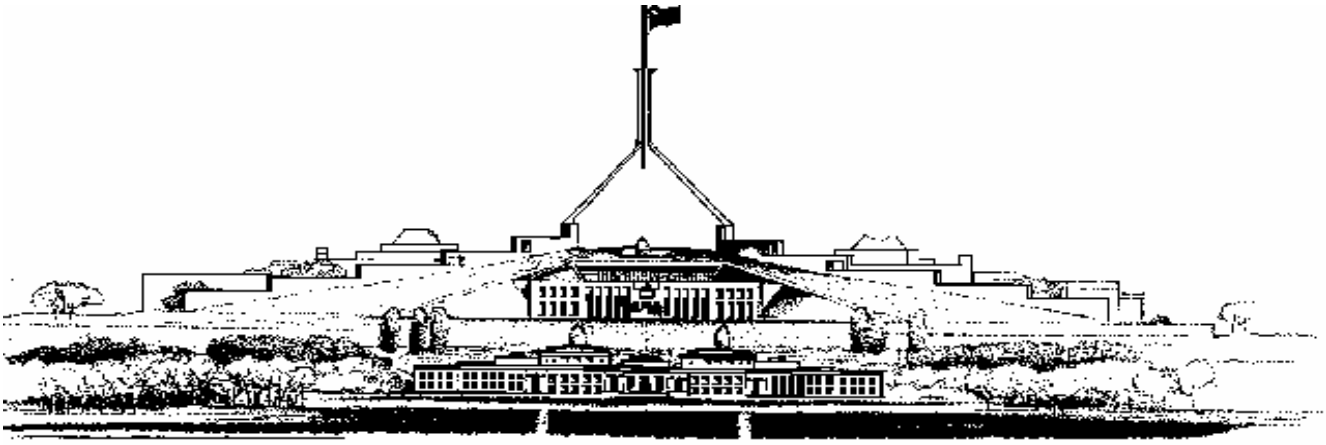
COMMONWEALTH OF AUSTRALIA

**PARLIAMENTARY DEBATES**



# House of Representatives

# Official Hansard

**No. 5, 2009**

**Thursday, 19 March 2009**

FORTY-SECOND PARLIAMENT
FIRST SESSION—FOURTH PERIOD

BY AUTHORITY OF THE HOUSE OF REPRESENTATIVES

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**SITTING DAYS—2009**

| Month | Date |
|---|---|
| February | 3, 4, 5, 9, 10, 11, 12, 23, 24, 25, 26 |
| March | 10, 11, 12, 16, 17, 18, 19 |
| May | 12, 13, 14, 25, 26, 27, 28 |
| June | 1, 2, 3, 4, 15, 16, 17, 18, 22, 23, 24, 25 |
| August | 11, 12, 13, 17, 18, 19, 20 |
| September | 7, 8, 9, 10, 14, 15, 16, 17 |
| October | 19, 20, 21, 22, 26, 27, 28, 29 |
| November | 16, 17, 18, 19, 23, 24, 25, 26 |

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**FORTY-SECOND PARLIAMENT**
**FIRST SESSION—FOURTH 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*—Ms Anna Elizabeth Burke MP

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

*Members of the Speaker's Panel*—Hon. Dick Godfrey Harry Adams MP, Hon. Kevin James Andrews MP, Hon. Archibald Ronald Bevis MP, Ms Sharon Leah Bird MP, Mr Steven Georganas MP, Hon. Judith Eleanor Moylan MP, Ms Janelle Anne Saffin MP, Mr Albert John Schultz MP, Mr Patrick Damien Secker MP, Mr Peter Sid Sidebottom MP, Hon. Peter Neil Slipper MP, Mr Kelvin John Thomson MP, Hon. Danna Sue Vale MP and Dr Malcolm James Washer 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. Kevin Michael Rudd MP

*Deputy Leader*—Hon. Julia Eileen Gillard MP

*Chief Government Whip*—Hon. Leo Roger Spurway Price MP

*Government Whips*—Ms Jill Griffiths Hall MP and Mr Christopher Patrick Hayes MP

Liberal Party of Australia

*Leader*—Hon. Malcolm Bligh Turnbull MP

*Deputy Leader*—Hon. Julie Isabel Bishop MP

*Chief Opposition Whip*—Hon. Alex Somlyay MP

*Opposition Whip*—Mr Michael Andrew Johnson MP

*Deputy Opposition Whip*—Ms Nola Bethwyn Marino MP

The Nationals

*Leader*—Hon. Warren Errol Truss MP

*Chief Whip*—Mrs Kay Elizabeth Hull 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 |
| Andrews, Hon. Kevin James | Menzies, Vic | LP |
| Bailey, Hon. Frances Esther | McEwen, Vic | LP |
| Baldwin, Hon. Robert Charles | Paterson, NSW | LP |
| Bevis, Hon. Archibald Ronald | Brisbane, Qld | ALP |
| Bidgood, James Mark | Dawson, Qld | ALP |
| 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 | Prospect, NSW | ALP |
| Bradbury, David John | Lindsay, NSW | ALP |
| Briggs, Jamie Edward | Mayo SA | LP |
| Broadbent, Russell Evan | McMillan, Vic | LP |
| Burke, Anna Elizabeth | Chisholm, Vic | ALP |
| Burke, Hon. Anthony Stephen | Watson, NSW | ALP |
| Butler, Mark Christopher | Port Adelaide, SA | ALP |
| Byrne, Hon. Anthony Michael | Holt, Vic | ALP |
| Campbell, Jodie Louise | Bass, Tas | ALP |
| Champion, Nicholas David | Wakefield, SA | ALP |
| Cheeseman, Darren Leicester | Corangamite, Vic | ALP |
| Chester, Darren | Gippsland, Vic. | Nats |
| Ciobo, Steven Michele | Moncrieff, Qld | LP |
| Clare, Jason Dean | Blaxland, NSW | ALP |
| Cobb, Hon. John Kenneth | Calare, NSW | Nats |
| Collins, Julie Maree | Franklin, Tas | ALP |
| Combet, Hon. Gregory Ivan, AM | Charlton, NSW | ALP |
| Costello, Hon. Peter Howard | Higgins, Vic | LP |
| Coulton, Mark Maclean | Parkes, NSW | Nats |
| Crean, Hon. Simon Findlay | Hotham, Vic | ALP |
| Danby, Michael David | Melbourne Ports, Vic | ALP |
| D'Ath, Yvette Maree | Petrie, Qld | ALP |
| Debus, Hon. Robert John | Macquarie, NSW | ALP |
| Dreyfus, Mark Alfred, QC | Isaacs, Vic | ALP |
| Dutton, Hon. Peter Craig | Dickson, Qld | LP |
| Elliot, Hon. Maria Justine | Richmond, NSW | ALP |
| Ellis, Annette Louise | Canberra, ACT | ALP |
| Ellis, Hon. Katherine Margaret | Adelaide, SA | ALP |
| Emerson, Hon. Craig Anthony | Rankin, Qld | ALP |
| Farmer, Hon. Patrick Francis | Macarthur, NSW | LP |
| Ferguson, Hon. Laurie Donald Thomas | Reid, NSW | ALP |
| Ferguson, Hon. Martin John, AM | Batman, Vic | ALP |
| Fitzgibbon, Hon. Joel Andrew | Hunter, NSW | ALP |
| Forrest, John Alexander | Mallee, Vic | Nats |
| Garrett, Hon. Peter Robert, AM | Kingsford Smith, NSW | ALP |
| Gash, Joanna | Gilmore, NSW | LP |

## Members of the House of Representatives

| Members | Division | Party |
|---|---|---|
| Georganas, Steven | Hindmarsh, SA | ALP |
| George, Jennie | Throsby, NSW | ALP |
| Georgiou, Petro | Kooyong, Vic | LP |
| 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 |
| Haase, Barry Wayne | Kalgoorlie, WA | LP |
| Hale, Damian Francis | Solomon, NT | ALP |
| Hall, Jill Griffiths | Shortland, NSW | ALP |
| Hartsuyker, Luke | Cowper, NSW | Nats |
| Hawke, Alexander George | Mitchell, NSW | LP |
| Hawker, Hon. David Peter Maxwell | Wannon, Vic | LP |
| Hayes, Christhopher Patrick | Werriwa, NSW | ALP |
| Hockey, Hon. Joseph Benedict | North Sydney, NSW | LP |
| Hull, Kay Elizabeth | Riverina, NSW | Nats |
| Hunt, Hon. Gregory Andrew | Flinders, Vic | LP |
| Irons, Stephen James | Swan, WA | LP |
| Irwin, Julia Claire | Fowler, NSW | ALP |
| Jackson, Sharryn Maree | Hasluck, WA | ALP |
| Jenkins, Harry Alfred | Scullin, Vic | ALP |
| Jensen, Dennis Geoffrey | Tangney, WA | LP |
| Johnson, Michael Andrew | Ryan, Qld | LP |
| Katter, Hon. Robert Carl | Kennedy, Qld | Ind |
| Keenan, Michael Fayat | Stirling, WA | LP |
| Kelly, Hon. Michael Joseph, AM | Eden-Monaro, NSW | ALP |
| Kerr, Hon. Duncan James Colquhoun, SC | Denison, Tas | ALP |
| King, Catherine Fiona | Ballarat, Vic | ALP |
| Laming, Andrew Charles | Bowman, Qld | LP |
| Ley, Hon. Sussan Penelope | Farrer, NSW | LP |
| Lindsay, Hon. Peter John | Herbert, Qld | LP |
| Livermore, Kirsten Fiona | Capricornia, Qld | ALP |
| McClelland, Hon. Robert Bruce | Barton, NSW | ALP |
| Macfarlane, Hon. Ian Elgin | Groom, Qld | LP |
| McKew, Hon. Maxine Margaret | Bennelong, NSW | ALP |
| Macklin, Hon. Jennifer Louise | Jagajaga, Vic | ALP |
| McMullan, Hon. Robert Francis | Fraser, ACT | ALP |
| Marino, Nola Bethwyn | Forrest, WA | LP |
| Markus, Louise Elizabeth | Greenway, NSW | LP |
| Marles, Richard Donald | Corio, Vic | ALP |
| May, Margaret Ann | McPherson, Qld | LP |
| Melham, Daryl | Banks, NSW | ALP |
| Mirabella, Sophie | Indi, Vic | LP |
| Morrison, Scott John | Cook, NSW | LP |
| Moylan, Hon. Judith Eleanor | Pearce, WA | LP |
| Murphy, Hon. John Paul | Lowe, NSW | ALP |
| Neal, Belinda Jane | Robertson, NSW | ALP |
| Nelson, Hon. Brendan John | Bradfield, NSW | LP |

**Members of the House of Representatives**

| Members | Division | Party |
|---|---|---|
| Neumann, Shayne Kenneth | Blair, Qld | ALP |
| Neville, Paul Christopher | Hinkler, Qld | Nats |
| Oakeshott, Robert James Murray | Lyne, NSW | Ind |
| O'Connor, Hon. Brendan Patrick John | Gorton, Vic | ALP |
| Owens, Julie Ann | Parramatta, NSW | ALP |
| Parke, Melissa | Fremantle, WA | ALP |
| Pearce, Hon. Christopher John | Aston, Vic | LP |
| Perrett, Graham Douglas | Moreton, Qld | ALP |
| Plibersek, Hon. Tanya Joan | Sydney, NSW | ALP |
| Price, Hon. Leo Roger Spurway | Chifley, NSW | ALP |
| Pyne, Hon. Christopher Maurice | Sturt, SA | LP |
| Raguse, Brett Blair | Forde, Qld | ALP |
| Ramsey, Rowan Eric | Grey, SA | LP |
| Randall, Don James | Canning, WA | LP |
| Rea, Kerry Marie | Bonner, Qld | ALP |
| 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 |
| Roxon, Hon. Nicola Louise | Gellibrand, Vic | ALP |
| 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 | NP |
| 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 |
| 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 |
| Sullivan, Jonathan Harold | Longman, Qld | ALP |
| Swan, Hon. Wayne Maxwell | Lilley, Qld | ALP |
| Symon, Michael Stuart | Deakin, Vic | ALP |
| Tanner, Hon. Lindsay James | Melbourne, Vic | ALP |
| Thomson, Craig Robert | Dobell, NSW | ALP |
| Thomson, Kelvin John | Wills, Vic | ALP |
| Trevor, Chris Allan | Flynn, Qld | ALP |
| Truss, Hon. Warren Errol | Wide Bay, Qld | Nats |
| Tuckey, Hon. Charles Wilson | O'Connor, WA | LP |
| Turnbull, Hon. Malcolm Bligh | Wentworth, NSW | LP |
| Turnour, James Pearce | Leichhardt, Qld | ALP |
| Vale, Hon. Danna Sue | Hughes, NSW | LP |
| Vamvakinou, Maria | Calwell, Vic | ALP |

## Members of the House of Representatives

| Members | Division | Party |
|---|---|---|
| Washer, Malcolm James | Moore, WA | LP |
| Windsor, Anthony Harold Curties | New England, NSW | Ind |
| Wood, Jason Peter | La Trobe, Vic | LP |
| Zappia, Tony | Makin, SA | ALP |

PARTY ABBREVIATIONS
ALP—Australian Labor Party; LP—Liberal Party of Australia;
Nats—The Nationals; Ind—Independent

### Heads of Parliamentary Departments

Clerk of the Senate—H Evans
Clerk of the House of Representatives—IC Harris AO
Secretary, Department of Parliamentary Services—A Thompson

## RUDD MINISTRY

| | |
|---|---|
| Prime Minister | Hon. Kevin Rudd, MP |
| Deputy Prime Minister, Minister for Education, Minister for Employment and Workplace Relations and Minister for Social Inclusion | Hon. Julia Gillard, MP |
| Treasurer | Hon. Wayne Swan MP |
| Minister for Immigration and Citizenship and Leader of the Government in the Senate | Senator Hon. Chris Evans |
| Special Minister of State, Cabinet Secretary and Vice President of the Executive Council | Senator Hon. John Faulkner |
| Minister for Finance and Deregulation | Hon. Lindsay Tanner MP |
| Minister for Trade | Hon. Simon Crean MP |
| Minister for Foreign Affairs | Hon. Stephen Smith MP |
| Minister for Defence | Hon. Joel Fitzgibbon 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 Infrastructure, Transport, Regional Development and Local Government and Leader of the House | Hon. Anthony Albanese MP |
| Minister for Broadband, Communications and the Digital Economy and Deputy Leader of the Government in the Senate | Senator Hon. Stephen Conroy |
| Minister for Innovation, Industry, Science and Research | Senator Hon. Kim Carr |
| Minister for Climate Change and Water | Senator Hon. Penny Wong |
| Minister for the Environment, Heritage and the Arts | Hon. Peter Garrett AM, MP |
| Attorney-General | Hon. Robert McClelland MP |
| Minister for Human Services and Manager of Government Business in the Senate | Senator Hon. Joe Ludwig |
| Minister for Agriculture, Fisheries and Forestry | Hon. Tony Burke MP |
| Minister for Resources and Energy and Minister for Tourism | Hon. Martin Ferguson AM, MP |

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

**RUDD MINISTRY—*continued***

| | |
|---|---|
| Minister for Home Affairs | Hon. Bob Debus MP |
| Assistant Treasurer and Minister for Competition Policy and Consumer Affairs | Hon. Chris Bowen MP |
| Minister for Veterans' Affairs | Hon. Alan Griffin MP |
| Minister for Housing and Minister for the Status of Women | Hon. Tanya Plibersek MP |
| Minister for Employment Participation | Hon. Brendan O'Connor MP |
| Minister for Defence Science and Personnel | Hon. Warren Snowdon MP |
| Minister for Small Business, Independent Contractors and the Service Economy and Minister Assisting the Finance Minister on Deregulation | Hon. Dr Craig Emerson MP |
| Minister for Superannuation and Corporate Law | Senator Hon. Nick Sherry |
| Minister for Ageing | Hon. Justine Elliot MP |
| Minister for Youth and Minister for Sport | Hon. Kate Ellis MP |
| Parliamentary Secretary for Early Childhood Education and Childcare | Hon. Maxine McKew MP |
| Parliamentary Secretary for Climate Change | Hon. Greg Combet AM, MP |
| Parliamentary Secretary for Defence Support and Parliamentary Secretary for Water | Hon. Dr Mike Kelly AM, MP |
| Parliamentary Secretary for Regional Development and Northern Australia | Hon. Gary Gray AO, MP |
| Parliamentary Secretary for Disabilities and Children's Services and Parliamentary Secretary for Victorian Bushfire Reconstruction | Hon. Bill Shorten MP |
| Parliamentary Secretary for International Development Assistance | Hon. Bob McMullan MP |
| Parliamentary Secretary for Pacific Island Affairs | Hon. Duncan Kerr MP |
| Parliamentary Secretary to the Prime Minister and Parliamentary Secretary for Trade | Hon. Anthony Byrne MP |
| Parliamentary Secretary for Social Inclusion and Parliamentary Secretary for the Voluntary Sector | Senator Hon. Ursula Stephens |
| Parliamentary Secretary to the Minister for Health and Ageing | Senator Hon. Jan McLucas |
| Parliamentary Secretary for Multicultural Affairs and Settlement Services | Hon. Laurie Ferguson MP |
| Parliamentary Secretary for Government Service Delivery | Senator Hon. Mark Arbib |

