conflict and of achieving a lesser outcome for taxpayers' money.

I put this request to the House in relation to good examples where the states and the Commonwealth can do it: they can work together when they want to. Labor and Liberal can work together—we all can. Greens and Independents can also work together when they want to.

*Mr McCormack interjecting—*

**Mr OAKESHOTT:** Even the Nationals and the Greens do at times come together to work together. They do it when they want to. The mining and farming conflict is an area where the Nationals and the Greens quite often take similar positions, and they do so for the right reasons on many of the issues at stake in that very difficult public policy area. So it can be done if we want it to be done.

I hope the Pacific Highway funding commitment made on Tuesday night is not under threat. I hope the focus is on the election commitments of both federal Labor and the state Liberals to try and complete this project by 2016. The \$1 billion of extra money in Tuesday night's budget is the start of that commitment at a Commonwealth level, and it is now stump-up time for the new New South Wales government to at least match that if we are going to get to 2016. Today's comments in the paper are of concern if New South Wales will not match that money and 2016 will not be delivered. There is an opportunity for everyone to speak in this debate—

*Opposition members interjecting—*

**Mr OAKESHOTT:** If I heard what I think I just heard, Mr Deputy Speaker, the federal coalition would put more money into the Pacific Highway. Is that the commitment?

*Opposition members interjecting—*

**Mr OAKESHOTT:** I think I just heard a commitment from the federal coalition to put in more money than \$1 billion, and I look forward to the contribution of other speakers to either confirm or reject that—\$1 billion is good money; it should be welcome money. And we should be welcoming New South Wales to commit similar money to get the job done. That is a simple request. There are examples in other areas of government. There are opportunities or threats in other areas of public policy, and the Pacific Highway project is the first test. I hope we focus on the

opportunities, I hope we push for cooperation and I hope we keep the focus on the national interest.

**Mr ALBANESE** (Grayndler—Leader of the House and Minister for Infrastructure and Transport) (15:40): I do indeed thank and congratulate the member for Lyne for moving this MPI and for his unwavering commitment to building duplication of the Pacific Highway. The N1 is Australia's most important road right up the east coast. In 2012, next year, we will complete the duplication of the Hume Highway—a great achievement. What we have done with our commitment in the budget on Tuesday night is take the next step to making sure that we can deliver the full duplication of the Pacific Highway by the year 2016. That is absolutely vital.

I want to begin my contribution by talking about the day of 20 October 1989. Not far from Grafton, the driver of a semi-trailer loaded with fruit juice went to sleep. With a massive concentration of ephedrine in his blood, he had done everything he could to stay awake. His vehicle careered across the road into the path of a passenger bus, splitting it open and throwing passengers onto the road. Twenty-one people died in that crash and a further 22 were injured. It was the worst accident of its kind in Australian history. That record did not last for long. Two months later, at Clybucca near Kempsey, two fully loaded tourist coaches, each travelling at 100 kilometres an hour, collided head-on. Seats were ripped from their anchor bolts, people were trapped within the bus and 35 people died that day and 41 were injured.

The coronial inquiries that followed both disasters produced a long list of improvements to vehicle and road safety. But top of the list was the call for the Pacific Highway to be duplicated. This is something for someone who travels up and down the Pacific Highway and it is also something on a personal note. My name 'Anthony' comes from my young cousin whom I never got to meet. He was killed on the Pacific Highway at Halfway Creek. He was killed before he was of school age. After the war, his parents went up to this area to build the Halfway Creek Motel, and they did it with their own hands. My uncle was an ex-service man. My cousin ran out onto that road and was killed just before I was born. This is where I get my name 'Anthony' from. Later on—and people who are familiar with the area would know this—the name of the motel was changed to Anthony's Motel at Halfway Creek. And the name has changed a number of times since my uncle passed on. So I understand very well why this highway is far more important than petty politics. I have a personal commitment to it, and I am very proud that we have delivered on it prior to Tuesday night with \$3.1 billion of funding. That compares with \$1.3 billion over the 12 years of the Howard government. Look at the political makeup of the electorates, federal and state, along that highway

and you will see that there is no question that this is a commitment that is above politics for the Australian Labor Party. It is a commitment that we are about doing the right thing, like all those who live and work on that coast but also all those who travel, even if it is once a year, up and down that road when they go north to get a bit of warmth for their holidays.

The fact is that over the period 1996-97 through to 2008-09, the federal contribution to that road was \$1.3 billion. The state contribution to that road was \$2.5 billion. The federal government did not step up and do its fair share during that period. Since then it has been fair to say—and I have been openly critical of them—that the former state Labor government did not do its fair share on the Pacific Highway. Our commitment of \$3.1 billion compared with \$500 million under Nation Building Program 1.

We found, in a very tight budget on Tuesday night, an extra \$1 billion for that road. That is made up of two parts. There is \$750 million of new money. In addition to that, after negotiations an agreement was reached between this government and the state government to redirect \$270 million from the M4 East to the Pacific Highway. Those negotiations included personal discussions between the Prime Minister and the Premier of New South Wales, discussions between myself as the minister and the Premier of New South Wales and the state transport minister and also discussions between the new head of the Department of Premier and Cabinet, Mr Eccles, and Mr Terry Moran, the head of the Department of Prime Minister and Cabinet.

Duncan Gay made a statement to the parliament on this just this week and the Prime Minister reiterated that statement. Duncan Gay said this yesterday: 'The New South Wales Liberals and Nationals have been advised that the M4 East extension is not currently shovel ready and that further work is required to define the scope of the project to complete the planning process and carry out an environmental assessment including consultation with the community.' In other words, if we wanted to spend the \$300 million, even if we wanted to extend this congested motorway, we could not do so. That is what the New South Wales Minister for Roads told the parliament yesterday. Hence there is an agreement that \$30 million would be retained in the allocation for the M4 East should the New South Wales government put forward a suitable proposition for expenditure of that and \$270 million would be spent—because otherwise it would just be sitting there not used—on the Pacific Highway.

There have been some quite absurd statements made by some people in the coalition, both federal and state, over the past two days. The fact is there was \$3.1 billion; there is now \$4.1 billion. The maths of that are not hard. That is the federal contribution and

commitment to the Pacific Highway over a seven-year period. The fact is that that will not be enough over the longer term to fully duplicate it. We have asked for the \$750 million to be matched dollar for dollar by the New South Wales government. It is true that there is not an agreement in terms of that being signed off on by the New South Wales government in relation to the \$750 million, but our commitment there should come as no surprise.

We viewed the \$270 million differently because it had already been allocated to New South Wales and we asked New South Wales to make a small contribution to top that up. They did not do so, so that stands: no matching contribution to that part of the component. We accepted that when that was put from the Department of the Premier and Cabinet to the Department of Prime Minister and Cabinet. That is the level at which this discussion has occurred over the last fortnight. So let us have none of this nonsense about surprise with regard to that. It was negotiated on and agreed to between the two levels of government as a good outcome for New South Wales.

It is true that we had not announced the additional \$750 million before the budget. It is also true that we want that to be matched. We will sit down with the New South Wales government and we fully expect that to be matched. But I want to say this to the New South Wales government, as I have said to the New South Wales transport minister and the roads minister: this is not an ambit claim. We can only achieve the full duplication if it occurs.

I say to people such as the member for Cowper, get on to your National Party colleagues and tell them to do the right thing. Your mob did not when they were in government federally. That is the truth. You know that is the case. But you have an opportunity in the state. Let there be no doubt as to our resolve. We ask nothing more and nothing less than that the coalition in New South Wales be consistent with their statements. The new Premier said on 9 April 2010:

The Pacific Highway should be above party politics. It is an on-going partnership between the Federal and State government.

The Deputy Premier, Mr Stoner, said on ABC mid North Coast radio on 18 February 2011:

We have committed an additional \$5 billion on top of the infrastructure money already in the forward estimates in the state budget fast track vital projects and I cannot think of any more important than the Pacific Highway.

Those are pretty clear statements from them. Now that we have stumped up the money we expect that to occur as well.

The roads minister, Duncan Gay, talking about the then New South Wales government on *ABC News* when money was coming in from the federal government as a result of our commitments, said:

And I would hope this time he would have been a statesman and say, 'Yes I will match that money and save the lives of people in New South Wales that have to use this highway.'

It cannot be clearer. This money, when added to by the \$750 million minimum contribution from New South Wales, will allow all the planning to be completed and will allow the Kempsey bypass construction activity to continue in a seamless fashion for the Frederickton to Eungai section. That is the section where the Clybucca bus crash happened. How can we as a parliament sit back and play petty politics with the worst accident in Australia's history, with the coronial inquiry held more than 20 years ago, when we have not fixed it? I am committed to fixing it. I am not going to sit back and watch anyone, be they the Premier of New South Wales or anyone else, evade their responsibilities, wash their hands of it, say it is too hard, get up in parliament and talk about who said what to whom and when and, frankly, try to talk their way out of any responsibility for this vital road.

Construction is taking place right now on the Kempsey bypass, Ballina bypass, Bulahdelah bypass, Sapphire to Woolgoolga duplication, Glenugie upgrade, Banora Point upgrade—more than 1,000 workers on site right now. In 2009 we announced, not as part of any budget and with no big page 1 spiel for it, \$58 million extra so the planning work could take place on the Frederickton to Eungai sections so that it is ready for construction, because we know that, if we are going to meet that time line, every opportunity has to be met to put money in. We had already announced \$35 million on the section between Port Macquarie and Kempsey. Once again, why? It was to get it shovel ready, and now in addition to that we have the extra billion dollars.

The fact is that, in infrastructure projects that have been identified by Infrastructure Australia, New South Wales got \$2.06 billion from the Building Australia Fund out of a total of \$7.4 billion. It has now got another billion dollars on top of that for this priority project, taking its contribution to well over a third, well over its share. We have seen, I believe, that this is absolutely necessary. We know that the Leader of the Opposition has said that transport infrastructure is a state responsibility. That is his view. He said the provision of federal funding for projects of transport infrastructure is as silly as the state government having to 'buy new tanks for the army.' We do not take that view. He has an opportunity tonight to back in our commitment, to call upon his coalition colleagues to actually join the task, because this is one that should be above politics.

**Mr WINDSOR** (New England) (15:56): It is with pleasure that I rise to speak on the member for Lyne's MPI before the House today. It raises the issues of a federation—the role of the states and the role of the

Commonwealth and the way in which our system has evolved over the years in terms of conflict between the various political persuasions which arises from time to time. Thankfully, that does not occur all the time. The instance that has been mentioned today is in relation to the specific funding of the Pacific Highway. I am very hopeful—particularly with the announcement the other night of \$2 billion for mental health, which I thought was a very good announcement at the federal level—that the states and the Commonwealth will actually try and cross some of the philosophical boundaries and create a better circumstance for all Australians, irrespective of their political persuasions, and I ask members of this chamber for their support.

I am disappointed that the member for Berowra is having his afternoon sleep now. He was in here a moment ago making some suggestions about the Pennant Hills Road, demanding that another city road be fixed, another city road be upgraded—another city road on this continual spin in our major cities where we just create more roads and more congestion so we can create more roads so we can have more congestion, and the lifestyle impacts of that occur. I do not apologise for participating with the member for Lyne and other independent members in attempting to negotiate—and successfully, I think—a better deal for people who live in country areas, because we have seen a continual contradiction in this country. We have a lot of people living in major city areas and a lot of problems in those areas, and the politics of the day tends to feed the problem rather than address the solution. In some of the road upgrades that are being talked about and in other infrastructure upgrades—the National Broadband Network and other things like that—we may well see a change in thinking from this centralised feedlot arrangement that both sides of the political persuasion have concentrated on over many years.

I congratulate the minister for transport, Anthony Albanese, and I also congratulate Simon Crean, the regional development minister, for the way in which they have been thinking through some of the issues to some lasting results. I have seen a number of areas in which historically the states and the Commonwealth have worked well together. The multipurpose services, or MPSs, as they are known—inappropriately, in my view—have been an extraordinary success. They recognised a problem of escalating health costs in the smaller communities. They recognised a problem of aged care services and acute care services in the smaller communities. Rather than have the convoluted dogfight that develops from time to time, what they actually did then—and this was across Labor and Liberal, which I applaud—was recognise that the aged care services are appropriately funded at the federal level and the acute care services at the state level. They co-located and co-funded, and it has been a brilliant



piece of public policy that I think everybody agrees with. People of different persuasions at both levels have been able to work together for the betterment of their people. A lot of country people are very appreciative of that MPS structure. So it can be done.

But we have seen this buck-passing of money—large sums announced at one level of government and then the other level will not match it—played out with the F3. I am sure the member for Hunter would recognise that. The F3 Branxton bypass is an issue where that has been carried out for some years.

Recently in the budget we saw another positive development, with the New South Wales government, under Barry O'Farrell, and the federal government, under Julia Gillard, working together. There was an announcement in the budget of \$120 million for the Tamworth Base Hospital, not just for acute care services but, very importantly, to allow the medical school that is based in Armidale and works in conjunction with the University of Newcastle to develop a teaching hospital of some magnitude. Some of that money is to go specifically towards creating doctors and allied services for other regional communities. That \$120 million from the Commonwealth was joined with \$100 million from the New South Wales government.

There was another interesting partnership last year, prior to the hung parliament, where \$42 million went towards a cancer care clinic, which will also be co-located in Tamworth Base Hospital. I think \$31 million of that was Commonwealth money and \$11 million was state money. On top of that, there was \$10 million from the state government for new maternity facilities and another \$20 million for accommodation and training aids for the medical school component of that hospital. So there will be something like \$292 million invested, not just in that particular community but in the teaching of medical students and other professionals, with both levels of government working quite effectively together. Some politics is played from time to time, but thankfully that has been overlooked on this occasion and we see the benefits of both sides working together.

Another issue that I think the state parliaments, this parliament and people of various political persuasions in this parliament need to take on board, in terms of the various states that they represent, is to try and find a lasting solution to the Murray-Darling issue. I chair a committee on which there are Liberal, National and Labor members as well as myself as an Independent. I congratulate those people for what they have done in working through what was quite an inflammatory environment. Some would remember that the Murray-Darling Basin Authority released a guide document which inflamed the community. But I congratulate the members of the committee, from different political

persuasions, for actually concentrating on the issue and trying to arrive at a lasting solution to what has been a lasting problem. Within months, we should have some recommendations that will go before the parliament.

I would also raise the issue that the states of different political persuasions among the five jurisdictions that originally signed the John Howard document to address this issue have an obligation to work with the Commonwealth to achieve a positive outcome. I know Barry O'Farrell well. In my last hung parliament, which was in the early nineties, Barry O'Farrell was one of the messenger boys who used to deliver messages from ministers to ask whether I would support this or that in a tight parliament. The other person with whom I have maintained a close relationship is Joe Hockey—

**The DEPUTY SPEAKER (Hon. Peter Slipper):**  
The member for North Sydney.

**Mr WINDSOR:** Well, he was not the member for North Sydney then, but he is the member for North Sydney now. He worked in that particular parliament as well. I congratulate Barry O'Farrell on his ascension to the office of Premier. In my view, he will be a safe pair of hands for New South Wales. But I urge him not to get involved in the political machinations of the Commonwealth parliament but to take advantage of the particular parliament that we have—as I think he will—and try and work together with it where possible. Obviously there will be some differences, but where possible we should work together for the betterment of all the people that we represent, in his case people in the state of New South Wales.

I also would like to thank the Minister for Infrastructure and Transport, who will be visiting the New England area tomorrow—and I think he might be on some parts of the North Coast as well—for announcing in the budget that there will be a sum of money for the New England Highway, to do the planning and construction work for Bolivia Hill, which is the last of the dangerous hills on the New England Highway in my part of the world, and to put in place some planning and structural work for a bypass of Tenterfield, the birthplace of our Federation, which probably takes my little contribution in a full circle. Tenterfield is the birthplace of our Federation—although that might be disputed by some southern communities—and the highway there is quite dangerous, with a very narrow street and a hill on both sides. That part of the New England Highway is an accident waiting to happen.

I conclude by saying that, if members of all political persuasions and the various states work together, I think we can achieve a lot more for our communities. (*Time expired*)

**Mr Baldwin:** Mr Deputy Speaker—

**The DEPUTY SPEAKER (Hon. Peter Slipper):** I call the honourable member for Hunter. The reason I do so is that there is a tradition in this place that the debate alternates between the non-government side and the government side. While this matter of public importance debate has been put forward by an Independent who might be supporting the government, he is not an Independent in coalition with the government, so technically he is part of the non-government side of the parliament. On that basis, I call the honourable member for Hunter, the Chief Government Whip.

**Mr FITZGIBBON** (Hunter—Chief Government Whip) (16:06): A very sage ruling, if I might say so, Mr Deputy Speaker, and I thank you for the call. I want to assure the member for Paterson that if it is necessary I will be happy to extend the time to allow him to speak, because I have no doubt that he will be rising to congratulate the government on the additional expenditure of funds on the Pacific Highway, which of course runs through his electorate, and equally, no doubt, he will be rising to express his concern that the Premier of New South Wales is now baulking at the Commonwealth's offer.

This is very much a discussion about the budget, and I would like to start by congratulating the Prime Minister, the Treasurer and the broader cabinet, including, of course, the Minister for Infrastructure and Transport, on what is a very, very good document. For me as the member for Hunter there are three key focuses. The first is the commitment to very quickly returning the Commonwealth's finances to the black. That is so important for inflation and therefore interest rates and, of course, keeping pressure off families at a time when there are very real cost-of-living pressures. The second is making sure that all Australians share in the bounty which will flow from the mining boom mark 2, and that certainly will be the case in my electorate as a result of the redistribution of funds which will flow from the minerals resource rent tax.

The third—and one and the same—is ensuring that, with unemployment below five per cent now, we take this opportunity to get people who have been on welfare for too long back into the labour market and therefore back into the workforce. We will do that in two ways, with a carrot and a stick. The carrot is investing in those who need a leg up to do so in basic skills and beyond in education and training. The stick is making sure that those who are capable of working do so. That is important for the economy because we are going up against capacity constraints, and it is very, very good for our social cohesion. There are those who just need some encouragement; there are those who need a good push. I am determined that we implement those policies and that they are given both aspects of that equation.

More specifically, this discussion is about two things. It is about COAG and the cooperation we need between the Commonwealth and the states and—not surprisingly, given that it was sponsored by the member for Lyne—it is about the Pacific Highway. I do not want to say too much about the Pacific Highway—those who have spoken before me have done so thoroughly; in particular, there was a very good presentation from the member for Lyne and from the transport minister—except to say that I know it very, very well. It is of course part of the Hunter region. I was born in Bellingen, where my maternal grandparents lived, so I spent half a lifetime driving or being driven on the old Pacific Highway, as dangerous and as slow as it was. I know the renewed Pacific Highway, thus far at least. It is a huge improvement, and I know we all collectively welcome it.

I want to go back to cooperation because it is just so important, as others have said, in taking the country forward. What is of real concern to me and should be of real concern to everyone in this place is the increasing propensity, I think, of the states to look to the Commonwealth to fund just about everything. It started under the Howard government. I have to acknowledge that the Commonwealth started to take greater responsibility for big projects, strategic projects, important projects, which the states—largely due to the reality of vertical fiscal imbalance—were losing the capacity to fund. It was a good move by the Howard government, and it is an initiative which has been very much built upon by the now Labor government. In fact, of course, we have been investing much more in these areas of infrastructure than did the Howard government.

But it really concerns me that this is causing a sort of shift in the psychology of state governments. Because we have been spending so much money, they seem to now believe that we have a responsibility to do all. I had an experience of this earlier in the week when the new member for Maitland, Robyn Parker—a good woman; I look forward to working with her—responded to the Mayor of Maitland, who was complaining about a section of the New England Highway between Maitland and Lochinvar, in my electorate, which is single carriageway only. The mayor was calling for something to be done. Robyn Parker was quick to the mark to say, 'Yes, the Commonwealth needs to do something about this.' As I pointed out in the *Maitland Mercury*, the government has spent \$1.7 billion on a thing called the Hunter Expressway to effectively bypass that section of road. I think it is reasonable to expect that, given that we have invested some \$1.7 billion, the state government might start thinking about taking some responsibility for some of these projects.

Indeed, the member for Paterson got involved in this debate himself. I noticed that after budget night he was

so happy, obviously, with what had been invested in his own electorate—no doubt in particular the Pacific Highway—that he thought he would go shopping in my electorate to make the only comment he was prepared to make on infrastructure spending. In doing so, he expressed disappointment that we had not funded the Maitland bypass. I suppose I have to be a bit careful because the member for Paterson is speaking next and he will have right of reply, but there is no Maitland bypass, and that takes me to my next point. The Commonwealth, willing as it might be, cannot fund projects that do not exist, Member for Paterson. There is no planning or design for a Maitland bypass. I get lobbied—

**Mr Baldwin:** Ask Peter Blackmore.

**Mr FITZGIBBON:** I did call the Mayor of Maitland, actually, to clarify that point, and he confirmed what I am saying, Member for Paterson, so thank you for your ill-informed intervention, as usual.

**The DEPUTY SPEAKER (Hon. Peter Slipper):** The Chief Government Whip will direct his remarks through the chair.

**Mr FITZGIBBON:** So this is a growing trend, Mr Deputy Speaker. We have not just been funding large infrastructure projects like the Hunter Expressway and the Pacific Highway. In my electorate—I just made a quick note—there are new local road pavements, boom gates, traffic lights, roundabouts, median strips and central barriers, road shoulders and road realignments in Cessnock, Maitland, Singleton, Muswellbrook and Scone in my electorate. In fact, in every town in my electorate there has been an investment in what would be described as more small-scale road and rail infrastructure. These are things the Commonwealth never dreamed of funding in the past, or at least there was no expectation on the Commonwealth to fund these things in the past, and I think it is time that some of our state governments took a bit of a reality check, looked at their own finances and took some responsibility for some of these projects.

I should acknowledge that the then Labor New South Wales government put some \$200 million into the Hunter Expressway—\$200 million of \$1.7 billion. We would have liked to have seen much more, but we welcomed that contribution. But the states, including new Premier Barry O'Farrell—I am prepared to give him the benefit of the doubt; we will give him a chance to demonstrate that he can be a good Premier; I am sure he has the ability if he turns his mind to it and shuns the politics—should expect to be making these contributions. I was just amazed that he did anything other than come out and welcome overwhelmingly such an acceleration on a road project that has so long been calling for additional funding. If the Howard government had been funding it at the pace we have been funding it, we would have a dual carriageway all

the way up the Pacific Highway now. I spoke about cooperation at the beginning and I want to go back to that point. I am a great advocate of the abolition of the states and I am very happy to restate that here. I see I get an almost unanimous view around the chamber. Is it unanimous? Can I have a show of hands?

**The DEPUTY SPEAKER:** The honourable member for New England ought to observe the standing orders.

**Mr FITZGIBBON:** Did I miss the score? What was it?

**Mr Windsor:** It was six.

**Mr FITZGIBBON:** But I think we are stuck with the current arrangements at least for my lifetime and I suspect for some time to come. Given that we are stuck with the partnership, we all need to work very hard at making it stick. It is not just in infrastructure, it is not just in health, it is not just in education, it is also in vocational education and training.

That takes me back to a point I was making earlier. I have been pushing very hard within the government in recent months to help deliver what we delivered on Tuesday night with respect to the long-term unemployed, sole parents who could be working and the too many people on disability pensions who I am sure could be working. But it is not just a role for the Commonwealth; the states will be crucial on this issue. They have departments and agencies at the state level which will need to work in partnership and cooperation with the Commonwealth. This is a big challenge for the country but one we must tackle. If we get it wrong we will all collectively be condemned for passing up an opportunity that only really comes not in a generation but maybe once in every three generations, and that is to ensure that we break the cycle of poverty, we give people meaning in life and we get them out of the psychology of accepting welfare payments and back into work. (*Time expired*)

**Mr BALDWIN (Paterson) (16:17):** I will accept an extension of time if it is offered again by the member for Hunter. The Minister for Infrastructure and Transport has made grand claims on budget night that the government is to provide an extra \$1 billion for the duplication of the Pacific Highway in New South Wales. That would be absolutely great news if indeed it were only true. It seems that he has got the member for New England and the member for Lyne absolutely conned on this. If you look at the budget papers, we see that the minister's \$1 billion commitment is nothing short of a fraud. I say that because, instead of the Gillard government putting up new money, all it has done is re-announce \$700 million in funds previously committed to the highway and \$270 million siphoned from other projects in New South Wales. On page 267 of the budget papers under Infrastructure and

Transport, Nation building, Additional Funding to the Pacific Highway, it says:

Of the contribution \$700 million had been previously provisioned for in the budget with \$400 million brought forward from 2014-15 to 2012.

It goes on with other figures and then it says:

... to accelerate planning, route assessment and other works.

So this is not new money. I note that the member for Robertson is in the chamber. She has got to be absolutely ecstatic about this because the budget papers, on page 268, also say:

The Government will defer its contribution to a feasibility study into the F3 to Sydney orbital project in 2015-16. This will reduce expenses by \$150 million in 2013-14. Savings from this measure will be redirected to support other government priorities.

I note that during the election campaign the member for Robertson made much of the need for the F3 to M2 missing link. In fact, in her inaugural speech in this House she raised it as an infrastructure issue that needed to be rectified for her constituents. I am looking forward to seeing the press release praising this government for taking \$150 million that was needed for infrastructure planning away from the benefit of her community. And it benefits not just her community but all people that travel the Pacific Highway, indeed up to the New England Highway through to Sydney. It is an absolute disgrace that that \$150 million has been pulled.

The government is not providing new money for the Pacific Highway, it is just pushing congestion further down the road. It is reallocating money that was there. An article in the *Australian* on 12 May, page 8, says:

The largest tranche of new infrastructure funding in the budget for New South Wales is \$750 million towards upgrades to the Pacific Highway in the north of the state. But Deputy Premier Andrew Stoner said the promise was partly offset by the scrapping of the previous commitments of \$270 million towards an extension of the M4 motorway in Sydney's west and \$150 million for the study about connecting the F3 to the M2 motorway.

So the government should at least be honest when it talks about new money. This is not new money; this is just taking from one area and reprioritising it into another. I look forward to the member for Robertson's budget reply speech when she stands up and praises the government for taking away funding for studies that would benefit her community, ones she heralded so much during the election campaign. I am really looking forward to that speech. And I am looking forward to the press release that I have not seen yet praising that.

We need to understand that the Minister for Infrastructure and Transport actually conceded in his media release that not one inch of bitumen will be laid with this road funding. The \$1 billion they talk about is earmarked for detailed planning, and that has got to be

some kind of planning record. We know this government has a history of putting anything it does not want to deal with off into further planning stages. In fact, Labor promised during the election campaign that it would do everything it could to get the duplication of the Pacific Highway finished by 2016. Yet during the October 2009 Senate estimates hearings, the secretary of the federal Department of Infrastructure, Transport, Regional Development and Local Government, Mr Mike Mrdak, confirmed this promise, stating to the senators that 'the government retains its objective to achieve a duplication by 2016'. In fact, the Prime Minister, Julia Gillard, confirmed this promise during question time on Thursday, 21 October 2010 when she stated in response to a question from the member for Lyne that:

I can very much commit to him that the government is committed to duplicating the Pacific Highway by 2016.

Labor had committed only \$3.1 billion towards the upgrade of the Pacific Highway from 2008-09 to 2013-14, and the New South Wales Labor government had committed only \$500 million towards the upgrade during the same period. It was a total of \$3.6 billion committed to duplication. I heard the Minister for Infrastructure and Transport in this House today say how appalling it was that the New South Wales government had only committed \$500 million. For the past 16 years it has been a Labor government in New South Wales—a Labor government that refused to adequately fund the Pacific Highway.

How many times in the past 3½ years have we heard the minister for transport come in this House and raise that as an issue? How many times has he come in here and said, 'The New South Wales Labor government needs to match the funding that the federal government has put up? Not once. So to come here today with feigned indignation that the new government, the O'Farrell government, has not rushed to match his pledges is nothing short of showmanship. I understand that the reason he did not want to demand that the former Labor government match his funding was that his wife was the Deputy Premier. He was not about to attack his wife and the government that she was the deputy leader of.

I take what the minister says with a grain of salt, because he had the opportunity. No-one would have had a closer relationship with the New South Wales government than that minister, and yet nothing was delivered. The majority of this \$1 billion that the government talks about had been previously provisioned in the budget. The \$1 billion brought forward in the budget is for planning, route assessment and other works rather than actual construction. Even if you were to assume that the \$4.6 billion was available over the forward estimates the government is still short \$2.1 billion if it is to complete the duplication by 2016 as promised.

The National Roads and Motorists Association, in its January 2009 budget submission to the Australian government, stated that it would cost a total of \$6.7 billion to duplicate the Pacific Highway. On the basis of current road-building costs, the real cost of building the remaining kilometres is likely to be double the \$6.7 billion 2009 estimate. This figure was confirmed by departmental secretary Mike Mrdak during the October 2009 Senate estimates. Approximately 411 kilometres of the highway needs to be duplicated by 2016. Of this 411 kilometres, it is estimated that about 260 kilometres will need to be duplicated—that is work that has not started—from 2014 to 2016.

There is a practical inability to achieve that amount of roadwork between now and 2014-16: (1) because there is a shortfall of \$2.1 billion in funding; (2) because there is a very tight time frame to duplicate 260 kilometres of road; and (3) because of capacity constraints on labour and materials. Even if that \$2.1 billion in funding were provided beyond the forward estimates, it would not be possible to finish that duplication by 2016 because you cannot duplicate 260 kilometres of major road in a single year.

I leave people with just one question: if this minister thought that this roadwork was so important then why did he blow, and be part of a team that blew, a \$22 billion surplus? Think what they spent on pink batts and gave away in cash splashes. It could have duplicated this highway three times over. So the feigned indignation from this Minister for Infrastructure and Transport is nothing more than that. There is not a genuine or sincere bone in his body. He had the opportunity and he failed the people in delivering this highway infrastructure. (*Time expired*)

**Ms SAFFIN** (Page) (16:27): For the benefit of the honourable member for Paterson: you cannot build a road without the detailed planning. Money has to be made available for the construction but also for the detailed planning. That is a simple fact. You cannot just go out and build it.