## SHADOW MINISTRY

| | |
|---|---|
| Leader of the Opposition | The Hon Malcolm Turnbull MP |
| Shadow Minister for Foreign Affairs and Deputy Leader of the Opposition | The Hon Julie Bishop MP |
| Shadow Minister for Trade, Transport, Regional Development and Local Government and Leader of The Nationals | The Hon Warren Truss MP |
| Shadow Minister for Broadband, Communications and the Digital Economy and Leader of the Opposition in the Senate | Senator the Hon Nick Minchin |
| Shadow Minister for Innovation, Industry, Science and Research and Deputy Leader of the Opposition in the Senate | Senator the Hon Eric Abetz |
| Shadow Treasurer | The Hon Joe Hockey MP |
| Shadow Minister for Education, Apprenticeships and Training and Manager of Opposition Business in the House | The Hon Christopher Pyne MP |
| Shadow Minister for Infrastructure and COAG and Shadow Minister Assisting the Leader on Emissions Trading Design | The Hon Andrew Robb AO, MP |
| Shadow Minister for Finance, Competition Policy and Deregulation | Senator the Hon Helen Coonan |
| Shadow Minister for Human Services and Deputy Leader of The Nationals | Senator the Hon Nigel Scullion |
| Shadow Minister for Energy and Resources | The Hon Ian Macfarlane MP |
| Shadow Minister for Families, Housing, Community Services and Indigenous Affairs | The Hon Tony Abbott MP |
| Shadow Special Minister of State and Shadow Cabinet Secretary | Senator the Hon Michael Ronaldson |
| Shadow Minister for Climate Change, Environment and Water | The Hon Greg Hunt MP |
| Shadow Minister for Health and Ageing | The Hon Peter Dutton MP |
| Shadow Minister for Defence | Senator the Hon David Johnston |
| Shadow Attorney-General | Senator the Hon George Brandis SC |
| Shadow Minister for Agriculture, Fisheries and Forestry | The Hon John Cobb MP |
| Shadow Minister for Employment and Workplace Relations | Mr Michael Keenan MP |
| Shadow Minister for Immigration and Citizenship | The Hon Dr Sharman Stone |
| Shadow Minister for Small Business, Independent Contractors, Tourism and the Arts | Mr Steven Ciobo |

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

**SHADOW MINISTRY—*continued***

| | |
|---|---|
| Shadow Minister for Financial Services, Superannuation and Corporate Law | The Hon Chris Pearce MP |
| Shadow Assistant Treasurer | The Hon Tony Smith MP |
| Shadow Minister for Sustainable Development and Cities | The Hon Bruce Billson MP |
| Shadow Minister for Competition Policy and Consumer Affairs and Deputy Manager of Opposition Business in the House | Mr Luke Hartsuyker MP |
| Shadow Minister for Housing and Local Government | Mr Scott Morrison |
| Shadow Minister for Ageing | Mrs Margaret May MP |
| Shadow Minister for Defence Science and Personnel and Assisting Shadow Minister for Defence | The Hon Bob Baldwin MP |
| Shadow Minister for Veterans' Affairs | Mrs Louise Markus MP |
| Shadow Minister for Early Childhood Education, Childcare, Status of Women and Youth | Mrs Sophie Mirabella MP |
| Shadow Minister for Justice and Customs | The Hon Sussan Ley MP |
| Shadow Minister for Employment Participation, Training and Sport | Dr Andrew Southcott MP |
| Shadow Parliamentary Secretary for Northern Australia | Senator the Hon Ian Macdonald |
| Shadow Parliamentary Secretary for Roads and Transport | Mr Don Randall MP |
| Shadow Parliamentary Secretary for Regional Development | Mr John Forrest MP |
| Shadow Parliamentary Secretary for International Development Assistance and Shadow Parliamentary Secretary for Indigenous Affairs | Senator Marise Payne |
| Shadow Parliamentary Secretary for Energy and Resources | Mr Barry Haase MP |
| Shadow Parliamentary Secretary for Disabilities, Carers and the Voluntary Sector | Senator Mitch Fifield |
| Shadow Parliamentary Secretary for Water Resources and Conservation | Mr Mark Coulton MP |
| Shadow Parliamentary Secretary for Health Administration | Senator Mathias Cormann |
| Shadow Parliamentary Secretary for Defence | The Hon Peter Lindsay MP |
| Shadow Parliamentary Secretary for Education | Senator the Hon Brett Mason |
| Shadow Parliamentary Secretary for Justice and Public Security | Mr Jason Wood MP |
| Shadow Parliamentary Secretary for Agriculture, Fisheries and Forestry | Senator the Hon Richard Colbeck |
| Shadow Parliamentary Secretary for Immigration and Citizenship and Shadow Parliamentary Secretary Assisting the Leader in the Senate | Senator Concetta Fierravanti-Wells |

**CONTENTS**

**THURSDAY, 19 MARCH**

**CONTENTS**—*continued*

**CONTENTS**—*continued*

**CONTENTS**—*continued*

*Thursday, 19 March 2009*

**The SPEAKER (Mr Harry Jenkins)** took the chair at 9.00 am and read prayers.

## ALCOPOPS

**Mr DUTTON** (Dickson) (9.00 am)—I seek leave to move the following motion:

That the Minister for Health and Ageing:

(1) introduce legislation to validate the collection of additional excise on premixed ready to drink alcoholic beverages; and

(2) include in that legislation a provision to quarantine the funds for measures to address binge drinking.

Leave not granted.

## Suspension of Standing and Sessional Orders

**Mr DUTTON** (Dickson) (9.01 am)—I move:

That so much of the standing and sessional orders be suspended as would prevent the member for Dickson moving immediately—

That the Minister for Health and Ageing:

(1) introduce legislation to validate the collection of additional excise on premixed ready to drink alcoholic beverages; and

(2) include in that legislation a provision to quarantine the funds for measures to address binge drinking.

This government's action is shameful in allowing this money to be returned—

**Ms PLIBERSEK** (Sydney—Minister for Housing and Minister for the Status of Women) (9.02 am)—I move:

That the member be no longer heard.

Question put.

The House divided. [9.06 am]

(The Speaker—Mr Harry Jenkins)

| | |
|---|---|
| Ayes…… | 78 |
| Noes…… | 61 |
| Majority…… | 17 |

AYES

| | |
|---|---|
| Adams, D.G.H. | Albanese, A.N. |
| Bevis, A.R. | Bidgood, J. |
| Bird, S. | Bowen, C. |
| Bradbury, D.J. | Burke, A.E. |
| Burke, A.S. | Butler, M.C. |
| Byrne, A.M. | Campbell, J. |
| Champion, N. | Cheeseman, D.L. |
| Clare, J.D. | Collins, J.M. |
| Combet, G. | Crean, S.F. |
| D'Ath, Y.M. | Debus, B. |
| Dreyfus, M.A. | Elliot, J. |
| Ellis, A.L. | Ellis, K. |
| Emerson, C.A. | Ferguson, L.D.T. |
| Ferguson, M.J. | Fitzgibbon, J.A. |
| Garrett, P. | Georganas, S. |
| George, J. | Gibbons, S.W. |
| Gillard, J.E. | Gray, G. |
| Grierson, S.J. | Griffin, A.P. |
| Hale, D.F. | Hall, J.G. * |
| Hayes, C.P. * | Irwin, J. |
| Jackson, S.M. | Kelly, M.J. |
| Kerr, D.J.C. | King, C.F. |
| Livermore, K.F. | Macklin, J.L. |
| Marles, R.D. | McClelland, R.B. |
| McKew, M. | McMullan, R.F. |
| Melham, D. | Murphy, J. |
| Neumann, S.K. | O'Connor, B.P. |
| Owens, J. | Parke, M. |
| Perrett, G.D. | Plibersek, T. |
| Price, L.R.S. | Raguse, B.B. |
| Rea, K.M. | Ripoll, B.F. |
| Rishworth, A.L. | Roxon, N.L. |
| Saffin, J.A. | Shorten, W.R. |
| Sidebottom, S. | Smith, S.F. |
| Snowdon, W.E. | Sullivan, J. |
| Swan, W.M. | Symon, M. |
| Thomson, C. | Thomson, K.J. |
| Trevor, C. | Turnour, J.P. |
| Vamvakinou, M. | Zappia, A. |

NOES

| | |
|---|---|
| Abbott, A.J. | Andrews, K.J. |
| Bailey, F.E. | Baldwin, R.C. |
| Billson, B.F. | Bishop, B.K. |
| Bishop, J.I. | Briggs, J.E. |
| Broadbent, R. | Chester, D. |
| Ciobo, S.M. | Cobb, J.K. |
| Costello, P.H. | Coulton, M. |
| Dutton, P.C. | Farmer, P.F. |
| Forrest, J.A. | Gash, J. |
| Georgiou, P. | Haase, B.W. |

| | |
|---|---|
| Hartsuyker, L. | Hawke, A. |
| Hawker, D.P.M. | Hockey, J.B. |
| Hull, K.E. * | Hunt, G.A. |
| Irons, S.J. | Jensen, D. |
| Johnson, M.A. * | Keenan, M. |
| Laming, A. | Ley, S.P. |
| Lindsay, P.J. | Macfarlane, I.E. |
| Marino, N.B. | May, M.A. |
| Mirabella, S. | Morrison, S.J. |
| Moylan, J.E. | Nelson, B.J. |
| Neville, P.C. | Pearce, C.J. |
| Pyne, C. | Ramsey, R. |
| Randall, D.J. | Robb, A. |
| Robert, S.R. | Ruddock, P.M. |
| Schultz, A. | Scott, B.C. |
| Secker, P.D. | Simpkins, L. |
| Slipper, P.N. | Smith, A.D.H. |
| Somlyay, A.M. | Southcott, A.J. |
| Stone, S.N. | Truss, W.E. |
| Vale, D.S. | Washer, M.J. |
| Wood, J. | |

* denotes teller

Question agreed to.

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

**Mr PYNE** (Sturt—Manager of Opposition Business) (9.10 am)—I second the motion. Alcohol health services are more important than distillers' profits, Mr Speaker—

**Mr ALBANESE** (Grayndler—Leader of the House) (9.11 am)—Mr Speaker—

*Honourable members interjecting—*

**The SPEAKER**—The Leader of the House has the call. The member for Sturt will resume his seat.

**Mr ALBANESE**—I think I might let him go for a little bit longer! Keep going!

*Mr Pyne interjecting—*

**The SPEAKER**—The member for Sturt will resume his seat! The Leader of the House has the call.

**Mr ALBANESE**—I move:

That the member be no longer heard.

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

**The SPEAKER**—I call the member for North Sydney.

**Mr Hockey**—I could not hear the member for Sturt because his microphone wasn't on. I'm not sure—

**The SPEAKER**—He technically had had the call withdrawn by me asking him to sit down—but it was a valiant effort.

Question put.

The House divided. [9.12 am]

(The Speaker—Mr Harry Jenkins)

| | |
|---|---|
| Ayes…… | 78 |
| Noes…… | 61 |
| Majority…… | 17 |

AYES

| | |
|---|---|
| Adams, D.G.H. | Albanese, A.N. |
| Bevis, A.R. | Bidgood, J. |
| Bird, S. | Bowen, C. |
| Bradbury, D.J. | Burke, A.E. |
| Burke, A.S. | Butler, M.C. |
| Byrne, A.M. | Campbell, J. |
| Champion, N. | Cheeseman, D.L. |
| Clare, J.D. | Collins, J.M. |
| Combet, G. | Crean, S.F. |
| D'Ath, Y.M. | Debus, B. |
| Dreyfus, M.A. | Elliot, J. |
| Ellis, A.L. | Ellis, K. |
| Emerson, C.A. | Ferguson, L.D.T. |
| Ferguson, M.J. | Fitzgibbon, J.A. |
| Garrett, P. | Georganas, S. |
| George, J. | Gibbons, S.W. |
| Gillard, J.E. | Gray, G. |
| Grierson, S.J. | Griffin, A.P. |
| Hale, D.F. | Hall, J.G. * |
| Hayes, C.P. * | Irwin, J. |
| Jackson, S.M. | Kelly, M.J. |
| Kerr, D.J.C. | King, C.F. |
| Livermore, K.F. | Macklin, J.L. |
| Marles, R.D. | McClelland, R.B. |
| McKew, M. | McMullan, R.F. |
| Melham, D. | Murphy, J. |
| Neumann, S.K. | O'Connor, B.P. |
| Owens, J. | Parke, M. |
| Perrett, G.D. | Plibersek, T. |
| Price, L.R.S. | Raguse, B.B. |
| Rea, K.M. | Ripoll, B.F. |

| | |
|---|---|
| Rishworth, A.L. | Roxon, N.L. |
| Saffin, J.A. | Shorten, W.R. |
| Sidebottom, S. | Smith, S.F. |
| Snowdon, W.E. | Sullivan, J. |
| Swan, W.M. | Symon, M. |
| Thomson, C. | Thomson, K.J. |
| Trevor, C. | Turnour, J.P. |
| Vamvakinou, M. | Zappia, A. |

NOES

| | |
|---|---|
| Abbott, A.J. | Andrews, K.J. |
| Bailey, F.E. | Baldwin, R.C. |
| Billson, B.F. | Bishop, B.K. |
| Bishop, J.I. | Briggs, J.E. |
| Broadbent, R. | Chester, D. |
| Ciobo, S.M. | Cobb, J.K. |
| Costello, P.H. | Coulton, M. |
| Dutton, P.C. | Farmer, P.F. |
| Forrest, J.A. | Gash, J. |
| Georgiou, P. | Haase, B.W. |
| Hartsuyker, L. | Hawke, A. |
| Hawker, D.P.M. | Hockey, J.B. |
| Hull, K.E. * | Hunt, G.A. |
| Irons, S.J. | Jensen, D. |
| Johnson, M.A. * | Keenan, M. |
| Laming, A. | Ley, S.P. |
| Lindsay, P.J. | Macfarlane, I.E. |
| Marino, N.B. | May, M.A. |
| Mirabella, S. | Morrison, S.J. |
| Moylan, J.E. | Nelson, B.J. |
| Neville, P.C. | Pearce, C.J. |
| Pyne, C. | Ramsey, R. |
| Randall, D.J. | Robb, A. |
| Robert, S.R. | Ruddock, P.M. |
| Schultz, A. | Scott, B.C. |
| Secker, P.D. | Simpkins, L. |
| Slipper, P.N. | Smith, A.D.H. |
| Somlyay, A.M. | Southcott, A.J. |
| Stone, S.N. | Truss, W.E. |
| Vale, D.S. | Washer, M.J. |
| Wood, J. | |

* denotes teller

Question agreed to.

**The SPEAKER**—The question now is that the motion moved by the member for Dickson be agreed to.

**Ms ROXON** (Gellibrand—Minister for Health and Ageing) (9.14 am)—This is the utmost hypocrisy. I am speaking against this motion because the member for Dickson is coming in here as an apologist for the distillers. His—

**Mr PYNE** (Sturt—Manager of Opposition Business) (9.14 am)—I move:

That the question be now put.

Question put.

The House divided. [9.16 am]

(The Speaker—Mr Harry Jenkins)

| | |
|---|---|
| Ayes…… | 61 |
| Noes…… | 80 |
| Majority…… | 19 |

AYES

| | |
|---|---|
| Abbott, A.J. | Andrews, K.J. |
| Bailey, F.E. | Baldwin, R.C. |
| Billson, B.F. | Bishop, B.K. |
| Bishop, J.I. | Briggs, J.E. |
| Broadbent, R. | Chester, D. |
| Ciobo, S.M. | Cobb, J.K. |
| Costello, P.H. | Coulton, M. |
| Dutton, P.C. | Farmer, P.F. |
| Forrest, J.A. | Gash, J. |
| Georgiou, P. | Haase, B.W. |
| Hartsuyker, L. | Hawke, A. |
| Hawker, D.P.M. | Hockey, J.B. |
| Hull, K.E. * | Hunt, G.A. |
| Irons, S.J. | Jensen, D. |
| Johnson, M.A. * | Keenan, M. |
| Laming, A. | Ley, S.P. |
| Lindsay, P.J. | Macfarlane, I.E. |
| Marino, N.B. | May, M.A. |
| Mirabella, S. | Morrison, S.J. |
| Moylan, J.E. | Nelson, B.J. |
| Neville, P.C. | Pearce, C.J. |
| Pyne, C. | Ramsey, R. |
| Randall, D.J. | Robb, A. |
| Robert, S.R. | Ruddock, P.M. |
| Schultz, A. | Scott, B.C. |
| Secker, P.D. | Simpkins, L. |
| Slipper, P.N. | Smith, A.D.H. |
| Somlyay, A.M. | Southcott, A.J. |
| Stone, S.N. | Truss, W.E. |
| Vale, D.S. | Washer, M.J. |
| Wood, J. | |

NOES

| | |
|---|---|
| Adams, D.G.H. | Albanese, A.N. |
| Bevis, A.R. | Bidgood, J. |

| | |
|---|---|
| Bird, S. | Bowen, C. |
| Bradbury, D.J. | Burke, A.E. |
| Burke, A.S. | Butler, M.C. |
| Byrne, A.M. | Campbell, J. |
| Champion, N. | Cheeseman, D.L. |
| Clare, J.D. | Collins, J.M. |
| Combet, G. | Crean, S.F. |
| D'Ath, Y.M. | Danby, M. |
| Debus, B. | Dreyfus, M.A. |
| Elliot, J. | Ellis, A.L. |
| Ellis, K. | Emerson, C.A. |
| Ferguson, L.D.T. | Ferguson, M.J. |
| Fitzgibbon, J.A. | Garrett, P. |
| Georganas, S. | George, J. |
| Gibbons, S.W. | Gillard, J.E. |
| Gray, G. | Grierson, S.J. |
| Griffin, A.P. | Hale, D.F. |
| Hall, J.G. * | Hayes, C.P. * |
| Irwin, J. | Jackson, S.M. |
| Kelly, M.J. | Kerr, D.J.C. |
| King, C.F. | Livermore, K.F. |
| Macklin, J.L. | Marles, R.D. |
| McClelland, R.B. | McKew, M. |
| McMullan, R.F. | Melham, D. |
| Murphy, J. | Neal, B.J. |
| Neumann, S.K. | O'Connor, B.P. |
| Owens, J. | Parke, M. |
| Perrett, G.D. | Plibersek, T. |
| Price, L.R.S. | Raguse, B.B. |
| Rea, K.M. | Ripoll, B.F. |
| Rishworth, A.L. | Roxon, N.L. |
| Saffin, J.A. | Shorten, W.R. |
| Sidebottom, S. | Smith, S.F. |
| Snowdon, W.E. | Sullivan, J. |
| Swan, W.M. | Symon, M. |
| Thomson, C. | Thomson, K.J. |
| Trevor, C. | Turnour, J.P. |
| Vamvakinou, M. | Zappia, A. |

* denotes teller

Question negatived.

**Ms ROXON**—One hundred million dollars of hush money so that the distillers will get billions of—

**The SPEAKER**—The minister will resume her seat.

**Mr Hockey**—Mr Speaker, I was standing at the dispatch box first and I sought your call.

**The SPEAKER**—Does the member for North Sydney want the call now or not?

**Mr Hockey**—Yes, I do, Mr Speaker.

**The SPEAKER**—In fairness, I gave the minister the call because she was continuing in the debate; then you got the call.

**Mr Hockey**—Thank you, Mr Speaker. We want to give the money—

**The SPEAKER**—The member for North Sydney will resume his seat and he is warned because that was not an opportunity for him to rise. What was the point of order? The minister has the call.

**Ms ROXON**—Three hundred million dollars, so billions of dollars—

**Mr PYNE** (Sturt) (9.22 am)—I move:

That the member be no longer heard.

Question put.

The House divided. [9.22 am]

(The Speaker—Mr Harry Jenkins)

| | |
|---|---|
| Ayes…… | 60 |
| Noes…… | 80 |
| Majority…… | 20 |

AYES

| | |
|---|---|
| Abbott, A.J. | Andrews, K.J. |
| Bailey, F.E. | Baldwin, R.C. |
| Billson, B.F. | Bishop, B.K. |
| Bishop, J.I. | Briggs, J.E. |
| Broadbent, R. | Chester, D. |
| Ciobo, S.M. | Cobb, J.K. |
| Costello, P.H. | Coulton, M. |
| Dutton, P.C. | Farmer, P.F. |
| Forrest, J.A. | Gash, J. |
| Georgiou, P. | Haase, B.W. |
| Hartsuyker, L. | Hawke, A. |
| Hawker, D.P.M. | Hockey, J.B. |
| Hull, K.E. * | Hunt, G.A. |
| Irons, S.J. | Jensen, D. |
| Johnson, M.A. * | Keenan, M. |
| Laming, A. | Ley, S.P. |
| Macfarlane, I.E. | Marino, N.B. |
| May, M.A. | Mirabella, S. |
| Morrison, S.J. | Moylan, J.E. |
| Nelson, B.J. | Neville, P.C. |

| | |
|---|---|
| Pearce, C.J. | Pyne, C. |
| Ramsey, R. | Randall, D.J. |
| Robb, A. | Robert, S.R. |
| Ruddock, P.M. | Schultz, A. |
| Scott, B.C. | Secker, P.D. |
| Simpkins, L. | Slipper, P.N. |
| Smith, A.D.H. | Somlyay, A.M. |
| Southcott, A.J. | Stone, S.N. |
| Truss, W.E. | Vale, D.S. |
| Washer, M.J. | Wood, J. |

NOES

| | |
|---|---|
| Adams, D.G.H. | Albanese, A.N. |
| Bevis, A.R. | Bidgood, J. |
| Bird, S. | Bowen, C. |
| Bradbury, D.J. | Burke, A.E. |
| Burke, A.S. | Butler, M.C. |
| Byrne, A.M. | Campbell, J. |
| Champion, N. | Cheeseman, D.L. |
| Clare, J.D. | Collins, J.M. |
| Combet, G. | Crean, S.F. |
| D'Ath, Y.M. | Danby, M. |
| Debus, B. | Dreyfus, M.A. |
| Elliot, J. | Ellis, A.L. |
| Ellis, K. | Emerson, C.A. |
| Ferguson, L.D.T. | Ferguson, M.J. |
| Fitzgibbon, J.A. | Garrett, P. |
| Georganas, S. | George, J. |
| Gibbons, S.W. | Gillard, J.E. |
| Gray, G. | Grierson, S.J. |
| Griffin, A.P. | Hale, D.F. |
| Hall, J.G. * | Hayes, C.P. * |
| Irwin, J. | Jackson, S.M. |
| Kelly, M.J. | Kerr, D.J.C. |
| King, C.F. | Livermore, K.F. |
| Macklin, J.L. | Marles, R.D. |
| McClelland, R.B. | McKew, M. |
| McMullan, R.F. | Melham, D. |
| Murphy, J. | Neal, B.J. |
| Neumann, S.K. | O'Connor, B.P. |
| Owens, J. | Parke, M. |
| Perrett, G.D. | Plibersek, T. |
| Price, L.R.S. | Raguse, B.B. |
| Rea, K.M. | Ripoll, B.F. |
| Rishworth, A.L. | Roxon, N.L. |
| Saffin, J.A. | Shorten, W.R. |
| Sidebottom, S. | Smith, S.F. |
| Snowdon, W.E. | Sullivan, J. |
| Swan, W.M. | Symon, M. |
| Thomson, C. | Thomson, K.J. |
| Trevor, C. | Turnour, J.P. |
| Vamvakinou, M. | Zappia, A. |

* denotes teller

Question negatived.

**Mr ALBANESE** (Grayndler—Minister for Infrastructure, Transport, Regional Development and Local Government) (9.26 am)—They want to—

**The SPEAKER**—The minister's time has expired. The question is that the motion be agreed to.

**Mr ALBANESE**—reopen a tax loophole for binge drinking. That is what those opposite want to do. They want to raid the budget—

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

**Mr Pyne**—Mr Speaker, I rise on a point of order. The time for the debate has expired and therefore the motion has to be put.

**The SPEAKER**—Order! It being 9.27 am, the time allotted for the debate has expired.

Question put:

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

The House divided. [9.28 am]

(The Speaker—Mr Harry Jenkins)

| | |
|---|---|
| Ayes…… | 60 |
| Noes…… | 80 |
| Majority…… | 20 |

AYES

| | |
|---|---|
| Abbott, A.J. | Andrews, K.J. |
| Bailey, F.E. | Baldwin, R.C. |
| Billson, B.F. | Bishop, B.K. |
| Bishop, J.I. | Briggs, J.E. |
| Broadbent, R. | Chester, D. |
| Ciobo, S.M. | Cobb, J.K. |
| Costello, P.H. | Coulton, M. |
| Dutton, P.C. | Farmer, P.F. |
| Forrest, J.A. | Gash, J. |
| Georgiou, P. | Haase, B.W. |
| Hartsuyker, L. | Hawke, A. |
| Hawker, D.P.M. | Hockey, J.B. |

| | |
|---|---|
| Hull, K.E. * | Hunt, G.A. |
| Irons, S.J. | Jensen, D. |
| Johnson, M.A. * | Keenan, M. |
| Laming, A. | Ley, S.P. |
| Macfarlane, I.E. | Marino, N.B. |
| May, M.A. | Mirabella, S. |
| Morrison, S.J. | Moylan, J.E. |
| Nelson, B.J. | Neville, P.C. |
| Pearce, C.J. | Pyne, C. |
| Ramsey, R. | Randall, D.J. |
| Robb, A. | Robert, S.R. |
| Ruddock, P.M. | Schultz, A. |
| Scott, B.C. | Secker, P.D. |
| Simpkins, L. | Slipper, P.N. |
| Smith, A.D.H. | Somlyay, A.M. |
| Southcott, A.J. | Stone, S.N. |
| Truss, W.E. | Vale, D.S. |
| Washer, M.J. | Wood, J. |

NOES

| | |
|---|---|
| Adams, D.G.H. | Albanese, A.N. |
| Bevis, A.R. | Bidgood, J. |
| Bird, S. | Bowen, C. |
| Bradbury, D.J. | Burke, A.E. |
| Burke, A.S. | Butler, M.C. |
| Byrne, A.M. | Campbell, J. |
| Champion, N. | Cheeseman, D.L. |
| Clare, J.D. | Collins, J.M. |
| Combet, G. | Crean, S.F. |
| D'Ath, Y.M. | Danby, M. |
| Debus, B. | Dreyfus, M.A. |
| Elliot, J. | Ellis, A.L. |
| Ellis, K. | Emerson, C.A. |
| Ferguson, L.D.T. | Ferguson, M.J. |
| Fitzgibbon, J.A. | Garrett, P. |
| Georganas, S. | George, J. |
| Gibbons, S.W. | Gillard, J.E. |
| Gray, G. | Grierson, S.J. |
| Griffin, A.P. | Hale, D.F. |
| Hall, J.G. * | Hayes, C.P. * |
| Irwin, J. | Jackson, S.M. |
| Kelly, M.J. | Kerr, D.J.C. |
| King, C.F. | Livermore, K.F. |
| Macklin, J.L. | Marles, R.D. |
| McClelland, R.B. | McKew, M. |
| McMullan, R.F. | Melham, D. |
| Murphy, J. | Neal, B.J. |
| Neumann, S.K. | O'Connor, B.P. |
| Owens, J. | Parke, M. |
| Perrett, G.D. | Plibersek, T. |
| Price, L.R.S. | Raguse, B.B. |
| Rea, K.M. | Ripoll, B.F. |
| Rishworth, A.L. | Roxon, N.L. |
| Saffin, J.A. | Shorten, W.R. |
| Sidebottom, S. | Smith, S.F. |
| Snowdon, W.E. | Sullivan, J. |
| Swan, W.M. | Symon, M. |
| Thomson, C. | Thomson, K.J. |
| Trevor, C. | Turnour, J.P. |
| Vamvakinou, M. | Zappia, A. |

* denotes teller

Question negatived.

## CUSTOMS TARIFF AMENDMENT (2009 MEASURES No. 1) BILL 2009

## EXCISE TARIFF AMENDMENT (2009 MEASURES No. 1) BILL 2009

### Returned from the Senate

Message received from the Senate informing the House of the following resolution agreed to by the Senate:

That, if further legislation to validate the collection of the revenue so far under these measures were to be presented by noon on 19 March 2009, the Senate would be disposed to expedite the consideration of that legislation.

## BUSINESS

### Rearrangement

**Ms PLIBERSEK** (Sydney—Minister for Housing and Minister for the Status of Women) (9.31 am)—by leave—I move:

That so much of the standing and sessional orders be suspended as would prevent notice of motion No. 27, private members' business, being called on immediately

Question agreed to.

## PRIVATE MEMBERS' BUSINESS

### Association of Former Members of the Parliament of Australia

**Mr PRICE** (Chifley) (9.32 am)—I move:

That the House:

(1) recognises the Association of Former Members of the Parliament of Australia, formed in 1988, as a forum in which former Members and Senators can meet, discuss and promote parliamentary democracy;

(2) acknowledges the contribution made by the Association and its members to debate on public policy in Australia and the furthering of parliamentary democracy in general;

(3) welcomes the role of the Association in encouraging former Members and Senators to maintain their contacts, associations and friendships established during their tenure as Australian parliamentarians; and

(4) endorses the Association's role in establishing fraternal relations with kindred organisations within Australia and internationally.

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

**Mr Somlyay**—I second the motion.

Question agreed to.

## FAIR WORK (TRANSITIONAL PROVISIONS AND CONSEQUENTIAL AMENDMENTS) BILL 2009

### First Reading

Bill and explanatory memorandum presented by **Ms Gillard**.

Bill read a first time.

### Second Reading

**Ms GILLARD** (Lalor—Minister for Education, Minister for Employment and Workplace Relations and Minister for Social Inclusion) (9.33 am)—I move:

That this bill be now read a second time.

The Australian government is determined to deliver its election promises in Forward with Fairness in full and on time.

The Fair Work Bill 2008, which the parliament is now considering, will introduce a workplace relations system with fairer laws which balance the needs of employees and employers.

The new laws will deliver a balanced, modern workplace relations system for Australia that will allow Australia to become more competitive and prosperous without taking away workplace rights and guaranteed minimum standards.

The Fair Work Bill will provide employees with a fair safety net of employment conditions that cannot be stripped away. It will provide a right to challenge a harsh, unjust or unfair dismissal for all employees, not just those in the very largest of businesses.

The Australian government will work as long as it takes and as hard as is necessary to deliver the Fair Work Bill through the parliament.

I reiterate my call to Liberal senators and to the Leader of the Opposition to respect the will of the Australian people and pass the bill.

I know of the strong commitment of the Liberal Party to workplace relations extremism and to Work Choices.

But the Australian people have spoken and the Liberal Party must listen.

**Commencement of the new system**

In Forward with Fairness, the Australian government committed to the new workplace relations system being fully operational by 1 January 2010.

The Fair Work Bill is intended to commence on 1 July 2009, following its passage through the parliament. Consistent with our election policy commitments the new safety net of the 10 National Employment Standards and modern awards will commence on 1 January 2010.

Transitional and consequential provisions are provided in this bill to operate with the Fair Work Bill once it is enacted by the parliament. The transitional and consequential arrangements will take the form of two separate bills that will transition employees and employers into the new workplace relations system simply and fairly.