The road that we are talking about, the Pacific Highway, requires extensive planning. The honourable member for Paterson said it could not possibly be finished by 2016. I have heard and noted every promise, every commitment given by every player about the Pacific Highway over a few decades. The most recent was from the now Deputy Premier of New South Wales, Mr Andrew Stoner, then the Deputy Opposition Leader. He gave a commitment to the 2016 time frame. Everybody has given that commitment. I heard Mr Stoner. I have records of it. I have a file on the Pacific Highway that is knee deep. I have been involved in advocacy, meetings, planning, discussions, debate and in the inevitable funding disputes that the honourable member for Lyne said we should try to avoid. I agree with him, but these have been part and

parcel of it since it started. It has only been in the last few years that we have started to get to a situation of agreement and cooperation. I just hope that that continues, because it is absolutely essential.

I found what the honourable member for Paterson said about the figures perplexing. I know the honourable member for Cowper has been bleating in the local media and on the airwaves about there not being new funding et cetera. I do not know why they cannot ever just accept it when funding is made available and say: 'Great. Good on you! Let's get on with the work.' That would be a preferable response but no, they have to go out and sully the waters, disturb people, make them think that nothing is happening. It is just so not true. The maths are simple: \$3.1 billion was the previous allocation by this federal government, by the Gillard government. It was started under the Rudd government, continued under the Gillard government and continues again in this budget, with an extra billion dollars in new funding for the Pacific Highway.

**Ms O'Neill:** Hear, hear!

**Ms SAFFIN:** Hear, hear, indeed, honourable member for Robertson! I have been in the media talking about it and welcoming it. I thought it would be all systems go, because in the lead-up to the state election in New South Wales everybody was on board: the then state Labor government and the then opposition coalition—now the government—were saying, 'Great, we are going to fund this; 2016 is the operative date.' And I would expect that to continue and, in the spirit of cooperation, I would hope that the Premier does come on board and says, 'The money is available.' I have only read what he is purported to have said in the media. I do not want to verbal anybody. The *Newcastle Herald* says that the highway pledge—that is, the highway pledge from our government—took the state government by surprise. I do not know why, because we have all been talking about it for so long in the media and saying it would happen. A headline in the *Daily Telegraph* reads 'O'Farrell's fury at Pacific Highway funding split'. I am not sure if that is correct; I hope it is not. The *Sydney Morning Herald* was a bit more responsible in its reporting, carrying the headline, 'Horror stretch to go once O'Farrell gives funding green light'. That is what we are asking for—the green funding light. Instead of being in the local media telling people that it is not really new funding and blah, blah, blah, I would hope that the member for Cowper would be working with his colleagues at state level to say, 'Great, we have got this extra money; let's go.' I just find it incomprehensible that when money is allocated, particularly money that will benefit his constituents, the people in his seat of Cowper, he goes out and starts to denigrate it. It just seems a bit bizarre to me.

This government is providing \$4.1 billion in funding. If we had had that money sooner, if the Howard government had not taken \$2 billion out of the national road network—which it did—and if some of that money had stayed in that pie, we would actually be in a situation where we could almost have the duplication of the Pacific Highway today.

I also want to comment on something that the honourable member for Hunter talked about. It was an expectation that the federal government will fund anything, and he referred to the psychology of state governments. I think that that psychology has shifted somewhat into the community as well because there is an expectation that the federal government, whoever it is, can fund anything. If we want to work in that spirit of cooperation and not under the conflict model then we have to ensure that all of us are on board, using the same language, talking about cooperation and talking about the way we can get it funded.

One of the things that I have been able to do as the federal member for Page is to ensure that there are some additional funds for the Pacific Highway and to work in that cooperative model and criticise or critique when it is necessary. Yes, I have critiqued the Howard government and some of the members opposite still here who were part of that government for taking money out of the national road network. Yes, I criticised the state Labor government for taking some money out of the planning pie. And today I am also criticising the coalition government for not stumping up straightaway and saying, 'Here we are, here are the dollars; let's just get on it with it and let's get this road built.'

The Pacific Highway is my backyard; it is my local road. I drive on it frequently. I have been witness to the dreadful accidents that happen on the Pacific Highway. What disturbs me is that a lot of people hit the airwaves when those accidents occur and start the blame game; they start accusing each other. They get in the media and start talking about it. I have never done it. I will not do it. At times like that, just out of respect for the families and friends of those who have lost loved ones, I think it would be better if we kept our mouths shut, and I have adhered to that principle and I will continue to do that. I do not want to be in a position where I wake up early in the morning and hear the first report in the media that there has been another accident on the Pacific Highway. I know none of us do. It is dreadful when we hear that. We do want to ensure that the road is finished.

There has been debate about 2016. The Minister for Infrastructure and Transport has said that this road can be built by 2016. The Prime Minister has said that in this place. Many people have said that it can be done if the money is there. I heard the honourable member for Paterson talk about a \$2.1 billion shortfall. Well, in the

budget there was just over an extra billion dollars. We do not need a lot more money. That can come from the state government. Remember: the Pacific Highway was primarily the responsibility of the state government, and the federal government is stumping up because of the need, because of the urgency. The federal government has said, 'Yes, we will fund it because it is an urgent priority; we need to do it.' I hope to wake up in the morning and hear the honourable member for Cowper in the media saying: 'This is welcome. We have got a billion dollars for the Pacific Highway—money in our area. Isn't this great! I am talking to Premier O'Farrell to ensure that he matches this funding,' and that we get this road built by 2016 so that we can stop this debate and have the duplication done all the way to the border.

**Mr HARTSUYKER** (Cowper) (16:37): I certainly welcome the opportunity to speak on this matter of public importance because I believe, and certainly my constituents believe, that the Pacific Highway is indeed the most important infrastructure project in this country. In his contribution, the minister mentioned the very tragic accidents that have occurred on the Pacific Highway that are indeed quite famous: the bus crash at Grafton and then not long afterwards, as the minister chronicled, the tragic Clybucca bus crash. But regrettably there have been many more crashes and, as someone who lives in close proximity to the highway, I often hear the sirens of emergency service vehicles racing up the road and all too often they are racing out to an accident on the Pacific Highway. I think most people in our electorate know someone who has been injured or someone who has lost a family member on that road. It is a road that has been overwhelmed by the massive growth in the transport task along the east coast. To the government's credit they have continued the Howard government's initiative to speed up the duplication of the Pacific Highway, a much-needed project. But regrettably, one thing that did occur when the Howard government made that additional investment in the highway is that the New South Wales Labor government at the time dropped the ball, reducing their commitment and largely walking away from their commitment to the highway, which was a bitter disappointment. So I am hopeful there will be fruitful discussions between the federal government and the New South Wales government to achieve the goal of all people in New South Wales to see the upgrade of the Pacific Highway completed as quickly as possible.

There is another concern and that is the target date of 2016. We are getting close to the point where the date of 2016 is rapidly becoming an impossibility. I believe that there are insufficient funds in the federal road budget to allow it to occur. If we think of the critical path that would need to be followed to achieve 2016, it would mean that within just a couple of years

virtually every project on the highway would need to be started. And whilst we have made some welcome improvements in recent years, I think that that degree of activity is going to be very difficult, if not impossible, to achieve based on the budget that we had presented last Tuesday.

But we have seen some welcome improvements. We have seen a substantial increase in the amount of dual carriageway but there is still so much more work to do. I welcome the commitment to the Frederickton to Urunga stretch that continues on from the Kempsey bypass. We will be watching progress very carefully. But the shortfall as identified by the NRMA is of concern and it does cast a great doubt on the ability of both governments to be able to complete that project by 2016.

There are some good projects underway in my electorate. We recently saw the completion of the Bonville deviation, with Pine Creek a notorious black spot. That was a project that I fought very hard for, to get that upgrade conducted, and through our federal transport minister and our federal roads minister we were able to work with the states to make that happen. The Kempsey bypass is underway, not only bypassing the town of Kempsey but bypassing the bridge at Kempsey, a bridge that really is not up to the extent of traffic that travels along it. We see the current construction of the Sapphire to Woolgoolga upgrade, another upgrade that I had lobbied for very heavily. And there is the upgrade occurring at Glenugie. So there are some good projects underway, but there is still a lot of work to be done.

There are a number of objectives in the work program that is underway. We have the objective, quite clearly, of making the roads safer and getting that much-needed division of the traffic so that we do not have traffic travelling on single carriageways. We also need to get the trucks out of the main street. It is vitally important. In towns such as in Kempsey, Macksville, Urunga, Coffs Harbour, Ulmarra and Woolgoolga there is a very dangerous mix of heavy transport, long-distance traffic and local traffic. It is vital that we address as quickly as possible, through the upgrade that is occurring on the Pacific Highway, that separation of through-traffic and local traffic.

Another important issue—and there has been some debate over the amount of money that has been the invested in planning—not only for the Pacific Highway but for projects right around the country, is the urgent need for state and federal governments to get together and streamline the planning process. Regrettably, it takes far too long to get from a concept to an actual completed road. That is something we need to work on for the benefit of all other road upgrades in the future. Yes, it is important that we consult the community and it is important that we maintain environmental qualities

in and around the places where these major road upgrades occur, but it is also vitally important that we get the planning and approval process to occur in a reasonable time frame, and that is something that is taking far, far too long. We can point the finger all we like but there needs to be a dramatic overhaul of the processes that occur and of the time for consultation that occurs. We need to encourage engagement in the community to take place in a much more timely fashion. We need to encourage environmental assessment to take place in a much more timely fashion. I am not allocating blame on this. I just think that it is a process that has added massively to the cost of the Pacific Highway and is adding massively to other projects right around the country. That is something that we need to address.

The other issue that I will talk about briefly in regard to the highway is the issue of wire rope barriers. Tragically, near Taree we had an accident recently where a motorcyclist had his leg amputated as a result of an accident in which he fell on a wire rope barrier. I think an important element that needs to be incorporated into our planning processes is consideration of safety aspects for motorcyclists. They are a high-risk road user, but there are almost a million registered motorcycles in Australia. There are a large number of motorcyclists who I believe are being put at greater risk by the expansion of the network of wire rope barriers. There are good reasons for having wire rope barriers—to separate oncoming traffic. They are vitally important. But I think it is important that we have a look at the design of wire rope barriers, the location of wire rope barriers, whether they are actually enhancing safety outcomes and the implications of wire rope barriers for motorcyclists. As cars and trucks share the road with motorcycles, it is important that we place a far greater focus on safety outcomes for motorcyclists as a result of the placement of those wire rope barriers. Can we make those barriers safer, perhaps by covering certain key areas of wire rope barriers with an impact-absorbing plastic so that if a motorcyclist falls on it he will not suffer the same fate as the motorcyclist recently injured in Taree? This is a very important issue.

I would also like to comment on the budget papers. I note the minister's insistence that the investment is in fact new money, but I would like to quote from the budget papers. In regard to the \$1 billion that has been suggested is new money, they say:

Of the contribution, \$700 million had been previously provisioned for in the Budget, with \$400 million brought forward from 2014-15 to 2011-12 (\$81.0 million), 2012-13 (\$99.0 million) and 2013-14 (\$220.0 million) to accelerate planning, route assessment and other works.

The budget papers go on to say:

An additional \$50 million has been provided in 2011-12 Budget, and a further \$270 million has been redirected, with

the agreement of the NSW Government, from the NSW allocation of the Nation Building Program.

I certainly welcome any investment in the Pacific Highway. I welcome all measures that are going to speed up the planning and construction of the highway. I certainly welcome any improvements that can be made in relation to the safety of motorists and I commend to the minister my suggestion to have a look at the issue of wire rope barriers for motorcyclists and ways in which we can perhaps make them safer.

*Mr Albanese interjecting—*

**Mr HARTSUYKER:** The minister rightly points out it is the responsibility of the RTA, but I would just put that safety issue on the radar screen as something that you might be mindful of. As a motorcyclist myself, I certainly appreciate anything that can be done to make motorcycle transport much safer.

**Ms HALL** (Shortland—Government Whip) (16:47): I had absolutely no intention of speaking on this MPI until I heard the member for Cowper. When I heard the member for Cowper and the hypocritical statements that were coming out of his mouth, I felt obliged to come into this House and take up some of the issues he raised. I have spent my entire life travelling the Pacific Highway and I know the enormous commitment that this government has put into upgrading the highway. Under the current minister, we have not only promised we would give money; we have actually delivered. The member for Cowper is very big on rhetoric and very small on action. He talks about problems with the Pacific Highway. He complains about inaction, but when there is action, when there is a government and a minister that give tangible funds to upgrade the Pacific Highway, he then complains, makes a lot of noise and tries to mislead the people that he represents in this parliament.

A number of members of my family live on the North Coast and they have been really impressed with the contribution that the Rudd and Gillard government have made to upgrading the Pacific Highway. I have a nephew who travels on a daily basis from Nambucca Heads to Coffs Harbour and he tells me on every occasion just how important the upgrading of that road is, how a minor accident can completely stop the flow of traffic on the highway. So what does the member for Cowper do? He comes into this House and complains. What does the government do? It commits real money to upgrade the Pacific Highway.

I would like to congratulate the member for Lyne for bringing this issue to the parliament. I know that he is totally committed to ensuring that the Pacific Highway is upgraded and that regional funding is given to projects throughout Australia, particularly road projects. I know that he is not a person who comes into this House, raises issues, is negative and complains about nothing. For the record, the 2011-12

budget will invest a record \$3.7 billion over the next 12 months to renew and extend road, rail and aviation infrastructure across regional Australia—a sum far greater than has ever been provided before. The upgrade of the rail infrastructure in the Hunter has really helped the coal industry and has been of vital importance to the area that I am part of.

The coalition in the past, and even recently, have shown that they are more interested in playing politics than in fixing not only the Pacific Highway but all our major infrastructure. We have seen, for example, the member for Cowper, as I have already pointed out, come into this House and make salacious claims. The claims are shameful and dishonest—\$750 million of extra funding is new funding, with the remaining \$207 million being redirected from a project elsewhere in the state with the support of the New South Wales government.

I will just concentrate on the New South Wales government for a moment. I read in the *Newcastle Herald* today that the Premier of New South Wales is making noises like he is not going to deliver on what he promised. He is saying that he has to look at the budget. Any member of parliament in tune with the way the Premier of New South Wales thinks will know that is code for, 'Maybe I am going to back away from a deal I don't want to deliver.' So I will be watching very carefully to see what happens there. If the Premier of New South Wales does not deliver then he will be letting down the people of New South Wales. He will be letting down the people in the member for Cowper's electorate.

The one thing that this government prides itself on is the fact that we have taken the issue of infrastructure and roads very seriously. The current minister has been out there arguing strongly and delivering to the people of Australia. The investment in the Pacific Highway under the Gillard Labor government is at a record level of \$4.1 billion over seven years. This compares to the former Howard government's record of \$1.3 billion over 12 years. I can remember being on holidays and going to visit my mother at Nambucca Heads and there being petitions in the local fish and chip shop asking for more funding for the Pacific Highway. That was when the Howard government were in power. So they did not deliver and it has been left to Labor to deliver, and we are delivering in a big way.

So I say to the member for Cowper: 'Work with the government. Work with us so that we can deliver to the people that you represent in this House.' We take their concerns seriously. We take very seriously the concerns of the people of the North Coast. We know how vitally important the Pacific Highway is as a corridor that connects Sydney and Brisbane. We would like to work with you, but all we hear in this place are negative comments from the member for Cowper.



Member for Cowper: work with the member for Page, work with the minister and deliver to the people of New South Wales and Australia.

### CONDOLENCES

#### Rose, Mr Lionel Edward, MBE

##### Report from Main Committee

Order of the day returned from Main Committee for further consideration; certified copy of the motion presented.

Ordered that the order of the day be considered immediately.

**The DEPUTY SPEAKER (Hon. BC Scott):** The question is that the motion be agreed to. I ask all honourable members to signify their approval by rising in their places.

Question agreed to, honourable members standing in their places.

### BILLS

#### Tax Laws Amendment (2011 Measures No. 2) Bill 2011

##### Report from Main Committee

Bill returned from Main Committee without amendment, appropriation message having been reported; certified copy of bill presented.

Bill agreed to.

##### Third Reading

**Mr BOWEN:** by leave—I move:

That this bill be now read a third time.

Question agreed to.

Bill read a third time.

#### International Tax Agreements Amendment Bill (No. 1) 2011

##### Report from Main Committee

Bill returned from Main Committee without amendment; certified copy of bill presented.

Bill agreed to.

##### Third Reading

**Mr BOWEN:** by leave—I move:

That this bill be now read a third time.

Question agreed to.

Bill read a third time.

#### Intelligence Services Legislation Amendment Bill 2011

##### Report from Main Committee

Bill returned from Main Committee without amendment; certified copy of bill presented.

Bill agreed to.

##### Third Reading

**Mr BOWEN:** by leave—I move:

That this bill be now read a third time.

Question agreed to.

Bill read a third time.

#### Therapeutic Goods Amendment (2011 Measures No. 1) Bill 2011

##### Report from Main Committee

Bill returned from Main Committee without amendment, appropriation message having been reported; certified copy of bill presented.

Bill agreed to.

##### Third Reading

**Mr BOWEN:** by leave—I move:

That this bill be now read a third time.

Question agreed to.

Bill read a third time.

### BUSINESS

#### Rearrangement

**Mr ALBANESE** (Grayndler—Leader of the House and Minister for Infrastructure and Transport) (16:59): by leave—I move:

That so much of the standing and sessional orders be suspended as would prevent the following items of private members business, being reported from the Main Committee, or called on, and considered immediately in the following order:

Milk pricing—Order of the day No. 20;

World Veterinary Year—Report from Main Committee; and

Reducing carbon pollution—Order of the day No. 19.

Question agreed to.

### PRIVATE MEMBERS' BUSINESS

#### Milk Pricing

##### Report from Main Committee

Debate resumed on the motion:

That this House:

(1) notes with concern the impact on the Dairy Industry of the Coles milk pricing strategy and that:

(a) dairy farmers around the country are today seriously questioning their future having suffered through one of the worst decades in memory including droughts, floods, price cuts and rising cost of inputs such as energy and feed;

(b) unsustainable retail milk prices will, over time, compel processors to renegotiate contracts with dairy farmers and the prospect that these contracts will be below the cost of production may force many to leave the industry;

(c) the fact that supermarkets are now selling milk cheaper than many varieties of bottled water will be the straw that finally breaks the camel's back for many dairy farmers; and

(d) the risk of other potential impacts includes:

(i) decreased competition as name brands are forced from the shelves; and

(ii) the possible loss of fresh milk supplies to some parts of the country as local fresh milk industries become unviable; and

(2) calls on the Government to:

(a) ask the ACCC to immediately examine the big supermarkets and milk wholesalers after recent price cuts to ensure they do not have too much market power and are not anti-competitive in their behaviour; and

(b) support the new Senate inquiry into the ongoing milk price war between the country's major supermarket chains

Question agreed to.

### World Veterinary Year

#### Report from Main Committee

Order of the day returned from the Main Committee for further consideration; certified copy presented.

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

Question agreed to.

### Carbon Pricing

#### Report from Main Committee

Debate resumed on the motion:

That this House:

(1) agrees that putting a price on carbon is an essential step in reducing carbon pollution and transforming our economy to achieve a clean energy future;

(2) notes that in many manufacturing regions in Australia, business, unions, government and community organisations are already working to develop green jobs and clean energy production processes; and

(3) agrees that governments must work with the manufacturing industry and communities to assist their transformation to meet the challenge of a carbon constrained future

**Mr STEPHEN JONES** (Throsby) (17:02): Greenhouse gases are one-third higher than before the Industrial Revolution and higher than at any time in the last 800,000 years. The last decade has been the hottest on record. In Australia, average temperatures have risen one per cent since 1910. Many countries have already moved to take action to reduce carbon pollution. The government has set up a process to look at this important issue through the Multi-Party—

**Mr Pyne:** Mr Deputy Speaker, a point of order on procedure. The member for Throsby has already spoken on this motion. Usually with private members' business, when a private member's bill is moved and the question is put obviously a speech can be in order. With respect to motions, usually a member is only allowed to comment when there is an amendment to the motion, when the wording has been varied, which is usually agreed to between both sides of the House but otherwise it is another debate. The member for Throsby appears to be engaging in a new rhetorical

speech about his motion, which is not in the spirit of private members' business. I ask you to identify, from him, what exactly he thinks he is doing.

**The DEPUTY SPEAKER:** I understand that he can speak for five minutes, but we will close the debate. The member for Throsby will be closing the debate.

**Mr STEPHEN JONES:** The government has set up a process to look at this important issue through the Multi-Party Climate Change Committee, because the government believes in the reality of climate change. This motion confirms the importance of us dealing with climate change and highlights the role of a carbon price in achieving that. As members know, the committee's work on the details of a scheme is continuing and will be announced shortly. In the interim, if they believe in climate change and are serious about this issue the opposition should support this motion. I call on all members of the House and urge them to do so. Question put:

That the motion (**Mr S Jones**) be agreed to.

The House divided. [5.09 pm]

(Speaker—Mr Harry Jenkins)

Ayes ..... 74  
 Noes ..... 72  
 Majority ..... 2

#### AYES

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

## AYES

Vamvakinou, M  
Windsor, AHC

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  
Gash, J  
Haase, BW  
Hawke, AG  
Hunt, GA  
Jensen, DG  
Keenan, M  
Laming, A  
Macfarlane, IE  
Markus, LE  
McCormack, MF  
Morrison, SJ  
Neville, PC  
O'Dwyer, KM  
Pyne, CM  
Randall, DJ  
Robert, SR  
Ruddock, PM  
Secker, PD (teller)  
Simpkins, LXL  
Smith, ADH  
Southcott, AJ  
Tehan, DT  
Tudge, AE  
Van Manen, AJ  
Washer, MJ

Alexander, JG  
Andrews, KL  
Billson, BF  
Bishop, JI  
Broadbent, RE  
Chester, D  
Ciobo, SM  
Coulton, M (teller)  
Dutton, PC  
Fletcher, PW  
Gambaro, T  
Griggs, NL  
Hartsuyker, L  
Hockey, JB  
Irons, SJ  
Jones, ET  
Kelly, C  
Ley, SP  
Marino, NB  
Matheson, RG  
Mirabella, S  
Moylan, JE  
O'Dowd, KD  
Prentice, J  
Ramsey, RE  
Robb, AJ  
Roy, WB  
Scott, BC  
Shultz, AJ  
Slipper, PN  
Somlyay, AM  
Stone, SN  
Truss, WE  
Turnbull, MB  
Vasta, RX  
Wyatt, KG

## PAIRS

Sidebottom, PS  
Frydenberg, JA

Question agreed to.

## STATEMENTS ON INDULGENCE

## Budget

**Mr PYNE** (Sturt—Manager of Opposition Business) (17:13): Mr Speaker, on a brief matter of indulgence I seek 30 seconds of your time. I think when I explain you will understand. In question time today the Minister for Mental Health and Ageing indicated that new money in year 5 out of the government's mental health package was just \$50 million. In fact, the new money in year 5 in the mental health package is \$490.9 million. The figure is entirely incorrect. This is probably out of inexperience, Mr Speaker. I would ask you to ask him to come into the House and correct the record.

**The SPEAKER:** The member for Sturt will resume his seat.

## COMMITTEES

## Electoral Matters Committee

## Appointment

**The SPEAKER:** I have received a message from the Senate informing the House that the Senate concurs with the House amendment to the variation to the resolution of appointment of the Joint Standing Committee on Electoral Matters.

## COMMITTEES

## Social Policy and Legal Affairs Committee

## Report

**Mr PERRETT** (Moreton) (17:15): On behalf of the Standing Committee on Social Policy and Legal Affairs, I present the committee's report entitled, *Advisory report of the inquiry into the Family Law Legislation Amendment (Family Violence and Other Measures) Bill 2011*.

Ordered that the report be made a parliamentary paper.

## Economics Committee

## Report

**Mr CRAIG THOMSON** (Dobell) (17:15): On behalf of the Standing Committee on Economics I present the committee's report on the inquiry into Indigenous economic development in Queensland and the advisory report on the Wild Rivers (Environmental Management) Bill 2010 incorporating a dissenting report together with the minutes of the proceedings.

Ordered that the report be made a parliamentary paper.

**Mr CRAIG THOMSON:** by leave—On 3 November 2010 the House Standing Committee for Economics was handed a referral by the Minister for Families, Housing, Community Services and Indigenous Affairs, the honourable Jenny Macklin MP. The committee was asked to look into a very important topic: to examine the scope for increasing sustainable Indigenous economic development in Queensland, including the Cape York region. This scope for increasing economic development would have regard to the aspirations of the Indigenous people and the social and cultural context surrounding their participation in the economy. This was to include issues surrounding the Queensland Wild Rivers Act 2005

On 17 November 2010 the House of Representatives referred the Wild Rivers (Environmental Management) Bill 2010 to the committee for inquiry and report. The bill was introduced as a private member's bill by the Leader of the Opposition on Monday 15 November 2010. The bill was introduced without an explanatory memorandum and it provides that the development or use of native title land in a wild rivers area cannot be

regulated under the Queensland Wild Rivers Act 2005 without the agreement of the landowner in writing. Submissions addressing the bill were received as part of the committee's broader inquiry into issues affecting Indigenous economic development in Queensland.

The inquiry found that issues of isolation, distances between centres and lack of infrastructure in the regions in Far North Queensland including Cape York mean that Indigenous people face additional hurdles to participating in the market economy. The inquiry has brought out many of these problems but has also highlighted opportunities and successes in areas such as resource management and Indigenous cultural activities.

The inquiry's focus on the Queensland Wild Rivers Act led the committee to recommend improvements to the processes of that act but we also concluded that improvements need not obscure the legislation's main picture: that the act benefits Queensland because it preserves the natural values of rivers that have all or most of their natural values intact. At the same time, Indigenous economic development is permitted and a suitable environment for traditional activities is maintained.

Unfortunately, on the ground many of the positives of the Wild Rivers Act have been overshadowed by negative misinformation. After a number of hearings in Far North Queensland, it soon became apparent that a large degree of misinformation had been circulating about the act. Perhaps one of the inquiry's messages is that consultations under that act need to be improved. It is self-evident by the fact that misinformation has been believed by many of the people in these areas. It was made clear that the Queensland government did expend significant resources in travelling to remote communities to discuss with those communities the act and its declarations. But we have heard resounding messages from some Indigenous communities that the consultations were not sufficient. As I said, certainly the fact that there is this misinformation that is believed is perhaps in itself evidence that further work needs to be done in relation to consultation

An important measure was announced, however, during the inquiry by the Queensland government that goes to the heart of the issue in relation to consultation. This announcement was that consultations on the Wild Rivers Act would be improved by the Queensland government. This measure that they announced centres on the establishment of Indigenous reference committees for any potential wild river area on the Cape York Peninsula. These bodies will ensure members can directly advise the minister about the declaration proposals as well as their community's aspirations for future economic development.

The Queensland Government will also facilitate economic growth in the Cape York area by way of strategic regional

economic development plans. It will examine how to create jobs in the cape, including nature based opportunities that are being enhanced by the Wild Rivers Act 2005. The state government will also establish an independent economic development mentors support network, and also build the capacity of Indigenous councils in dealing with planned legislation.

**Mr Katter:** Will you have us basket making as well?

**Mr CRAIG THOMSON:** The member for Kennedy made a submission to the inquiry that was largely based on erroneous information—

**Mr Katter:** Ah, erroneous information.

**Mr CRAIG THOMSON:** Yes, information that was not in fact correct. That was one of the problems we had in assessing the actual effects of the legislation because misinformation was often being put out there.

*Mr Katter interjecting—*

**The DEPUTY SPEAKER (Hon. BC Scott):** The member for Kennedy will sit there in silence; otherwise I will have to deal with him.

**Mr CRAIG THOMSON:** I thank you for your assistance, Deputy Speaker Scott. The report's first recommendation is that the Commonwealth government continues to address the economic and geographical barriers to Indigenous economic development for its Closing the Gap programs across Australia.

*Mr Katter interjecting—*

**The DEPUTY SPEAKER:** The member for Kennedy will withdraw that comment.

**Mr Katter:** I withdraw that comment.

**Mr CRAIG THOMSON:** Thank you, Mr Deputy Speaker. It is a shame that the member for Kennedy is so out of control in relation to this issue because one of the things we heard about was some great projects that Indigenous Australians had participated in, set up from the ground and got to work. I think it is offensive to those people, who have put their livelihoods on the line, who have made commitments—

*Mr Katter interjecting—*

**The DEPUTY SPEAKER:** Order! Member for Kennedy if you do not desist I will deal with you.

**Mr CRAIG THOMSON:** The member for Kennedy is totally out of line. It also shows how out of touch he is in relation to things that are happening in his own backyard. I will continue in relation to the report.

**The DEPUTY SPEAKER:** Order! The member for Dobell will resume his seat. The member for Kennedy on a point of order.

**Mr Katter:** Mr Deputy Speaker, I claim to be misrepresented. He said that I am out of touch.

**The DEPUTY SPEAKER:** The member for Kennedy will resume his seat. There are procedures for stating where you have been misrepresented.

**Mr Katter:** Yes, I am going to state that now. The misrepresentation was that I was out of touch with the people. The elected representatives, the mayors, have asked me to address everyone at their council meetings. So I would hardly say I was out of touch.

**The DEPUTY SPEAKER:** The member for Kennedy will resume his seat.

**Mr CRAIG THOMSON:** Thank you, Mr Deputy Speaker. The member for Kennedy's performance, I think, illustrates the point I was actually trying to make in terms of how in touch he is in relation to this issue. The committee also notes the economic benefit of major infrastructure and investment programs and recommends that the Queensland and local governments in Cape York work with Infrastructure Australia and regional development authorities to progress these programs.

Further recommendations are about maximising opportunities in Indigenous training and employment which result from these infrastructure and investment programs.