The first bill, which I am introducing here today, is the Fair Work (Transitional Provi-

sions and Consequential Amendments) Bill 2009.

This bill repeals the current Workplace Relations Act 1996 other than schedule 1 (which deals with registered organisations) and schedule 10 (which deals with transitional registered associations). With the abolition of the remainder of that act, we will see the final removal of the unfair Work Choices system that the Australian electorate rejected at the last election.

The bill includes sensible and practical transitional provisions for movement into the new system, and covers issues including:

- preservation of existing workplace instruments and setting out how these interact with the new system, including the new National Employment Standards and modern awards;
- arrangements to enable bargaining under the new system to commence in an orderly way;
- arrangements for the transfer of assets, functions and proceedings from Workplace Relations Act institutions to Fair Work Australia and the Fair Work Ombudsman; and
- consequential amendments to other Commonwealth legislation considered essential to the operation of the Fair Work Bill (being the creation of the Fair Work Divisions of the Federal Court of Australia and the Federal Magistrates Court of Australia).

A further bill will deal with the consequential amendments to all other Commonwealth legislation, which is likely to involve amendments to over 70 Commonwealth acts.

That further bill will also deal with amendments consequential on any state referrals of power that have been completed by that time. The intention is to introduce the second bill into this House in the week commencing 25 May 2009.

This time frame will provide the parliament with time to examine both bills including through a Senate inquiry process. It is anticipated that both bills could be dealt with together in the Senate.

The arrangements set out in these two bills will phase in the new workplace relations system and ensure that the transition to the new system occurs in a seamless way.

**CONSULTATION**

The government undertook extensive consultation in the course of developing the substantial reforms set out in the Fair Work Bill and has continued this approach in respect of the transitional arrangements set out in this bill.

There was targeted consultation in respect of certain provisions, including extensive consultation over the form of the new provisions for the making of union representation orders.

The bill was considered in draft form by representatives of employee and employer organisations and also by officials from the state and territory governments at a two-day meeting held on 26 and 27 February 2009. Again, the feedback provided by this group was invaluable in getting the legislation right.

The key elements of the legislation are as follows.

**Repeal of the Workplace Relations Act**

Firstly, the bill will repeal the current Workplace Relations Act other than schedule 1 (which deals with registered organisations) and schedule 10 (which deals with transitionally registered associations).

The Workplace Relations Act will then be renamed the Fair Work (Registered Organisations) Act 2009 to more appropriately reflect its content.

**Application of NES to all national system employees including those covered by instruments made before the commencement of the new system**

Secondly, the bill provides for the application of the National Employment Standards and minimum wages to all national system employees from 1 January 2010, including those covered by instruments made before the commencement of the new system.

The National Employment Standards include important entitlements to:

- personal and carer's leave and community service leave;
- for parents of young children or children with disabilities, the right to request flexible working arrangements;
- notice of termination and, for businesses with 15 or more employees, redundancy pay; and
- public holidays and long-service leave.

In addition, the bill will provide that employees must receive at least the minimum rate of pay contained in a modern award from 1 January 2010.

This means that from 1 January 2010, Australian employees who were required to make 'take it or leave it' substandard Australian workplace agreements under Work Choices will receive the benefit of the 10 minimum National Employment Standards where their current agreement contains inferior conditions and minimum 'safety net' wages.

Fair Work Australia will have scope to make orders to 'phase in' minimum wages in exceptional circumstances such as where it is satisfied that such measures are necessary to ensure the ongoing viability of a business.

**No reduction in take-home pay**

Thirdly, as I foreshadowed in my second reading speech to the Fair Work Bill, the bill includes provisions to ensure that employees' take-home pay is not reduced as a result of any transition to a modern award from 1 January 2010.

In these circumstances, Fair Work Australia will be able to make a take-home pay order that remedies a reduction in an employee's take-home pay that has resulted from award modernisation. An order can be made for an individual employee or for a group and can be made on the application of an organisation representing those employees.

However, Fair Work Australia must not make a take-home pay order where it is satisfied the employee has been adequately compensated for the reduction in other ways.

A take-home pay order will not form part of any future 'better off overall' test for agreement making against the modern award. However, an employee will not lose the benefit of the take-home pay order if an enterprise agreement starts to apply to the employee.

**Treatment of existing instruments in the new system**

Fourthly, the bill includes rules in relation to the treatment of existing instruments in the new system, including:

- Agreements will continue to operate past their nominal expiry date until terminated in accordance with the current rules for termination or until replaced by a new enterprise agreement made under the new bargaining framework. This means for example that an Australian workplace agreement will continue until terminated by agreement of the parties or, after its nominal expiry date, by the giving of 90 days' notice by either party.
- Rules providing for the cessation of award-based instruments (such as unmodernised awards, notional agreements

preserving state awards and pay scales) once they are replaced by modern awards.

- A process is provided to allow parties to enterprise awards and notional agreements preserving state awards derived from state enterprise awards to apply to Fair Work Australia to have their enterprise award modernised and integrated into the modern award system. The arrangements include awards that apply to a number of franchisees of the same franchisor to be included within this framework.
- Rules provide for the continuation of the Australian Fair Pay and Conditions Standard, including pay scales and minimum wage guarantees and other minimum entitlements (such as notice of termination and public holidays), until the National Employment Standards and modern awards commence on 1 January 2010.

**Bargaining and agreement-making**

Fifthly, the bill includes transitional bargaining and agreement-making rules. These include provisions with the following effect:

- Employees on individual statutory agreements will be able to agree with their employer to enter into a conditional termination agreement to enable them to participate in collective bargaining processes, including voting on a new agreement. If a conditional termination agreement is entered, and a new enterprise agreement is approved, then their current individual agreement would automatically terminate.
- The new bargaining framework under the Fair Work Bill—including the good faith bargaining requirements—will operate from commencement of the new system. Fair Work Australia will be able to take account of the history of bargaining between the bargaining participants when exercising its functions and discretion under these rules.
- Until the National Employment Standards and modern awards are operational on 1 January 2010, the testing of new enterprise agreements against the no-disadvantage test will be undertaken using an appropriate reference instrument, for example, an un-modernised award.

**Institutional framework**

The bill also sets out provisions relating to the transition to the new institutional framework.

The bill abolishes the Workplace Ombudsman from commencement, with those functions to be taken over by the Fair Work Ombudsman. It provides for the continued operation of the Australian Fair Pay Commission, the Workplace Authority, the Australian Industrial Relations Commission and the Australian Industrial Registry for a limited time to finalise existing matters, such as finalising the award modernisation process and extant minimum wage determination processes.

The bill includes provisions to appoint all existing full-time Australian Industrial Relations Commission members to Fair Work Australia on the same terms and conditions while retaining their current appointments as members of the commission for a transitional period.

The bill also amends the Federal Court Act 1976 and Federal Magistrates Court Act 1999 to create the Fair Work Divisions of the Federal Court of Australia and the Federal Magistrates Court of Australia.

I note that the government is considering the recommendations of a review conducted in 2008 into the delivery by federal courts of family law services and subsequent consulta-

tion on the recommendations. It will make a decision in due course on whether changes are necessary to the structure of federal courts. This will not affect the way in which the Fair Work Divisions will operate.

**Compliance**

The bill sets out important transitional compliance provisions.

The bill provides that existing investigations and compliance proceedings by the Workplace Ombudsman will be taken over by the Fair Work Ombudsman, and that Fair Work Inspectors will be able to exercise new compliance powers in relation to breaches that occur before or after 1 July 2009, including compliance notices.

However, inspectors will not be able to issue a compliance notice in relation to a breach of the Workplace Relations Act that occurred prior to 1 July 2009 but will be able to take currently available means of enforcement action.

The bill applies the new compliance framework to most contraventions that occur after commencement, such as contraventions of transitional instruments or provisions of the Workplace Relations Act that have been saved.

**Representation orders**

The bill amends the provisions contained in schedule 1 of the Workplace Relations Act (which deals with registered organisations) and will empower Fair Work Australia to make representation orders in response to union demarcation disputes. Although contained in the transitional bill, these amendments have ongoing effect in the new system.

The bill provides a process to enable Fair Work Australia to make representation orders dealing with union demarcation issues in a wider range of circumstances than at present, including where this is necessary to preserve demarcations derived from state or federal award coverage.

**State-registered organisations**

The bill includes rules to enable state-registered organisations to participate in the new federal workplace relations system.

These provisions would:

- extend the existing transitional registration provisions in schedule 10 to the Workplace Relations Act for five years; and
- allow state registered associations that meet specified criteria to be recognised in the federal system, while retaining state registration.

**TRANSITIONAL ARRANGEMENTS IN MODERN AWARDS**

I take this opportunity to explain the elements of the transitional arrangements that relate to modern awards, and which are the second part of the orderly and fair transition to the new Fair Work system.

**Modern award transition arrangements**

The Workplace Relations Amendment (Transition to Forward with Fairness) Act 2008 was passed by the parliament with the support of the opposition, and commenced on 20 March 2008. This act allowed the Australian Industrial Relations Commission to commence the important national reform of award modernisation.

In accordance with that act, I issued my award modernisation request to the Australian Industrial Relations Commission on 2 April 2008, with a revised request on 16 June 2008.

The act and my award modernisation request together allow for the commission, after consulting with representatives of employers and employees, to publish new modern awards. Modern awards will reduce the number and complexity of existing awards

and will be easy to find, read and apply employment conditions.

Importantly, the act allows for any differences between current state award conditions and the new federal standard to be phased in over a full five-year period. This would mean, for example, that the commission could make a modern award that sets a national modern award entitlement to a penalty rate for Sunday work at 150 per cent of the base rate. If, however, an existing relevant rate in a state award for the same type of work was higher than this new rate—say, 200 per cent—or lower—say, 125 per cent—the transition provisions enable the commission to establish phasing-in arrangements that would gradually, over a full five-year period, bring such outlying state conditions into line with the new national standard.

Such phasing-in arrangements will ensure that employers are provided with a lengthy adjustment period to adapt and plan for any such new standard. Given some of the misrepresentations and misinformation in the media about this matter, I think that is important information for employers.

Further, the bill provides for Fair Work Australia to conduct a bedding-down review of modern awards after two years of their operation—that is, from 1 January 2012—ahead of the regular four-yearly review cycle. This will allow any necessary refinements to modern awards to be made to ensure they are meeting the modern award objectives and are operating effectively without anomalies or technical problems.

This transitional review will complement the four-yearly reviews of modern awards set out in the substantive Fair Work legislation and will allow any operational difficulties to be identified and remedied swiftly.

Award modernisation remains a critical national reform, regardless of the stage in the economic cycle. A modern Australian economy simply cannot continue to support thousands of overlapping and outmoded industrial instruments. Award modernisation is a reform that has evaded previous governments and is an important reform this government intends to deliver.

**Conclusion**

The legislation that I am introducing today sets out essential transitional and consequential changes which will ensure an orderly and fair transition to the new workplace relations system, while providing certainty in employment arrangements.

This bill will operate with the Fair Work Bill to finally see the end of the unfair Work Choices laws of the Liberal Party that the Australian electorate so resoundingly rejected at the last election.

Instead, Australia will have a modern workplace relations system with guaranteed workplace rights and guaranteed minimum standards.

I commend this bill to the House.

Debate (on motion by **Mr Haase**) adjourned.

## TAX LAWS AMENDMENT (SMALL BUSINESS AND GENERAL BUSINESS TAX BREAK) BILL 2009

### First Reading

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

Bill read a first time.

### Second Reading

**Mr SWAN** (Lilley—Treasurer) (9.55 am)—I move:

That this bill be now read a second time.

This bill introduces the small business and general business tax break—a key part of the government's Nation Building and Jobs Plan.

The $3.8 billion tax break will help boost business investment, bolster economic activity and support Australian jobs.

The tax break is targeted towards encouraging and sustaining business investment in the face of the global recession

The pervasive downturn in the global economy has reduced much of the investment activity we have seen in recent years.

Projects are being cancelled or postponed in light of the economic outlook globally.

These are challenging times for businesses, particularly small business and the 3.8 million Australians they employ.

The Updated Economic and Fiscal Outlook showed business investment is forecast to fall by 15½ per cent in 2009-10.

The December quarter national accounts showed that business investment growth slowed further in the quarter to 1.1 per cent. Declining global growth and falling commodity prices have hit confidence hard and have seen business scale back their investment plans.

In response, our small business and general business tax break increases and extends the investment allowance we announced in December last year.

It provides a temporary tax break to provide stronger encouragement for all businesses—particularly small- and medium-sized enterprises—to continue to invest. The SME sector is a crucial part of the Australian economy.

And the response from business has been very positive.

The Australian Industry Group said:

> This measure will help sustain business investment and support jobs and productivity improvements.

And the Council of Small Business of Australia, said:

> Small business owners will also consider purchasing equipment to take advantage of the tax break, it provides some room for decision making and assist businesses that need to upgrade equipment or purchase new equipment to develop new products and markets.

In December, I was pleased to visit the Incitec Pivot plant in Brisbane to see firsthand the impact on business from this measure. Incitec Pivot has brought forward investment because of the investment allowance.

The tax break provides an additional 30 per cent tax deduction for investment in eligible assets.

It is available for new investment in tangible, depreciating assets—that is, plant and equipment—for which a deduction is available under Subdivision 40-B of the Income Tax Assessment Act 1997.

As with previous investment allowances, the tax break applies to new assets. It also applies to new investment in existing assets. In this way, the tax break is carefully targeted toward expenditure that will add to economic activity and the country's capital stock.

Taxpayers will be able to claim a bonus deduction of 30 per cent of the cost of an eligible asset that they contract for, or start to construct, between 13 December 2008 and 30 June 2009, provided they start to use or have the asset installed ready for use by 30 June 2010.

Those that cannot meet the 30 June 2009 deadline may still be entitled to a bonus deduction of 10 per cent of the cost of an eligible asset they contract for, or start to construct, after this date and before 31 December 2009. They must start to use the asset or have the asset installed ready for use by 31 December 2010.

Small business entities need to invest a minimum of $1,000 to qualify for the tax

break. All other businesses need to invest a minimum of $10,000.

This is a key component of our efforts to support small businesses and those they employ.

The tax break will be able to be claimed as a bonus tax deduction in the income year that the asset is first used.

This means that a small business that orders a new capital item at a cost of $2,000 tomorrow and has it installed by the end of June 2009 will know that it will be able to claim a bonus deduction of $600 in their 2008-09 tax return.

As I have said before, there will be no quick fix to this global recession.

But we will not surrender small businesses and those they employ to the fate of the global recession.

We are doing what we can to help see Australia through.

And the small business and general business tax break is a crucial part of the strategy.

To conclude, I seek for those opposite to support businesses, particularly small businesses, and jobs.

I seek their support for businesses that have already brought forward investment in good faith, in anticipation of this tax break.

And I seek their support to give other businesses the confidence they desperately need to continue to invest.

Full details of the amendments in this bill are contained in the explanatory memorandum.

Debate (on motion by **Mr Wood**) adjourned.

## THERAPEUTIC GOODS AMENDMENT (2009 MEASURES No. 1) BILL 2009

### First Reading

Bill and explanatory memorandum presented by **Mrs Elliot**, for **Ms Roxon**.

Bill read a first time.

### Second Reading

**Mrs ELLIOT** (Richmond—Minister for Ageing) (10.00 am)—I move:

That this bill be now read a second time.

This bill represents the next step in the government's move to introduce much needed amendments to the Therapeutic Goods Act 1989.

Many of these amendments were to have been adopted as part of the legislation underpinning the proposed Australia New Zealand Therapeutic Products Authority, or ANZTPA.

The Rudd government has now decided to proceed to implement these amendments as changes to the Australian legislation.

The first change is to introduce into the act a power for the secretary to suspend the registration or listing on the Australian Register of Therapeutic Goods (ARTG) of a medicine if there are concerns about its safety.

Under the act as it currently stands, medical devices can be suspended from the ARTG for up to six months if there are concerns about the safety of the device that could be addressed by corrective action during the period of suspension.

However, such action is not possible with medicines. If serious concerns emerge about the safety of a medicine, the secretary's only option is to cancel the registration or listing, even if the problems are such that they could be quickly addressed by the manufacturer.

If the registration or listing is cancelled, once the problem has been addressed the sponsor of the medicine must apply to have

the medicine re-registered or relisted, and pay the relevant application fees. This is inefficient and costly.