**Mr Katter:** Training for what!

**The DEPUTY SPEAKER:** Order! The member for Kennedy has had a number of warnings. He will leave the chamber under standing order 94(a).

*The member for Kennedy then left the chamber.*

**Mr CRAIG THOMSON:** The committee has recommended the Commonwealth continue to partner with the mining industry to facilitate training and employment so that workforce participation in that industry becomes a mainstream employment option for Indigenous people.

The committee would also like to see the Queensland government mentors support network initiative be linked to the Commonwealth government's initiative for Indigenous small business development in tourism and administration.

As I have earlier said, a main focus of this inquiry was consultation and communications under the Wild Rivers Act 2005.

One of the committee's key recommendations is that the Queensland government strengthen its consultation and engagement framework for the act. The committee notes the establishment of the Indigenous reference committee group under the Cape York Sustainable Communities initiative is intended to address this and to work directly with Indigenous stakeholders on improving the wild rivers consultation process.

To follow this theme, the next recommendation from the committee is that the Indigenous Reference Committee framework be developed and extended. The

purpose would be to service Indigenous peoples throughout Queensland on issues relating to economic development. It is important in the committee's view that all stakeholders be engaged in this process and endorse the framework.

Another recommendation is that the state government provides information to Indigenous communities and individuals which assists them to step through the operation of the Wild Rivers Act 2005 and other conservation and land management legislation.

It might be appropriate that the member for Kennedy also be involved in that process as he clearly does not understand the processes involved with wild rivers. It is important that as many people as possible, all stakeholders, understand what is involved and the decision-making processes that are gone through.

There are a variety of reasons why the Wild Rivers (Environmental Management) Bill 2010—introduced into this House last November—is unworkable.

The inquiry process has revealed a flawed document which amongst several problems uses ambiguous definitions which would result in confusion, likely division in Indigenous communities and would override the Wild Rivers Act 2005, putting the successful Wild Rivers Rangers program at risk. Importantly the committee has recommended that this bill should not be passed.

The inquiry heard that the bill has a number of problems. Many of those criticisms were that the bill is poorly worded, confusing and unworkable. The Chuulangun Aboriginal Corporation provided a succinct summary of the bill and its problems. They said:

The Bill makes allowance for declaration of a wild river only with the consent or 'agreement' of 'owners'. Further, the Bill states; 'The development or use of Aboriginal land in a wild river area cannot be regulated under the relevant Queensland legislation unless the owner agrees in writing.

They went on to point out the difficulty with this and that is, to quote them:

There is no clarity in the Bill about what is meant by the concepts 'consent', 'agreement' and 'owner'. Consent and agreement are not properly defined, and the Bill provides eight different definitions of 'owner'.

The bill is also unclear in its intention and lacks detail as to how to achieve its underlying intentions. The Queensland Conservation Council noted that:

... the terminology of the Bill is extremely vague and nebulous and does not really describe well what it is intended to do.

The bill's diverse definitions of 'Aboriginal land' and 'owner' and their combinations, according to the Queensland government, has the potential to render the existing Wild Rivers Act 2005 unworkable and open to litigation. During the inquiry the Queensland government stated:

The 'owner' as defined, encompasses a wide range of people. Because of the historical displacement of Indigenous peoples, there will likely be disputes over who the owners are for different areas. Some Indigenous people elect others to make decisions on their behalf because they do not want to sign documents. Others are unable to do so for various reasons: some owners have moved from their traditional country and live in other parts of Australia. It may be difficult to identify all the owners, leaving any declaration open to legal challenge.

The committee's report has found that the question of legal challenge is of great importance as such action could lead to conflict between different communities. The Carpentaria Land Council Aboriginal Corporation expressly stated their concern that if the bill is passed it will result in conflict between Aboriginal individuals and groups and between traditional and non-traditional owners. There are many other reasons and arguments outlined in the report that present the basis for the committee's recommendation that the bill not be passed. The bill is not in the interests of Indigenous people. It is about the Leader of the Opposition playing politics with the lives of Indigenous people in Far North Queensland. He should be condemned in relation to that, and this bill should be rejected by this parliament.

The committee heard that while there are many barriers to Indigenous economic development in Cape York and other areas of Queensland, there are ways to address these problems. Apart from the underdeveloped nature of the region, barriers to development are capacity constraints in Indigenous communities and community organisations.

Addressing poor education and literacy levels, workplace readiness and participation and organisational governance and expertise will greatly assist people to make choices about their own livelihoods and opportunities.

The committee was told that a diverse, integrated economy is inherently more robust and sustainable than an economy that comprises a restricted number of sectors. A diverse economy is less prone to seasonality, provides greater economies of scale, offers more opportunities to small business, provides more choice of employment and enables transfer of skills and technology.

With so many factors affecting Indigenous economic development in Queensland, it is imperative and urgent that Indigenous people be supported to engage in analysing opportunities in community, hybrid and mainstream economies, determining and participating in capacity building about their own future. Tracey Ludwick, at the hearing we had at Weipa, summed this up in evidence:

The approach should be from the grassroots up, not from the top down.

The economy in Cape York could not be described as a normal economy. It does not have the breadth of interrelated industries that would typically trade with each other and sustain a basic level of economic activity. Rather, it largely depends on trade with the remainder of Australia for goods and services that would usually be internally generated.

This is reflected in the employment profile of the cape. The most jobs, both generally and in the Indigenous population, are in public administration and public services such as health. Private sector jobs are mainly in mining. One effect of this is that establishing and running a business is much more difficult than in cities and towns. Mr David Donald, a tourist operator in the cape, described it as follows:

The cape is so far away from everyone. People drop in for a couple of hours or a couple of days and then go back to the wilds of Brisbane and Canberra. They have absolutely no comprehension of what it is like to live here and to run a business here. We do not just go down to the corner store and buy things. We have to source stuff from Cairns, which is 850 kilometres away—things like that. We have transport difficulties. The roads close for four months of the year and we cannot get things even. We are looking at a totally different situation and almost a totally different country to what normal society operates under.

The committee's view in this report is that the role of government in Indigenous economic development is to be a facilitator. Although Indigenous communities benefit from public sector employment and participating in the customary sector, they will have more choices and will have a larger role to play in society if they increase their private sector employment as well.

In evidence, Mr Gerhardt Pearson of Balkanu Cape York Development Corporation stated that this was one of their aims. He also stated that governments should focus on coordinating partnerships:

Because you have the money, the programs and the truckloads of bureaucrats, the government's role must not be one where you disempower the community in bringing solutions. Your role is to assist in coordinating the partnership between the corporates, the philanthropics, the community and us.

Governments already conduct some of this work, or at least recognise that they should do so. For example, the Commonwealth's draft Indigenous Economic Development Strategy discusses developing partnerships with the private sector to find mentors for Indigenous business people and to match employment supply with demand.

The Queensland government has helped establish an arts hub and arts fair to build the profile of Indigenous artists. The Queensland Conservation Council recommended that governments should support the creation of more business hubs, particularly in cultural and conservation economies.

This is clearly an area of comparative advantage for Indigenous people, although business hubs could be created in other industries if it were so chosen.

The committee would like to see the Commonwealth and Queensland governments do more to support Indigenous business hubs and other types of partnerships because this would be a vocational, hands-on way for Indigenous people to pick up relevant skills and advice. Further, this is sought after by one of the main Indigenous development bodies in the region and is seen by Indigenous people themselves as a priority. The Queensland government's Sustainable Cape Communities initiative would be a suitable vehicle for achieving this.

The committee's 10th recommendation is that in consultation with Indigenous communities, the Queensland government increase opportunities for Indigenous business partnerships under its Sustainable Cape Communities initiative.

The Queensland government did outline the range of initiatives supporting Indigenous economic development. It will facilitate economic growth on Cape York through a regional strategy and examine further how to create jobs in the cape.

I commend the Queensland government for taking an active approach during our inquiry and bringing these initiatives to the attention of the inquiry and making the necessary changes in their response during the inquiry.

Indigenous economic development is a large and complex issue and this report can only cover part of such a wide topic. However this report does include important recommendations on how the Commonwealth can be more involved in assisting Indigenous economic development in Cape York. I also anticipate that the material presented to the committee and made public will contribute to a greater awareness of these issues and assist policy development in the future.

From our inquiry visits to the far north of Queensland, as a committee and as individuals we were able to see at least to some degree how some of the difficulties and issues with such factors as isolation, distance and infrastructure present huge challenges to Indigenous communities and their economic development. We sincerely hope that this report will help alleviate some of those issues and strongly urge that the recommendations in the report be adopted.

Lastly I would like to thank those who made submissions to the inquiry and the witnesses who attended the hearings. The committee appreciates their assistance, the expertise that they displayed and the courtesy that they displayed in welcoming us to their communities. I also thank my colleagues on the committee for their contribution and thank the secretariat of the committee and the staff who worked

very hard to produce this report. I commend the report to the House.

**Mr CIOBO** (Moncrieff) (17:37): I rise to speak on the House of Representatives Standing Committee on Economics report *Inquiry into Indigenous economic development in Queensland and advisory report on the Wild Rivers (Environmental Management) Bill 2010*. It was of interest to me to listen to the chairman of the committee provide his synopsis of the majority findings of the committee with regard to the wild rivers legislation in Queensland and that proposed by the Leader of the Opposition. In summary, it will not surprise the House to know that the committee divided on this issue. It was fascinating for me as deputy chair of the committee and for all of us as coalition members to review the chairman's report when it first came in, because I think that the report perhaps goes as close as one can possibly get to having federal Labor members of a committee being critical of a state Labor government without actually doing it in an explicit sense. That is precisely what happens in the list of recommendations, in particular the recommendations that pertain to the level of consultation that is undertaken. I noticed as well the comments made by the chairman with respect to the need for there to be a greater level of consultation with Indigenous landowners who are on the land in Cape York about the operation of wild rivers legislation within the Queensland context.

Let us just revisit what the committee's task was. We were tasked with the job of investigating barriers to and opportunities for Indigenous economic development in Queensland and in particular in Cape York. We were also asked to report on the Wild Rivers (Environmental Management) Bill 2010, which was introduced as a private member's bill by the Leader of the Opposition, the Hon. Tony Abbott, in November last year.

In the considered opinion of the coalition members of the committee, the Queensland Wild Rivers Act, an overriding planning instrument, is the single most significant barrier to any form of Indigenous economic development, so it is that act at a Queensland level which is the main focus of the dissenting report by coalition members of the committee. Having taken the Queensland Wild Rivers Act 2005 to be the most significant barrier to Indigenous development, coalition members of the committee identified that the Wild Rivers (Environmental Management) Bill 2010 is clearly the best opportunity to improve the lives of Indigenous peoples in Queensland and that, perhaps most significantly, through the passage of that bill the parliament can restore to native title holders those rights which allow all other Queensland landowners to invest in their future. Of course, that bill is also about restoring the rights and promoting the self-determination of those communities so that those who

wish to have their development regulated by the Queensland government may continue to do so.

When looking at the Wild Rivers Act in Queensland, a number of things came from the evidence that made it crystal clear that this was in fact the main barrier to economic development of Indigenous peoples in Cape York. The crux of the issue for coalition members of the committee, and indeed for any objective observer of evidence that came before the committee, came down to this: under the Wild Rivers Act in Queensland, is it possible for there to be development, especially within highly protected areas, if there is negative environmental impact? I stress that the coalition members specifically inquired as to whether that negative environmental impact could be a net negative or just a negative environmental impact.

I would like to put in the *Hansard* again an exchange between me and the Queensland Department of Environment and Resource Management representative Mr Scott Buchanan. This is an excerpt. I asked:

... can I also ask whether impacting in a negative way is a net negative impact or is that just a requirement to demonstrate no negative impact?

To that, Mr Buchanan replied:

No negative impact.

I said:

So any negative impact at all would effectively void the application.

Mr Buchanan said:

That is right.

In those four sentences is the entire crux of the matter with respect to the operation of wild rivers legislation. Those four sentences betray the entire argument of the Queensland Labor government and of the Labor majority of the economics committee, who suggested that the Wild Rivers Act was not a barrier to Indigenous development, because those four sentences underscore that, for an Indigenous person in Cape York, Queensland, within a declared wild rivers area, any negative environmental impact voids an application.

So you could have a project which is highly positive to local Indigenous people. You could have a project that will drive employment. You could have a project that will drive investment. You could have a project that will lift and empower the Indigenous people in that part of the world. It does not matter that it might be a net positive by a magnitude of 100; the simple existence of any negative impact whatsoever renders the application void. And that goes to the core of the dissenting report of coalition members of the committee, who very clearly understood that, despite all the hyperbole, despite all the rhetoric, it is crystal

clear that in reality there is no opportunity for Indigenous development.

The other key concern of coalition members was the issue of consent. It is very clear from Indigenous witnesses who appeared before the committee that consent was not forthcoming in the vast bulk of instances and, what is more, where there was Indigenous consent, it was in every way, shape and form almost tokenistic. In that sense, the coalition members commended the bill that was put forward by the Leader of the Opposition. They commended the fact that the Wild Rivers (Environmental Management) Bill is absolutely the best pathway to overturn the ridiculous application of the Queensland government's Wild Rivers Act and to empower Indigenous people throughout Cape York.

That notwithstanding, coalition members are particularly grateful to the committee secretariat for their assistance and for the work that they did. I am confident that, when the Wild Rivers (Environmental Management) Bill has its opportunity to be debated in this House again, it will be successfully passed with the support of the crossbenchers and we will once again be able to empower Indigenous Queenslanders in Cape York wild rivers declared areas.

**Mr CRAIG THOMSON:** I move:

That the House take note of the report.

Debate adjourned.

#### **Report and Reference to Main Committee**

**Mr CRAIG THOMSON** (Dobell) (17:45):—by leave—I move:

That the order of the day be referred to the Main Committee for debate.

Question agreed to.

### **BILLS**

#### **Migration Amendment (Complementary Protection) Bill 2011**

##### **Second Reading**

Debate resumed on the motion:

That this bill be now read a second time.

**Mr BRIGGS** (Mayo) (17:46): I continue on this important issue that we were discussing in the House earlier today. The Minister for Immigration and Citizenship was here not long ago. It would have been good for the minister to continue the factional meeting with the member for Lindsay and listen to a bit more about just how much he is failing on his border protection policies. The member for Lindsay, the parliamentary secretary at the table, knows more about these failures than most because he did take some action about this prior to the last election with the famous Commander Bradbury incident up in Darwin. He has had a long interest in naval activities and went up to Darwin to see what our border command do and



the good work that they do, because there is much they have to do under this government with so many boats—224 boats carrying more than 11,000 people arriving since they changed and softened the law in August 2008. I was reflecting upon it earlier in my remarks, that this is another example of the Labor Party being straddled on the fence of border protection policy, on one hand trying to act like they are tough with their so-called Malaysian solution and on the other hand trying to look like they are soft or humanitarian, trying to appeal to the left and trying to appeal to the right. You cannot sit on the fence on this issue; you need to have a clear and consistent policy if you want to have the right approach and you want to stop the people-smugglers' business.

This bill, as the shadow minister outlined quite rightly in his contribution in this debate, will add another product on the people-smugglers' shelf to sell. It will be another opportunity for them to try and attract clients, and these clients end up in centres in Australia like the Inverbrackie detention centre in my electorate, which is, as I said earlier, causing all sorts of pain to my community. On the weekend in the *Sunday Mail* newspaper, on 8 May, Brad Crouch, a high-quality journalist in Adelaide, reported some of the effects in the community, some of the claims that have been made by people within the community about what is going on in the centre. I think there will be more on this because this story has a lot to play out. The information that Brad Crouch received is similar to the information that is coming through my office. There are extremely serious concerns about the management of this system and the stress this system has put on the people involved. A particular case in point is that we are still unsure in South Australia, in Inverbrackie, what happens if a serious incident such as the incidents at Villawood, at Curtin and at Christmas Island occurs at Inverbrackie—exactly what the South Australian police, the police in the Adelaide Hills who are contacting me and others about this issue, will be able to do to ensure the safety of people inside the centre and people outside the facility as well.

It underlines very much the mismanagement of Australia's borders by this government. Some would say this government needs a little less conversation on this issue and a little more action, some serious action to address the genuine problems caused by their changes in August 2008 and changes like the one we see before this place today. This bill is so important to the government that they tabled it first in, I think, late 2009 or at some point in 2009—I saw it in the minister's speech. It did not get through before the 2010 election, so it sat on the table for a good six, eight or 12 months without going through. That is because it does not actually change anything. The minister has the ability to do what this bill seeks to codify. I for one cannot understand why the minister wants to take the

power out of his own hands. To me it makes perfect sense that he should have it. It is a system that has worked well. The immigration department tells us there have not been any examples where it has not worked. So why are we having this debate on this bill? Why are we talking about this issue again? A little less conversation and a little more action would be a better way for this government to go about this issue. Rather than try and cover the holes in their border protection policy on a daily basis or cover the \$1.75 billion blowout above last year's allocations in the budget because of their failure to manage this issue properly, they should do what the coalition suggests. They should contact the president of Nauru, they should reopen the Nauru centre and they should reintroduce the TPVs. They should take the actions that we suggest.

Members opposite are happy to say this to us privately, that this is killing them in the electorate because people have lost trust with the way they manage the system. The building the detention centre revolution is going to unused army barracks near you. Tasmania is the latest place to receive one of these capital works upgrades. We have had one at Inverbrackie, there is one at Northam in Western Australia, there is one at Curtin, and any unused Defence space around the country will be used, because this government has got a huge problem on its hands. It has changed the law and it has put the people smugglers back in business. This bill will just be another product, and that is why we will oppose this bill. This bill is an unnecessary way forward. It takes a power that the minister currently has out of his hands. It does not introduce any new protections against people in these situations. All it does is codify what the minister can currently do. It seems to me that the only justification that the minister has for that is to somehow quicken the process or add to the process. That is a very flimsy justification given the more serious issues that he should be, or could be, addressing to reassure communities like mine that there is some long-term plan to fix this issue, to take some genuine action on this issue—less conversation, genuine action—to stop the flow of boats coming, such as the 224 boats that have come since August 2008.

This is a mistaken bill that should not be debated in a week when we have seen a \$2 billion attack on middle Australia in the budget to pay for the nearly \$2 billion blow-out in the border protection policy. It is a shame that this minister has to deal with this issue. He is a reasonable person, he has the best intentions; he just has a Prime Minister who does not know how to take the genuine action that she should take to address what is a serious issue. It is a serious issue which is causing a great deal of pain in my community, in the community of Northam and in communities in

Tasmania, as was reported recently in a national newspaper when the new centre there was announced.

This bill should not be debated. The bill that we should be debating is the reintroduction of the solutions that former Prime Minister Howard came up with to deal with this issue. The government came into power in 2008 and in trying to find a solution caused a problem. It should undo that problem by redoing the solution that was put in place by the Howard government. We will oppose this bill. It is unnecessary. The issues that should be dealt with are stopping the boats, taking away the need for facilities such as Inverbrackie and dealing with the serious problems in our detention network today. I am sure we are going to hear much more of them in the coming days and weeks as the information that is coming through to offices like mine about what is going on in this network starts to filter out to the public. People will be very concerned about what is happening with the \$1.7 billion blow-out in these communities. On that note, I make the point again that we oppose this bill because it is unnecessary.

**Ms O'NEILL** (Robertson) (17:55): I rise to speak on the Migration Amendment (Complementary Protection) Bill 2011. I believe that this bill addresses sensitive issues of serious import. Like in most electorates in the Commonwealth, in the electorate of Robertson the issue of asylum seekers and unauthorised migration is contentious. I understand that many Australians hold strong views on this issue and I am certain that those opposite, who have sought to fuel fear and alarm, have once again misused the vehicle of this debate to misrepresent the realities about migration generally and the purpose of this bill in particular.

There is in fact a very important task that this legislation undertakes and it goes to the core values that underpin our democracy and our belief in the central tenets of freedom and equality. These tenets of freedom and equality are at the centre of the international obligations to which we adhere as active world citizens and members of the United Nations. I have always maintained that our human rights and international obligations must be upheld and complied with, not just articulated but enacted. I believe this bill achieves that objective.

This legislation does not represent a softening of Australia's approach to asylum seekers, as the opposition may contend and have, indeed, attempted to argue all afternoon. Rather, it represents a necessary reform in the migration—

**Mr Laming:** Mr Deputy Speaker, I draw attention to the state of the House.

*The bells being rung—*

**Mr Albanese:** Mr Deputy Speaker, can I make the point to the opposition that this will stop, potentially,

the opposition leader from giving the budget reply. So, if there are Liberals and Nats out there, they might want to come into the chamber.

*(Quorum formed)*

**Mr ALBANESE** (Grayndler—Leader of the House and Minister for Infrastructure and Transport) (18:01): Mr Deputy Speaker, on indulgence, I make the point now on the *Hansard* record that the calling of a quorum by members of the opposition at six o'clock on the night of the budget reply potentially would stop the Leader of the Opposition from giving his budget reply at 7.30. If there is any example of how incompetent, of how prepared to wreck this parliament those opposite are, it is that stupid action by the member for Bowman. I want to put on the record that I rang the office of the Manager of Opposition Business to inform them that they had better get some people in the chamber, and none of them came in. So perhaps what it says to me is that the opposition do not want to hear their own opposition leader give a budget reply this evening at 7.30.

I say to the opposition: it is this sort of childish, mindless negativity that is seeing the failure of the Leader of the Opposition to provide proper alternative government in this nation. If anything exemplifies it, it is the actions of those idiots opposite in calling a quorum. So I say to them and put them on notice that, if they do not want the opposition leader to give his reply tonight, call a quorum again. Call a quorum again, because the next time it will be their responsibility to fulfil the quorum. We have done our duty tonight on behalf of the parliament. And it is about time that they understood that there are some things in this House that should be beyond partisanship.

**Mr Laming:** On a point of order, Mr Deputy Speaker: I would ask that the Leader of the House withdraw that offensive remark.

**The DEPUTY SPEAKER (Hon. DGH Adams):** Order! The Parliamentary Secretary to the Treasurer.

**Mr BRADBURY** (Lindsay—Parliamentary Secretary to the Treasurer) (18:03): I move:

That the debate be adjourned.

Question agreed to.

## BUSINESS

### Rearrangement

**Mr BRADBURY:** I move:

That business intervening before order of the day No.6, government business, be postponed until the next sitting.

Question agreed to.

**Proceedings suspended from 18:04 to 19:30**

**BILLS****Appropriation Bill (No. 1) 2011-2012****Second Reading**

**The SPEAKER:** Before the debate is resumed on this bill, I remind the House that it has been agreed that a general debate be allowed covering this bill, the Appropriation Bill (No. 2) 2011-2012 and the Appropriation (Parliamentary Departments) Bill (No. 1) 2011-2012. There being no objection, the chair will allow that course to be followed.

Debate resumed on the motion:

That this bill be now read a second time.

**Mr ABBOTT** (Warringah—Leader of the Opposition) (17:04): The fundamental test of a budget is how it improves the wellbeing of the Australian people. My three children are still in the education system, and Margie, my wife, works in community based child care, so my family knows something of the financial pressures on nearly every Australian household.

Since December 2007, the price of electricity is up 51 per cent, gas is up 30 per cent and water is up 46 per cent. Education costs have risen 24 per cent, health 20 per cent and rent 21 per cent. Grocery prices are up 14 per cent. Since the middle of 2009, interest rate rises have added \$500 a month to mortgage repayments, while wages have risen just seven per cent. Families already know what it is like to tighten their belts; they do not need government to do it for them. Yet the only certainty from this budget is further upward pressure on interest rates, because this government is still borrowing \$135 million every single day. The government boasts that inflation is under control because the price of flat screen TVs has fallen. It does not understand what every Australian family instinctively knows: the things we want might be more affordable but the things we need are much more expensive.

Tonight I want to reach out to Australian families: to small business people, police, nurses, firefighters, teachers, shop assistants and workers in our steel mills and mines—the people who are the backbone of our society and our economy. I do not think you are rich. I know you are struggling under a rising cost of living. And I know you are sick of a government that does not get value from your taxes.

So my commitment to the forgotten families of Australia is to ease your cost-of-living pressure. Stopping wasteful and unnecessary spending will keep your interest rates down, and stopping or removing unnecessary new taxes will make it easier for you to pay your bills. My task tonight is to offer people a new direction which restores their hope in the future. It is not to detail an alternative budget but to set out an alternative vision so that the Australian people can be

confident that their government need not always be as weak and directionless as it is right now.

I understand that government should live within its means, value the money it holds in trust from you, the taxpayer and, above all else, observe the first maxim of good government; namely, do no avoidable harm. Instead, the current government has turned a \$20 billion surplus into a \$50 billion deficit and \$70 billion in net assets into \$107 billion of net debt. Then there is the carbon tax that the Prime Minister said would never happen but will just make cost-of-living pressures so much worse.

A \$26 a tonne carbon tax would add 25 per cent more to electricity bills and 6½ cents a litre more to fuel bills that are already skyrocketing—and that is before it starts automatically increasing by at least four per cent every single year. A \$26 a tonne carbon tax means 16 coalmines closed, 23,000 mining jobs lost and 45,000 jobs lost in industries like steel, aluminium, glass, chemicals and motor cars. The Prime Minister talks about compensation, but there is no compensation for people who have lost their jobs.

So let me make this crystal clear: the coalition will oppose the carbon tax in opposition and repeal it in government. The coalition will oppose the mining tax in opposition and repeal it in government. My colleagues and I will never make things harder for the forgotten families of Australia, and people can have confidence in the coalition because they can judge us on our record, not just on our promises.

The government I served in turned a \$10 billion budget black hole into consistent surpluses exceeding one per cent of GDP. We turned \$96 billion in inherited Labor debt into \$70 billion in net assets. We made the most of the China boom; we did not complain about it. We ended the waste, repaid the debt and stopped the boats. That was not a slogan; it was a fact.

As a minister, I was personally responsible for thousands of young people doing environmental work in the Green Corps, the stabilisation of the Job Network, the expansion of Work for the Dole, the establishment of a royal commission into the construction industry, ending the medical indemnity crisis and bringing allied health professionals like dentists into the Medicare system. Sixteen members of my shadow cabinet have been ministers in a successful government. They would not have to learn on the job, should there be a change of government, because they have done the job. The challenge of producing lower taxes, fairer welfare, better services and stronger borders would not be beyond us because we have risen to it before.

Now, even from opposition, the coalition is dominating national debate, as the Prime Minister has

already admitted to caucus. We are driving a positive agenda too.

My private member's bill to allow economic development on Aboriginal land in Cape York comes from a decade working with Noel Pearson on what he calls Aboriginal people's 'right to take responsibility'. That bill is before the parliament and I call on the government to stop putting the hunt for Green preferences ahead of a fair go for Aboriginal people on their own land.

As mental health campaigners say, it was the coalition's new deal for mental health patients that finally shamed the government into acting in the budget. As well, the government has actually adopted for itself my private member's bill on assisting the victims of overseas terrorism, arising from the time I spent with the Newcastle victims of the second Bali bombing.

Since the start of the year, the coalition has committed to a new approach to water management, including new dams, and a much tougher anti-dumping regime to protect Australian industries from way-below-cost imports. We have offered to work with the government on welfare reform, on finding savings instead of increasing taxes, and on a new intervention into the developing social crisis in Alice Springs and the Northern Territory's other larger towns.

What we will never do, though, is make weak compromises with a bad government. We respect taxpayers too much to spend their money on make-work schemes for extra public servants and on 'think big' projects which always end in tears.

The coalition supports better broadband services but we are not reckless enough to spend upwards of \$50 billion on a National Broadband Network without a cost-benefit analysis. That \$50 billion could fully fund the construction of the Brisbane rail loop, for instance, the duplication of the Pacific Highway, the Melbourne-to-Brisbane inland rail link, the extension of the M4 to Strathfield, and 20 major new teaching hospitals as well as the \$6 billion that the coalition has proposed to spend on better broadband.

Speeds of up to 100 megabits are already potentially available to almost every major business and hospital, to most schools, and through high-speed cable already running past nearly a third of Australian households.

The smart way to improve broadband is not to junk the existing network but to make the most of it. It is to let a competitive market deliver the speeds that people need at an affordable price with government improving infrastructure in the areas where market competition will not deliver it.

The smart way to improve the environment is not to impose a new tax on the way every Australian lives and works but to reduce emissions via common sense

environmental improvements that everyone can support: by planting more trees on otherwise marginal land, by boosting the carbon content of soil through better value organic fertilisers, and by turning power station carbon dioxide from a waste product into an input in the production of stockfeed and biodiesel.

The coalition wants to give the planet the benefit of the doubt with practical measures to improve the environment rather than futile gestures that just damage our economy. That is why we will have a standing Green Army, 15,000 strong, to supplement the land care work of local councils, farmers, and volunteers to eradicate feral animals and noxious weeds and to preserve wetlands.

A government's job is not to live people's lives for them but to help people to make the most of their opportunities and to ensure that public institutions are more responsive to the people they serve. Australia has great teachers, doctors, nurses and other professionals but our public schools and hospitals are being strangled by too much bureaucracy.

Principals often cannot hire the teachers they want but are stuck with the next person on the transfer list. So we will work with the states to ensure that school councils can appoint principals and that principals can run schools in partnership with school communities as nearly 100 'independent public schools' in Western Australia are now doing.

We will not forget the families who want to give their children the best possible start in life. There will never be an independent schools hit list under the coalition. We will increase the education tax rebate for all families to \$500 a year for primary and \$1,000 a year for secondary students and make it available for all expenses connected with education, including school and sports fees.

We understand that the parents and carers of children with disabilities have the toughest job in the country. That is why we will make \$20,000 a year available to help the 6,000 school children with the most serious disabilities as an important first step towards a wider scheme to give all people with disabilities access to better services.

Public hospitals often cannot order significant new equipment without referring it to head office. So, again, we will work with the states to give hospitals more funding when they treat more people. Public hospitals will be run by local boards, not distant bureaucrats. And if a state was prepared to surrender some of its GST, the Commonwealth would fully fund its public hospitals, thus potentially achieving hospitals that are both nationally funded and locally run.

The coalition understands the need for strong private hospitals, too, that take some of the pressure off the public system. We will never make waiting lists worse by driving people out of private health insurance with

counter-productive means tests. We will not turn the Pharmaceutical Benefits Scheme from a demand-driven to a budget-limited scheme by not listing drugs that have passed an expert cost-effectiveness test. Leaving young people on the dole and older people on welfare while so many businesses are short of staff is such a terrible waste. I am all in favour of training but first things first: the best training is on the job.

On Noel Pearson's advice, the coalition would pay a \$6000 relocation allowance to young unemployed people who move to a regional area for a job and who agree not to return to welfare within six months. This would be a programme not a trial. We will pay \$2500 as a commitment bonus to long-term unemployed young people who take a job and keep it for a year and a further \$4000 if they stay for a second year.

We will try to shake the cult of youth in hiring by giving employers up to \$3250 for taking someone over 50 off welfare and back to work. As well, we will give mothers real choice to be economic as well as social contributors with a fair dinkum paid parental leave scheme that gives nearly all new mums six months with their babies at full pay.

To improve their job skills and work culture, the coalition will make work for the dole mandatory for long-term unemployed people under 50. By contrast, the government's 'tough love' rhetoric is hard to take seriously because since 2007 it has cut work for the dole numbers by more than 60 percent.

We will take the advice of Labor's former national president Warren Mundine and stop dole payments for people under 30 in places where unskilled work is readily available. We will extend the government's mandatory family income management to all long-term unemployed people, not just those in the Northern Territory, because there should not be one rule for some and a different rule for others.

We will couple more job search support for people with disabilities with a better designed welfare system that does not park middle-aged people on the disability pension when they could still be earning.

The coalition has a proven record of careful management of public finances. Just two of 12 Howard government budgets were in deficit. By contrast, the last nine Labor budgets between them have posted punitive deficits of almost \$230 billion or almost a quarter of \$1 trillion.

This government's badge of economic virtue, a wafer thin surplus by 2012-13, will not be achieved by tough-minded economic reform or serious spending cuts but by assumptions of very high economic growth on the back of the most favourable terms of trade in our history.

If it is achieved, it is a surplus made in China, not Australia. Let us not forget that this is not an actual

surplus. It is a predicted one—from a government which has shown all the forecasting accuracy of Nostradamus.

As we did last year, the coalition will announce a position on individual budget items when they come before the parliament, not before, and we will announce a consolidated list of spending and savings measures in good time before the next election. When we did so last year the Prime Minister said they were too tough, but so far she has adopted \$13 billion of coalition savings.

People can be confident that spending, debt and taxes will always be lower under a coalition government because we have the record to prove it. People can also be confident that economic growth will be higher and more sustainable under the coalition. We have the record to prove that too and we take the view that a successful business is serving its fellow Australians, not exploiting them.

A strong economy is the essential precondition for effective government so the coalition is always looking for ways to help small business that are suffering in a patchwork economy because that is where jobs are created and families get ahead.

For small businesspeople, less paperwork means higher profits, boosted sales and more time with the family. Even the current government paid lip-service to this when it promised a 'one in, one out' approach to regulation but so far Labor has introduced 220 new regulations for each one it has repealed. Under the coalition 'one in, one out' will be a reality not an aspiration.

As well, a coalition government would reduce the regulatory cost to business by at least \$1 billion a year. We would require departments to calculate the costs to business of preparing and making available information, changing their processes and obtaining approvals. Departments and ministers would be accountable for meeting annual red tape reduction targets that the Productivity Commission would verify.

Labor cannot help treating small business with suspicion as potential tax cheats and havens for non-union workers but the coalition thinks that small business is more likely to treat workers like family and is the engine of higher employment and greater prosperity. That is why helping small business is such an important productivity reform.

If the ghost of Ben Chifley now hovers over this side of the parliament it is because the coalition is much closer to workers' real interests than a Labor Party that has sold its soul to Senator Bob Brown.

This government's character flaws have been abundantly illustrated in the budget. When the government is not robbing Peter to pay Paul it is transferring money from people's right pocket to their

left and congratulating itself for cleverness. Little in this budget is quite what it seems. The \$1.5 billion in new mental health money is offset by a \$580 million cut in Medicare psychologist consultations. For all the focus on the forecast surplus, there has been virtually no net tightening of the fiscal position since the middle of last year. For all the talk of repaying debt, the actual budget bills increase the government's borrowing limit by another \$50 billion.

The government has cut funding for defence and national security while massively increasing funding to manage illegal boat people. The disability pension participation changes mostly apply to people under 35 so largely miss the musculoskeletal problems that keep so many older people on welfare. Even the headline hogging efforts to get teenage mums into work and delinquent parents to send their kids to school are trials only. Tradies might get their new utes cheaper but running them will be much more expensive thanks to FBT increases. Government will spend \$350 on each pensioner's set top box when Gerry Harvey can supply and install them for just \$168. Perhaps this program should be called 'Building the Entertainment Revolution'. Pensioners and self-funded retirees deserve better than this.

The Prime Minister used to say that detaining boat people on Pacific Islands was 'costly, unsustainable' and wrong in principle. Yet last Friday she announced that the government would try to reopen Manus Island. She used to insist that boat people could not be sent to Nauru because Nauru was not a signatory to the UN convention on refugees. But last Saturday she announced that 800 boat people would be sent to Malaysia, which is not a signatory either, and that 4,000 of Malaysia's arrivals would come here. The policy is no longer to stop the boats but to swap the boats at a budget cost of nearly \$70,000 a person or more than 10 times the cost of a Sydney-Kuala Lumpur first class air ticket.

The Prime Minister should finally pick up the phone to the President of Nauru and reintroduce all the Howard policies that stopped the boats. If she wanted to value-add, with the coalition's support, she would introduce mandatory 10-year minimum sentences for repeat people smugglers. But make no mistake, whatever she does, a coalition government will stop the boats.

Whether it is installing and removing roof batts that catch fire, building over-priced school halls, losing control of our borders and detention centres, needlessly digging up people's front yards, threatening to kill the mining boom with an investment-destroying new tax, or imposing a carbon tax that will not clean up the environment but will clean out people's wallets, this government always has the same basic failing. It tries to solve problems that it does not understand, refuses

to listen to people with good advice and thinks that if it changes the subject people will not notice its mistakes. It makes announcements and moves on without the hard work that is needed to turn creating a headline into making a difference.

Typically, while the carbon tax is not in the budget, the carbon tax ad campaign most certainly is. The mining tax is in the budget too even though its details have yet to be finalised or enacted into law and it is supposed to start on the very same day as the carbon tax. The Prime Minister can leave the carbon tax out of the budget but she cannot hide the damage it will do to struggling families' cost of living, the havoc it will wreak on jobs in manufacturing industry exposed to cutthroat competition, and the fact that it will make no real difference to the environment in the absence of comparable action overseas.

The Prime Minister cannot hide the truth: that this is a tax for which she has no mandate. In fact, she has a mandate not to introduce it. The declaration, 'there will be no carbon tax under the government I lead', will haunt this government every day until it faces up to this betrayal. Does anyone think that the Prime Minister would now be in the Lodge had she admitted, truthfully, six days out from last year's election that, 'yes, there will be a carbon tax under a government I lead'? This is the cancer that is eroding the Prime Minister's standing and sapping this government's authority.

As things stand, we have a parliament that cannot make decisions people respect, a Prime Minister who looks like she is not up to the job and a minority government that is increasingly seen as an experiment that has failed. If Australia goes on like this for another 2½ years, what is currently a great country with a lousy government could slide into a complete morass of indecision and paralysis.

This government lacks legitimacy not because it lacks a majority but because it lacks integrity. This is what should gnaw at the consciences of MPs, even those who support the carbon tax. How can this parliament honourably decide to introduce a carbon tax when no fewer than 144 of the House of Representatives 150 members are in parties that were committed not to have one?

People are entitled to change their minds but national leaders cannot on something as important as a great big new tax on everything unless they first validate that change by seeking a new mandate at an election. On this subject, the Prime Minister has compared herself with John Howard and the GST. But there is one fundamental difference between them: the former Prime Minister changed his policy and put the new position to an election; the current Prime Minister had an election on one policy and promptly adopted the opposite one.

The Prime Minister should copy John Howard, not just quote him. She and Bob Brown should finalise the carbon tax details including its impact on jobs, industries and Australians' cost of living and then she should seek the people's verdict before trying to legislate it. Otherwise, the next election will not just be a referendum on the carbon tax, it will be a referendum on governments that betray the people.

That is what Australia needs: not a carbon tax but an election. Only an election could make an honest politician of this Prime Minister. Only an election can give Australia a government with authority to make the tough decisions needed to build a stronger country and to help Australians get ahead.

Debate adjourned.

**House adjourned at 20:00**

### NOTICES

The following notices were given:

**Mr Bandt** to move:

That this House:

(1) condemns the Gillard Government's deal with Malaysia that would see 800 asylum seekers intercepted in Australian waters and sent to Malaysia; and

(2) calls on the Government to immediately abandon this proposal.

**Dr Stone** to move:

That this House:

(1) notes that:

(a) Foetal Alcohol Spectrum Disorder (FASD) is an overarching term used to describe a range of physical, mental, behavioural, learning and development disorders that can result from foetal exposure to alcohol; and

(b) FASD is reported to be the greatest cause of non-congenital, irreversible and permanent brain damage to newborns in Australia; and

(2) calls upon the Australian:

(a) Parliament to continue to facilitate and support the development of a FASD national diagnostic tool for the use of medical professionals and other health service providers; and

(b) Government to:

(i) give FASD the status of a recognised disability in Australia;

(ii) regulate to require appropriate warnings about the risks of alcohol consumption during pregnancy on alcohol product labelling sold in Australia;

(iii) institute a national awareness campaign to raise community awareness of the risks to the unborn child when alcohol is consumed in pregnancy and highlight the potential cognitive and developmental consequences for affected individuals as these pertain to service providers, law enforcement and justice, the community sector and education; and

(iv) give support to the development of models of care and helping strategies for families and individuals dealing with the impacts of FASD.

Thursday, 12 May 2011

**The DEPUTY SPEAKER (Hon. Peter Slipper)** took the chair at 09:37.

## CONSTITUENCY STATEMENTS

### Petition

**Mr RANDALL** (Canning) (09:37): I rise today to present this petition for an Australia Post street posting box at the Miami Village Shopping Centre in Falcon in my electorate of Canning. An Australia Post retail outlet was relocated from the Miami Village Shopping Centre to the newer Miami Plaza Shopping Centre located nearby. When this relocation occurred, the street posting box was also relocated with the retail outlet. This has left the Miami Village Shopping Centre without a street postbox. This is concerning, as the Miami Village Shopping Centre has more than 20 businesses, which include a supermarket, two medical centres, two real estate agents, a veterinary surgeon, a chiropractor and other businesses. The Miami Village Shopping Centre also facilitates the Miami Holiday Park.

Signatures for this petition were collected during January and February this year. The signatures collected are from local residents and employees of local businesses who want a street posting box at the Miami Village Shopping Centre. There are 476 signatures on this petition. Although there is a street posting box at the nearby Miami Plaza, for various reasons village customers and businesses believe it will be more convenient to have a street posting box at the Miami Village Shopping Centre also.

I understand the current Australia Post policy states that there be a minimum two-kilometre distance between posting boxes. However, Australia Post does acknowledge that, in certain circumstances, street posting box locations are well under the two-kilometre guideline. Of course, due to new technologies such as email, falling numbers of post items can indicate that a street posting box is not viable. However, many village customers are seniors who still choose to send mail rather than using digital technologies or other sorts of communication. In addition to this, local village businesses do have bulk items for posting and a street posting box at Miami Village shopping centre would certainly provide a much greater convenience for these business people. I wish to table this document and I request that it receive a response from the Minister for Broadband, Communications and the Digital Economy, the Hon. Steven Conroy. I now present it.

*The petition read as follows—*

To the Honourable the Speaker and Members of the House of Representatives

This petition of residents from the Peel Region draws to the attention of the House the need for a street-posting box at Miami Village Shopping Centre In Falcon to service the local community.

In the interests of safety, the efficient operation of local businesses and an important community amenity we, the undersigned, request Australia Post install a street-posting box, even if only on a trial basis, at Miami Village Shopping Centre, Old Coast Road, Falcon, Western Australia 6210.

We ask the House to note that when the Australia Post retail outlet relocated from Miami Village to the newer Miami Plaza the street-posting box was also relocated. This has left Miami Village without any Australia Post services. As Miami Village is a hub of approximately twenty four commercial outlets that include a supermarket, two medical centres\*, tavern\*, two estate agents\*, two pathology clinics\*, veterinary surgeon, \* chiropractor\* and Miami Holiday Park\* the latter accommodating, during peak summer periods, an average of 300 people per week. (\* denotes Miami Plaza has none of these facilities).

We also respectfully advise the House that a number of local residents, many of them elderly, elect to use the Village as their primary shopping and service base. We further ask the House to note that the ongoing growth of Mandurah's southern suburbs, including Falcon, warrants the addition of a street-posting box at Miami Village. We request Australia Post note the demographic demand for the street-posting box and arrange for installation as a priority

from 476 citizens

Petition received.

**The DEPUTY SPEAKER:** The document will be forwarded to the Petitions Committee for its consideration.

**Mr RANDALL:** It has already been sent.

**The DEPUTY SPEAKER:** It will, of course, be accepted subject to confirmation by the committee that it conforms with standing orders. If it has been and if it does, then, of course, that will occur.

**Mr RANDALL:** Thank you, Mr Deputy Speaker. It has been sent with, as you can see, a pretty ribbon on it and it has been sent back to me to table today, so I have done so. I would ask the minister to intervene here because Australia Post is sticking to its policy of a two-kilometre regulation. As I said, there are many seniors



there as there is a caravan park nearby. I would ask that the minister intervene so that the people in this locality can have the convenience of being able to post their mail and bulk items near where they live. Many of them are frail aged. I seek the minister's support in being able to deliver this.

### **Celebrate Henley Community and Family Fun Day**

**Mr GEORGANAS** (Hindmarsh) (09:41): Recently I had the pleasure of attending the third annual Celebrate Henley Community and Family Fun Day, which was held in my electorate of Hindmarsh at the Henley and Grange Memorial Oval, Henley Beach. The Celebrate Henley Community and Family Fun Day is all about building the community, getting the community together and building community spirit. It is about getting active and getting involved while at the same time having fun and finding out what is new in the local area. This year it was held on Sunday, 10 April and it involved more than 20 local organisations from Adelaide's western suburbs, from schools, sporting clubs and the wider community. There were many different activities and events for people of all ages including food, kids' entertainment and art displays, sporting demonstrations, gardening, workshops and even a mobile library and presentations on sustainable living. These were delivered by the local community school and sporting groups who took part. These included the Henley and Grange Football Club, the Henley Surf Life Saving Club, Henley Districts Little Athletics, the Henley and Grange Art Society, the Western Districts Athletics Club, the Henley Sailing Club, the Adelaide West Girls Brigade, Transition Adelaide West, the Henley Community Garden, the Henley South Tennis Club, the Conservation Council of South Australia, Green Hubs, and the Woodville West Torrens Football Club.

The weather was a little bit on the cold side and there was a bit of rain but that did not spoil the fun that everyone had. It was a wonderful day for all those involved. I also had the pleasure of seeing the fantastic new solar power system that was installed on the roof of the Henley and Grange Football Club rooms and which was funded in part by the federal government. The new system has 32 solar panels and can generate up to 7.5 kilowatts of electricity and for each year that the system operates 17 tonnes of carbon dioxide will be saved, which is equivalent to taking six cars off the road.

I offer my congratulations on this wonderful achievement and my congratulations to the whole Henley and Grange community for a very enjoyable and inclusive community fun day. I have to mention and congratulate Dos O'Sullivan, who is the President of the Henley and Grange Football Club; Neville Fielder, the President of the Henley Surf Life Saving Club; and Peter Gangar, the President of Henley Districts Little Athletics. They are the founders who put this together and ensured that it was a successful day. They are wonderful people that bring the community together. Days like this assist and help in building community relations and ensuring that the community gets together to build that community spirit which is so important in all our neighbourhoods in all our electorates. I think we need to see more days like this when different clubs get together and inform each other of what they are doing while at the same time members of the community have a lot of fun and enjoy themselves. *(Time expired)*

### **Rotary Adventure in Citizenship Program Regional Development Australia**

**Mr CHESTER** (Gippsland) (09:44): I take the opportunity to welcome the Rotary Adventure in Citizenship students in the gallery here today. I am sure both sides of the House are very pleased to see them here. I understand there are 46 delegates from across Australia involved in the program this week. I hope they enjoy their Canberra experience. I hope we inspire them to take on a role in politics in a future life—and I hope we do not put them off too much! It is a great honour to have them here. I wish them well and I congratulate Rotary and the young people involved for taking the time to come to Canberra and be a part of this. I also rise to highlight my concerns in relation to the eligibility criteria for groups seeking access to Regional Development Australia funding. I have written to the minister for regional Australia in relation to this issue and raised my concerns that a very worthwhile project in my electorate will not be able to apply for funding under the current arrangements. By way of background, Southern Rural Water in my electorate has lodged an application through the Gippsland division of Regional Development Australia for funding to support an irrigation modernisation project in the Macalister Irrigation District near Heyfield. The application is to upgrade infrastructure along 21 kilometres of irrigation supply channels to improve efficiencies, which will increase productivity and reduce the loss of nutrients to the Gippsland Lakes. This project fits within the Gippsland Regional Plan and has been supported strongly by Regional Development Gippsland. I am advised, however, that Southern Rural Water was encouraged to submit an application through RDA Gippsland and it was not until late in the process that the organisation was made aware that, as it is a state government not-for-profit enterprise, SRW was not eligible to make an application in its own right. SRW has been attempting to clarify the reasons for this criteria through the department without success at this stage.

It is somewhat ironic that the only organisation capable of delivering water efficiency projects within the Macalister Irrigation District, Southern Rural Water, is precluded from applying for funding. I am concerned that an extremely worthy and otherwise eligible project may be denied the opportunity to seek funding based on the nature of the applicant rather than on the merits of the project. As I said, I have written to the minister along these lines and sought his urgent advice on these issues.

In terms of the merits of the project, we are talking about the modernisation of the Macalister Irrigation District, which is a critical issue for the future prosperity of Gippsland. For those members not familiar with the MID, it is one of the most productive agricultural areas in the nation but the irrigation system itself is ageing and needs to be upgraded. There are some obvious productivity benefits in relation to this project which will be achieved by approving the existing infrastructure. In fact, the project I am referring to today is estimated to increase dairy production by three million litres per year over 20 years. The estimated broader economic benefits are conservatively put at \$15 million, which is a good return from a proposed federal government investment of less than \$5 million. Just as importantly, the upgrade of the MID delivers important environmental benefits, particularly the Gippsland Lakes and its Ramsar listed wetland areas.

In closing, I seek the minister's support in three ways: either to re-interpret the eligibility criteria to allow the application for funding to proceed; if that is not possible, to amend the criteria for subsequent rounds; or, to allow some extra time for a revised bid in the Gippsland region with an applicant who meets the criteria as it currently stands. (*Time expired*).

**The DEPUTY SPEAKER (Hon. Peter Slipper):** On behalf of all honourable members, I would also like to welcome students from Rotary Adventure in Leadership. As a third-generation Rotarian and someone who was an Interact at school, in Rotaract and a Rotary youth leadership awardee many years ago, I would like to welcome people representing the Rotary organisation.

### Corio Electorate

**Mr MARLES** (Corio—Parliamentary Secretary for Pacific Island Affairs) (09:47): Some months ago I spoke in this House about a fantastic sporting event which occurred in the Geelong region earlier this year. As I said at the time, the Surf Coast Knockout was a major sporting coup for the Geelong region. The PGA event was a trailblazer in terms of its format and was a real treat for the 4,000 or so spectators to see top-class golfers play a faster paced knockout competition. There was also another benefit to Geelong and the region. The Surf Coast Knockout was screened live on free-to-air television for five hours on its final day—that is, five hours of national coverage of our region on prime time television. There is the chance for this to become an annual part of Australia's sporting calendar with the same coverage of our region each and every year.

Throughout that afternoon of TV, we were treated to panoramic shots of the Bellarine Peninsula, Torquay and the Surf Coast, along with constant references to the Geelong region. It was a marketer's dream. Like the UCI Road World Championships held in Geelong last year, our beautiful region was shown in all its eye-catching glory but I saw a missed potential in this event. Locally, the knockout was seen as a Surf Coast event, not as a Geelong region event, because the course on which the Surf Coast Knockout was played lay outside the City of Greater Geelong's municipal boundary. Of course, the benefits of staging and televising the knockout had the potential to be shared by the whole region. This highlights the problem of not having a regional major events process in the Geelong region—that is, a process or body that would drive regional events to benefit the entire region, not just the single municipality in which they are being staged. Spectators do not just come from one municipality. Visitors do not stay in the hotels of just one town. Most importantly, TV coverage is naturally inclined to showcase the entire region in which we live, and that is worth its weight in gold to all the municipalities of all the G21 region.

Moreover, organisations that contribute to the events through sponsorship and through contribution of their products or skills come from across the region as well. So it makes sense that as a region we develop the capacity to make decisions about major events which have a regional footprint delivering a regional benefit. The place for this process to be developed, in my view, is G21. As the body which brings together the five municipalities of our region, it is the ideal organisation to take the lead. It already serves the role of articulating region-wide plans in many different areas of public policy on behalf of its five local governments. Why not have G21 do the same in relation to region-wide major events?

### Bradley, John 'Jack' Charles

**Mr BALDWIN** (Paterson) (09:50): I rise today to pay tribute to John 'Jack' Charles Bradley who sadly passed away on 9 April 2011. Jack contributed a great deal both to my electorate of Paterson and to our nation through his military service. He will be sadly missed by our community. Jack was born in Newcastle on 16 June 1926 to Harry and Mary Bradley. After leaving school in year 5, he did paper runs and other odd jobs to make money before

taking a position as a dockhand on Stockton ferries. It was during that time that Jack realised his love of the ocean and consequently his next job was as a seaman off the Newcastle coast.

On 22 June 1944, Jack enlisted in the Army. He was keen to serve his country. So when his mother refused to sign his application form, rather than accepting defeat, Jack got the barmaid to sign it. Accepted into the Australian infantry as private No. NX203909, Jack completed six months at Singleton training in the 41 2nd Infantry Training Battalion, followed by 28 days at Canungra Jungle Warfare Camp. From there he was posted to Cowra and on 27 August 1945 he left Australia on the first embarkation of the MV *Duntroon* to Changi, Singapore. Like many diggers, Jack never spoke much about his time at war except to say that he was on the first ship to release prisoners of war and the first person he saw was his mate whom he did not recognise except for his hair. He was discharged on 28 November 1946.

Following his time in the Army, Jack took a job at BHP before going back to work on the ocean he loved so much. He then met, fell in love with and married Doreen. Over the next few decades, he and Doreen made their mark on the Port Stephens community through their tireless volunteer work. You would be hard pressed to find anyone on the peninsula who did not know Jack and Doreen. In 1993, Jack had his first colon cancer operation, followed by another in 1997. After suffering with Alzheimer's, he sadly passed away on 9 April 2011. It is right that I should pay tribute here today to Jack, who fought for our nation and served the Paterson community with the highest distinction. For Jack, as long as he had money in his pocket it was Christmas Day—such was his outlook on life.

To Doreen, I say you will have your good days, you will have your tough days but you will always have your memories and, more importantly, you will always have our support. John, may you have found peace, may the wind in heaven always be at your back and may the seas be smooth. God bless you. You will be sadly missed.

### **Mother's Day Classic**

**Ms OWENS (Parramatta) (09:53):** On Sunday I was privileged to participate in the Women in Super Mother's Day Classic in Parramatta Park. On that day, around 120,000 people around the country stepped out for breast cancer research as they have done now on Mother's Day for some 14 years. There were 37 different events across the nation and the highest number of participants in its 14-year history. For the last five years the Mother's Day Classic has been held in Parramatta—at Parramatta Park, as it should be, as we are the geographic centre of Sydney, as I keep telling people. Many people—it is a growing number every year—turned up at 7 o'clock in the morning on what was a cold day to raise funds for breast cancer research.

There was a huge turn-out with grandmothers, mums and daughters all together, with a smattering of men. They were mainly wearing pink and many were wearing the names of loved ones who had died. It was well and truly a sea of pink. I was privileged to be asked to launch the event and to present some trophies but I also ran for the first time. I have not run for 20 years, so a four kilometre run—and I did run it—hurt quite a bit and I am only just getting over the pain now.

**The DEPUTY SPEAKER:** I congratulate the member on behalf of all of her colleagues.

**Ms OWENS:** I have been taking the lift for the last few days. I was very noisy on the stairs because of the 'ouches' and groans of pain. It was well and truly worth doing and it was great to be out with so many generations of women, running together on such a day to raise funds for what is one of the more important areas of women's medical research. The event has raised \$7.8 million since it first started 14 years ago—an extraordinary achievement for the organisers and for their key sponsor, Women in Super, who I also should thank. They have done a great job for a number of years.

Breast cancer, as most of us know, is one of the most common cancers. It is estimated that around 14,000 new cases will be diagnosed this year. The incidence of breast cancer is still rising but the death rate is decreasing. In fact, it has decreased by 27 per cent since 1994, largely because of better detection and the improvement in treatment because of the high-quality research which has been done around the country. One in nine women will be diagnosed with breast cancer during their life—an extraordinarily high number for any form of cancer. So early detection is incredibly important, as is the wonderful research undertaken thanks to the people who organise this great Mother's Day Classic event.

**The DEPUTY SPEAKER:** I would like to welcome the second group of students from the Rotary Adventure in Citizenship program. They represent all parts of the country. In particular I would like to welcome Chelsea Large, a year 11 student from the Maleny State High School in the electorate of Fisher. As a third-generation Rotarian and as someone who in school was an Interact and afterwards in Rotaract, and was a Rotary youth leadership awardee, I am very much aware of the values of the Rotary organisation. I congratulate all students on their selection. I hope that your visit to the Australian parliament is successful and enjoyable. We may well have some future members among these young students.

## Volunteers

**Mrs PRENTICE** (Ryan) (09:57): I am sure that many of us will rise this week to speak on the value of volunteers. It is quite appropriate therefore that we have representatives of Rotary students here with us in the chamber. Rotary is one of the outstanding international voluntary organisations. This week is National Volunteer Week. In my electorate of Ryan in my home state of Queensland the value of volunteers was truly thrown into the spotlight during our disastrous summer of floods and cyclones. Volunteers rarely seek acknowledgment for their services and are often among our most humble and modest citizens. Since becoming a member of parliament, I have been honoured to have the opportunity to recognise many of our tireless Ryan volunteers, all of whom give a tremendous amount of time and energy to support others.

Volunteers turn a suburb into a community—volunteers, such as the dad who manages a junior sporting team or the mum who does tuckshop duty, the dedicated and hardworking bush care groups who revive our waterways and the tireless providers of meals on wheels. The Ryan community service awards earlier this year acknowledged wonderful people in groups who devote their time to services ranging from literacy programs for prisoners to providing comfort and counselling for cancer patients.

The theme for National Volunteers Week this year is 'Inspiring the volunteer in you'. To me, nothing has been more inspirational than the army of everyday people who took up the call during the Brisbane floods in January. As a result of the huge efforts of local churches, schools, community groups and individuals just wanting to help, the people of Brisbane achieved in three days of clean-up what took three months back in the 1974 floods. And this spirit has not disappeared with the receding waters. Agencies are still receiving donations of goods to help people get back on their feet. Although the sun is finally shining in Ryan, people are still struggling. We must not allow them to feel isolated, alone or helpless.

Although this passed summer of disasters highlighted the true giving and compassionate nature of individuals, what really shone through for me was how community groups were able to call on their members, their volunteers, and coordinate their efforts so easily. Whether or not there is a natural disaster, these volunteers are active within their organisations and the community day in and day out. As the flood waters moved south over Queensland onto New South Wales and Victoria and then Far North Queensland was hit by Cyclone Yasi, the Red Cross, supported by the Salvation Army and the SES, were there, deploying their volunteers across the state to set up and run evacuation centres in towns and cities that were rapidly going under. The magnitude of the disasters and that the Red Cross could still establish these centres effectively speaks volumes about the number and dedication of volunteers in this organisation alone. It is worth noting that 34 per cent of the adult population—more than 5½ million—do voluntary work each year, and this figure continues to grow. Volunteers contribute more than 700 million hours annually, at an estimated value to the economy in excess of \$75 billion per annum. Volunteers hold together our community in times of need—which, for many of us, is not necessarily only in times when tragedies dominate the headlines, but monthly, weekly, daily when a person feels alone or just needs a helping hand. (*Time expired*)

### Holt Electorate: Volunteers

#### Cairns Road Reserve Master Plan

**Mr BYRNE** (Holt) (10:00): I also rise today to acknowledge volunteers that have made a significant difference in our community and, in particular, acknowledge two Hampton Park residents, who we recently recognised in a ceremony at a very important football club in my electorate for their efforts during the Casey floods. I want to do that in recognition and as part of National Volunteer Week, which is taking place this week. The member for Ryan discussed the work of volunteers. We have more than five million volunteers who, in a quiet, unobtrusive and very Australian way, make our country a great way place to live, and this week we thank them on behalf of the community for their efforts.

At a local volunteer appreciation event in my electorate I was proud to present Michelle Halsall and Warren Calder with their awards at the Cairns Road Recreation Reserve and thanked them for their community spirit. Michelle Halsall created the Casey Floods Facebook page in February 2011. This allowed people to instantaneously communicate and share valuable emergency and recovery information after the suburbs in my electorate were deluged in February. These efforts, along with Michelle's ongoing commitment to volunteering for a number of community groups, have inspired many, and she was a very worthy recipient of a national volunteer pin and certificate.