The proposed amendments in schedule 1 of the bill will address this problem.

The second set of changes relate to manufacturing licences. At present a number of licences cover more than one site, and licences do not clearly indicate the steps in manufacture or the range of goods that may be produced under the licence. There is no ability for manufacturers to apply to vary their licences, and no ability to transfer licences from one manufacturer to another.

The proposed amendments in schedule 2 of the bill address these issues by providing that a licence may only cover one site, and must specify the manufacturing processes and the range of goods that it covers.

However, the amendments provide for guidelines to be made allowing the secretary to consider applications covering more than one site. These will allow warehouses or mobile blood collection facilities to be added to a manufacturing licence covering another site.

Schedule 2 also provides for licensees to apply to vary their licences, and for regulations to be made setting out a process for transferring licences.

Thirdly, the act presently contains a number of provisions empowering authorised officers to enter premises and take samples of therapeutic goods regulated under the act.

However, these powers do not allow samples to be taken of related material, such as ingredients intended for use in therapeutic goods, even though the quality of these ingredients is directly relevant to the quality and safety of the finished product.

And these powers are limited to the therapeutic goods that are expected to be on the premises. For example, listing of goods on the ARTG is subject to the condition that the person in relation to whom the goods are listed will allow an authorised officer to enter premises where the person deals in the goods and take samples of those goods. If the officer found other, potentially unapproved, goods on the premises he or she would not be empowered to take samples of them.

The amendments in schedule 3 of the bill address this problem by extending the power to sample any therapeutic goods or anything related to therapeutic goods on the premises.

It also updates the kinds of records authorised persons are allowed to take of premises by replacing references to photographs or sketches, with references to any still or moving image or recording.

The fourth set of amendments put in place a regulatory framework for homoeopathic and anthroposophic medicines.

Under current arrangements the regulations exempt many of these medicines from the need to be listed on the ARTG and from the manufacturing quality requirements of the act.

The expert committee on complementary medicine in the health system recommended, in 2003, that:

> … homoeopathic medicines and related remedies making therapeutic claims be regulated to ensure they meet appropriate standards of safety, quality and efficacy.

The government has consulted extensively with homoeopathic and anthroposophic practitioners and suppliers on an appropriate level of regulation for these substances.

The amendments proposed in schedule 4 of the bill put in place a framework allowing standards for these medicines to be set by reference to various pharmacopoeias from July 2011. This delayed commencement date is intended to allow time for this industry sector to prepare to comply with the framework, and to allow time for further consulta-

tion on changes to the regulations to give effect to details of the new scheme.

Schedule 5 of the bill relates to the ingredients that are permitted to be included in medicines, and gives a clear legislative backing for current practice.

At present the TGA's Electronic Listing Facility has built into it a list of permitted ingredients. This list is based on schedules included in the regulations to the act, but includes many substances that were 'grandfathered' into the scheme when the act came into effect in 1991 and are not identified in the regulations. The list is published on the TGA website.

Persons wishing to add substances to the list of permitted ingredients currently apply to the TGA and, if the application is accepted, the new ingredient is notified in the *Gazette*.

As a result there is no single legal source for the ingredients which may be included in medicines.

The proposed amendments will address this by empowering the minister to make a legislative instrument setting out lists of permitted ingredients and prohibited ingredients for different classes of medicines. Persons wishing to list a medicine for domestic use must certify that it contains only permitted ingredients and no prohibited ones, and the secretary, in considering an application to list a medicine for export purposes, must have regard to whether it complies with the list.

A person may apply to include a new ingredient on the permitted ingredients list, and the minister must consider this application.

At present there is no right of review under the act of applications to the TGA to list new ingredients, and the government does not propose to include one for the new provision allowing persons to apply to the minister.

There are two reasons for this. Firstly, the making of the list is a legislative decision—the inclusion of an ingredient on the list will allow general use rather than use only by the applicant. As a legislative decision the list will be subject to parliamentary scrutiny. Second, the minister, in considering the application, will have regard to expert advice from the TGA and its advisory committees.

The sixth group of amendments, made by schedule 6 of the bill, change various references to orders published in the *Gazette*, and to disallowable instruments, to references to legislative instruments, to clarify that these orders and instruments are legislative instruments and subject to the Legislative Instruments Act 2003.

Schedule 7 contains a range of miscellaneous amendments intended to improve the operation of the act and clarify its operation. I will briefly outline the most significant of these.

Since 2003 the TGA has operated an electronic system to permit sponsors to list low-risk medicines containing pre-approved ingredients on the ARTG without prior scrutiny by the TGA. As part of the listing process sponsors must certify a range of matters relating to the safety and quality of the medicines, and are subject to prosecution under section 21A of the act for providing incorrect certifications. A similar system has recently been introduced for including low-risk medical devices on the ARTG.

The proposed new section 7C regularises this process by providing for computer programs to make decisions that could be made by the secretary, and allowing the secretary to substitute her or his own decision within 60 days of the day on which the decision is made by the computer program in case an error is made.

Under section 30 of the act, sponsors can apply to the secretary to cancel the registration or listing of medicines. However, sometimes sponsors incorrectly apply for cancellation. The proposed new section 30A allows them to apply to the secretary within 90 days to revoke the cancellation.

Section 28 of the act allows the secretary to impose conditions on the registration or listing of individual medicines on the ARTG. However, in practice, the same standard set of conditions are imposed on every product as it is listed or registered, together with a very limited number of product-specific conditions.

To improve transparency and scrutiny the bill will amend section 28 to enable the minister, by legislative instrument, to determine the standard conditions to apply in relation to categories of medicine.

The secretary would retain the power to impose specific conditions on particular goods that are to be included on the ARTG.

Section 28 will also be amended to add to important conditions to apply to all registered or listed medicines:

- that they are not to be supplied or exported after their expiry date; and
- that they are not to be advertised for any indication other than that accepted for the listing or registration on the ARTG.

Finally, schedule 7 includes provisions intended to strengthen scrutiny of overseas manufacturing of listed medicines.

Under current provisions, applicants seeking to list a medicine under section 26A of the act and proposing to manufacture the medicines overseas must have obtained prior certification from the secretary that the manufacturing and quality control procedures at the overseas manufacturer are acceptable.

However, after listing has occurred, a sponsor can move the manufacture of a medicine to an overseas manufacturer and simply notify the TGA of the change. The move can be either from a previously approved Australian or overseas manufacturer. As a matter of administrative practice the TGA then reviews the quality of the new overseas manufacturer.

The proposed amendments will underpin this process by imposing a statutory condition on listed medicines that any overseas manufacture must be subject to a certification from the secretary that the manufacturing and quality control procedures are acceptable, and establishing a procedure for a person to apply to the secretary for such a certification.

The government intends to make further changes to the therapeutic goods regulatory regime later in the year.

In particular, we intend to introduce further legislation to give effect to a new framework for the regulation of human cellular and tissue based therapies, foreshadowed as part of the ANZTPA process.

We will also be introducing legislation to give effect to the recommendations of the 2001 Galbally report on scheduling of medicines and poisons.

The Council of Australian Governments agreed in 2008 to support reforms to the national decision-making mechanism for scheduling of medicines and poisons suggested by the Productivity Commission. I expect that the National Coordinating Committee on Therapeutic Goods, a subcommittee of the Australian Health Ministers' Advisory Council, will soon be releasing a discussion paper on the detailed model to be adopted.

As the Minister for Health and Ageing said when introducing the Therapeutic Goods Amendment (Medical Devices and

Other Measures) Bill 2008 in the Spring sittings last year, Australia has been served well by the TGA in the past.

It is important that the regulatory regime the TGA implements is kept up to date so that the TGA and the industry it regulates can operate as efficiently as possible, and so that Australian consumers can continue to have timely access to safe and effective therapeutic goods.

I commend the bill to the House.

Debate (on motion by **Mr Wood**) adjourned.

## BUSINESS

### Rearrangement

**Mr McMULLAN** (Fraser—Parliamentary Secretary for International Development Assistance) (10.13 am)—I move:

That notices 3 to 5, government business, be postponed until a later hour this day.

Question agreed to.

## OFFSHORE PETROLEUM AND GREENHOUSE GAS STORAGE LEGISLATION AMENDMENT BILL 2009

### First Reading

Bill and explanatory memorandum presented by **Mr Martin Ferguson**.

Bill read a first time.

### Second Reading

**Mr MARTIN FERGUSON** (Batman—Minister for Resources and Energy and Minister for Tourism) (10.14 am)—I move:

That this bill be now read a second time.

This bill amends the Offshore Petroleum and Greenhouse Gas Storage Act 2006 (the act) to address the minor policy and technical issues identified during consultative processes reviewing the operation of the act over the past two years. The bill also provides corrections and clarifications to a small number of provisions in the act introduced during the parliament's consideration of greenhouse gas storage provisions and from formal renumbering of the act.

The effect of the proposed amendments is to reduce regulatory burden while maintaining an effective and consistent regulatory system.

Minor policy amendments include changing the decision maker who can declare a petroleum location and grant a scientific investigation consent from the designated authority to the joint authority. The decision maker is changed from the state or territory minister acting on behalf of the Commonwealth to a joint decision between the relevant state or territory minister and the Commonwealth minister.

Scientific investigation consents are provided for in the act in recognition of Australia's obligations under the United Nations Convention on the Law of the Sea, to allow marine scientific research on the continental shelf. As these are Commonwealth obligations it is appropriate the Commonwealth minister, as part of the joint authority, has a role in granting these consents.

Other minor policy amendments proposed in this bill are to:

- provide an expedited consultation process for the granting of an access authority to titles in adjoining offshore areas where the title holders have consented to the access;
- to require notification of a petroleum discovery in a production licence area, as is required for other titles and extend the period to notify a discovery of petroleum in all title areas from immediately to 30 days.

Technical amendments included in this bill include changes to the occupational

health and safety (OHS) requirements set out in the act in schedule 3, clauses 9-15. The bill provides that the fault element that applies to the conduct and result elements of these offence provisions is negligence. Also absolute liability will apply to the element in these provisions that a person is subject to an occupational health and safety requirement.

This is to provide a regulatory regime that is enforceable and is consistent with fault elements of the Occupational Health and Safety Act 1991 (the OHS Act). The penalties set out for these offences do not change under these amendments and are themselves consistent with the OHS Act and other Commonwealth legislation such as the Therapeutic Goods Act 1989.

Other technical elements include new maps showing the extension of Australia's offshore areas following recent findings of the United Nations Commission on the Limits of the Continental Shelf which confirmed Australia's claims.

This bill removes references to the pipeline safety management plan levy and removes a consent to operate a pipeline. These two amendments are linked to planned amendments to regulations in force under the act which will see regulatory arrangements for the construction and operation of pipelines being incorporated into safety regulations.

This bill also removes the requirement for data management plans. Plans already in force will continue until they terminate at the end of their five-year lives. The collection of petroleum data is a very important part of attracting petroleum companies to explore Australia's offshore waters. It is, however, sufficient that regulations require companies to collect, store and provide this valuable data without requiring a plan to set out how that is to be achieved.

The bill also amends the Administrative Decisions (Judicial Review) Act 1977 to include in schedule 3 of that act the Western Australian mirror legislation to the act.

The bill also includes amendments to the greenhouse gas provisions of the act, which were passed in November 2008 with a number of late changes being made in the Senate. The amendments contained in this bill are needed to more clearly give effect to the policy intention surrounding the Senate amendments and are technical in nature and remove ambiguities. They do not change the intent of the bill.

There are also minor amendments to fix grammatical or punctuation errors and correct references to provisions in the act. An amendment is required to several related acts to correct the references to the definitions section of the act. This arose through renumbering of the act.

The amendments I introduce today bring into effect solutions to issues identified over the past two years from reviews of the offshore petroleum regulatory regime conducted by the Department of Resources, Energy and Tourism. These reviews involved the upstream petroleum industry, the states and the Northern Territory and the National Offshore Petroleum Safety Authority.

The amendments also provide improvements to the recently introduced regulatory regime for greenhouse gas storage.

Whilst each of these amendments are in themselves quite small they together bring effective improvements to the act and allow for further streamlining of regulations in force under the act.

Debate (on motion by **Mr Wood**) adjourned.

## OFFSHORE PETROLEUM AND GREENHOUSE GAS STORAGE (SAFETY LEVIES) AMENDMENT BILL 2009

### First Reading

Bill and explanatory memorandum presented by **Mr Martin Ferguson**.

Bill read a first time.

### Second Reading

**Mr MARTIN FERGUSON** (Batman—Minister for Resources and Energy and Minister for Tourism) (10.21 am)—I move:

That this bill be now read a second time.

This bill amends the Offshore Petroleum and Greenhouse Gas Storage (Safety Levies) Act 2003 to remove references to the pipeline safety management plan levy and also allows a pipeline licensee to pay a safety case levy for a pipeline.

The new arrangement for the payment of levies for pipelines will be as a safety case levy instead of the current pipeline safety management plan levy. These arrangements will take effect from 1 January 2010 in order that they start at the beginning of a levy year rather than part way through a year. This will avoid unnecessary administrative burdens on industry. There are no changes to how much levy is paid, when it is paid or who pays it.

Amendments to regulations which set out changes in levy arrangements for pipelines are currently being prepared and will come into effect at the same time as these amendments.

Debate (on motion by **Mr Wood**) adjourned.

## FINANCIAL SECTOR LEGISLATION AMENDMENT (ENHANCING SUPERVISION AND ENFORCEMENT) BILL 2009

### First Reading

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

Bill read a first time.

### Second Reading

**Mr BOWEN** (Prospect—Minister for Competition Policy and Consumer Affairs, and Assistant Treasurer) (10.23 am)—I move:

That this bill be now read a second time.

The Financial Sector Legislation Amendment (Enhancing Supervision and Enforcement) Bill 2009 introduces measures to regulate the non-operating holding companies (NOHCs) of life insurers, and harmonise the injunctions that may be issued in respect of prudentially regulated entities.

This bill removes a gap in Australia's prudential regulation framework by ensuring that the Australian Prudential Regulation Authority (APRA) supervises life insurance NOHCs, which can have a significant impact on the conduct and financial health of life insurance companies. This measure is consistent with the Insurance Core Principle ICP17 of the International Association of Insurance Supervisors on Group-wide supervision, which is that '[t]he supervisory authority supervises its insurers on a solo and a group-wide basis.'

This bill also ensures that the injunctions that may be issued under the prudential legislation are effective tools to enforce financial entities' compliance with prudential requirements.

**Non-operating holding companies of life insurers**

Schedule 1 of this bill introduces a prudential regulation framework for the NOHCs of life insurers, and brings the prudential supervision of such companies into line with the prudential supervision of the NOHCs of general insurers and authorised deposit-taking institutions.

The prudential requirements that will apply to life insurance NOHCs are consistent with those that apply to life insurers. The scope of the prudential regulation regime introduced by this schedule is closely modelled on the existing regulation of the NOHCs of general insurers and authorised deposit-taking institutions.

This approach will minimise compliance costs for industry and ensure a smooth transition.

The main elements of the prudential regulation regime for life insurance NOHCs are as follows.

Life insurance NOHCs will be required to be registered under the Life Insurance Act 1995 and be subject to APRA's supervision. They will be required to comply with prudential standards, reporting obligations, directions issued by APRA and investigations authorised by the act. APRA will be able to seek the disqualification of persons in specified positions in the body corporate. Registered NOHCs may also be liable to pay a financial institutions levy.

Where appropriate, prudential standards and reporting obligations will also apply to the subsidiaries of NOHCs and life insurers. Again, this is in line with the treatment of the subsidiaries of general insurers, ADIs and their holding companies. APRA is expected to consult with industry before determining or amending prudential standards. The auditors of NOHCs and the subsidiaries of NOHCs and life insurers will also have obligations to report significant prudential breaches to APRA.

International experience has demonstrated the interconnection between companies in a corporate conglomerate, including between prudentially regulated entities and unregulated entities. This measure will strengthen the prudential regulation of life insurance conglomerates in line with the regulation of other financial conglomerates.

**Injunctions in prudential legislation**

Schedule 2 of the bill introduces measures to harmonise court injunction powers across prudential legislation (namely, the Banking Act 1959, Insurance Act 1973, Life Insurance Act 1995 and Superannuation Industry (Supervision) Act 1993 (SI(S) Act)). The harmonised provisions will enable APRA to seek a comprehensive and consistent set of injunctions in appropriate circumstances.