Warren Calder, a long-term resident of Hampton Park, thought of those in need when the flood went through his area and worked to assist residents removing debris from their flood-affected properties. He was literally giving people a helping hand. For the past 35 years Warren has worked hard to make the local community a better

place and was named the Casey Citizen of the Year in 2000. During this time he has been involved in more than 20 community groups—and is proud to see his 10-year-old grandson following in his footsteps.

The achievements of both Michelle and Warren are great examples to residents in my electorate on getting involved and becoming a volunteer. These people not only contribute to the life of the community but also, when you have crisis events like those in my electorate of Holt, are a shining example in terms of putting their best foot forward.

In the short time I have available I would like to mention the Cairns Road reserve master plan. The Cairns Road committee of management, headed by Mrs Erica Maliki, a great community fighter for the Hampton Park area, has been working for two years on a plan to upgrade the Cairns Road reserve in Hampton Park so that it has two functioning and effective ovals, athletic tracks, a rugby field and a better pavilion and club room facilities. The playing surfaces and facilities there are completely substandard. Cairns Road reserve is located in the epicentre of my electorate. The master plan, which has been endorsed by the City of Casey, needs to come into fruition soon.

### **Longman Electorate: Small Business**

**WYATT ROY** (Longman) (10:03): On 27 April this year, Senator Eric Abetz, shadow minister for employment and workplace relations, and I, together with Commerce Caboolture and the CBD Traders of Caboolture, hosted a local small business roundtable to discuss issues worrying small businesses in my community. In Longman, we have twice the unemployment rate of the rest of Australia, and there is close to a 50 per cent commercial shopfront vacancy rate in Caboolture. Small business owners made it very clear to Senator Abetz and me that this is largely a result of a lack of confidence. They stated that there is a 'crisis of confidence'—their words, not mine—caused by a lack of certainty in government policy.

We need look no further than Labor's toxic carbon tax to see what small business owners are referring to. They do not know what it is going to mean for their businesses. Many of these small businesses owners are already struggling to keep their businesses afloat—selling homes, taking out second mortgages and cashing in superannuation to keep their businesses operating. They pay their staff before they pay themselves. They make sacrifices to keep people employed. These are the people on whom the government intends to impose additional costs in the form of additional taxes. The glaring omission of the carbon tax in this budget has done nothing to reassure small business owners in Longman. The uncertainty continues for them.

Last Friday a small business owner visited one of my listening posts, which I conducted all over my electorate last week. The owner of an earthmoving business told me that the crisis in confidence has had a terrible impact on their once-thriving business. Where they once employed five people in the office and 14 permanent subcontractors, they are now struggling to keep one employee in the office and two permanent subcontractors. How are Labor's new taxes going to help this person?

Small business owners are saying to me, 'Let government just get out of the way and let us run our businesses so that we can thrive and prosper and employ people.' They ask: 'Can the government support our businesses by keeping low and regulation light? Can government stop the waste and mismanagement that is dampening confidence?' What I say to these small business owners, the people who are the engine room of employment and prosperity in Australia, is that their lives will only just get harder under the current Labor government. The budget has not provided any relief or any reassurance to improve confidence in my community. The challenges facing small business, such as difficulty accessing credit, have not been addressed and interest rates will invariably go up as a result of the deficit, waste and mismanagement of this Labor government. In my community people just want a job, and it is a vibrant small business community that will deliver this opportunity to them—something Labor will never understand.

### **Battle of Crete**

**Ms VAMVAKINO** (Calwell) (10:06): Last Friday I attended an important function in Melbourne at the home of the Consul-General for Greece, Mrs Eleni Lianidou. The function was held in honour of Australian veterans who fought in the Battle of Crete. The ceremony involved the presentation of four Greek Army Medals of Honour to the four Victorian veterans and their families. This year's commemoration is especially significant as it marks the 70th anniversary of the Battle of Crete, which began on 20 May 1941. Over the years, the commemoration of the Battle of Crete has gained greater significance in Australia as more generations of families and the young are acknowledging the significance of this battle and that during the Battle of Crete many Anzac and British Commonwealth troops, along with Greeks and Cypriots, fought alongside each other and many died together. Of the 7,100 Australians who fought in the battle, 274 were killed, 507 were wounded and 3,079 were captured. Of the 11,451 Greek soldiers who fought, 426 were killed, 850 were wounded and over 5,000 were captured. In addition, at least 3,000 Greek civilians, mostly Cretans, died while defending their island. In a fitting tribute to all the lives lost and the significance of the battle, this year the two remaining veterans, Private Basil

Hayler, of the HMAS *Perth* and Private Norman Maddock OAM, of the 2nd Infantry Battalion and prisoner of war, will be travelling to Crete for the anniversary.

I have been to Crete and I know of the affection that the Cretan people have towards Australians. That strong bond that was forged through the self-sacrifice of the people of Crete while protecting Australian soldiers from the invading forces has never wavered. The presentation ceremony that I attended in Melbourne of the Greek Army Medals of Honour to the last remaining Victorian veterans and to the sons and grandson of the three veterans who are now deceased was especially humbling.

It is always humbling to be in the presence of a soldier. As he received his medal, Private Thomas Robert Morris, veteran of the Battle of Crete, 2/5 Battalion, stood very strong and very proud—because once a soldier, always a soldier. Despite his advanced age, Private Morris had clear memories of the people of Crete. He felt strongly for a people who, as he said, risked their lives to protect him and other allied soldiers. The son of Major William Gordon Leyton Parker, Mr Timothy William Parker, received the medal on behalf of his father; the son of Private William Arthur Moulton, Mr Vaughan Moulton, received the medal on behalf of his father; and, lastly, the fourth medal was received proudly by the grandson of Private George Charles Maxwell, Mr Adam Luscombe. This House should note and pay tribute to these great Australians.

**The DEPUTY SPEAKER:** I thank the honourable member for Calwell. In accordance with standing order 193, the time for constituency statements has concluded.

## BILLS

### Intelligence Services Legislation Amendment Bill 2011

#### Second Reading

Debate resumed on the motion:

That this bill be now read a second time.

**Mr KEENAN** (Stirling) (09:37): I rise to talk on the Intelligence Services Legislation Amendment Bill 2011. The coalition supports this bill in principle. The bill proposes to amend the Australian Security Intelligence Organisation Act 1979, the Intelligence Services Act 2001 and the Criminal Code Act 1995 to ensure consistency and interoperability of provisions, clarify provisions relating to computer access warrants, provide new grounds for the collection of intelligence on an Australian person and clarify the existing immunity provisions for intelligence agencies and officers.

Tuesday's budget revealed that Labor is going to waste another \$1.7 billion in taxpayers' money on their blow-out—not on their border protection program but on managing their failure of the border protection program. We have gone from spending \$100 billion a year under the coalition on asylum seekers to over \$1 billion per year. That is an astonishing blow-out of 1,000 per cent per annum. Clearly there is a price to be paid for all of this wasted money. The price is being paid for Labor's failure by Australia's front-line national security agencies: The Australian Customs and Border Protection Service, the Australian Federal Police and, importantly in relation to this bill, ASIO, ASIS, ONA and the other Defence intelligence agencies are all suffering because of Labor's enormous failure to protect our borders and the cost to the taxpayer. The cuts need to be found from somewhere to pay for this failure, and it is the front-line agencies that are bearing the brunt.

**Ms Hall:** Mr Deputy Speaker, on a point of order: there are two issues I would like to raise. First, the member is not being relevant to the legislation. This is not legislation about border protection. Second, I take offense at the member sitting beside him saying, 'Sit down' and calling me by my first name. That is very unparliamentary.

**The DEPUTY SPEAKER:** It is certainly inappropriate for a member's personal name to be used. I would expect that there would be no repetition.

**Mr Hawke:** Mr Deputy Speaker, on the point of order: the speaker was being entirely relevant. If the member is offended by the content, she has appropriate ways to respond in the House.

**The DEPUTY SPEAKER:** The honourable member will resume his seat. We are debating the Intelligence Services Legislation Amendment Bill 2011 and the preamble says:

A Bill for an Act to amend laws relating to intelligence, and for other purposes

That gives certain leeway; however, it is not a blank cheque to talk about anything one wants. I would counsel the member for Stirling to stick to the provisions of the bill. I call the honourable member for Stirling.

*Ms Hall interjecting—*

**The DEPUTY SPEAKER:** I do not need the assistance of the honourable member for Shortland.

**Mr KEENAN:** I hate to inform the member for Shortland but, when you are dealing with the intelligence services of Australia, her government—the Labor government—has tasked both ASIO and ASIS, the agencies that

are the subject of this bill, with dealing with the border protection crisis that the Labor Party has created. In fact, if she were to go to the budget papers that were released on Tuesday, she might look at the Attorney-General's portfolio budget statement or the Department of Foreign Affairs and Trade budget statement dealing with these agencies and she will find line items in both of those portfolio statements dealing expressly with border security. In fact, that will be the title. I will make it very easy for the member for Shortland. Maybe she could just Google the words.

**Ms Hall:** Mr Deputy Speaker, on a point of order: I appreciate the member speaking to this legislation will have looked at the budget papers, but could I just remind him that this is not about—

*Mr Hawke interjecting—*

**Ms Hall:** Excuse me!

**The DEPUTY SPEAKER (Hon. Peter Slipper):** Would the member for Ryan please resume her seat. I am listening to the point of order being made by the Government Whip.

**Ms Hall:** Mr Deputy Speaker, as I was saying—

**Mr Hawke:** What standing order? What are you referring to?

**The DEPUTY SPEAKER:** The member for Mitchell will remain silent.

**Ms Hall:** The legislation we are debating today is not the budget. We are debating a very specific piece of legislation and it sets out point by point—

**The DEPUTY SPEAKER:** The member for Shortland will resume her seat. We are debating the Intelligence Services Legislation Amendment Bill. I would ask the member for Stirling to restrict his contribution to the provisions of that bill.

**Mr KEENAN:** Mr Deputy Speaker, I will do that. I was obeying your ruling when I was referring to the budget, of course, because the budgetary process has dealt explicitly with the agencies that are the subject of this bill. I say to the member for Shortland that if she wants to confirm that what I am saying is correct she can go and check the budget papers. Alternatively, she could just take my word for it. I can certainly tell the member for Shortland that border protection is an integral part of what these intelligence agencies are now required to respond to because of her government's failure on that issue.

If you look at what the budget has done to these agencies, you will see that their ability to do the other parts of the job they are required to do will have catastrophic circumstances. For example, the member for Shortland might like to note that in the budget Labor has cut \$6.9 million to ASIO, one of the agencies that is subject to this bill—

**The DEPUTY SPEAKER:** Order! I hope the member for Shortland is not going to test my patience. The honourable member for Shortland on a point of order.

**Ms Hall:** It is on relevance. He is talking about the budget again, Mr Deputy Speaker.

**The DEPUTY SPEAKER:** There is no point of order. I call the honourable member for Stirling.

**Mr Hawke:** Mr Deputy Speaker, I take a point of order. Standing order 183, Appointment of Main Committee, and standing order 187, Maintenance of order, allow for members of this place to dissolve the Main Committee on motion without notice, and I would say to you, Mr Deputy Speaker, and through you to the government, that if order is unable to be maintained because of the actions of government members I am happy to move a motion without notice to adjourn the Main Committee.

**The DEPUTY SPEAKER:** Order! The honourable member for Mitchell will resume his seat. Order is being maintained in this chamber. There have been points of order taken, which are within the standing orders. I have ruled on those points of order. I have called the honourable member for Stirling and he can continue his contribution if he wishes without interference from the honourable member for Mitchell.

**Mr KEENAN:** I hope that also applies to the honourable member for Shortland.

**The DEPUTY SPEAKER:** Or any other member operating outside the standing orders.

**Mr KEENAN:** As I was saying, my contribution was going to take only about four minutes, but it has been extended by the frivolous persistence of the member for Shortland. As I was saying before I was interrupted, the budget explicitly cut funding to one of the agencies that is the subject of this bill. It cut \$6.9 million from ASIO's funding to enable it to carry out security checks for unauthorised maritime arrivals. When people arrive on our shores illegally, they have paid a people smuggler big money and they rarely have identity documents, so we ask our domestic security agency to check the veracity of their claims. The security checks are incredibly difficult to do because you are dealing with people who do not supply their identity to the Australian government and who come from faraway places with limited administrative abilities, and ASIO is required to assess whether these people will pose a threat to our national security. You can imagine that that is an incredibly important task and

people are arriving here on our shores at such a great rate, and the resources of ASIO are being taken up extensively on dealing with these security assessments. The response of the government is to cut ASIO's funding for a program that deals with its ability to assess unauthorised maritime arrivals. I think most Australians would find that extraordinary.

On top of that, cuts to the national security area also include cuts to our ability to surveil our northern waters with aircraft. Astonishingly, the response of the government to the border protection crisis, its response to the \$1.75 billion of wasted money, is to reduce the area that the aircraft which patrol our northern waters will be able to patrol. Can you believe that!

**Ms Hall:** That's irrelevant.

**Mr KEENAN:** I would have thought that aerial surveillance is generally considered relevant to national security, but clearly—

**Ms Hall:** That is not relevant to this legislation.

**Mr KEENAN:** I might need your protection, Mr Deputy Speaker, from the member for Shortland.

**The DEPUTY SPEAKER:** This is a robust debate and I am sure that the honourable member for Stirling has broad shoulders. However, I would ask the member for Shortland not to test my patience any further.

**Mr KEENAN:** The government has made this stunning cut. I am talking specifically about the \$6.9 million that has been cut from the ASIO budget to deal with asylum seeker security assessments. It has cut this funding at a time when ASIO is being pressured to pump through vast numbers of security checks for those who have come to Australia illegally by boat.

The response of the government to the riots on Christmas Island, where buildings were burnt and Commonwealth officers were assaulted, where literally millions of dollars of taxpayers' money was put to the torch, was astonishingly to write to all these people saying, 'Look, we'll cave in to your demands; we'll make sure that all these security assessments are done by the end of April. Regardless of whether ASIO has the capacity to push through these individual security assessments, we will put an arbitrary time frame on these assessments being done.' Of course, that sent a great message to everyone within the detention network that the way to get a response from the Labor government is to act up and it will respond accordingly. ASIO has also had funding cut for training overseas liaison officers to the tune of \$8.1 million.

As I have said, ASIO is not the only national security agency that has been targeted by the Labor government with cuts to their budget bottom line. The Australian Customs and Border Protection Service have suffered at the chopping block also, with 90 staff axed and funds cut from crucial areas such as aerial surveillance, as I said earlier. They have also had \$32 million slashed from their passenger facilitation program at our eight international airports. The Australian Federal Police have also been badly affected by Labor's mismanagement of Australia's national security. Labor cut funds to the AFP and also cut 72 of their staff. I know that this will particularly interest the member for Fowler, who takes a keen interest in police matters, and I am sure he will express his disappointment in the caucus about these particular cuts. With cuts like these, you really do need to wonder whether Labor take our national security seriously.

As mentioned in the bill's explanatory memorandum, the amendments proposed in this bill will amend the ASIO Act to align the definition of 'foreign intelligence' with the definitions in the Intelligence Services Act and the Telecommunications Interception and Access Act 1979. It will amend the ASIO Act to clarify that a computer access warrant authorises access to data held in the target computer at any time while the warrant is in force and is not limited to data held at a particular point in time, such as when the warrant is first executed. This does not change the law but ensures consistency within the computer access warrant regime.

The bill will also amend the ASIO Act to exclude the communication of information concerning the engagement or proposed engagement of staff within the Australian intelligence community from the security assessment procedures in the ASIO Act and put ASIO on the same footing as other intelligence agencies in relation to sharing information relevant to implement within the community.

Further, the bill will amend the Intelligence Services Act to permit the Defence Imagery and Geospatial Organisation specifically to provide service to the defence forces in support of military operations and to cooperate with the ADF on intelligence matters. This is for clarification to ensure consistency with the Defence Signals Directorate's similar function. The bill will further provide for ministerial authorisation for the purpose of producing intelligence on an Australian person where the minister is satisfied that an Australian person is involved in or likely to be involved in activities relating to the contravention of UN sanction enforcement law. It will amend the Intelligence Services Act to clarify that the immunity provision in section 14 is intended to have effect unless



another law of a Commonwealth, state or territory specifically overrides it. Finally, it makes a corresponding amendment to computer offences in part 10.7 of the Criminal Code.

This bill is currently the subject of a Senate inquiry. The Senate Legal and Constitutional Affairs Committee is having a look at the provisions of this bill. The opposition welcome that. We think it is appropriate that the Senate have a look at these matters, although we are broadly supportive of what is in this bill because it enhances the ability of our intelligence committee to do their job effectively. As I said at the beginning of this debate—and I probably would not have laboured the point so much had I not been so heavily encouraged by the member for Shortland—our intelligence community is suffering grievously at the hands of this government. The tiny cuts that are needed to make up for the fact that \$1.75 billion has been wasted on the border protection fiasco has come out of our front-line national security agencies. Every single front-line national security agency had a cut in this budget. Extraordinarily, this is occurring at a time when they are massively overstretched specifically as a result of Labor's border protection fiasco. All of these agencies are required to deal with the people-smuggling issues. All of them have been specifically tasked to deal with this by this government and, at a time when there is this call on their resources, they are all getting cuts in their budget and some of them are getting cuts in personnel. So, whilst the opposition support the passage of this bill through this House, we as ever reserve the right to foreshadow potential amendments pending the outcome of the Senate committee's review into this particular legislation. But, as I said, this government is making life for our intelligence community extraordinarily difficult, and that is something we will change when we get into government.

**Mr HAYES** (Fowler—Government Whip) (10:26): I too rise to support this bill. Despite the politics that have been played out—and I do understand that the opposition have got to get the obligatory media releases out—I, like the member for Stirling, know of the efficiencies that have been achieved in the security space. I am sure the member for Stirling would join with me in acknowledging the level of cooperation and efficiency between our respective security organisations and law enforcement agencies and also that the deployment of various provisions that apply under the federal regulation and legislation has caused great efficiency amongst our intelligence gatherers and also in how that intelligence has been deployed not only in respect of home affairs and security but also in respect of law enforcement. Despite all the rhetoric that goes on, on all sides of this House we should take pride in the men and women who represent these agencies and do such a sterling job. The fruit of their labour is now coming through in terms of the number of arrests and the amount of disruption that is occurring in respect of possible threats to this country. ASIO is a very professional organisation and the way it interacts with other intelligence and law enforcement services is second to none. All sides of the parliament are right to be very proud of these institutions.

As I said, I support this bill. The changes in this bill would probably be considered minor, and some of them are technical. The amendments are about improving the operation and key provisions of the Australian Security Intelligence Organisation Act 1979, the Intelligence Services Act 2001 and the Criminal Code Act 1995. These are practical changes in the operation of these bills ensuring consistency and efficiency in the way those powers are employed. These amendments are not dramatic by any means but they do play an important role in the government's ongoing assessment of legislation that underpins our national security and will allow those who work in that field the necessary improvements within their daily operations. That is not just to say that that is contained simply to ASIO and ASIO officers. This is now an interrelationship of intelligence-gathering services that apply across a broad spectrum. It also, under federal regulation, limits what matters can be exchanged with other agencies. What we are seeing now is the harnessing of our intelligence-gathering resources to be deployed in such a way that it has been very good for this country and its efficiency and effectiveness.

The government has a strong commitment to national security, and we understand that it is an issue that is important to a large number of Australians. You do not have to go much further than reading the morning newspapers and you understand how significant security is to this country. It is not just a reflection of areas of world instability, it is also an important factor—things that are a threat to national security are not just the issues around terrorism, there are also issues and strategies engaged with regard to organised crime and criminal activity that can be used to threaten national security as well. These are things that our agencies have in the forefront of their thinking as they approach these matters.

Therefore, ensuring national security is an ongoing task. It is not the sort of task you should go and look at every 10 years or so and come back with a wad of amendments. This is something we need to stay on top of and make adjustments to from time to time in a way which is necessary to ensure that responsiveness and consistency to ensure efficiency measures are protected within these institutions. Therefore, while this amendment does not seem significant in itself, it nevertheless plays an important role in Australia's national security framework.

The amendments outlined to the bill can be understood as amendments to the ASIO Act, and amendments to the Intelligence Services Act. I will start with the ASIO Act. In the first instance, the bill amends the definition of

'foreign intelligence' in the ASIO Act so that it is consistent with both the Intelligence Services Act 2001 and the Telecommunications (Interception and Access) Act 1979. As was the case with last year's amendment to the Anti-People Smuggling and Other Measures Act 2010, this is all about ensuring consistency in the collection of foreign intelligence, and reflects the modern national security context. This context encompasses threats from both state and non-state actors, so it is important to ensure consistency across this intelligence base.

It also amends the ASIO Act to clarify computer access. In doing so, it will ensure that that access is available for the life of the warrant and therefore it does not change the operation of the provision of the access regime. Lastly, it aligns ASIO with other intelligence agencies with regard to information relating to employment within the intelligence community, excluding it from part IV of the act.

This amendment also deals with amendments to the Intelligence Services Act. These relate to the Defence Imagery and Geospatial Organisation, providing specific functions for the DIGO to cooperate with and provide assistance to the Australian Defence Force. This is something that always was assumed to occur, but this will give it greater definition and clarification with regard to that. On national security issues it is essential that all our agencies work together and that they have the legislative framework to underpin that. That is what I say in response to some of the comments by the member for Stirling. We are seeing those efficiencies now coming in. As opposed to having discrete intelligence silos, we are seeing the harnessing of intelligence and the deployment of that intelligence in such a way that is effective in protecting not only the borders, but also protecting the Australian public with regard to proposed terrorism events or threats, but also being deployed in such a way to protect the Australian community against serious and organised crime.

The bill contains amendments to provide a new ground for granting ministerial authorisations for producing intelligence about Australian persons, with regard to contravention of UN sanctions. Another important element of this amendment is the clarification of the immunity provisions in the Intelligence Services Act and the Criminal Code computer offences to ensure that those provisions are not vulnerable to being inadvertently overridden by later provisions occurring in other legislation, as it does from time to time. We saw that a number of years ago, where that did occur. As I understand it, that was in relation to issues of court based offences, but this is to ensure that the provisions in respect of those computer offences remain paramount and cannot be overridden at a later date.

The last element relates to the government's commitment to clearer laws in this area. It moves existing exemptions from the Legislative Instruments Regulations to make them clear in respect of the application to the Intelligence Services Act.

As the member for Stirling said, I do tend to speak a fair bit in relation to police and law enforcement matters, but I do have the utmost respect for the officers of ASIO. I imagine I should not use the person's name, and I will not, but I had the opportunity to attend the very fine wedding not all that long ago of a young fellow that I have seen grow up since he was at high school.

**Ms Hall:** Who is it?

**Mr HAYES:** I am sure there are security provisions that would prevent me from naming him. He is a very fine young man, a very bright young man. And to see this young fellow grow up and have a job in ASIO is a very fine thing. I have seen this kid show his dedication through his schoolwork. I see it in the way he applies himself to his studies at university. And it does go to show that ASIO is an organisation that is targeting the best and brightest in our community to go out there and to be intelligence gatherers. Just knowing this young fellow personally, as well as his lovely bride, I can put a personal reflection on the standard of people that we have acting on our behalf and protecting our community. The Gillard government is strongly committed to maintaining Australia's national security to give the community peace of mind and to ensure that we protect our borders and our community at large with respect to all threats, including serious and organised crime.

Though these amendments may be small in the overall scheme of things they are necessary and they play a strong role in the day-to-day operations of our national security legislation. I commend this legislation to the House.

**Mr HAWKE (Mitchell) (10:38):** It is a privilege to speak on the Intelligence Services Legislation Amendment Bill 2011. I want to endorse the remarks of the member for Stirling, the shadow minister for justice and customs, who made what I regard as a very valuable contribution to this debate today in highlighting that many of the bills that we face from this government, whether it concerns intelligence services or the operation of ASIO or our security services, are affected by government's decision making in relation to the budget. His points in particular in relation to previous cutbacks in 2011-12—\$6.9 million in funding cuts to ASIO for security checking of illegal arrivals—was a cogent point. It was particularly cogent because—

**The DEPUTY SPEAKER (Ms AE Burke):** Please be relevant to the bill before us. If you are not going to be relevant to the bill before us you are not going to get as easy a ride as under the last Deputy Speaker, so be warned.

**Mr HAWKE:** Thank you, Madam Deputy Speaker. I would like to highlight why that is relevant. It is a lovely opportunity to do so. It is relevant, because when we see bills such as this one before us today that contain provisions that say to us that we ought to streamline and consolidate the operation of various acts of parliament, I tend to think that that is a worthy objective. Some of the matters contained within this bill are indeed worthy objectives. But the member for Fowler comes into this place and says that part of the reason we are here debating this bill is to do with efficiencies, and not government waste. It has been a wide-ranging debate where both previous speakers have talked about this question of funding for ASIO and our intelligence services, the very agencies that are in this bill. The member for Fowler made the point that this was about some sort of efficiency. I reject that notion. I think that there are other reasons why there have been cuts in relation to ASIO and other agencies.

Turning to the specific provisions, there are submissions to the Senate committee on this from various agencies and I want to address a couple of the points in those submissions. Some of the provisions in the bill before us, such as the alignment issues in relation to the definition of 'foreign intelligence' in the IS Act and the Telecommunications (Interception and Access) Act, are definitely things that we should be pursuing. For example, the submission of the Law Council has some validity in regard to the question of warrants and how warrants are issued to security services for interception, surveillance and other matters. There is the contention that if this legislation is passed by the parliament the ability of these agencies to access warrants will be increased in a very broad range of circumstances. That of course is something that should be subject to proper scrutiny.

I want to record that I am a supporter of our intelligence services. They need tools in place so they can conduct their business efficiently and properly. We need to provide them with those tools. However, it is also valid for agencies such as the Law Council and other outside bodies to raise concerns about individual rights, privacy of citizens and of course the ability of law enforcement agencies to act in particular circumstances.

This submission to the Senate is very relevant and it is of course why the coalition, pending the recommendations from the Senate committee, supports many of the provisions of this bill. This should be subject to the great scrutiny and rigour of the Senate Legal and Constitutional Affairs Committee. They do good work in examining provisions. In particular I would endorse their comments on the increased access to warrants. I do so just to ensure that we have a transparent and proper process in place, that stakeholders concerns are being met and that those people, particularly, who deal with the law in protecting citizens rights are as comfortable as they can be with many of the provisions that we are seeking to amend and enact today.

The bill is not highly controversial, although that may not have come across in the most recent actions of the member for Shortland. It is not a bill that I would seek to make a long contribution on other than to say that some of the provisions, including the ministerial authorisation for the purposes of producing intelligence on an Australian person; whether the minister is satisfied that an Australian person is involved in or likely to be involved in activities related to a contravention of a UN sanction enforcement law; and similar acts that uphold ministerial discretion and authorisation are I think worthy provisions. There are other bills before us in this place at the moment that seek to put in statutory processes instead of using ministerial discretion and authorisation.

I tend to think it is better for us to uphold ministerial discretion and authorisation in preference to statutory instruments, allowing for the very complex nature of many intelligence questions. I do not think there is a way for us in legislation to prescribe every circumstance that may be before many of our fine agencies that have to operate in very difficult environments. That is where the role of ministerial discretion and authorisation comes into play. In this bill, those provisions are right. That allows for the accountability of this parliament to be used in that example. A minister is accountable to the parliament and the minister's discretion allows flexibility and rigour.

While this was not a controversial bill I do want to note that the coalition are strong supporters of our intelligence services. We support them being well resourced and well funded. When a government continually seeks to cut back the amount of money that is provided to our intelligence services we reject that approach. We do not recommend that the government cut \$6 million from the 2011-12 budget to ASIO. We do not think that is a good idea, and I do not think that can be justified in the name of efficiencies as a worthy objective either.

We look forward to the Senate Legal and Constitutional Affairs Committee examining these submissions and the provisions of this legislation and, subject to those recommendations, we are happy to support this bill.

**Mr DANBY (Melbourne Ports) (10:45):** I am pleased to have this opportunity to voice my support for the amendments to the Australian Security Intelligence Organisation Act 1979, the Intelligence Services Act 2001 and the Criminal Code Act 1995. These amendments aim to strengthen the operation of some provisions in these acts.

The amendments align the definition of foreign intelligence in the ASIO Act with other acts, clarify ASIO's computer access warrants and authorise access to data held in a target computer at any time during the life of the warrant. They exclude the communication of information relating to employment within the Australian intelligence community from ASIO security assessment provisions. They provide the Defence Imagery and Geospatial Organisation with the general function of providing support and assistance to the Australian Defence Force. The amendments include a new ground relating to the breach of UN sanctions for ministerial authorisations for the production of intelligence on an Australian person under the intelligence act and provide immunity provisions in the IS Act and in part 10.7 of the Criminal Code. This cannot be overridden unless expressly stated in other legislation. The member for Mitchell said that we cannot always provide exact recommendations for our services to go about their task, but this amendment, particularly on the possible breach of UN sanctions and people involved in that, is very important, and I want to focus on that in my remarks. This new ground will apply where the minister is satisfied that an Australian person is involved in, or likely to be involved in, activities related to the contravention of a UN sanction enforcement law.

Information intelligence on those who move goods or money to specific countries contrary to UN sanctions is becoming an increasing focus for the intelligence community. This new ground is particularly important if we consider one of the greatest threats to international stability is Iran's pursuit of nuclear and missile technology and its unlikely connection to Australia. Various European papers have reported, on the basis of WikiLeaks that, in the period 2006-2007, 350 Iranian companies and organisations were involved in the pursuit of nuclear and missile technologies. They have done this by moving goods and money through various individuals and organisations worldwide, violating and circumventing UN sanctions to acquire the following materials: computers and control systems required to run nuclear reactors, uranium for the use of enriching plutonium for use in nuclear weapons and alloy steel gyroscopes and graphite used to increase the range of ballistic missiles. The regime in Tehran has attempted to purchase these materials through individuals and organisations in the following countries: South Korea, China, Spain, Japan, South Africa, Taiwan, North Korea, Brazil, Sweden, Switzerland, Ukraine, the Czech Republic, India, Turkey, Germany, Ecuador, Canada, the Netherlands, the UK and the USA. This is a direct violation of the sanctions of United Nations Security Council Resolution 1929.

The new ground in this bill ensures that Australian individuals who would seek to circumvent UN sanctions, such as through the pursuit of nuclear and missile technology, would be monitored. This collection of intelligence would allow our agencies to detect initiatives from various countries like Iran at the earliest possible stages. Last year Australia joined the United States, the European Union, Japan and South Korea in imposing autonomous sanctions on Iran beyond the United Nations sanctions in order to achieve a peaceful outcome of preventing Iran, with all of its aggressive international claims, from acquiring nuclear weapons to be matched with its ballistic missile technology. In Australia this was followed by the then Minister for Defence, John Faulkner, using powers afforded to him under the Weapons of Mass Destruction (Prevention of Proliferation) Act to block and issue prohibition orders on three companies which sought to export goods that could be used in these developments in the production, acquisition and stockpiling of such weapons. There is evidence that Iran has been successfully evading previous sanctions by, for example, rebranding its shipping fleet so that ships no longer appear to be Iranian owned. Recently Senegal was forced to cut off relations with Iran when it discovered in a nearby port in Lagos that a Marseilles based company, CMA CGM, had sought to transfer arms into that country. Similarly, a ship, the *Victoria*, was arrested—I suppose that is the word—off the coast of Gaza containing arms in violation of the UN Security Council resolution 1929. Again, it was a ship operated by CMA CGM, a highly dubious company which is obviously some kind of Iranian front. I have sought assurances from the Minister for Foreign Affairs and other relevant ministers that these ships do not transit through Australia, that they are inspected if they do, and that they do not have cargoes that are in violation of UN Security Council resolutions.

I commend the government for acting very strongly under its existing powers to support the United Nations on these shipments of arms to Iran for activities that have been criticised by the UN Security Council. But I do also think that this new ground enhances the existing ground for ministerial authorisations for activities that relate to the contravention of these UN sanctions. These amendments strengthen the ASIO Act, the Intelligences Services Act and the Criminal Code Act. I welcome them and I hope the government will make effective use of the powers which this bill creates. I commend the bill to the House and I commend the minister for including these amendments in the act.

**Mr McCLELLAND** (Barton—Attorney-General) (10:52): At the outset, before thanking honourable members for their contributions, I will just clarify some facts about the resourcing of the Australian Security Intelligence Organisation and the assertion that this government has reduced resourcing to that organisation. Before giving those figures, I will just put things in their context. Since 2001, over the budget cycle—this budget cycle taking it out to 2014 and 2015—the change in resourcing of ASIO will go from \$62.7 million per annum to \$415 million

per annum in 2014-15. On those figures, that is \$352.4 million—a 562 per cent increase, in resourcing of ASIO over the decade. Just in terms of the period of this government, over the budget period there will be an increase in resourcing of \$123.6 million, or a 42.4 per cent increase in resourcing. So those are the facts.

When there has been such an exponential—and I would think unprecedented in Australia's history—increase in resourcing of a security organisation, it is appropriate to take stock. Any business would do that. Any organisation would do that, particularly in circumstances where Australian taxpayers are spending so much money—and appropriately so, given the information I receive on a daily basis on the very important work done by the Australian Security Intelligence Organisation. They are entitled to know that their resources are being used as effectively and as efficiently as possible. On that basis, ASIO, in consultation with the department, has looked at and recalibrated some programs.

Those savings make sense and they do not affect, in any way, shape or form, the front-line operational capacity of ASIO. Essentially, they relate to re-phasing of funding concerning the operating costs of the new central office which is being built in Canberra. They relate to the improved targeting of protective security assessments, so that the highly qualified ASIO officers are undertaking assessments on those who require that particular expertise; improved targeting for organisation training and overseas liaison activity; and, indeed, cost recovery. The money is not being lost to ASIO, but the cost-recovery measures are being adopted in respect to the ASIC and MSIC security assessments—that is, the aviation and maritime security assessments.

So, far from there being a diminution or reduction in resourcing of ASIO under this government over the budget cycle, the record shows that there will be a 42.4 per cent increase under this government, and that is in the context of an exponential increase that has already occurred. It would be irresponsible of any organisation to continue that exponential growth without taking stock and analysing programs as to where efficiencies could be obtained, and ASIO has done precisely that and, I reiterate, without affecting in any way, shape or form its front-line capacities.

To deal with the bill: the bill makes a number of important amendments to improve the operation of the ASIO Act, the Intelligence Services Act and the Criminal Code. The amendments to the definition of 'foreign intelligence' will ensure a consistent approach to the collection of foreign intelligence under the ASIO Act, the Intelligence Services Act and the Telecommunications (Interception and Access) Act 1979. They will do this by aligning the collection of foreign intelligence. The amendments will mean that ASIO's foreign intelligence role is more effectively able to complement the foreign intelligence agencies by covering the same range of intelligence information. The amendments to the ASIO computer access warrants will clarify that these warrants can authorise access to data held in the target computer at any time while the warrant is in force. This amendment is not intended to change the law but rather to clarify the intent of the provision and to ensure consistent language is used throughout the provision.

Excluding the communication of information relating to employment within the intelligence community from the operation of the security assessment provisions in the ASIO Act will put ASIO on the same footing as other intelligence agencies when it comes to communicating such information within the intelligence community. Providing the Defence Imagery and Geospatial Organisation, DIGO, as it is known, with a function to specifically allow DIGO to cooperate with and provide assistance to the Australian Defence Force will provide clear recognition that such cooperation is a core function of DIGO. This is not an extension of the functions of DIGO and it is consistent with similar functions of the Defence Signals Directorate.

The new ground for obtaining a ministerial authorisation for producing intelligence about Australian persons will cover intelligence regarding activities relating to the contravention of United Nations sanctions. It will complement the existing ground that covers activities relating to the proliferation of weapons of mass destruction or the movement of goods listed on the Defence and Strategic Goods List and ensure the government's intelligence needs in relation to breaches of UN sanctions can be met. The amendments to the immunity provisions in the Intelligence Services Act and the Criminal Code computer offence provisions will make it clear that these limited immunity provisions can only be overridden by express legislative intent. This will ensure that those provisions are not vulnerable to being inadvertently overridden by legislation passed subsequently. Finally, the bill contains amendments relating to the status of certain instruments under the Legislative Instruments Act 2003. Consistent with the government's commitments to clearer laws, the bill moves existing exemptions from the legislative instruments regulations to make these exemptions express on the face of the Intelligence Services Act.

The government remains committed to ensuring that our national security agencies have the necessary tools and resources to undertake their important functions in a changing and dynamic environment. Part of this responsibility includes keeping relevant legislation under constant review to ensure that it continues to be appropriate for the dynamic national security environment. This bill is an example of the government taking steps to improve the operation of that legislation, and it is an important step in the government's ongoing review of national security legislation. I commend the bill to the House.

Question agreed to.

Bill read a second time.

Ordered that this bill be reported to the House without amendment.

### **Therapeutic Goods Amendment (2011 Measures No. 1) Bill 2011**

#### **Second Reading**

Debate resumed on the motion:

That this bill be now read a second time.

**Dr SOUTHCOTT** (Boothby) (11:01): In speaking on the Therapeutic Goods Amendment (2011 Measures No. 1) Bill 2011, I would like to make it clear from the outset that the opposition will not be opposing this bill. The bill contains three different elements and makes changes to the Therapeutic Goods Act 1989. These are further changes to the legislation to implement the streamlined processes with regard to the way in which prescription medicines are evaluated by the TGA. These streamlined processes have come about due to an internal review of the application and evaluation processes by the Therapeutic Goods Administration, undertaken in 2009. The streamlined processes apply to both the registration of new prescription medicines and any applications to make changes to already existing entries of prescription medicines on the Australian Register of Therapeutic Goods.

The original legislative changes to implement these processes were made and passed by this parliament in a similar bill last year. The bill before us today contains further changes in this process. As I said earlier, there are three main amendments that this bill will make, and I would like to speak briefly to each one.

The first amendment, on the streamlined submission process, deals with the way applications are made to deal with a prescription medicine's entry on the Australian Register of Therapeutic Goods when that application involves evaluation of clinical, preclinical or bioequivalence data. Before the streamlined application processes were implemented, applications for evaluation were accepted under the expectation that further data, research and information would be provided throughout the application process. This led to significant delays, with a time lag between the TGA getting back to applicants and applicants getting back to the TGA. The information will now be required upfront, at the beginning of the application, to remove any delays resulting from an application having to provide extra documentation throughout the evaluation process. This amendment will bring the application and evaluation process for changes for listings for prescription medicines already on the Australian Register of Therapeutic Goods in line with the application and evaluation process for new listings that were implemented under the TGA bill last year.

The implementation of these changes is, I am informed, expected to reduce the length of the evaluation process from approximately 500 to 300 calendar days. That is something the opposition will be holding the government to account on. Five hundred days seems far too long to deal with this application process. The coalition welcomes any sensible amendment that reduces the length of time it takes to move prescription medicines through the evaluation phase and onto the public market.

The second amendment in the bill relates to the way evaluation fees are collected by the TGA for applications requiring the evaluation of clinical, preclinical or bioequivalence data associated with the prescription medicine. As it currently stands, there are prescribed time lines for evaluation of prescription medications under the therapeutic goods regulations. When an evaluation is not completed by the TGA within these prescribed time lines, the evaluation fee payable by the applicant is reduced by 25 per cent. This is currently administered by payment of three-quarters of the evaluation fee initially on application and the remaining one-quarter of the evaluation fee on completion of the evaluation by the TGA within the prescribed time. The new process under these amendments would require the full evaluation fee to be collected by the TGA upon the application for evaluation being lodged and for 25 per cent of that fee to be refunded if the evaluation is not completed within the prescribed time limit.

The TGA has said that this leads to the significant administrative cost of monitoring each application until completion, and the added burden of invoicing applicants twice is not warranted given that the TGA completes most of the applications on time. The Parliamentary Secretary for Health and Ageing, in the second reading speech, stated that additional administrative costs are passed on to industry, as the TGA operates on a full cost recovery basis. Given that the TGA operates on a full cost recovery basis, where there are reduced administrative costs, will there be some alleviation on industry, some rebate for industry, some way of reducing the costs that are passed on to industry? That is something I would like the government to address.

The third and final amendment, for want of a better description, seems like a housekeeping amendment. It deals with the operation of a ministerial power to make determinations that impose standard conditions on the registration and listing of therapeutic goods on the register. The standard conditions set by the minister apply not

only to the new registration or listings after the legislative instrument comes into effect but also on a retrospective basis to therapeutic goods on the register. In what seems like an oversight, the 2009 bill did not have any provision to ensure that the old standard conditions set by the minister ceased to apply when new standard conditions are imposed. This third amendment included in the bill before us rectifies this apparent oversight. The opposition will not be opposing this legislation.

**Mr NEUMANN (Blair) (11:07):** I rise to speak in support of the Therapeutic Goods Amendment (2011 Measures No. 1) Bill 2011. This bill has three main changes. The first is in support for a new streamlined procedure for prescription medicine; the second are changes to the way evaluation fees are collected; and the third are some changes to the standard conditions. I was interested to hear the member for Boothby talk about that because, as the parliamentary secretary and member for Ballarat said in her second reading speech on 23 March 2011: 'The TGA has only failed to complete evaluations on time on about 15 occasions' since 1992, which is not too bad a record in the circumstances when you consider the amount of work the TGA has undertaken and the number of therapeutic goods that would have been considered by the TGA during that time.

The minister was quite correct in saying that any additional costs are passed on to the industry, as the TGA operates on a full cost-recovery basis. The member for Boothby was undertaking a bit of a thought-bubble at the table today wondering whether he wants the taxpayers to bear the cost in relation to an additional evaluation process or is standing up for the industry. I am not quite sure whether or not that is coalition policy. It was a thought-bubble that we heard from the member for Boothby; waxing and waning lyrically on the topic. I was quite interested to hear that. I wonder whether we will see that in coalition policy at some stage in the future.

There are three changes and I will go through what is going on in relation to these changes in the bill. The bill is about streamlining procedures and practices to create efficiencies. I am not sure that constituents across my electorate of Blair and across Australia would truly grasp what goes on behind medicines, pharmaceuticals and devices which are offered at the local pharmacy, or whether they know the background of what happens in the provision of medicine and devices through hospitals, doctors and the like. We have terms like the PBAC, the PBS, Medicare, the TGA and others which have become commonplace in the lives of Australians involved in the health and hospital sector and the pharmaceutical industries, but I do not think the average Australian really understands what is going on behind the scenes. The TGA performs a valuable role in Australia in its evaluation of therapeutic goods and they are to be commended. Obviously this is an important part of our health and hospital system and it is good to see, generally, bipartisan support for the therapeutic goods process.

The bill makes important changes to the Therapeutic Goods Act by enhancing the regulatory framework and by providing some additional support for a new streamlined procedure being implemented to improve the time taken for evaluation of prescription medicines. A review of the application and evaluation process for prescription medicines was undertaken by the TGA with the aim of eliminating unnecessary delays. As I said, the TGA has a pretty record but you can always make improvements. A number of initiatives were identified that, when implemented, aim to reduce the current 500 days for an application to termination to about 300 days. This is a difficult process and we want to get it right. The consequences of the TGA getting it wrong are devastating potentially, not just to the health and welfare of Australians but also to their families and to the community generally. There are serious consequences of the TGA not getting it right. Making sure that the TGA takes a considered approach to medicines and to the evaluation process is appropriate.

The TGA wants to streamline the submission process in two ways, and the government has listened to what has been said. One is in terms of the registration of new prescription medicines and the other is to changes to the entries of prescription medicines in the Australian Register of Therapeutic Goods, known as the ARTG. After wide consultation the TGA initiated a new streamlined submission process that commenced in November 2010. It unfolded after what, as I said, was a long process—a 12-month implementation phase.

The bill before us today amends sections of the legislation to support the new processes and comes very much from the TGA itself. Prior to the implementation of the streamlined procedures, applications that were made by way of submission were accepted with the idea that supporting documentation could be lodged during the evaluation process. This could create unnecessary delays and have the effect of bogging down the whole evaluation process. The changes presented in this amendment ensure that information application fees occur upfront for changes to information already on the ARTG. Applications that do not meet these requirements will not be accepted for evaluation. This mirrors requirements for applications to be included in a new prescription medicine on the ARTG.

Also the bill will make a change to the way evaluation fees are collected by the TGA. That is a second major reform. Completion of evaluation must occur within defined timelines, 175 or 255 working days, depending on the circumstances. Timeliness is important to industry and to the Australian public because time is money in this area. If the TGA fails to meet these timelines the evaluation fee payable by an applicant is reduced by 25 per cent.

Currently the system requires a 75 per cent payment by the applicant with the final 25 per cent payable only if the TGA completes the evaluation within the designated timeframe. As I said, the TGA completes evaluation for prescription medicines on time in the large majority of cases with very few exceptions. Additional invoicing application monitoring needed under the previous system was burdensome and not warranted given the TGA's evaluation completion record. This amendment means the TGA will collect a full evaluation fee when the application is accepted and then must refund 25 per cent only if the TGA does not complete the evaluation process within the designated period.

As I said, there is a third aspect of the changes. It includes amendments to ensure the old standard conditions cease to apply when the first instrument takes place. Any unique or special conditions applying to specific therapeutic goods entered on the register will continue to apply. The bill contains some amendments which enable the instrument imposing the standard conditions to apply only to the registration or listing of therapeutic goods after the instrument comes into effect as there may be occasions when this is appropriate. The measures in this bill are all about improving processes. They are important for Australians and important to people in my electorate of Blair. They are about streamlining existing systems to ensure greater efficiencies. This, we believe, is in the best interests of not just our nation but the health system generally.

**Mrs PRENTICE** (Ryan) (11:15): The Therapeutic Goods Administration is responsible for regulating therapeutic goods in Australia, including medicines, gene technology and blood products. In short, it is responsible for the regulation of all the medical products we use, from bandaids to vaccines. Given the importance of these products to society, it is critical that the Therapeutic Goods Administration be an efficient body so that individuals can gain access to the sometimes life-saving drugs they need and medical companies in Australia can continue to develop new drugs and products without the hindrance and uncertainty that can be caused if the TGA takes too long to process applications.

My electorate of Ryan is home to some of Australia's top medical research centres. As we all know, Professor Ian Frazer developed his cervical cancer vaccine at the University of Queensland and is currently working on other groundbreaking projects to continue to improve our health and raise standards of living. Concurrently, the Australian Institute for Bioengineering and Nanotechnology at the University of Queensland is developing a way of administering vaccines, through nanotechnology, straight into the bloodstream without the use of needles. The technology is a patch about the size of a fingernail that simply needs to be pressed against the skin, eliminating the need for a trained nurse to give the injection and a temperature controlled environment for transport. Just imagine it: where we had a padded box with only six to 10 syringes we could now have hundreds of these vaccination patches. Imagine the benefits such technology could deliver to the world.

It is therefore important that the body that regulates medical products in Australia does not slow down the delivery process of these technologies. For this reason, the coalition will not be opposing this bill, as it aims to finish what was started by the 2009 internal review of the TGA, which concluded that many efficiency measures could be introduced to streamline application and evaluation processes. Whilst most of these changes were effected under the Therapeutic Goods Amendment (2010 Measures No. 1) Bill 2010, the further changes today include not only applications for new prescription medicines to the TGA but also amendments being sought to drugs that are already on the TGA's approved list. Before these changes were implemented, applications for new and existing prescription medicines were made with the expectation that information could be requested and provided for throughout the application time frame—that is, not all of the information the TGA required for approval was initially provided. This meant that there was a great deal of going back and forth between the medical companies and the TGA—a fairly inefficient process. However, under the changes made last year, all required information must be provided upon application or the TGA will simply not accept it. This helped to streamline the process, reducing the time it took for approval from 500 to 300 calendar days. This of course was beneficial to the TGA through a reduction of time spent on bureaucratic measures, as well as the medical companies, who now have their product approved in a more timely manner, allowing them faster market access. Most importantly, it is good for the individual, who can now benefit from new technology sooner.

The proposed changes under this bill extend this requirement of upfront information to existing prescription medicines that are seeking an amendment to be approved by the TGA. This is a measure that the coalition does not oppose, as it brings all applications in line with each other, regardless of whether they are for a new or existing drug, as well as bringing the aforementioned benefits of an efficient application process to any amendments medical companies seek for their product. The coalition welcomes these sensible changes, which increase public access to medical products.

In addition to the streamlined information provisions the bill before us presents, it also proposes changes to how application fees are paid to the TGA. The TGA currently operates to a time limit of 255 business days, or 500 calendar days, in which applications are processed. Should the TGA fail to meet this time line, the medical



company is offered a 25 per cent reduction in the application fee. This is currently administered by requiring 75 per cent of the fee to be payable upon application. As long as the application is processed within the time frame, the further 25 per cent is collected at the end of the process. However, this is resulting in increased red tape, as the TGA must administer two invoices to medical companies and all of the paperwork such a system requires. This is unwarranted as, since its establishment in 1992, with approximately 500 applications per month, the TGA has only exceeded the 255 business day time limit with 15 products. This figure is small enough to make such a payment scheme unnecessary.

In light of this, the bill proposes that the full application fee be paid upfront and should the TGA exceed the time limit it will refund 25 per cent of this fee. This eliminates double invoicing, further streamlining the process and reducing the administrative burden. This is important, as the TGA operates under full cost recovery conditions, so these additional costs are being passed on to the industry. Given that these measures will reduce the cost, I would expect to see the TGA now pass on the reduction to the industry.

The final measure this bill proposes is simply administrative, to ensure that the ministerial standards charges passed under the previous legislation are made retrospective so that prescription medicines are subject to the new standards the minister sets. This addresses an apparent oversight of such a provision in the previous legislation.

It is important that the TGA is as efficient as it can possibly be whilst providing responsible processing of applications for new and existing medical products. The coalition welcomes sensible measures to improve the TGA's efficiency, as it improves access for the public to medical products as well as supporting medical companies in relation to new technologies.

**Ms KING** (Ballarat—Parliamentary Secretary for Infrastructure and Transport and Parliamentary Secretary for Health and Ageing) (11:21): I would first like to thank members for their contributions to the debate on the Therapeutic Goods Amendment (2011 Measures No. 1) Bill 2011. I thank the member for Ryan, who is still here in the chamber and is obviously a great advocate for some of the research that is happening in her own electorate, the member for Boothby and also the member for Blair. The member for Boothby, in his contribution, raised questions around the measures in this bill. These measures will create some efficiencies and we are obviously hoping that those efficiencies will be passed on to industry. As to whether the potential savings will be passed on to industry, I can advise that the Therapeutic Goods Administration consults with industry annually about their fees and charges, and obviously the measures contained in this bill will form part of that annual consultation process. The member for Boothby also highlighted that the coalition will be watching for the efficiencies that these measures put in place. I am pretty sure that industry are watching that as well; they are in my ear, and that of the TGA, pretty quickly as those sorts of things start to make their way through the system.

The amendments in this bill are designed to improve processes for the evaluation of prescription medicines, the collection of evaluation fees payable for prescription medicines and the imposition of standard conditions on registered and listed therapeutic goods by way of a legislative instrument. New streamlined procedures for processing applications involving the evaluation of prescription medicines are being adopted by the TGA to significantly shorten the time taken to complete evaluations from 500 calendar days to 300.

To enable the TGA to meet the shortened time frame, an amendment has been included to require companies applying to make changes to the entry of their prescription medicines on the Australian Register of Therapeutic Goods where the changes involve an evaluation of clinical, preclinical or bioequivalence data to include adequate information in an approved form before the application is taken to be effective. Adequate data lodged at the appropriate time is necessary to allow an evaluation to be completed by the TGA in a timely fashion. Applications not accompanied by the required information in an approved form and accompanied by the application fee will not be evaluated. The full amount of evaluation fees payable for the registration of prescription medicines will now be required to be paid when applications are accepted for evaluation. The practice of sponsors paying the final quarter of the full evaluation fee, owing only after the completion of the evaluation by the TGA within the prescribed deadlines, will be replaced with a system of refunds at a quarter of the full evaluation fee paid if the TGA fails to complete an evaluation on time.

The bill also contains amendments to ensure that, where new standard conditions are for the first time imposed by means of a legislative instrument on registered or listed therapeutic goods already included in the register, any standard conditions in place in relation to those goods can be removed at the same time. This will avoid an overlap between the old standard conditions and the new standard conditions imposed by the instrument. Standard conditions imposed by the minister will generally apply to registered and listed therapeutic goods irrespective of when they were included in the register. However, an amendment will enable the minister to impose conditions only on goods that are entered in the register after an estimate has been made. This amendment will provide additional flexibility to ensure that changes in conditions do not apply to existing entries where it is not

appropriate that they do so. These measures will help ensure that TGA processes keep up with the changing environment in which it undertakes its regulatory functions.

I commend the bill to the House.

Question agreed to.

Bill read a second time.

Message from the Governor-General recommending appropriation announced.

Ordered that the bill be reported to the House without amendment.

### **BUSINESS**

**Mr CHEESEMAN** (Corangamite) (11:26): I move:

That further proceedings on order of the day No.5, Private Members' Business, be conducted in the House.

Question agreed to.

### **ADJOURNMENT**

**Mr CHEESEMAN** (Corangamite) (11:26): I move:

That the Main Committee do now adjourn.

### **Small Business**

**Mrs PRENTICE** (Ryan) (11:26): Small business is the backbone of Australia and the engine room of our economy; indeed, small business is the employer of more than 3.6 million Australians. The small-business sector generates over 30 percent of our nation's economic activity and, with over 1.88 million small businesses operating around the country, represents over 95 per cent of all business in Australia. It therefore concerns me that the Gillard Labor government seemingly takes those in the sector for granted, hitting them with more and more regulation costs and constantly making their lives more difficult. It is fair to say that almost every policy and legislation amendment put forward by the Rudd/Gillard government has seen business owners contact me about how these proposals will negatively affect them.

Never before has it been clearer that the Gillard Labor government is out of touch with small business. This year alone has seen numerous proposals put forward by the government that hurt or hinder small business. It all began with a lack of understanding shown to disaster-affected businesses. A small-business owner in Rosalie was told by an Australian Taxation Office representative that he would have an extension of time to submit his records, only to be slapped with an overdue fee just a week after getting his shop cleaned up—not up and running, mind you, as his computer system suffered extensive damage, additionally limiting his ability to submit the records. There was also zero to little support for businesses who suffered no physical damage but still suffered a severe financial downturn as a result of the flood disaster affecting our local community. This was particularly apparent in parts of my electorate such as Bellbowrie, where many businesses are in a situation where their customer base is heavily reliant on their local community, so when they suffer, small business suffers too.

If the coalition can develop a policy of low-interest consequential loans to lend a hand to these drivers of our economy, I do not see why the economy will not support the coalition's proposals. Perhaps Labor's political ideology gets in the way. The truth is that those opposite are more driven by politics than good outcomes and are quick to write off any initiatives put forward by the coalition that may actually help those who create any sort of wealth in our economy. However, that is the Labor way: label anyone who has an alternative view or a way forward as an extremist or a wrecker. It goes to the heart of why Labor is so out of touch with mainstream Australia.

Small businesses out there are hurting. I recently held a small business forum in Brisbane with my colleagues the Leader of the Opposition, Tony Abbott; the shadow minister for small business, Bruce Billson; and the member for Brisbane, Teresa Gambaro. Let me assure you, there were many examples of situations where the concerns of small businesses have been ignored by the government. The fact is that small businesses feel very let down by the Gillard Labor government. The government's proposals regarding the future of financial advice will simply drive up costs and bureaucracy for boutique financial planners, increasing upfront fees and causing more paperwork but changing little else. While the government may be giving themselves a pat on the back for their innovative reform, the majority of the industry already operates under these rules as standard practice. So the implementation of these so-called reforms will only result in a costly overkill. Once again, the devil is in the detail. Furthermore, under current standard practice, financial planners are required to speak to their clients at least once a year, and the client has the option to opt out of their service at any time. This, combined with the banning of commissions, seemingly counters the government's argument that a two-year opt-in meeting under which the

client once again agrees to a fee is a necessary measure. This is particularly relevant, as it is estimated that these meetings could cost up to \$100 each time.

With three million Australians receiving financial advice, this unnecessary level of bureaucracy is going to become very costly very quickly. This is hardly an incentive for more Australians to take up professional financial advice—quite the opposite. As AFA Queensland State Director Michael Nowak and the President of the Boutique Financial Planning Principals Group, Claude Santucci, both reiterate, the best defence for Australians to be protected from dodgy financial deals and crooks is to receive personal professional financial advice. But with these reforms making this process more costly for both the individual and small businesses that provide such advice, they are simply another measure dressed up to sell votes without consideration of the negative effects they will have on small business and the economy.

And of course there is the carbon tax. The carbon tax will hurt small business; there is no doubt about it, although so far the sector has been totally ignored in discussions regarding compensation. The additional costs this tax will place on transportation, electricity and refrigeration will hit small businesses hard. With the huge increases in costs of living over the past few years, consumers are already hurting and simply cannot afford further rising prices, so passing on the cost of a carbon tax is hardly an option for small business owners. The reality is that this government has not given any thought as to where the carbon tax leaves small businesses. What options does it leave them with? Reducing opening hours and laying off staff would be my immediate consideration, as a former small-business owner, and these are hardly positive outcomes for a strong economy looking to reduce unemployment.

What is crystal clear yet again is that the Labor Party does not understand small business. Between adding red tape to small businesses as they act as pay clerks for government schemes and forcing young students out of jobs that both they and their employers want and need, as well as the misguided insistence on centralisation— (*Time expired*)

#### **Malta ANZAC War Memorial Committee of South Australia**

**Mr ZAPPIA** (Makin) (11:31): On 2 April 2011 the member for Hindmarsh, Mr Georganas, and I attended the Malta ANZAC War Memorial Committee of South Australia's special fundraising evening. A number of dignitaries, including South Australian Governor His Excellency Rear Admiral Kevin Scarce AC and Mrs Scarce; National RSL President Rear Admiral Ken Doolan AO and Mrs Doolan; South Australian State RSL President Jock Stratton; the Honorary Consul of Malta, Mr Frank Scicluna OAM and Mrs Josie Scicluna; and others, including several state and federal MPs, attended. Proceeds from the evening are being used to construct an ANZAC war memorial in Malta in recognition of the wounded ANZACs who were evacuated from Gallipoli to Malta during World War I.

It is believed that more than 4,000 wounded Anzac soldiers were evacuated to Malta in World War I, where they were hospitalised and cared for. Many of them died, and their bodies were returned to Australia and New Zealand, but it is estimated that about 200 Australians and 70 New Zealanders are today buried in Malta. Her Excellency the Governor-General of Australia, Quentin Bryce, on her first state visit overseas and on the first visit by an Australian Governor-General to Malta, laid flowers on the graves of Anzacs buried there.

Only this week we acknowledged in this House the passing of Australia's last surviving veteran of World War I, Mr Claude Choules, and I extend my respects to him and my condolences to his family. Mr Choules's death was a reminder that World War I commenced some 97 years ago. It is now a long time. But our recognition, respect and appreciation of the Anzacs who served in World War I has in no way diminished. From the number of Australians who attend the Anzac Day services around the country, the opposite seems to be occurring. Similarly, the support of Malta and the Maltese people should not be forgotten. I have no doubt it was gratefully appreciated by the soldiers who were sent there and by their families.

The proposed six-metre-high memorial, which will cost about \$200,000, is being designed and sculpted by Gianni Bonnici. It will be created in the Argotti Botanical Gardens, in Floriana, Malta, and is believed to be the first ANZAC memorial to be erected outside of Australia, New Zealand or Gallipoli. The close ties between Malta and Australia continued after World War I, and, following World War II, substantial numbers of Maltese people migrated to Australia, where, like so many other post World War II arrivals, they quickly settled into their new homeland, worked hard and contributed to Australia's growth and prosperity.