The amendments will give APRA flexibility to respond to a range of circumstances relating to the financial health of an entity in a timely and appropriate way.

APRA will be able to seek an injunction where a person engages, or proposes to engage, in contravention of the prudential acts, fails to comply with a requirement of these acts, fails to comply with a direction issued by APRA or breaches a condition on the authorisation or registration of a prudentially regulated entity. The Federal Court of Australia may issue restraining, performance, consent and interim injunctions.

Under the SI(S) Act, affected persons such as superannuation beneficiaries retain their existing ability to seek an injunction.

The amendments to the SI(S) Act will apply to the conduct of superannuation trustees that offer first home saver accounts. This is because the First Home Saver Accounts Act 2008 applies relevant provisions of the SI(S)

Act to superannuation trustees that provide first home saver accounts.

**Conclusion**

The government is bringing these measures forward because they remove a gap in the prudential regulation framework for the life insurance industry and enhance APRA's ability to use injunctions to respond to emerging prudential concerns in a timely and appropriate way.

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

Debate (on motion by **Mr Wood**) adjourned.

## INTERNATIONAL TAX AGREEMENTS AMENDMENT BILL (No. 1) 2009

### First Reading

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

Bill read a first time.

### Second Reading

**Mr BOWEN** (Prospect—Minister for Competition Policy and Consumer Affairs, and Assistant Treasurer) (10.28 am)—I move:

That this bill be now read a second time.

This bill gives the force of law to two taxation agreements, with the British Virgin Islands and the Isle of Man. The agreements were signed in London on 27 October 2008 and 29 January 2009 respectively, and this bill will insert the text of both agreements into the International Tax Agreements Act 1953.

The agreements provide for the allocation of taxing rights between Australia and the British Virgin Islands, and Australia and the Isle of Man, over certain income of individuals who are residents of Australia or the British Virgin Islands, or the Isle of Man, thereby helping to prevent double taxation.

These agreements are the first two of their type between Australia and low-tax jurisdictions. Their operative provisions are consistent with corresponding provisions contained in Australia's bilateral tax treaties.

The key outcomes from these agreements are:

- Australia, the British Virgin Islands and the Isle of Man will have sole taxing rights over the salaries they pay to individuals undertaking governmental functions; and
- Certain payments received by visiting students and business apprentices will be exempt from tax in the country visited.
- Further, in the case of the Isle of Man agreement:
- income from pensions and retirement annuities will be taxed only in the country of residence of the recipient, provided that country taxes such income; and
- a non-binding administrative mechanism will be established to assist taxpayers to seek resolution of transfer pricing disputes.

These two agreements were signed in conjunction with tax information exchange agreements between Australia and the British Virgin Islands, and Australia and the Isle of Man.

Together, these two agreements and the related tax information exchange agreements support Australia's efforts to combat tax avoidance and evasion through the establishment of a transparent and effective exchange of information for tax purposes. They will promote fairness and enhance the integrity of Australia's tax system.

Negotiating tax information exchange agreements is an important part of the government's efforts to combat international tax evasion. It is pleasing to see that Hong Kong,

Liechtenstein and Singapore have recently agreed to adopt OECD standards of transparency and effective exchange of information for taxation purposes. We look forward to implementing effective exchange of information arrangements with each of those countries at the earliest opportunity.

Earlier this week there were reports that Switzerland, Luxembourg and Austria will also review their position on bank secrecy for tax information exchange purposes. I look forward to further developments in relation to this. Australia has been at the forefront of global action to enhance tax transparency and information exchange, having demonstrated strong support at the finance ministers' meeting hosted by France and Germany in October 2008.

In relation to the two agreements in this particular bill, each agreement will enter into force after Australia, the British Virgin Islands and the Isle of Man advise that they have completed their domestic requirements which, in the case of Australia, include enactment of this bill.

The agreements have been considered by the Joint Standing Committee on Treaties, which has recommended that binding treaty action be taken.

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

Debate (on motion by **Mr Wood**) adjourned.

## TAX LAWS AMENDMENT (2009 MEASURES No. 2) BILL 2009

### First Reading

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

Bill read a first time.

### Second Reading

**Mr BOWEN** (Prospect—Minister for Competition Policy and Consumer Affairs, and Assistant Treasurer) (10.32 am)—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 ensures there are no inappropriate tax consequences arising from payments made under the financial claims scheme, which this parliament enacted in October last year. Under that scheme, APRA can make payments to account holders in failed financial institutions and to claimants under general insurance policies with failed insurance companies. The specific amendments cover capital gains tax, farm management deposits, retirement savings accounts, first home saver accounts and various withholding and reporting obligations.

Schedule 2 increases access to the small business CGT concessions for taxpayers owning passively held CGT assets.

These amendments will extend access to the small business CGT concessions to circumstances that are not currently eligible. Owners of passively held assets will now be able to qualify for the concessions under the small business entity test, which was introduced in 2007 to simplify eligibility requirements for the small business concessions.

This means that a taxpayer that owns a CGT asset used in a business by an affiliate or entity connected with the taxpayer, and partners owning certain CGT assets used in the partnership business, will have access to the small business CGT concessions via the small business entity test from the 2007-08 income year.

The schedule also makes a number of minor amendments to refine and clarify aspects of the existing small business CGT concessions provisions so that they operate flexibly and as intended.

Schedule 3 provides a general exemption from CGT for capital gains or capital losses arising from a right or entitlement to a tax offset, deduction or similar benefit. A highly technical interpretation of the income tax law may result in a capital gain or capital loss arising to taxpayers who have a right to receive an urban water tax offset on the satisfaction of the right. This amendment will put beyond doubt that a capital gain or capital loss would not arise for taxpayers in such circumstances, or in other circumstances where taxpayers have a right or entitlement to a tax offset, deduction or other taxation benefit.

Schedule 4 provides refundable tax offsets for eligible projects under the government's $1 billion National Urban Water and Desalination Plan. Under the plan, eligible projects may receive assistance at a rate of 10 per cent of eligible capital costs, up to a maximum of $100 million per project.

This schedule implements the refundable tax offset component of the plan and delivers on the government's election commitment.

Schedule 5 amends the list of deductible gift recipients, known as DGRs, in the Income Tax Assessment Act 1997. Subject to conditions, taxpayers can claim income tax deductions for gifts to organisations with DGR status. DGR status will assist the listed organisations to attract public support for their activities. This schedule adds four new organisations to the act:

- Australasian College of Emergency Medicine
- ACT Region Crime Stoppers Limited
- The Grattan Institute, and
- Parliament of the World's Religions Melbourne 2009 Limited.

This schedule also extends the time limit on the DGR status of three further organisations:

- Bunbury Diocese Cathedral Rebuilding Fund
- St George's Cathedral Restoration Fund, and
- Yachad Accelerated Learning Project.

Schedule 6 amends the A New Tax System (Australian Business Number) Act 1999, or ABN Act, to allow the Registrar of the Australian Business Register to act as the Multi-agency Registration Authority to enable representatives of businesses to be identified for the purpose of communicating electronically with multiple government agencies on behalf of businesses. This is a part of the government's Standard Business Reporting Program. There are also a number of other amendments to the ABN Act that improve the integrity and efficiency of the Australian Business Register and help position the Registrar to take on the role of the Multi-agency Registration Authority.

Schedule 7 amends the Fuel Tax Act 2006 and related provisions elsewhere in the tax law, to remove the provision that businesses must be a member of the Greenhouse Challenge Plus program to claim more than $3 million of fuel tax credits in a financial year. This amendment to the Fuel Tax Act will have effect from 1 July 2009.

The Greenhouse Challenge Plus program will cease after 30 June 2009. The Greenhouse Challenge Plus program provision in the Fuel Tax Act was originally included so that large fuel users would monitor and take measures to reduce their carbon emissions. This outcome will be better achieved through the government's Carbon Pollution Reduction Scheme.

Without this amendment, businesses would be unable to claim fuel tax credits in excess of $3 million in a financial year after 30 June 2009. This would be inconsistent with the policy intent of the fuel tax credit system.

Finally, schedule 8 provides an exemption from tax for the clean-up and restoration grants paid to small businesses and primary producers affected by the Victorian bushfires. This measure recognises the extraordinary hardship suffered by small businesses and primary producers in affected areas, and provides certainty for recipients in terms of tax treatment at a time when they should not need to worry about tax matters.

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

I commend the bill to the House.

Debate (on motion by **Mr Wood**) adjourned.

## INTERNATIONAL MONETARY AGREEMENTS AMENDMENT BILL 2009

### First Reading

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

Bill read a first time.

### Second Reading

**Mr BOWEN** (Prospect—Minister for Competition Policy and Consumer Affairs, and Assistant Treasurer) (10.38 am)—I move:

That this bill be now read a second time.

The purpose of this bill is to simplify the process for Australia to accept agreed amendments to the articles of agreement of the International Monetary Fund (IMF) and the International Bank for Reconstruction and Development, commonly known as the World Bank.

The International Monetary Agreements (IMA) Act 1947 established Australia's membership of the IMF and the World Bank.

Articles of agreement of the fund and bank are schedules to the act.

The bill proposes to alter the definition of the IMF articles of agreement (fund agreement) and the definition of the World Bank articles of agreement (bank agreement) to include any amendments of the relevant articles of agreement that enter into force for Australia without the need for further legislative changes.

Similar provisions are commonly used in Australian legislation to allow updates to international treaties to which Australia is party.

Currently, an IMA amendment act is required to reflect any amendments to the fund and bank agreements.

However, this legislative process is largely an administrative task, as all proposed amendments are required to go through rigorous approval processes at both the institutions and within Australia.

This bill also does not alter the way in which Australia's financial relationships with the IMF and World Bank are conducted.

The Treasurer, as Australia's governor of the IMF and World Bank, is required to vote on any proposed amendments to the articles of agreement of either institution.

For the amendment to enter into force, three-fifths of all members of the IMF or World Bank, having 85 per cent of total voting power, must accept of the amendment.

If accepted, the amendment enters into force for all IMF or World Bank members, whether or not a particular member has accepted it.

The agreements constitute international treaties for Australia and, as such, irrespective of the requirement for legislation, any

amendments to the treaties will still require tabling in parliament and consideration by the Joint Standing Committee on Treaties.

The bill will allow Australia to accept a number of governance reforms, which have recently been approved by the IMF and World Bank boards of governors, when they enter into force for all members, including Australia, without the need for further legislative processes.

Specifically, these amendments aim to enhance the voice and participation of developing countries in the two institutions and support a new income model for the fund aimed at providing it with a more robust, stable, and sustainable income base.

The Treasurer, as governor for Australia of the IMF and World Bank, voted in favour of each of these proposed amendments.

Australia has a significant interest in seeing these reforms implemented as they will enhance the effectiveness and legitimacy of both institutions, and support the robust, stable and sustainable financial position of the fund.

Given the current G20 reform agenda, which includes calls for reform of the IMF and World Bank, it is likely that further amendments to the fund and bank agreements will occur in the future.

This bill will allow for Australia to adopt the recently agreed reforms, as well as any future reforms, which require amendments to either institution's articles of agreement, in an efficient and timely manner while maintaining policy and parliamentary oversight.

Further details of the bill are contained in the explanatory memorandum.

I commend the bill to the House.

Debate (on motion by **Mr Wood**) adjourned.

## EVIDENCE AMENDMENT (JOURNALISTS' PRIVILEGE) BILL 2009

### First Reading

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

Bill read a first time.

### Second Reading

**Mr McCLELLAND** (Barton—Attorney-General) (10.42 am)—I move:

That this bill be now read a second time.

This bill implements an important reform to the Commonwealth Evidence Act 1995 by amending the existing privilege provisions which are available to protect confidential communications between journalists and their sources, in appropriate circumstances. It forms part of the Rudd government's commitment to enhancing open and accountable government. It also delivers on the Rudd government's election commitment to strengthen protection for journalists' sources.

The bill recognises the important role that journalists play in informing the public on matters of public interest and, in my view, it appropriately balances that against the public interest in the administration of justice. It does this by inserting an objects clause into the division to ensure that the court keeps both of these factors firmly in mind when exercising its discretion in a particular case.

In doing so, the bill improves on the version of the privilege introduced by the former coalition government in 2007. That was a version I described at the time as a 'quick fix to a somewhat complex issue'.

While this bill just deals with journalist shield, the government is also committed to enhancing our mechanisms to allow public interest disclosures and freedom of information laws. The government is currently considering the report of the House of Representatives Standing Committee on Legal and

Constitutional Affairs on whistleblowers and is committed to introducing legislation in the near term. My colleague the Special Minister of State is looking to release an exposure draft of freedom of information legislation as soon as practicable. Together with the measures in this bill, those measures will improve the openness, transparency and accountability of government and the Public Service.

The value of a well-informed community was highlighted by the Commonwealth Ombudsman in the 1994-95 annual report, where it stated:

> Information is the currency that we all require to participate in the life and governance of our society. The greater the access we have to information, the greater will be the responsiveness of our governments to community needs, wants, ideas and creativity …

And we recognise and endorse that comment. Protection of journalists' sources is one of the basic conditions of press freedom. As recognised by the European Court of Human Rights in 1996, without such protection, sources may be deterred from assisting the press in informing the public on matters of public interest.

This bill strengthens protections for journalists' sources by changing the way in which a court is able to address communications which have been made to a journalist. The bill will require the court to consider whether a communication was made contrary to law in determining whether to direct that the evidence not be given. The current law has operated too severely in mandating the loss of privilege in these circumstances. Clearly, the court will weigh the competing objects, as specified in this bill. The greater the gravity of the relevant misconduct, the greater the weight the court will be expected to give that particular factor.

The bill will also require the court to consider any potential harm not only to the source but also to the journalist involved if the evidence of the source is given. This gives specific recognition to the fact that journalists can also suffer harm, such as harm to their reputation and their ability to obtain information in the future, if they are required to disclose a source. Where a likelihood of harm has been established to the journalist or the source or both, and the court is satisfied that the nature and extent of this harm outweighs the desirability of the evidence being given, the court must uphold the privilege.

I want to make it very clear that these amendments are not designed to prevent or frustrate legal action being taken against a person who makes an illegal disclosure. Nor are the amendments intended to encourage such disclosures. And I do not anticipate that they will do so. What these amendments do is to clarify the circumstances in which a journalist should be required to provide evidence to a court about the confidential communication or its source.

As I said earlier, the Rudd government is also currently developing whistleblower protections which have the capacity to complement journalist shield laws by providing avenues other than the media for public interest disclosures. The court has the ability to consider whether the source could have utilised, where available, laws protecting public interest disclosures. Failure by a source to access the protections provided by these laws, that is, the whistleblower laws, when introduced would clearly be a relevant consideration in the court's determination of whether the confidential communication between the journalist and source should be privileged.

The bill specifies that the court in exercising its discretion must consider potential prejudice to national security. But the factors listed for the court to consider in exercising

its discretion are not weighted one above the other. The amendment will provide greater flexibility for the court by allowing it to determine the weight to be given to a particular risk of prejudice to national security based on the evidence before it. Clearly, again, the greater the risk of prejudice to national security and the greater the gravity of that prejudice, the greater the weight the court would give to this factor.

The bill will extend the application of the new journalists' privilege beyond proceedings in federal and Australian Capital Territory courts, to all proceedings in any other Australian court for an offence against a law of the Commonwealth. This provision will ensure that the Rudd government's commitment to enhancing transparency and accountability in the Australian government is effectively implemented by these reforms. In practice, the prosecution of an Australian government official charged with disclosing confidential government information is usually conducted in a state or territory court rather than a federal court. It is in these state or territory proceedings, as well as if proceedings are in a federal court, that journalists are usually called upon to reveal their sources. This amendment will accordingly enable the new journalists' privilege to apply to all prosecutions for Commonwealth offences in whatever court the matter arises.

There will be some that say, and I have seen some commentary in the media today, that the bill does not go far enough. I respect those arguments. For instance, a number have pointed to laws in New Zealand and the United Kingdom which contain a specific presumption in favour of protecting journalists' privilege.

But let me say in answer to those critics that it is misguided to conduct reasoning in this matter by focusing on onus. The purpose of this legislation is to enable an appropriate balance to be struck between the public interest in free press and the public interest, which clearly exists also, in the administration of justice. It provides a guided discretion but leaves the balancing of competing interests and particular facts to the common sense of the court considering the matter. As I said in 2007 when the opposition introduced its flawed legislation, judicial discretion in these matters is not something to be afraid of. Indeed, no other profession—not even the legal profession—has the benefit of an absolute privilege to protect confidential information.

A broader judicial discretion to maintain confidentiality between a journalist and their source in court proceedings is not just about protecting journalists. The bill aims to benefit the wider community by facilitating the free flow of public interest information in cases where courts find journalists' privilege should be upheld.

As I said, this bill strikes the appropriate balance between the desirability of protecting confidential communications between journalists and their sources and the public interest in ensuring that all relevant evidence is before our courts. The court is essentially guided in exercising its discretion by the specific object to that effect that will be included in the legislation.

I started this speech by saying that the media, which is often regarded as the fourth estate, has an important role to play in our democracy. That is unquestionably true and is accepted by the government. Let me finish by saying that this role comes with significant responsibilities: responsibilities of fairness and, most importantly, accuracy. The community has a right to expect that if journalists and their sources are to be given appropriate protection then journalists will report matters accurately and responsibly and not selectively use information at their disposal for sensational headlines or for self-

serving reasons. It is not a mere platitude to say that a well-informed, well-functioning and responsible media is in fact a vital cog in the democratic wheel. I commend the bill to the House.

Debate (on motion by **Mr Wood**) adjourned.

## LAW AND JUSTICE (CROSS BORDER AND OTHER AMENDMENTS) BILL 2009

### First Reading

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

Bill read a first time.

### Second Reading

**Mr McCLELLAND** (Barton—Attorney-General) (10.54 am)—I move:

That this bill be now read a second time.

**Introduction**

The Law and Justice (Cross Border and Other Amendments) Bill 2009 contains a range of measures relating to the Commonwealth's legal framework for resolving disputes that have a connection to more than one jurisdiction.

Simple and efficient processes for conducting legal proceedings with a cross-border element are essential in our federal system, where travel between states and transactions across jurisdictions are a routine part of life. In the same way, Australia's proximity to, and our close relationship with, New Zealand makes it important to have special processes in place for resolution of disputes across the Tasman.

The measures contained in this bill are consistent with the government's continuing commitment to making legal processes more flexible, cheaper and less complicated.

**Cross-border amendments**

Most significantly, the bill includes amendments to the Service and Execution of Process Act 1992 to support the operation of the Cross Border Justice Scheme. This scheme will be established to streamline the delivery of justice services and to improve public safety in cross-border regions in Western Australia, South Australia and the Northern Territory.

Initially the scheme will operate in the NPY lands in Australia's central desert region. People in the NPY lands live and travel throughout this region according to traditional cultures and customs, across state and territory borders. This creates particular challenges for the delivery of justice services.

The Cross Border Justice Scheme will take an innovative and cooperative approach to addressing these challenges. It will allow police, magistrates and other officials to deal with offenders from any one of the participating jurisdictions where the offender has a connection to the cross-border region.

The scheme will be established under state and territory legislation. However, amendments to the Service and Execution of Process Act are required to enable it to operate as intended. The Service and Execution of Process Act establishes a cooperative scheme for the service and execution of process and the enforcement of judgments between states and territories.

To support this significant initiative, the bill will amend the Service and Execution of Process Act to confirm that the Cross Border Justice Scheme, and similar schemes set up in the future, can operate in parallel with the scheme established under this act. The bill will also amend the Service and Execution of Process Act to provide that in any case of direct inconsistency, the cross-border laws will prevail.

**Ability for prisoners to give evidence by audio and audiovisual link**

The bill also contains amendments to the Service and Execution of Process Act to al-

low more flexibility in the way in which evidence can be given in proceedings with an interstate aspect. The bill amends the Service and Execution of Process Act to enable prisoners to give evidence by audio or audiovisual link when subpoenaed to give evidence before an interstate court, tribunal or person.

State and territory legislation already allows a prisoner, for instance, to give evidence in this way where the proceedings are in the jurisdiction of their imprisonment. However, there is currently no explicit provision under the Service and Execution of Process Act for a prisoner to give evidence by audio or audiovisual link in proceedings in another state or territory. This bill addresses that gap.

**Expansion of trans-Tasman subpoena scheme to family proceedings**

Finally, the bill amends the Evidence and Procedure (New Zealand) Act 1994 to expand the range of proceedings covered by the cooperative scheme established between Australia and New Zealand for the service of subpoenas across the Tasman. Currently the act excludes family proceedings from the operation of that scheme.

These amendments will remove this general exclusion, consistent with Australia's longstanding view that the scheme should apply broadly to civil proceedings, including proceedings involving family law. This matter was discussed with the New Zealand Minister for Justice, Simon Power, yesterday on his visit to Australia and he welcomed these amendments.

**Conclusion**

In conclusion, the amendments in this bill introduce or support measures to make the process for resolving disputes with an interstate or trans-Tasman connection simpler, cheaper and more flexible. This is consistent with the government's broader efforts to improve access to justice for all Australians.

I commend those states who have reached the agreement for these cross-border arrangements in this case and I commend the bill to the House.

Debate (on motion by **Mr Wood**) adjourned.

## NATIVE TITLE AMENDMENT BILL 2009

### First Reading

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

Bill read a first time.

### Second Reading

**Mr McCLELLAND** (Barton—Attorney-General) (11.00 am)—I move:

That this bill be now read a second time.

The Native Title Amendment Bill 2009 will make amendments to the Native Title Act 1993 that will contribute to broader, more flexible and quicker negotiated settlements of native title claims. These changes will result in better outcomes for participants in the native title system.

The Rudd Labor government is committed to a new partnership with the Indigenous community and closing the gap between Indigenous and non-Indigenous Australians. Native title has an important role to play in this new partnership. A native title system which delivers real outcomes in a timely and efficient way can provide Indigenous people with an important avenue of economic development.

The government's key objective for the native title system is to resolve land use and ownership issues through negotiation, where possible, rather than through litigation.

This objective has been a central plank of the Native Title Act since the Keating Labor government introduced it in 1994. The preamble to the act, in fact, makes it clear that recognition of native title rights should occur

where possible by agreement and with due regard to the unique character of those rights.

Regrettably, the admirable intention of the act has not been realised. For over 15 years, quite literally, millions of dollars have been wasted on unproductive and unnecessary litigation. This is totally unacceptable given the desperate circumstances of those we are trying to benefit. An opportunity for reconciliation has all too often become an instrument of division. On current estimates, it may take another 30 years to resolve all current native title claims. It is a tragedy to see people dying before their peoples' claims are resolved. Australia's Indigenous people deserve better, and all participants in the system should strive to achieve that.

The key amendments in this bill support the government's objective of achieving more negotiated native title outcomes in a more timely, effective and efficient fashion. They give the Federal Court a central role in managing all native title claims, including deciding who mediates a claim. The government is confident that the court has the necessary skills to actively manage native title claims in a way which will lead to resolution of claims in the shortest possible time frames.

In recent years, the court has achieved strong results in mediating native title matters. These amendments will draw on the court's significant alternative dispute resolution experience to achieve more negotiated outcomes.

Having one body actively control the direction of each case with the assistance of case management powers means opportunities for resolution can be more easily identified. Parties that are behaving with less than good faith can also be identified and more forcefully pulled into line. Where parties are deadlocked or unwilling to see common ground, the court can bring a discipline and focus on issues through the use of its case management powers to ensure that matters do not languish and, of course, reports that a party is not participating with appropriate good faith may well have potential consequences for their ongoing entitlement to funding.

This change is in line with consistent stakeholder feedback. It is also in line with the government's position in opposition.

Other amendments contained in the bill aim to facilitate the faster resolution of negotiated settlements. Importantly, outcomes can extend beyond the bare recognition of legal rights. They can include sustainable benefits that deliver improved economic and social outcomes for generations of traditional owners.

To assist in facilitating broader agreements like these, the bill will enable the court to make consent orders concerning matters beyond native title.

The bill also includes specific provisions that confirm the court has discretion to rely on an agreed statement of facts between the parties in making a consent determination. This will be possible where the parties include at a minimum the native title claim group and the main government party. This is intended to allow for greater efficiency in the native title process, particularly where it is clear that there is no disagreement between the key parties about the facts. There will be a time limit imposed on those who would seek to dispute the agreed statement of facts but, again, we would expect all litigants to conduct themselves responsibly and anyone who files a frivolous objection to an agreed statement of facts may of course face potential cost consequences downstream under the normal operation of the rules of the court.

The government recently introduced amendments to the Evidence Act 1995 that, among other things, will make it easier for a

court to hear evidence of Aboriginal and Torres Strait Islander law and customs, where appropriate. Of particular relevance to native title matters are amendments to the hearsay and opinion rules, and to the rules relating to narrative evidence. This bill introduces amendments that will allow the recent changes contained in the Evidence Amendment Act 2008 to apply to native title proceedings, which commenced before these amendments came into force. This will ensure that native title claimants receive the fullest possible benefit from these new laws.

This bill also contains a number of amendments to part 11 of the Native Title Act, which deals with representative bodies. One of the aims of these measures is to streamline those parts of the act dealing with the recognition processes for native title representative bodies. The bill's provisions will allow for a very simple application process for the rerecognition of current representative bodies, saving significant time, paperwork and costs.

At the moment, the act deals with extension, variation and reduction of areas as three separate processes, which essentially have the same elements. The bill amalgamates these into one straightforward variation process but at the same time maintains the individual and public notification processes, and makes provision for extensions of time for representative bodies to make submissions if that is required.

The provisions in the bill relating to the minister's consideration of whether a body is satisfactorily performing its functions will align with those provisions in the act which set out how a representative body is to perform those functions.

The bill also removes transitional provisions relating to the recognition process for representative bodies which are no longer required.

In addition to the measures in this bill, the government is considering a range of options to make our courts more flexible and improve access to the civil justice system for all Australians. For example, the government recently introduced legislation to allow the court to refer questions arising in a proceeding to an appropriately qualified person for inquiry and report. The ability to refer questions for expert assistance should lead to faster resolution of native title litigation, as contested matters such as claim overlaps and complex issues such as the existence and extent of native title rights and interests can be referred to experts for inquiry and report, which will hopefully reduce the areas of disputation between the parties.

The amendments in this bill will help to encourage a broader and more flexible approach to the resolution of native title. Importantly, they can help us move away from the traditional adversarial approach which, as we know, has proved both costly and slow. No-one but the lawyers benefit from costly and time-consuming litigation, and all too often we miss extraordinary opportunities that resolution of these matters would have provided. At the end of the day, I think good and principled lawyers involved in native title litigation will welcome these changes, because these changes are likely to facilitate more, broader and more relevant agreements in a much shorter period of time with considerably less expense.

The government has consulted widely in relation to these amendments and there is considerable support for the changes among the various participants in the native title system.

Native title is about more than just delivering symbolic recognition. Native title is an important opportunity to create sustainable, long-term outcomes for Indigenous Australians. The effect of the amendments con-

tained in this bill, combined with a dedication to behavioural change by all participants in the system in the interests of those that the system is intended to benefit, will improve both the operation of the system and the outcomes we can achieve under it.

Can I recognise the fact that the shadow minister for justice and customs has paid us the courtesy of being in the House during the presentation of this bill. I extend my appreciation to her for that. I commend the bill to the House.

Debate (on motion by **Mr Randall**) adjourned.

## COMMITTEES

### Public Works Committee

#### Reference

**Dr KELLY** (Eden-Monaro—Parliamentary Secretary for Defence Support and Parliamentary Secretary for Water) (11.11 am)—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: Construction of housing for Defence at Yamanto Hills, Ipswich, Queensland.

Defence Housing Australia proposes the construction of 72 residential houses on land at Yamanto Hills in Ipswich, Queensland. The proposal will provide housing for Australian Defence Force personnel at an estimated construction cost of $19.63 million. The Yamanto Hills site will form part of the new Ipswich suburb of Yamanto, by road some seven kilometres south of Ipswich city and seven kilometres south-east of RAAF Base Amberley. The objective of the proposal is to provide 72 new residences by the end of 2010 for Australian Defence Force personnel stationed at RAAF Base Amberley. These houses will be funded through the government's recently announced Nation Building and Jobs Plan.

The Australian Defence Force has recently expanded its operations at RAAF Base Amberley with the addition of Army's 9th Force Support Battalion and RAAF's No. 36 Squadron. These moves have substantially increased the housing needs for defence families in the Ipswich area. Community standard housing for families is vital to the Australian Defence Force in attracting and retaining skilled personnel in the Defence Force.

Development of the Yamanto Hills site will be governed by Defence Housing Australia through a number of contractors. The site will be developed in accordance with Defence Housing Australia's project-specific guidelines and the national specification covering performance and design requirements for Defence Housing Australia houses. Subject to parliamentary and Defence Housing Australia board approval, construction will commence in October 2009 and will be completed by October 2010. I commend the motion to the House.

Question agreed to.

### Public Works Committee

#### Approval of Work

**Dr KELLY** (Eden-Monaro—Parliamentary Secretary for Defence Support and Parliamentary Secretary for Water) (11.13 am)—I move:

That, in accordance with the provisions of the Public Works Committee Act 1969, it is expedient to carry out the following proposed work which was referred to the Parliamentary Standing Committee on Public Works and on which the committee has duly reported to parliament: Enhanced Land Force Stage 1 Facilities Project, Lavarack Barracks, Townsville, Queensland, and other Defence Bases around Australia.

The Department of Defence proposes to undertake the Enhanced Land Force Stage 1 Facilities Project at Lavarack Barracks, Queensland, and other defence bases around

Australia at an estimated out-turned cost of $793.1 million plus GST. Since 2007 the Army has been increasing in size to implement the government's Enhanced Land Force initiative, and the existing facilities require modification, extension or new construction to support the increased capabilities effectively. This project will provide new and refurbished accommodation and training facilities, as well as common-use facilities and site infrastructure upgrades at Townsville and other defence sites across five states. In its report, the public works committee has recommended that these works proceed. Subject to parliamentary approval, construction will commence in mid-2009 and be completed by late 2011. On behalf of the government, I would like to thank the committee for its support, and I commend the motion to the House.

Question agreed to.

### Publications Committee

#### Report

**Mr HAYES** (Werriwa) (11.15 am)—I present the report from the House of Representatives Standing Committee on Publications sitting in conference with the Senate Standing Committee on Publications of the Senate. Copies of the report are being placed on the table.

Report—by leave—agreed to.

### Communications Committee

#### Report

**Ms NEAL** (Robertson) (11.16 am)—On behalf of the House of Representatives Standing Committee on Communications, I present the committee's report entitled *Phoning home: inquiry into international mobile roaming*, together with the minutes of proceedings and evidence received by the committee.

Ordered that the report be made a parliamentary paper.

**Ms NEAL**—by leave—As members of parliament, we know how important it is to stay in touch. Some of us may complain about the number of calls we get on our mobile phone, but I do not think any of us would argue that it has not enhanced our ability to represent our constituents.

Those of us who have travelled overseas will have no doubt about the utility of international mobile roaming, a service that allows you to use your own phone and phone number wherever you are in the world—or in most places.

The utility of roaming was recognised by many of the participants to the communications committee inquiry. The Consumers Telecommunications Network said the following at the public hearing in Sydney on 28 November 2008:

> … the expectation these days is to be able to be contacted. People want to take their phones with them, but they do not want to do that at the expense of getting a shock when they come back.

Members of the committee shared their own stories of the shock of mobile phone bills after travelling overseas.

During the inquiry, the committee was confronted with evidence of roaming bills, in some cases, in the tens of thousands of dollars. Thankfully, none of the committee members had experienced that kind of shock.

The committee found that there were two apparent reasons for the high cost of mobile roaming.

The first was to do with how costs are attributed. Roaming is supported by a complex technical treatment of calls to and from roamed phones. This treatment means that the cost of making and receiving calls is higher for roamed calls than for domestic calls.

The most obvious example of this is the approach to receiving calls. In the regular

use of mobile phones, the recipient of a call is not charged. However, if the recipient is using roaming, they will be charged for the international leg of any calls that they receive.