Ever since the first Maltese free settler, Antonio Azzopardi, came to Australia in 1838, the number of Maltese people in Australia has steadily increased. According to the 2006 census figures, there were about 154,000 people in Australia who claimed Maltese ancestry. Today, the Maltese migrant community in Australia represents the largest Maltese community outside of Malta. Many of them came to South Australia and settled in Adelaide's northern suburbs. Today they have their own regular radio segment on community radio PBA FM. I grew up with

Maltese school mates and work mates and feel proud to refer to so many of them—in fact, too many to individually name—as personal friends. I particularly acknowledge the Maltese contingency who participate in the Salisbury RSL remembrance services each year. They are good people whose warmth and compassion reflects the characteristics that earned Malta the title of 'Nurse of the Mediterranean' in World War I.

I take this opportunity to acknowledge the efforts of members of the ANZAC War Memorial Committee of South Australia: Mr Charles Figallo, who is the CEO; Edgar Agius OAM JP; Joe Briffa; Carmelo Farrugia OAM JP; John Mangion; Peter Salerno; Julie Simon; Peter Hollams; and the Honorary Maltese Consul in South Australia, Mr Frank Scicluna, for their huge efforts in support of the establishment of the memorial in Malta. Last week I spoke with Mr Joe Briffa, one of the committee members, who told me that about \$25,000 had been raised on the night, which will go towards the memorial.

For the families of those Australian and New Zealand soldiers who were nursed there and for those still buried in Malta the memorial will be particularly significant.

*A division having been called in the House of Representatives—*

**Sitting suspended from 11:36 to 11:51**

**Mr ZAPPIA:** To quote the message Prime Minister Julia Gillard read out during the address by the member of Hindmarsh:

The Anzac War Memorial is a fitting tribute to these bonds of friendship commemorating our shared past and the enduring ties that bind our two countries.

**Gilmore Electorate: Aina Medinis**

**Mrs GASH (Gilmore) (11:51):** I rise to speak on the passing of a significant citizen of the Gerringong district who, although not born in Australia, contributed markedly to the betterment of the society that adopted her as its own. Aina Medinis was born in Latvia in 1920 near the city of Valmiera, her family name being Eglitis. Her father was an officer in the Latvian army, a decorated veteran of Latvia's war of independence from 1919 to 1920, with the Germans on one front and the Russians on the other. I cannot help feeling that with that background it is little wonder that Aina could so closely identify with the values of Australia. In 1940 the 'Red Terror' commenced, with communist indoctrination forcibly introduced into schools; dissidents, real and imagined, being carted off in the dead of night to various gulags; and people living in real fear. Farmers, the intelligentsia, property owners, businesspeople and any perceived enemy of the state was targeted. In one night alone, 30,000 people from the Baltic states were arrested and taken away to Siberia, in the Arctic Circle, and most would not be heard of again.

Aina had been studying agriculture and was tipped off by a close friend whose father was a Communist Party branch leader. Being the family of a decorated officer in a war against Russia automatically marked her family for the list of deportees. With her family she fled to Riga, which would later earn the dubious reputation as one of Hitler's concentration camps or, rather, death camps, which was the final destination for hundreds of thousands in the final solution. Aina resumed studying under a different name, with the protection of a kind benefactor and professor. She chose to study nursing, specialising in surgical nursing. In 1942 the Germans pushed the Russians out and Aina was allowed to complete her studies, commencing work as a head nurse and supervisor in the University Institute of Stomatology, in head, neck and jaw surgery.

She married her husband, Artis, who survives her today, in 1943, after Artis's graduation as a veteran from the University of Latvia. Six months later the Red Army advanced and her family was forced to flee once again. There is no doubt that she and her family would have ended their lives in a desolate, cold gulag. So, on October 1944, the family boarded an evacuation ship from Leipaja, arriving in Swinemunde, in Germany, on her birthday. They fled with virtually nothing. Her story is quite engrossing and I would love to tell more, but that is not the purpose of this statement.

Following a very disconnected existence in Europe, the family emigrated to Australia in 1948, arriving in Fremantle, again on Aina's birthday. Australia took them in but on the condition that they would work for two years to trade off the support that was given them. I suppose that is where the concept of mutual obligation arose. Regrettably, these days it has fallen out of fashion. Aina worked as a nurse in a displaced persons camp near Bathurst, while Artis worked as an ambulance driver, a sanitary technician and storeman and manager of a hospital store. He later attained his Australian qualifications in veterinary science.

The family arrived in Gerringong in 1953. Two of their sons died at an early age, but the remaining four children all went on to gain university qualifications. During the eulogy, her son observed that refugees who flee with little usually push their kids to higher education, with the experience that education is something that cannot be taken away from you. It is universal currency. That is a sentiment I totally endorse. Aina was the quintessential mother, preparing meals and tending to the household to support her otherwise busy family, who were grateful to

come home to a hot and home-cooked meal. She grew vegetables and was quite a prolific domestic farmer, supplementing the family table. Even after her first stroke, she continued to work in her garden.

Not one for being contentedly idle, Aina would get involved with the community through local and adult education classes. She knitted, she painted and she was an active member of the Kiama Monday painters group. Eventually she began to succumb to her health problems. A series of strokes were followed by major heart surgery and she slowed significantly. Last October she celebrated her 90th birthday, soon after her 67th wedding anniversary.

Aina passed away on 27 February this year, and with her went something special. As her son said of her:

I will always remember mum for her courage, her spirit, her cheekiness and daring, her vitality and adventurous nature, her talent at everything she did and tried and also for her sharp wit.

I feel privileged to have known Aina and Artis, lifelong members of the Liberal Party. Artis is still very active in his Gerringong branch. They have given much to this country and have set a standard that few choose to emulate. Their legacy will continue through their children. I salute all those new Australians who come to this country not with cap in hand but with every intention of paying their own way. Aina did this and more, and our society and the Liberal Party have benefited from her time amongst us. I would personally like to thank Artis for his ongoing generosity to all the communities that he is involved in.

### **Kingston Electorate: Southern Football League**

**Ms RISHWORTH** (Kingston) (11:56): I rise today to congratulate the Southern Football League for celebrating their 125th birthday. I recently had the pleasure of attending the first celebration in the year-long celebrations, at the Reynella Football Club. The Southern Football League can boast 125 years. It is not often that a community organisation can boast such a long, continuous impact on the local community. In 1886 the Southern Football League was formed to promote a local, grassroots footy competition in the southern suburbs of Adelaide. It had just four club groups at the time. They were Aldinga, Sellicks, McLaren Vale and Willunga. Since that time it has grown significantly, and at its peak had 29 local clubs. At this point, due to amalgamations, there are currently 15 member clubs. They are Noarlunga, Brighton, Edwardstown, Happy Valley, Flagstaff Hill, Reynella, Morphettville Park, Aldinga, Morphett Vale, O'Sullivan's Beach/Lonsdale, Cove, Port Noarlunga, Christies Beach, Hackham and Marion. They provide fierce competition for one another.

I think this is a real milestone for the league. This league relies significantly on volunteers. Over 4,500 local residents participate in this competition each weekend. If you then include all their families and the young people who come along to support these clubs, it is a significant number of people. The league prides itself on players and spectators ensuring that the match is family friendly so that all people can enjoy it. The league organises grade A and B matches for under-14s, under-16s and under-18s each Saturday, as well as C-grade matches.

So whether it is young people coming up and honing their skills with the hope of playing in the SANFL or AFL leagues or whether it is older people—I know that there are some older people who like to keep going, to try to keep fit—this is an excellent local sporting organisation. These very active clubs provide a real option for people in our community. But they could not do it without their volunteer base, and 125 years is a long time for volunteers to be selflessly giving so that the club is open, there is food available, there are referees for the games and the pies and pasties are warmed up. These are all things that local volunteers have been doing right across the southern suburbs. There are also a lot of sponsors of the league who ensure that this league continues to flourish and to give opportunities. I would like to thank the sponsors, the clubs and the league itself for giving a real opportunity to people in the southern suburbs. I specifically congratulate Mr Craig Warden, who is the president of the league. He has said, 'As President of the Southern Football League, I acknowledge that we are heavily indebted to our volunteer base who are the backbone of this competition.' One hundred and twenty-five years is a very long time to be continually providing this service to the community. The league has a year of celebrations this year with their focus on junior sport. They will be having a number of celebrations that, once again, volunteers have organised. They have a memorial sticker, which I can supply for your car—even the cars of people outside—so that you can proudly talk about 125 years of these clubs. It is a real achievement.

I have been down to see some of the games that teams from the Southern Football League play, and I would say that it is real footy; it is not polished like the AFL games. It does not always go to game plan—sometimes the ball goes the wrong way, and a whole range of other things happen—but is about getting in and having a go. At the same time, we are seeing a lot of great young footballers who are being mentored in the Southern Football League and who are coming through and making a real contribution to the SANFL, and some of them make it to AFL football and have an opportunity to pursue their dreams. I conclude by wishing the Southern Football League and all its clubs are very happy 125th birthday.

### **Hasluck Electorate: Forrestfield Bendigo Bank**

**Mr WYATT** (Hasluck) (12:01): I rise today to acknowledge the fantastic work done in the community of Hasluck by the Bendigo Bank in Forrestfield. From its base of nearly 600 local shareholders and a board consisting of well known local people such as chairperson Phil Mutter, deputy chairperson Nick Bruining, Maureen Robinson and too many more to mention here, the Forrestfield Bendigo Bank has donated over \$370,000 since 2005 to nearly 100 local groups, schools and families. Young mothers, pensioners, war veterans, Indigenous people, P&Cs, schools, wildlife sanctuaries and small businesses have all been recipients of grants from this altruistic local bank. On top of all its grants, the Bendigo Bank in Forrestfield has returned significant profits to its shareholders.

What makes the grants given by the Bendigo Bank of Forrestfield so important is the level of support that they provide across the entire community of Hasluck. Take a moment to consider what Hasluck, or, indeed any other Australian community, would look like without these marvellous groups contributing to the fabric of our society. They cover the full spectrum of the community from grassroots clubs and sporting groups, to churches, charities, schools and health collectives. I mention some here so that the Australian public can hear just how benevolent and important is the work that the Bendigo Bank in Forrestfield undertakes every day.

Kalamunda Home and Community Care, Forrestfield Uniting Church, Dawson Park Primary School's netball club and P&C and Foothills YouthCARE have all received funding. New breast pumps for the Australian Breastfeeding Association were purchased, and some \$5,000 was given for the Forrestfield-High Wycombe Lions Club to run a school holiday camp for people with disabilities and their carers. Over \$2,500 was granted to Woodlupine Primary School to run an Indigenous education program. The Maida Vale 1st Scout Group received \$3,400 for fitting out a trailer and portable toilet for camps, while the Parry House aged persons' hostel was granted \$3,485 to purchase equipment for a home theatre for its residents. Youth Action Kalamunda was given \$3,500 in financial assistance for 17 Year 12 students to undertake a trip to Timor-Leste and assist with building renovation instead of going on a normal schoolies trip down south or to Bali. The Forrestfield United Soccer Club used a grant of \$2,500 to purchase equipment for a senior six-a-side competition. The Foothills YouthCARE Chaplaincy program was given \$2,000 for administration support of chaplains, who provide a fantastic service in the community.

Dawson Park Primary School was able to take its year 7 students on a history camp to Canberra as part of their political, cultural and history program thanks to \$5,000 donated by the Bendigo Bank. The Foothills Early Years Community Partnership won \$3,000 for the design and production of an early years calendar promoting the health, safety and wellbeing of young children. The HillSide Community Playgroup used their grant of \$2,834 from the Bendigo Bank in Forrestfield for equipment, including a much-sought-after cubby house. The ChangeMakers program for youth received \$1,920 for the production of anti-graffiti posters. Importantly, the Kanyana wildlife sanctuary took their \$14,000 contribution and put it towards the purchase of a people and animal transporter to assist with its school education program.

Our region has been hit hard by natural disasters, so it is fantastic that the Kalamunda Volunteer Bush Fire Brigade received \$5,000 for a roller door and security system for the brigade headquarters. The Darling Range RSL in Kalamunda was granted \$4,386 for the purchase of kitchen equipment to help with catering on special days such as Anzac Day. One of the most significant grants was given to the Cancer Council of Kalamunda's respite centre. It received \$42,000 for the purchase of a courtesy vehicle to transport clients and their families to and from the respite centre.

Schools were able to buy books, carers were given respite, sporting teams got new equipment and students won scholarships and were able to travel the world and broaden their horizons through the amazing support of the Bendigo Bank in Forrestfield. Organisations such as this support this country and pick up the gap in funding left by government. I would like once again to thank the Bendigo Bank in Forrestfield for supporting the community of Hasluck. Look no further than the above when searching for an example of what makes this country great.

### **Tibet**

**Mr DANBY** (Melbourne Ports) (12:06): Set in the foothills of the Himalayas, Dharamsala is the seat of the Dalai Lama and the headquarters of the eight Tibetan exile communities in India. To establish their refugee status in India, each of the 180,000 Tibetans there is given a personal audience with the Tibetan spiritual leader. Over the last decades, many young Tibetans, starved of their culture and facing repression by the communists in Beijing, have trekked across the Himalayas to India. This process was anecdotally recorded in the documentary *The cry of the snow lion*, in which mountaineers witnessed the Chinese Army's interception and murder of a 17-year-old Tibetan woman in one of the groups fleeing across the snow from Tibet. This tragic process of defection was also illustrated to a delegation of Australians who organised to meet the Dalai Lama at the Tibetan Children's Village

in Dharamsala, where 2,800 children live, mainly aged six to 10 years. They have been cared for and educated there—sent by their parents to India, often without hope of seeing them again.

Tibetans everywhere are agitated about the recent crackdown at the Kirti monastery, where authorities have enforce a so-called patriotic re-education campaign and imposed an indefinite ban on religious activities and 300 monks have been 'removed'. On 21 April a large group of Tibetans stood guard at the monastery to prevent the Chinese from removing the monks. The crowd was dispersed by police using indiscriminate force. Two elderly Tibetans were beaten to death.

At Dharamsala, the Central Tibetan Administration replicates all of the functions of a state, including the Kashang, the Tibetan elected parliament; the Tibetan education system; state archives; medical institutes; and the Norbulingka Institute of Art, where 400 sponsored artists keep up the traditions of their ancient civilisation. As the Dalai Lama withdraws from frontline leadership—he is 75—the Tibetans have plans to ensure their political future. Recently the *Guardian* reported the election of the new Tibetan Prime Minister. Tibetans all over the world have voted for a Harvard law professor as their political leader in their first election since the Dalai Lama announced he would be giving up the political leadership. The new Prime Minister, Lobsang Sangay, is 42 years old and a Harvard law professor. He was declared the third Kalon Tripa, which is part of the wider Tibetan community's plan to survive outside Tibet in the event of the death of the Dalai Lama.

The new Kalon Tripa has previously hinted that he might move beyond the Dalai Lama's moderate 'middle way' policy of negotiating autonomy for Tibet from China. His Holiness, when we met him, acknowledged to our delegation that this moderate third way, which sought Tibetan autonomy within a Chinese federation, had not been successful. But the uprising in Tibet in March 2008 showed that the Chinese had to deal with the issue. He told us that the crackdown at the Kirti monastery may have been part of the Chinese leadership's fear of the implications of the jasmine revolution in the Middle East and that mistrust underlines the communist regime. Of course, we have seen other examples of that fear of the jasmine revolution with the unprecedented arrest and disappearance of China's leading artist, Ai Weiwei, and many other examples, including the bizarre disappearance of a 9.5-metre statue of Confucius from Tiananmen Square overnight. His Holiness claimed that the Chinese budget for internal security was more than its budget for external security. Since we know that the budget for external security is immense, that is a very concerning development.

What is the future for the Tibetans? After the Chinese government disappeared the five-year-old Panchen Lama, the second most important Tibetan religious figure, 15 years ago, they now say that they have to approve all reincarnations of living buddhas or senior religious figures in Tibetan Buddhism, including the next choice of the Dalai Lama. I wonder what Karl Marx would say about an allegedly communist regime appointing the head of Tibetan Buddhism.

The Tibetan exiles expect that when the Dalai Lama dies the Chinese will try to control the discovery of his successor, which is traditionally what the Panchen Lama does, so that the next Dalai Lama will be under their control as the Panchen Lama is now. The Tibetan plan is to develop new forms of leadership, outside Chinese control, designed to circumvent this. Both Tibetan institutions in Dharamsala and the reinvigorated Tibetan political leadership are part of the Tibetan exiles' plans to outlast the Chinese occupation of their country. The Dalai Lama's alternative plans for a successor as spiritual leader shows that the old fox, His Holiness, has a multilevel strategy to outlast the seemingly awesome powers of the Chinese communist party.

### **Petition: Special Disability Trusts**

**Mr BILLSON** (Dunkley) (12:11): I take a few minutes today to present a petition found to be in order by the Standing Committee on Petitions. The petition was instigated by Lyla O'Hara, a Mornington resident, and supported by 221 signatories, seeking support of the government to amend the guidelines and provide financial assistance for the management of special disability trusts.

The petition draws the attention of this House to the restrictive guidelines and the onerous costs involved in establishing and administering special disability trusts that are designed to provide for the care of a citizen with a disability into the future, particularly when a family has one or more disabled members. This petition urges the House to connect with the experience of people with a loved one who has profound disabilities and urges the government to amend the guidelines for special disability trusts to make this vehicle for the provision of funding for the future care of a citizen who has a disability more accessible, more practical and more financially viable and ask the government to consider making financial assistance available for the establishment and recurrent costs of special disability trusts.

These trusts are a terrific idea and an important mechanism for families to provide for the future care of a disabled family member. They were initiated by former coalition minister and dear friend of mine, the honourable Kay Patterson. The legislation providing for these trusts was passed in September 2006. Earlier in this sitting, on

10 May, the government introduced a bill to the Senate, and the Senate passed some amendments that sought to relax the purpose and work capacity tests for these special disability trusts in order to make them more flexible to trustees. These changes are welcome. They were in response to a report of inquiry from the Senate Standing Committee on Community Affairs titled *Building trust: supporting families through disability trusts*.

The committee made a number of recommendations to increase the appeal of these special disability trusts. These trusts are a vehicle whereby families can put resources into trust for the future cost of care of a loved one, something we should be encouraging and something that needs the support and the more favourable tax treatments that these trusts offer. But they are found to be incredibly complex and demanding to establish, and they come with some expense to maintain their operations. The bill on Tuesday dealt with only a small number of the recommendations from the inquiry. I encourage the government to turn its mind to the balance of those recommendations.

When these special disability trusts were first implemented it was expected that over four years there would be around 5,000 trusts established. Unfortunately, the uptake of the trusts has not been as strong as expected. As of 30 September last year, only 119 had been set up. I acknowledge that the provisions of the bill passed should assist some of the concerns and address them in part, but more still needs to be done to make these trusts viable and to increase the number of people making use of them. They involve the creation and support of the trusts. This petition aims to say, 'We've had some practical experiences with these trusts, and they are sharing with the government the observation about the difficulties in setting them up and the recurrent costs involved in maintaining them.' I am hopeful the government will listen to these very practical ideas. We see families doing all they can, all we could hope for, in providing for the care and ongoing support of a loved one. Surely that is something we should be encouraging. The trusts are designed to give a tax-effective vehicle to achieve that goal, but if they are administratively too complex to establish and quite expensive to maintain, then that purpose and that very virtuous objective is undermined.

It relates to another area of concern which is one of special accommodation for people with disabilities. It is a big challenge particularly for ageing parents who have dedicated so much of their life to the care of a loved one and may no longer be able to care for them. For many of those ageing carers their biggest concern is, 'What will happen to my loved one when I'm not here?' This is an enormous concern. As a worried parent said to me, 'What will happen to my child when I am no longer able to look after them?'

In the work that the Productivity Commission has done on looking at the national disability insurance scheme, it quotes some examples. Garry Burge said:

I find myself dealing with anxiety and loneliness and the possibility of when my parents grow older, that I will have no support and services available.

Thankfully, in our community Community Lifestyle Accommodation has stepped up to instigate the building of residential accommodation for people with disabilities. The Mornington Peninsula Shire Council has a terrific block of land in Baxter, well suited for a facility to accommodate 25 people. My dear friend and former colleague, Joe Cauchi, instigated a lot of work under Habitat for Humanity whereby land was made available for these kinds of projects. Perhaps the shire could carry forward that good work and make this land available for Community Lifestyle Accommodation's proposal. I hereby present the petition.

*The petition read as follows—*

To the Honourable the Speaker and Members of the House of Representatives

This petition of Carers and Friends of citizens with a disability draws to the attention of the House: the restrictive guidelines and onerous costs involved in establishing and administering Special Disability Trusts to provide for the care of citizens with a disability into the future, particularly where a family has more than one disabled member.

We therefore ask the House to encourage more families to plan for the future care of their relatives with a disability, by urging the Government to:

(1) amend the guidelines for Special Disability Trusts to make this vehicle for the provision of funding for the future care of a person with a disability more accessible, practical and financially viable; and

(2) to consider making financial assistance available for the establishment and recurrent costs of Special Disability Trusts from 455 citizens

Petition received.

### **Indigenous Affairs**

**Dr LEIGH** (Fraser) (12:16): Where kangaroos graze on an oval overlooking the Pacific Ocean lies the most picturesque school in my electorate. Founded in 1914, Jervis Bay Primary School serves children of Defence Force personnel serving at HMAS *Creswell* as well as children from the Wreck Bay community. Although it has



the lowest ICSEA score of any school in my electorate, a like-schools comparison makes Jervis Bay Primary one of the top-performing schools in the ACT system.

Last week I visited the school and I was struck by the sense of community among the students and staff. With only 84 students, 63 per cent of whom are Indigenous, the school is quite small and everyone knows everyone else. As I walked through the K-2 room with two women who were active in the P&C, one of the boys said, 'What are you doing here, Mum?' My visit coincided with a meeting with Principal Bob Pastor, who had coordinated a Learning 4 Life meeting with representatives from Vincentia High School, the University of Wollongong, Noah's Ark, Booderee National Park, local preschools and childcare centres. The Learning 4 Life group promotes the value of education to Indigenous parents and students, with involvement right through the education spectrum from early childhood learning right up to TAFE and university.

Education's place in helping overcome inequality and disadvantage was also reinforced when I visited Cape York last year and earlier this year. Travelling with the House Economics Committee our task was, in part, to consider Indigenous economic development, so I used the chance to ask some of the witnesses about local schools. Phyllis Yunkaporta, a witness appearing before the committee, told me:

The education system, as I knew it before, has been of low standard. The curriculum in the past, as it is in all Cape Aboriginal communities, has been of very low standard. By the time our children go out to mainstream schools they are hardly there—a child in grade 8 still has the understanding of a child in grade 1. Speaking for Aurukun, I was one of the persons who were invited to the States last October; I went to New York and Los Angeles visiting African-American schools. What we have brought back to Aurukun is a new kind of teaching method and we are having that implemented in the school. Of course it took time. At the beginning it pretty much had been, in my words, chaos before that. Since having this new program come in, if you come to the classrooms in Aurukun the kids are fully focused. This new method of teaching has got them going. The teacher is full-on with the tasks given and you cannot believe it when you enter those classrooms—it is as if some of those kids are play-acting. They are not; they are just full-on, focused. I guess in time we have to have expectations for our children to be educated in a way where they have to balance both worlds—the Western world and the traditional way. Of course we want them to hang onto the traditional way because that is where they are going to be identifying themselves for the future. And with them having to venture out into mainstream, we want them to compete. It is a competitive world out there. We want our black little kids to start taking on the world. That is the aim of all this.

Ms Yunkaporta was talking about Noel Pearson's Cape York Aboriginal Australian Academy, championed by the Minister for Families, Housing, Communities and Indigenous Affairs, Jenny Macklin. The program offered by the academy has four components focusing on Class, Club, Culture and Community.

Noel Pearson recently wrote that the Class program immerses students in numeracy and literacy using the Direct Instructions, DI, programs. Students need to achieve a mastery of 90 per cent at their level before they can move on. Tests are done every five to 10 lessons and both the students' and teachers' performances are carefully monitored.

Club ensures that kids do not miss out on those future opportunities, providing extracurricular activities that many children in my own electorate enjoy; including the hope to one day include foreign languages and Shakespeare classes.

Culture helps children learn the local Aboriginal languages and their culture and traditions.

In-school activities are supported by the Community program. School attendance and readiness for school are carefully monitored. A food program provides meals during the day and families are helped to manage funds to cover educational expenses. It is clear that there is something in the different models used by Aurukun and Jervis Bay schools that is working well, and I commend the hard work of all those involved—the principals, the teachers, the parents, the children and the whole school community for making something really special happen in these parts of Australia.

### Wright Electorate

**Mr BUCHHOLZ** (Wright) (12:21): I rise to inform the House today of the difficulty of a number of sectors within my seat of Wright. Firstly, the mums and dads who are struggling to cope with the ever-increasing cost of living. I was elected by those mums and dads on the basis that I would fight to get more money into the pockets of the mums and dads.

Before I get onto that, I want to quickly inform the House about the Queensland Premier's Disaster Relief Fund. There is only one word in that title which aptly describes how that fund is being managed, which is 'disaster'. From the generosity of Queenslanders and Australians in this nation over \$255 million has been donated by mums and dads, industry and business. Regrettably, since we first endured the heartache and the loss and the destruction as a result of the floods as far back as January, only 35 per cent—\$70 million—of those funds have been disbursed. There have been some public awareness campaigns through the papers in Queensland, bringing it to the attention of the department that they need to get their act into gear and start getting some of this money out to people who

are displaced from their homes but who still have to pay for mortgages on homes that are potentially 40 kilometres down a creek line or that do not exist while trying to pay rent. Their cars are gone. We lost 200 cars in the floods.

While the Premier's man who she has put in charge of that fund up there, David Hamill, is working in a volunteer capacity, I bring to the House's attention some comments he made the other day with reference to his reasoning as to why only \$70 million of that fund had been dispensed. You will be shocked, as I was when I read the article, that he laid the blame fairly and squarely on the victims of the flood. I quote from the article:

GET IT RIGHT: Former Queensland Treasurer and now disaster relief fund manager David Hamill is blaming victims for the slow rollout of cash.

David Hamill yesterday insisted many created their own delays in getting cash by filling out forms incorrectly.

What a shame. In Queensland we have more than 200,000 public servants. And while this guy is still working under the auspices and directive of the Premier up there, and while he is working for nothing—he is volunteering his time—it brings me to the point that this bloke does not get it and that the government does not get it when it comes to assisting people in my electorate. In fact, it is almost comical; it is at the point where it is reminiscent of scenes of *Yes, Minister* and something that you would hear from Sir Humphrey.

I now come back to the mums and dads and the cost of living incurred in our area, with increasing credit card debt, fuel, household groceries and energy costs as a result of the two-speed economy. I want to quickly bring the attention of the House to the 7.2 per cent of GDP, with reference to our increasing debt. We are told in the House that our economy is one of the most envied in the advanced world. Having a peak debt of \$200 billion while some short time ago we had \$44 million in the bank, I can assure members that the \$44 billion in the bank was a far more envied position than the \$200 billion debt that we have at the moment. The interest component that we have to service on that, which I believe is around \$5.5 billion a year, would build every year 183 schools at \$30 million each. It would build 5,500 kilometres of road at \$1 million a kilometre—that is roughly from Cairns to Melbourne and back to Brisbane. In Queensland it would build 40 new Gateway bridges every year with a construction cost of \$140 million. And this government wants to take our peak debt from \$200 billion to \$250 billion? What a joke!

### National Volunteer Week

**Ms HALL** (Shortland—Government Whip) (12:26): I rise, like many other members have this morning, to pay tribute to volunteers in the Shortland electorate and for that matter throughout Australia. This is National Volunteer Week and it is a time to celebrate the contribution that volunteers make to our society each and every day.

Like most members of parliament I visit organisations in my electorate, be it a school or the men's shed. Last week I went to Windale, which is one of the outstanding community organisations and men's sheds that operate within Australia. But, no matter what organisation I go to, there are volunteers attached to it. In all, there are more than five million Australians volunteering, and as a member of parliament I know what an enormous contribution this makes to our country. Many of the services that they perform, many of the activities they undertake, would not happen if it were not for those volunteers. It is only because they are prepared to make this enormous contribution that most of our organisations function. Meals on Wheels is a service that changes people's lives. It not only provides sustenance to people when they are older and frail and helps them live in the community; it also is a vital contact that they have on a daily basis with the Meals on Wheels person who delivers the food to their home.

Each and every one of us has a multitude of sporting groups within their electorate. Rugby league, Rugby union and soccer—there is even the odd AFL side in the Shortland electorate—are all run by volunteers. My grandson plays soccer. The coach, the manager and the person who washes the shirts are all volunteers for all the things that contribute to the life of those children, to the life of our society and to making Australia the nation it is today. On the one hand you have sport; on the other hand you have the cultural activities that take place. We have the Young People's Theatre in Newcastle that a lot of young people from the Shortland electorate are involved in. Once again volunteers make these things work. If we look at all aspects of our society, we will see that it is only because of the contributions that we have such a rich society here in Australia today. As it is National Volunteer Week, members of parliament have certificates that they can award to volunteers within their electorate. We are sitting this week so it has made it very difficult to have a function where we can present the volunteers with their certificates. I might add I have already presented the Belmont Hospital auxiliary with their certificate. I asked them to nominate someone and they said, 'We cannot nominate one person, because every person in our organisation makes an enormous contribution.' Already this year they have raised over \$80,000. Next week I will be holding a function, a morning tea, to recognise the enormous contribution that volunteers have made in the Shortland community. I encourage members on both sides of the House to do a similar sort of thing, because it is very important that, as well as acknowledging them in this parliament, we acknowledge volunteers in our local

electorates. It is important that we, as members of parliament and as leaders in our community, say that we appreciate what they do and say, 'Thank you very, very much.'

I am advised by my office that we have in excess of 100 volunteers who will be receiving awards next week and in the vicinity of 60 organisations who have nominated people for these awards. Thank you very much to all those volunteers. I say, 'Congratulations on the work that you do; it is really appreciated.'

### **Petition: Complementary Protection**

**Mr BROADBENT** (McMillan) (12:31): I commend the member for Shortland for her support of volunteers. I walked across here today with Rachel Franklin and Jessica Thompson—Rachel is from Leongatha Secondary College, and Jessica Thompson is from Wonthaggi Secondary College. They are here on the Rotary Adventure in Citizenship program. As I walked here with them, I was reminded of the grinder in my shed and this parliament. This parliament can be that grinder, and, depending on what you are made of, it can either grind you down or it can polish you up. I choose to be one that is polished up.

Today I hand to the parliament a petition from the Uniting Church of Australia in support of complementary protection. There is legislation going before the parliament right now and being discussed right now on complementary protection. I have always supported the introduction of complementary protection. Therefore, I am opposed to the principal standing of my party at the moment. The legislation before the parliament now is supported by the Uniting Church in this petition which I am about to hand over.

There are problems with the legislation even now, and we have to guard against legislation we bring into parliament with a specific intention of protection of an individual who cannot be protected in any other way except through ministerial intervention. At the same time, what if we introduce a law that in a backward way actually affects whether a person can stay here because they are treated under the new legislation and the new law in a different manner which may exclude them? I do not think I have explained myself well—but legislation can often have unintended consequences. So we have to guard at all times against unintended consequences of legislation.

I will stand with my party and oppose the current legislation because I think it could be cleaner and better presented. There is always an argument—and not just about this legislation—about ministerial control as against parliamentary control. That is what this argument is all about. In a perfect world we could say, 'Well, when we have the most difficult case, it just gets referred to the minister of the day and the minister of the day makes that decision'; except that that depends on the politics of the day, what is happening on the day, how many decisions are referred to the minister and whether the minister can actually have the information to make that decision. I trust that ministers can. I trust in the broader wisdom of this parliament, the ministers that serve in this parliament and the guidelines that they put in place for themselves.

Because we are one country that does not have complementary legislation, I can imagine why our community supports complementary legislation: so that those people affected by this, who cannot be accommodated in any other way, can either go to the minister or affect the criteria of the legislation that we have just put in place so they can be assessed as a refugee or as somebody who will suffer refoulement or a difficulty going back to their own country. They may be facing the death penalty if they arrive back in that country. It is a pretty big issue, especially with a nation like ours that opposes the death penalty as a bipartisan statement which we broadcast across the world.

So, whilst I am supportive of complementary protection legislation, I am also a part of a team and I will go into that parliament when we vote and I will vote with my team. I will vote with the coalition. But I put on notice that I have always been a supporter of complementary protection legislation, as long as we as a parliament can get it right. There are a number of opinions as to the legislation that is coming before us, about whether it is correct legislation and has the right balance. So I now present this petition.

*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:

Australia is currently one of the only developed countries which does not have a Complementary Protection process in place for those who arrive in Australia in need of protection and who fall outside the 1951 UN Convention Relating to the Status of Refugee (Refugee Convention) criteria. This includes girls and women facing honour killings and female genital mutilation.

Australia has clear obligations under a number of international treaties not to return a person seeking protection to a place where their lives or well-being could be threatened (nonrefoulement).

Complementary Protection legislation would ensure that Australia fulfils its nonrefoulement obligations.

Your petitioners therefore ask the House to:

Pass Complementary Protection legislation that adequately protects people who fall outside of the Refugee Convention criteria but who would face situations of danger or even death if returned to their home country.

from 1034 citizens

Petition received.

### **Murray-Darling Basin**

**Ms BRODTMANN** (Canberra) (12:36): Today I rise to speak on the Murray-Darling Basin guide and the background paper. Everyone agrees that we want a healthy, working basin, a healthy river system underpinned by strong and viable communities. And everyone involved in the negotiations on the guide and the paper are also in agreement that the basic principles should include acknowledgement of previous efforts by basin governments and communities to achieve water savings and improve water management, acknowledgement that different approaches may be required in different parts of the basin. There needs to be opportunities to build a more flexible and adaptive approach to the delivery of programs. The ACT supports the thrust of the proposed policy to return water to the environment as a necessary action to ensure the sustainability of the basin. But it has strong concerns about the inequitable approach adopted in respect of the ACT, considering that the approach appears to be not entirely consonant with the general principles that are broadly agreed—in particular, acknowledgment of a jurisdiction's track record and recognition that different approaches may be needed in different jurisdictions. The ACT has a number of specific concerns. They are that the guide proposes substantial reductions of between 26 per cent and 34 per cent of the ACT's current surface water use or 34 to 45 per cent if water is taken only from watercourse diversions, such as from ACTEW dams only. This would take the ACT's diversions from the current net 40 gegalitres, under the Murray-Darling Basin agreement cap, to a net 21 to 26 gegalitres per annum under the new sustainable diversion limits.

The proposed limits result in the ACT having the highest percentage proposed water reductions of all basin jurisdictions, despite its track record of sustainable water resource management. There is no consideration of the ACT as a distinct water resource management area with a history of prudent water resource management. The designation of a net rather than a gross limit for the ACT also undermines water re-use incentives. It is inappropriate that the ACT surface water limit is set on the basis of the ACT cap under the Murray-Darling Basin agreement rather than the ACT Water Sharing Plan, which actually describes the characteristics of the ACT water resource.

There is also no consideration given to the ACT's critical human water needs, nor is there consideration of the importance of future population growth, particularly by setting proposed limits that can only be met with permanent water restrictions. There is no analysis of the socioeconomic impacts of the proposed basin plan on the ACT region, despite this being required under the Water Act 2007.

The treatment of the ACT is generally inequitable compared with other limit areas and basin jurisdictions. The proposed limits, if adopted in the final basin plan, would require the ACT to purchase water entitlements from elsewhere in the basin if the ACT wished to avoid permanent water restrictions. This would be the case even if ACT dams were full and spilling over.

The ACT government has also identified a number of data and analysis inaccuracies in the guide. For example, the guide bases the ACT forestry interception component of the current diversion limit on an outdated plantation area. The guide also adopts a groundwater limit for the ACT that does not reflect current diversion limits under the ACT Water Sharing Plan. To redress the lack of ACT socioeconomic analysis in the guide, the ACT government has commissioned an independent study by the Centre for International Economics. This demonstrates that the costs of imposing water restrictions to manage demand to meet the proposed limits are substantial, starting at about \$45 million per year, rising to \$220 million per year as the population grows and higher-level restrictions become necessary.

Finally, the guide indicates that the Commonwealth will bridge any remaining gap between current diversion limits and the final plan limits. I understand that the Commonwealth intends to do this by buying environmental water in each catchment or by recovering the water through irrigation infrastructure efficiency upgrades. The problem with this is that the ACT is different from other basin catchments in that it does not have a pool of water entitlements that can be purchased for the environment. There is also no scope for the Commonwealth to recover water by funding irrigation works in the ACT. This is not recognised in the guide.

I conclude by expressing the firm hope that the ACT's legitimate concerns can be met in achieving our shared goals for the future of the Murray-Darling Basin.

### **Royal Australian Artillery**

**Mr SIMPKINS** (Cowan) (12:41): I will take this opportunity today to speak of the Royal Australian Artillery and particularly the Army Reserve units of the artillery. This arms corps has a long and proud history stretching back to the First Fleet, to the colonial batteries and into the modern era. Army Reserve artillery units are allocated to each of the Army Reserve brigades. At 4th Brigade in Victoria, the 2/10 Medium Regiment has at Dandenong the 22nd Field Battery and at Geelong the 38th Field Battery. The 5th Brigade in New South Wales has the 23rd Field Regiment in Kogarah. The 8th Brigade in New South Wales has the 28th Field Battery at Dee Why and the 113th Field Battery at Adamstown. The 9th Brigade has the 16th Field Battery in Launceston and the 48th Field Battery in Keswick in South Australia. In Perth at Karrakatta we have the 7th Field Battery as part of the 13th Brigade.

The history and traditions of these reserve artillery units date back to the First World War, and the traditions of these units burn even more brightly with the commitment shown by these reserve soldiers. I take this opportunity to thank the officers, NCOs and other ranks of the Army Reserve units for their efforts and their commitment to our nation. They are an important part of the Army.

In 2005 the Howard government recognised the need for the existing artillery guns to be replaced and, in 2006, gave first pass approval to the Land 17 Project. Currently the Army has three types of guns: the M198, 155mm medium artillery guns, the L119 105mm artillery guns and the old M2A2 105mm guns, which still exist in army reserve units. Clearly artillery is an important part of any form of combat operations and modern equipment must be able to be deployed. Land 17 is about replacing artillery and considering self-propelled or towed artillery. It is also about precision munitions.

In 2005 the then minister spoke of converting all the regular artillery units to medium artillery, being the 155mm howitzers. The likely concept for the reserve units was that the existing M198 guns would be transferred to 28th Battery, 113th Battery, 16th Battery and 48th Battery, with the more modern L119 Hamel guns transferred to 23rd Field Regiment and the 7th Battery in Perth. I understand that the first formal tender for Land 17 was not released until September 2007. I understand that the purchase of the phase 2 self-propelled howitzers may now not proceed at all, leaving phase 1 towed 155mm guns as the only capability with 35 M77782 howitzers having been ordered. A decision not to proceed with phase 2 and self-propelled howitzers would seem like an opportunity lost. With phase 2, the two main contenders were the German produced Panzerhaubitze 2000 that was well proven in Afghanistan by the Dutch. Another contender was the K9 Thunder produced in South Korea. These are both self-propelled guns and obviously have certain capabilities that endear themselves to procurers of military equipment. I have certainly seen strong recommendations for the German contender—of course, it is not up to me to make these decisions. What is of most concern to me as a former Army officer and someone who greatly respects the dedication and commitment of the Army Reserve, is the decision that has apparently been made to now take all artillery guns away from the Reserve artillery units and replace them with mortars. I note—and everyone should note—that 81mm mortars are an infantry weapon of the support companies of the infantry battalions. The downgrading of Reserve artillery units is disappointing because it was certainly the intent back in 2005 for the Reserve to maintain their role as genuine artillery and not to take on infantry weapons. I note that Defence Force Recruiting is now advertising for reservist positions of 'light gun'—gunners that use mortars.

We should understand that a medium artillery battery consists of four guns, whereas a 105mm field battery consists of six. The Regular Army currently has six field and two medium batteries. To upgrade all eight batteries to medium howitzers would require 32 artillery pieces. This should then release the L119, the more modern 105mm guns, to flow into the Reserve units that do not already have them. But that is not going to happen. The 81mm mortars are what is going to go to the Reserve units, so I really wonder where the L119s are going to be sent as part of the Land 17 Project.

I reiterate that the great traditions of the units and the dedication of the Army Reserve soldiers are not enhanced by such decisions. There is great concern amongst current and former artillerymen, and it remains my view that to take all artillery out of every Reserve unit is a bad decision. It runs contrary to the great traditions of combat corps of artillery and will have impacts on the recruiting and retention of artillery soldiers in the Reserve in the future. It is becoming obvious that this is just another decision by a government that has no vision for the Reserve forces and it is symptomatic of the lack of direction that afflicts this government across so many portfolio areas.

### **Blair Electorate: Ipswich Motorway and Blacksoil Interchange**

**Mr NEUMANN** (Blair) (12:46): The federal Labor government is investing a record \$8.5 billion in Queensland as part of our Nation Building Program to renew and expand the state's road, rail and public transport infrastructure—more than twice the amount that the Howard coalition government spent over a similar period of time. The two best examples are in my area, the Ipswich Motorway and the Blacksoil Interchange. The Ipswich

Motorway at its height has 100,000 vehicles a day travelling on it between Ipswich and Brisbane, and at its minimum about 80,000 vehicles a day. For three federal election campaigns the coalition has campaigned against the Ipswich Motorway upgrade. Indeed, in October 2009, the Leader of the National Party in this place said that he would stop construction of the Ipswich Motorway, putting at risk 10,000 jobs in this vital arterial road in South-East Queensland, vital not just for Ipswich and Brisbane but also for the Lockyer Valley, Toowoomba and the Somerset region.

The coalition has voted against the funding for the Ipswich Motorway every single time I have been in the chamber when a bill has come up providing funding for it. I put this to the coalition members now: with \$155 million for the final part of the Dinmore to Goodna section of the Ipswich Motorway in the Nation Building Program, will they vote against it yet again? There are members in this place from Queensland who know very well how important the Ipswich Motorway upgrade is, and of course we will see what they make of this.

But there is also the Blacksoil Interchange. The coalition for 11½ years refused to upgrade the Blacksoil Interchange. It is the gateway to the Lockyer Valley, to Ipswich and the Somerset region. We have committed—and we did in the last federal election campaign—\$54 million, with \$16 million put in by the state for this \$70 million project. The Council of Mayors of South-East Queensland put it as one of the seven magnificent projects that they wanted funded in South-East Queensland, yet the coalition did not have one shadow minister come to my seat in the last campaign. They refused to make a commitment to fix the Blacksoil Interchange. They have refused to make a commitment since the election about fixing the Blacksoil Interchange. They steadfastly ignored it.

The hopeless LNP candidate against me at the last election started putting protest people in the Blacksoil Interchange during the campaign, yet not one dollar, not one cent, from the coalition was put towards it. We have made that commitment in this budget. The Ipswich based *Queensland Times* said on line: 'Budget delivers \$54 million for Blacksoil', and in the paper: 'Dangerous Blacksoil Interchange to be given overhaul. Ipswich set to benefit from budget funding'. And the *Star* as well: '\$54 million for Interchange in budget'. This is how important it is. The LNP members in this place should finally have the courage and determination to front up to the Leader of the Opposition and tell him how important road funding is in South-East Queensland. They have voted against bill after bill after bill which provides it.

And it is not just that: let us have a look at the Roads to Recovery funding. Let us just show how little the coalition considered our region was worth. Let us have a look at the Somerset region in my seat. The whole of the Somerset region is in the electorate of Blair. For the 2007-08 Roads to Recovery program to help local councils there was \$357,234. What have we done? We have nearly doubled that. We have committed \$653,317 in this budget.

It is no secret that the Somerset council are not my best friends. The deputy mayor ran against me in the last election as the LNP candidate and it is stacked full of LNP supporters and members. They have in fact publicly criticised me on numerous occasions. But I say this: those people, those LNP members, who were campaigning for the Blacksoil Interchange in Somerset, Ipswich and the Lockyer Valley did not have the commitment and the guts to actually convince their leadership to support this commitment, make it, campaign on it, and even vote for it. Let us see what the LNP members do on the Ipswich Motorway and the Blacksoil Interchange when these budget bills come into the chamber.

### **National Volunteer Week**

**Mrs ANDREWS** (McPherson) (12:51): This week, from 9 to 15 May, is National Volunteer Week, when all Australians are called upon to recognise and show our appreciation to volunteers for their contribution. During National Volunteer Week we all have the opportunity to give some thought to, and say thank you to, those Australians who have so selflessly volunteer their time and energy throughout the year. Volunteers provide community service to so many areas of society including Surf Life Saving, aged care, Scouts, the school tuckshop or canteen, and at school crossings, just to name a few. The theme of this year's National Volunteer Week is 'Inspiring the Volunteer in You.' It is intended to help bring volunteering to the forefront of everyone's mind and to encourage people to volunteer and therefore add value to the volunteer sector. I believe this theme will resonate with all Australians and will be successful in inspiring more people to volunteer and lend a helping hand to others. In particular, I am hopeful that the theme will resonate with our younger Australians and highlight the personal growth opportunities available through volunteering, as we need to encourage our youth to support our communities through volunteering their time and skills.

I would now like to take the opportunity to reflect on the value of volunteering. Across the nation more than five million people are volunteers of some description. This continues to grow and grow as a percentage of our population. Australian volunteers contribute more than 700 million hours of community service. There are estimates that in 2010 volunteering was worth about \$13.4 billion to the Queensland economy. Volunteers

provided work equivalent to almost 300,000 full-time workers. Volunteering Gold Coast estimates that one-quarter of us will volunteer over our lifetime. I hope to bring further recognition to the value of the volunteer and grow the proportion of us who give of ourselves for others.

I believe that volunteers and other community achievers remind us that a kind word to someone who is isolated, or a moment of assistance given to someone who is marginalised, can make an enormous difference to that individual. Australians, and Gold Coasters especially, have always had a reputation for being friendly and part of their community, not just observers on the sidelines. I believe that we are always prepared to lend a hand to our neighbours and will continue to do so well into the future.

Since my election I have met some amazing contributors to the local area: people who I know I can call on to assist our most vulnerable; people who bring community members together where they might otherwise be alone; and people who are generous with their skills and share them with others. On Tuesday, 12 April, I held the inaugural McPherson Community Achiever Awards ceremony, which sought to acknowledge those members of the McPherson community who have given so much to the southern Gold Coast. When I received the nominations for the McPherson Community Achiever Awards it was a great experience for me to be able to read the stories and ultimately listen to those people tell the stories of the work that they had done within our community. And they were certainly truly remarkable stories.

I would like to again congratulate the recipients of the McPherson Community Achiever Awards for 2011. They are Dr Aruni Abeywardena, Antoinette Badenoch, Phil Barnes, Doreen Barnes, Reverend Colin Batt, Les Brodie, Katrina Casaclang, Neville Free, Dulcie Free, Joseph Gates, Mark Goodwin, Ian Grace, Violet Langan, Ron Martinenko, Bobbie Matheson, Cynthia Munro, Merv Rose, Marea Ryan, Toula Singer, Ena Slyp, David Smith, Natalie Tree and Norma Wright. These recipients were nominated for their efforts in both a volunteer capacity and a professional capacity. Each had made a significant contribution to their local communities over a number of years. Without people like them, elements of our economy would crumble. Some essential services would disappear and individuals would struggle. We cannot do without these silent achievers, and it is with this in mind that I will continue to seek to recognise those individuals through these annual awards. I thank them.

### **La Trobe Electorate: Community Forums**

**Ms SMYTH** (La Trobe) (12:56): Last Saturday I held the first of what I hope will be many successful community forums at the Belgrave South Progress Hall in my electorate of La Trobe. There was a fantastic turnout at the day-long community event, which heard from climate change experts, local school students, local environmental groups and community organisations.

The first session of the day was titled 'Carbon and our future' and was presented by Corey Watts of the Climate Institute, who gave an insightful presentation. He explained why carbon has such a significant and detrimental impact on our environment and is such a contributor to climate change.

The participants in the forum and all of those who attended, and there were certainly many, had an opportunity to talk about the government's carbon price plan and the potential that it has not only to benefit our environment but certainly to transform our economy for the better.

The second session of the day focused on clean energy jobs and it was presented by Will McGoldrick of the Climate Institute, who gave a comprehensive insight into clean energy jobs, where they are being created and where they are likely to be created in future, benefiting Australian workers and certainly benefiting our economy. Will explained the importance of moving to a clean energy economy, not only for its positive environmental outcomes but also for Australia's long-term financial prosperity and security and for the jobs of all Australians.

The third session of the day focused on issues closer to home in terms of the Dandenong Ranges. It focused on biodiversity in our area of La Trobe. Seven representatives from local councils, environmental groups and Landcare groups gave their perspective on what is happening locally to protect native species and what they would like to see happen to promote biodiversity in our area. Again, the level of interest from the broader community was great. Frankly, I was quite overwhelmed by the interest shown, both in attendee numbers and in the response that was received by my office. I really hope that it will assist some of our local community groups and environmental and Landcare groups to attract some new volunteers to help revegetate environmentally sensitive parts of the region.

For later in the day I had arranged a special young future leaders session, which gave a chance for 15 students from seven schools within the electorate to have their say on issues of national importance. It was fascinating to watch. I say that I watched it, because at that stage I was very happy to call upon the excellent abilities of Chris Varney, a former Australian Youth Representative to the UN and a former Ferntree Gully resident, who was able to chair the session. It certainly encouraged the students to make their voices heard on issues relating to climate, the participation of young people in our democracy, compulsory voting and a range of other matters. I must say it

brought home to me that we really do not have enough opportunities to hear from young people right across all electorates about their views on national issues, and they are incredibly important. I certainly value the opinions which the students shared with me at Saturday's community forum, and I will be looking for more opportunities to hear from young people in our area in the future. In that regard, I should also note that I have received quite a bit of correspondence from Hillcrest Christian College, specifically Mr Nathan Pither and the grade 4 class, 4P, which has written to me collectively urging action on issues relating to our environment. So I am very pleased to be able to make mention of them today and say that I hope to engage with them and with other students and young people in my electorate in future on these important issues.

Wrapping up the community forum were representatives from the Global Poverty Project, World Vision's VGen and the Australian Youth Climate Coalition, who gave interested residents and community groups the skills to build effective community campaigns about local and national issues of importance to them. The forum was really a chance to hear from residents who were concerned about the damaging and harmful effects of climate change in our local environment.

People are concerned about the future of our environment and the future of their children. I organised this community forum specifically to give those residents a chance to hear from experts about climate change and the way that a carbon price will transform our economy. We have had far too much of Tony Abbott's scaremongering about climate change. I know that people locally want to have a calm, rational discussion about these important issues, and that is what Saturday's forum was all about. I hope to have other opportunities to do the same in future.

**The DEPUTY SPEAKER:** I thank the honourable member for La Trobe but would remind her of the provisions of standing order 64, which provide that she ought to refer to the Leader of the Opposition by his title and not by his name.

Question agreed to.

**Main Committee adjourned at 13:01**



## QUESTIONS IN WRITING

### Asylum Seekers

#### (Question No. 95)

**Mr Morrison** asked the Minister for Immigration and Citizenship, in writing, on 22 November 2010:

How many days above the Government's 90 day target have (a) Sri Lankan; and (b) Afghan asylum seekers been in detention as a consequence of the processing suspension announced on 9 April 2010 and what is the total sum of the additional costs incurred by the extended detention in parts (a) and (b).

**Mr Bowen:** The answer to the honourable member's question is as follows:

While there are no statutory requirements to process asylum claims for irregular maritime arrivals within a prescribed timeframe, the 90 day statutory timeframe for assessment of onshore protection claims has been used as a standard operating guide for the Refugee Status Assessment (RSA) process.

The 90 day target is calculated from the time the Department receives a Refugee Status Assessment request.

As at 23 November 2010, the average number of days Sri Lankan irregular maritime arrivals subject to the suspension were in detention was 188 days, 107 of which were taken up with RSA processing. This is 17 days above the 90 day processing target.

As at 23 November 2010, the average number of days Afghan irregular maritime arrivals subject to the suspension were in detention was 177 days, 54 of which were taken up with RSA processing. This is within the 90 day processing target.

The cost of detention is dependant on the specific circumstances of each detainee and as such the costs of the suspension cannot be adequately estimated.

### Ministers: Staff, Capital Works and Acquisitions

#### (Question Nos 239 and 240)

**Mr Christensen** asked the Minister for Arts and Minister for Regional Australia, Regional Development and Local Government, in writing, on 3 March 2011:

(1) How many personal staff are employed by the Minister.

(2) What is the (a) total cost, and (b) breakdown of costs, of all capital works and acquisitions in the Minister's private office since 3 December 2007.

**Mr Crean:** The answer to the honourable member's question is as follows:

(1) The employment of staff under the Members of Parliament (Staff) Act 1984 is administered by the Department of Finance and Deregulation. On 22 February 2011, the Department tabled with the Senate Finance and Public Administration Committee a list of Government Personal Staff Positions as at 1 February 2011.

(2) The cost of capital works and acquisitions for Ministers' offices is shared by the Department of Parliamentary Services (DPS), Department of Finance and Deregulation (DoFD) and home departments in line with Appendix 2 of the Supporting Ministers, Upholding the Values. The Special Minister of State will accordingly respond on behalf of all Ministers in respect of costs incurred by the DPS and DoFD.

I am advised that the costs incurred by the Department of Regional Australia, Regional Development and Local Government are as follows:

- laminated maps of Australia—\$100;
- refrigerator—\$890;
- crockery for office kitchen—\$250; and
- 1 x 4 draw B class safe—\$3,511.

All costs quoted are shared between the Department of the Prime Minister and Cabinet and the Department of Regional Australia, Regional Development and Local Government, in accordance with my dual role as Minister for the Arts and Minister for Regional Australia, Regional Development and Local Government.

I was appointed Minister for Regional Australia, Regional Development and Local Government and Minister for the Arts on 14 September 2010. As such, no data is provided for the period prior to this date.

### Ministers: Staff, Capital Works and Acquisitions

#### (Question No. 243)

**Mr Briggs** asked the Minister for Immigration and Citizenship, in writing, on 3 March 2011:

(1) How many personal staff are employed by the Minister.

(2) What is the (a) total cost, and (b) breakdown of costs, of all capital works and acquisitions in the Minister's private office since 3 December 2007.

**Mr Bowen:** The answer to the honourable member's question is:

(1) The employment of staff under the *Members of Parliament (Staff) Act 1984* is administered by the Department of Finance and Deregulation (DoFD). On 22 February 2011, DoFD tabled with the Senate Finance and Public Administration Committee a list of Government Personal Staff Positions as at 1 February 2011.

(2) (a) and (b) The cost of capital works and acquisitions for ministers' offices is shared by the Department of Parliamentary Services (DPS), Department of Finance and Deregulation (DoFD) and home departments in line with Appendix 2 of *Supporting Ministers, Upholding the Values*. The Special Minister of State will accordingly respond on behalf of all ministers in respect of costs incurred by the DPS and DoFD.

I am advised that, since being sworn in as Minister for Immigration and Citizenship on 14 September 2010, to 3 March 2011, the total cost of capital works and acquisitions incurred by the Department of Immigration and Citizenship for my office at Australian Parliament House is in the order of \$3,950.91. A breakdown of costs is set out below:

| Item                                    | Cost              |
|---|-------------------|
| 1 x 4 Drawer C-Class Security Container | \$1,984.40        |
| 3 x Televisions                         | \$1,335.00        |
| 1 x Mini Fridge                         | \$ 233.51         |
| 1 x DVD Player                          | \$ 398.00         |
| <b>TOTAL</b>                            | <b>\$3,950.91</b> |

### Ministers: Staff, Capital Works and Acquisitions

#### (Question Nos 253 and 254)

**Mr Briggs:** asked the Minister for Resources and Energy, in writing, on 3 March 2011:

(1) How many personal staff are employed by the Minister.

(2) What is the (a) total cost, and (b) breakdown of costs, of all capital works and acquisitions in the Minister's private office since 3 December 2007.

**Mr Martin Ferguson:** The answer to the honourable member's question is as follows:

(1) The employment of staff under the *Members of Parliament (Staff) Act 1984* is administered by the Department of Finance and Deregulation. On 22 February 2011, the Department tabled with the Senate Finance and Public Administration Committee a list of Government Personal Staff Positions as at 1 February 2011.

(2) The cost of capital works and acquisitions for ministers' offices is shared by the Department of Parliamentary Services (DPS), Department of Finance and Deregulation (DoFD) and home departments in line with Appendix 2 of *Supporting Ministers, Upholding the Values*. The Special Minister of State will accordingly respond on behalf of all ministers in respect of costs incurred by the DPS and DoFD.

I am advised that the costs incurred by the Department of Resources, Energy and Tourism are as follows:

|                  | 2007/08  | 2008/09   | 2009/10  | To 31/03/2011 |
|------------------|----------|-----------|----------|---------------|
| Office Equipment | 2,897.70 | 1,777.86  | 1,135.69 | 737.18        |
| Photocopiers     | 2,305.48 | 1,591.27  | 5,834.15 | 4,190.48      |
| Assets *         | 4,202.96 | 25,673.34 | 2,912.64 | 8,638.08      |

\* Asset figure in 2008/09 includes Departmental computer replacement

### Ministers: Staff, Capital Works and Acquisitions

#### (Question No. 273)

**Mr Briggs** asked the Minister for Mental Health and Ageing, in writing, on 3 March 2011:

(1) How many personal staff are employed by the Minister.

(2) What is the (a) total cost, and (b) breakdown of costs, of all capital works and acquisitions in the Minister's private office since 3 December 2007.

**Mr Butler:** The answer to the honourable member's question is as follows:

(1) The employment of staff under the *Members of Parliament (Staff) Act 1984* is administered by the Department of Finance and Deregulation. On 22 February 2011, the Department tabled with the Senate Finance and Public Administration Committee a list of Government Personal Staff Positions as at 1 February 2011.

(2) The cost of capital works and acquisitions for Ministers' offices is shared by the Department of Parliamentary Services (DPS), Department of Finance and Deregulation (DoFD) and home departments in line with Appendix 2 of *Supporting Ministers, Upholding the Values*. The Special Minister of State will accordingly respond on behalf of all ministers in respect of costs incurred by the DPS and DoFD.

The costs incurred by the Department of Health and Ageing are as follows:

(a) Total cost is—\$1,427.33

(b) The costs include acquisitions for standalone objects and equipment hired and/or purchased for the office. This may include items such as printers, audio visual equipment, polycoms and safes. The department's financial system does not capture data to differentiate between a specific item or office. The data includes the Minister's private office at Australian Parliament House as well as any Commonwealth Parliamentary Office or Commonwealth Parliamentary Office and Electorate Office combined.

The Minister for Mental Health and Ageing was appointed on 14 September 2010. As such, no data is provided for the period prior to this date.

### **Immigration and Citizenship: Think Tank and Policy Institutes**

#### **(Question No. 313)**

**Mr Robert** asked the Minister for Immigration and Citizenship, in writing, on 23 February 2011:

- (1) How many think tanks or policy institutes are funded by the Minister's department, and (a) what are (i) their names, and (ii) key areas of research, and (b) in what office/agency within the department do they fall?
- (2) What sum of funding was provided to each of the think tanks or policy institutes in part (1) in (a) 2007-08, (b) 2008-09, (c) 2009-10, and (d) 2010-11?
- (3) For each think tank or policy institute in part (1), on what date (a) was an announcement made that it would be formed, and (b) did it commence operating.

**Mr Bowen:** The answer to the honourable member's question is:

- (1) The Department of Immigration and Citizenship does not fund any think tanks or policy institutes.
- (2) My Department has not funded any think tanks or policy institutes in the years in question.
- (3) N/A.