Most consumers do not know this, but it is now obvious to the committee that it is a fact. Also, consumers, when selecting a phone service provider, generally only consider the domestic cost structure and are already locked in to the one provider they have selected when they decide to travel overseas. In other words, the consumers do not generally consider the cost structure of international roaming when they are selecting their service provider.

To enhance consumer understanding of roaming costs, the committee has recommended that:

- the Australian Communications and Media Authority facilitate a meeting of the Communications Alliance to discuss the development of a minimum standard for consumer information and awareness on roaming and potential costs; and
- the Australian government explore opportunities to collaborate with the Australian Telecommunications Users Group's 'Roam Fair' campaign.

The second apparent reason mobile roaming bills are so high for Australian travellers has to do with the power of Australian providers in negotiations with overseas providers over roaming services. Australian providers do not appear to have the customer base to negotiate competitive prices for roaming services.

The committee believes that this situation is best overcome through a policy of regulating the framework for the wholesale cost of roaming through bilateral and multilateral negotiations with other countries, ensuring that countries with the largest number of Australian visitors are given priority in these negotiations.

In an effort to improve competition between Australian providers, the committee is recommending that the Australian Communications and Media Authority develop, through the Communications Alliance, an amendment to the code on mobile number portability to allow temporary mobile number portability for roaming services.

The committee also examined the various alternatives to mobile roaming, including: purchased phone cards; hiring a mobile in the country you are visiting; using the internet; and using hotel phones.

While there are a number of other ways in which travellers can remain in touch, none of these has the utility of roaming.

Nevertheless, the committee believes that with careful planning most travellers can find an alternative that offers some of the utility of roaming at a lesser cost.

In order to ensure travellers are aware of the alternatives, the committee has recommended they be incorporated into information on roaming provided by the Australian government.

There can be no doubt that it will take some time before Australians are offered really competitive roaming rates, but hopefully the committee's recommendations will go some way towards reducing the cost of phoning home in the near future.

I commend the report to the House.

**Mr BILLSON** (Dunkley) (11.22 am)—by leave—I join with and support the committee chair in commending to the chamber the report of the House of Representatives Standing Committee on Communications, *Phoning home: inquiry into international mobile roaming*. One of the things that you are faced with after overseas travel is that, even if you are not knocked over by jet lag

and different time zones, you will be completely bowled over by your phone bill. It is absolutely frightening what you can face after travelling internationally and using global roaming functions. The committee recognised that this is a very serious concern but realised that it is not a concern that affects everybody. One of the things that kept coming through from evidence to the inquiry was that for the major players—the telcos and the like—it is not a really big share of their revenue or at the top of the list of things to do, although there was universal agreement that this is an ugly area of telecommunications and it is frightfully expensive. It seems very complicated to address. The factors involved, which have been very eloquently outlined in the report, make this a complex challenge to address.

The committee's recommendations are pragmatic and realistic. They start with a very simple call to consumers: be very, very alert to avoid being very alarmed when you come home; be aware of what you are faced with, what the charging structures look like and what the options are; and be very thoughtful in your phone use. We learnt that there are so many influences on that final bill that cannot be directly regulated or addressed by our institutions and framework in Australia—and you end up paying a very big bill. The committee acknowledges, the report acknowledges and I acknowledge that not all of the factors that go to global roaming charges are within the control of the telecommunications companies. What is clear, though, is that it is their logo that is on the bill. We look to the telecommunications sector to be a positive, constructive and proactive influence in trying to address these concerns.

The committee's recommendations also embraced what is a legitimate role for government. These are away-game issues. These are influences way off the shores of Australia, but there is a role for government in trying to get in place a framework that makes sure that the charging at a wholesale level—which is a charge generated offshore—is within some realistic parameters, and that should be part of our diplomacy and advocacy when it comes to bilateral and multilateral activity.

This is a good, pragmatic report, and it provides some very constructive recommendations. The report calls on the communications industry, through the Communications Alliance, to be very helpful and active in the information it supplies to its consumers. It says that government can do its bit through Smartraveller and other alerts like that, where people can find out about their visas and inoculations. It is also saying: be thoughtful about what you are doing with your phone bill; and it also says that the ATUG, the Australian Telecommunications User Group, campaign is something that we should embrace.

I want to praise the committee staff who were involved: Kevin Bodel, our inquiry secretary; Jerome Brown and all the other temporary secretaries that we had on the way through; Geoff Wells, the research officer; and Dorota, Emma and Claire from the committee secretariat. I thank them for their work.

Above all, I urge consumers to realise that they are in the driver's seat. All the tools we wish they had available are not always available. Be very, very alert about global roaming; otherwise, you will come home and be very, very alarmed and substantially out of pocket. I commend the report to the House.

**The DEPUTY SPEAKER (Mr S Georganas)**—Does the member for Robertson wish to move a motion in connection with the report to enable it to be debated on a future occasion?

**Ms NEAL** (Robertson) (11.25 am)—I move:

That the House take note of the report.

**The DEPUTY SPEAKER**—In accordance with standing order 39 (c), the debate is adjourned. The resumption of the debate will be made an order of the day for the next sitting.

### Communications Committee

#### Report: Referral to the Main Committee

**Ms NEAL** (Robertson) (11.26 am)—I move:

That the order of the day be referred to the Main Committee for debate.

Question agreed to.

### Treaties Committee

#### Report

**Mr KELVIN THOMSON** (Wills) (11.26 am)—On behalf of the Joint Standing Committee on Treaties, I present the committee's report entitled *Report 100: treaties tabled on 25 June 2008*.

Ordered that the report be made a parliamentary paper.

**Mr KELVIN THOMSON**—by leave—The treaties committee's 100th report is probably our most important ever. The Labor and Greens members of the treaties committee have adopted a science based, evidence based approach to the issue of global heating. After examining the evidence, we have concluded that it is in Australia's interests to get global action delivering deep cuts in carbon emissions in order to stabilise greenhouse gases in the atmosphere at 450 parts per million or lower by 2050.

Our second recommendation concerns targets. It is hard to see how the world can meet the 450 parts per million or lower figure unless the developed countries are willing to cut greenhouse gases by 80 per cent by 2050. So we recommend that the Australian government be willing to adopt an 80 per cent target and to take that target as a negotiating position to Copenhagen in December this year.

Generally, greenhouse gas emissions are measured against a 1990 baseline. This is very onerous for Australia, because we were expressly permitted to increase our emissions by eight percent in the first Kyoto period and because the inaction of the Howard government left us tracking at 20 per cent carbon emissions above 1990 levels by 2020. So it may be that our commitment to an 80 per cent cut should be a commitment to cut by 80 per cent from now on. This would amount to a cut of two per cent every year from 2010 to 2050—challenging, but achievable. We cannot change our past, but we must change our future.

Chapter 4 talks about the ways in which we can reduce carbon and other greenhouse gases in Australia to meet this challenging target. In Darwin, the committee heard important evidence about the emissions of huge savannah-burning fires. In 2006, savannah burning accounted for almost two per cent of Australia's greenhouse gas emissions. Dr Jeremy Russel-Smith said that moving to a program of managed savannah burning, using traditional indigenous fire management practices, could reduce Australia's total greenhouse gas emissions by one per cent. We have recommended that the Australian government work through the Council of Australian Governments and the Carbon Pollution Reduction Scheme to reduce emissions from savannah burning from Northern Australia.

We heard about emissions from motor vehicles and have recommended that the government work through the Council of Australian Governments to establish a high-quality integrated public transport system, including light rail technology. We also heard a lot of

evidence about the importance of renewable energy technologies—like solar, wind and geothermal—low-emissions technologies and energy efficiency. Clearly this is the way of the future. The committee has recommended that the Australian government establish a coordinating mechanism through the Council of Australian Governments to ensure integration of carbon reduction actions across all states, territories and levels of government.

The final chapter of the report deals with adaptation to the global heating which is now inevitable. The design of our buildings could be better. Australia is not a one-size-fits-all country. The committee has recommended that the government direct the Australian Building Codes Board to review the Building Code of Australia to make it flexible enough so that we get the right building for the location.

We also heard evidence from Dr Clive McAlpine in Brisbane that land clearing reduces rainfall. In both Australia and the Amazon, studies indicate that cutting down trees reduces rainfall. This is very significant for southern Australia in particular. In southern Australia we have been battling drought for years now, and all the latest climate science suggests that drought in both south-west and south-east Australia will be more severe and more frequent. The significance of Dr McAlpine's work is that retaining native vegetation, and indeed re-establishing native vegetation, is something we can do in Australia to help our situation here. It does not matter what other countries are doing; this is something we can do for ourselves. The committee has recommended that the Australian government investigate using revegetation as an adaptation mechanism to reduce temperature and increase rainfall in applicable parts of Australia. The committee's final recommendation is for an inquiry into adaptation strategies for climate change. This inquiry should include consideration of projected sea level rise due to climate change, and its impact upon Australian coastal communities and neighbouring countries.

The Liberal and National party members of the committee have produced a dissenting report. Essentially, their approach in opposition is the same as it was in government—delay, frustrate, scuttle, undermine, block and do nothing. Indeed, they continue to contest not just the judgment of the electorate in 2007 but the very climate science itself. Yesterday, Professor Will Steffen from the ANU was asked about the climate science debate and the extent of scientific consensus on climate change. Professor Steffen replied, 'Well, if it was a soccer game, the score at half time is 99 to one.' I am astonished that with a half-time score like that the Liberal and National parties continue to bet on the side which is down one to 99. Their action is a kick in the teeth of the best interests of the farmers they claim to represent. According to ABARE, if we do not act on climate change then exports of key commodities will fall by 63 per cent in the next 20 years.

In conclusion, I thank my fellow committee members and the treaties committee secretariat for their hard work in bringing together this very detailed and very significant report. I move:

That the House take note of the report.

**The DEPUTY SPEAKER (Mr PD Secker)**—In accordance with standing order 39(c), the debate is adjourned. The resumption of the debate will be made an order of the day for the next sitting.

### Treaties Committee

#### Report: Referral to the Main Committee

**Mr KELVIN THOMSON** (Wills) (11.33 am)—by leave—I move:

That the order of the day be referred to the Main Committee for debate.

Question agreed to.

## HIGHER EDUCATION LEGISLATION AMENDMENT (STUDENT SERVICES AND AMENITIES, AND OTHER MEASURES) BILL 2009

### Second Reading

Debate resumed from 18 March, on motion by **Ms Kate Ellis**:

That this bill be now read a second time.

**Ms SAFFIN** (Page) (11.33 am)—I speak in support of the Higher Education Legislation Amendment (Student Services and Amenities, and Other Measures) Bill 2009. Indeed, it gives me a great deal of pleasure to speak in support of this bill. The bill amends the Higher Education Support Act 2003 in four particular areas: (1) it allows higher education providers to charge students an annual capped student services and amenities fee from 1 July 2009, (2) it introduces a new Higher Education Loan Program, HELP, category for student amenities fees, called SA-HELP, (3) it broadens the application of the HELP category for vocational education and training students, called VET FEE-HELP, and (4) it provides that officers of tertiary admission centres have the same status and duty of care as those of higher education providers in relation to processing student information. It also amends the Income Tax Assessment Act 1936 to account for the new SA-HELP provisions.

The purpose of the bill is to deliver a balanced, measured and—as I outlined above—practical solution to rebuilding student services and amenities of a non-academic nature. It restores independent democratic representation in tertiary institutions and advocacy in the higher education sector. There has been some comment about the advocacy of students through student unions in tertiary education institutions as though somehow that is a bad thing. That is what I have heard from the opposition. But it is a good thing; we expect our students to be active and engaged—engaged in a battle of ideas. That is what we want them to do. We want them to go to universities to expand their minds and learn not to be thwarted by an ideological straitjacket, which is what the legislation that was introduced by the previous government did. I remember when the Howard-Costello government introduced the system that outlawed or prohibited student union fees. It did a number of things, but really it was ideologically driven. It was driven in the same way that Work Choices was, and they just went a bit too far. This resulted in a loss of money to higher education institutions and a loss of student services and amenities. It also resulted in a loss of about 1,000 jobs—and I will turn to that later in my contribution.

I also remember the vice-chancellors objecting, as did some of the now-diminishing National Party members. If I remember correctly, Senator Joyce might even have crossed the floor on this matter when it went through the Senate a few years ago. The National Party were thrown a bit of a lifeline—a transition funding package called the VSU transition fund. That was for some recreational and sporting facilities but in no way addressed the downfall, the loss of revenue and the thousand jobs that disappeared out of the higher education sector and out of the universities. The Australasian Campus Union Managers Association and the Australian Union of Students both said that this was a lame response and it could in no way meet the difference—the missing dollars for both the recurrent funding and the capital required to provide basic student services and amenities. Forget the politics and forget the advocacy; what we saw was the Liberal Party, with its ideological obsession about getting rid of student unions, actually ripping the

guts out of the universities providing services to students.

I am on the council of a university—Southern Cross University. It is my local university. I have seen the impact of this. It is not just something that I read about; I saw the impact. I was part of the debate, and I am glad to be part of the debate now so that we can restore those services to the university. The Australasian Campus Union Managers Association reported that, as a result of the axing of the scheme a few years back, there was a net loss of nearly $170 million to amenities and services. It was their report that detailed the loss of about 1,000 jobs. Speaking of jobs, we have heard a lot about jobs lately, particularly from the opposition. This is the party that professes to care about jobs but introduced a scheme that took 1,000 jobs out of the universities. It is no different to what they did with Work Choices. They just went that bit too far with their ideological obsession in these areas. I remember that it took about three goes for this to get through. It was proposed in 1999 and in 2003 and finally went through in 2005. So it was something that they were determined to do.

I will make a few points about the student services and amenities measure. The review of the impacts of the voluntary student unionism measures undertaken by the government in 2008 revealed that essential student services were hit hard. They stripped close to $170 million from amenities and services, as I have detailed before, and not only were much-needed services reduced—and on some campuses they ceased to exist—but also students were hit with increased prices for child care, parking, books, computer lab access and sport and food services as a result of VSU. It is bad enough that money disappeared and jobs disappeared, but it also increased costs to the students.

Students also experienced indirect costs, with many universities having to redirect funds out of research and teaching budgets to fund services and amenities that otherwise would have been cut. I have heard it said on the other side of the chamber that there are some students at universities, external students and part-time students, who might not get direct access to services. But the services are there for the common good—for everybody to access—and that is what this is about. It is about providing services and it is about access.

The government, in introducing this legislation, is taking a balanced and practical approach to ensure student amenities and services, and access to independent and democratic representation and advocacy, are secured now and into the future. Also, through these amendments, the government will, for the first time, introduce national access to services benchmarks relating to the provision of information on and access to services, such as welfare and counselling services, in line with the current requirements for overseas students—and for the first time these amendments will introduce national student representation and advocacy protocols to ensure that students have an independent voice on campus.

To support quality services over and above these benchmarks and protocols universities will be provided with the option to set a compulsory fee, capped at a maximum of $250 per year indexed annually. A set of guidelines will be developed outlining the range of services and amenities for which the fee can and cannot be used. This will include things like child care, health care and sports and fitness clubs. Consultations to finalise these guidelines are scheduled for March, and I know that my local university, Southern Cross University, has been very involved in this area. It will be a decision for each university as to whether it wishes to imple-

ment a fee and the level of that fee up to $250.

My concluding comment is that this is sensible legislation. It is legislation that federal Labor gave a commitment to. It restores student services and amenities back into universities. It will bring money back into the university sector and it will enable the creation of jobs, after the 1,000 jobs that were ripped out of the universities with the introduction of the Howard-Costello VSU plan. With those comments, I commend the bill to the House.

**Mr ZAPPIA** (Makin) (11.43 am)—I too rise to speak in support of the Higher Education Legislation Amendment (Student Services and Amenities, and Other Measures) Bill 2009. I note from a speech made by the Deputy Prime Minister on 9 March that in Australia only 32 per cent of young adults have been to university. In contrast, in Sweden almost 50 per cent of young people attended university or a similar tertiary institution, and in Ireland the participation rate is around 55 per cent.

Of greater concern is that in recent years Australia's university participation rate has remained static. In other words, during the years in which Australia prospered from the resources boom, higher education participation rates stagnated. Not surprisingly, comparisons with other OECD countries show that Australia's higher education ranking has fallen from seventh in 1996 to ninth today. It is a trend that is consistent with many other patterns when one looks at education performance indicators in Australia under the previous coalition government.

This bill is another measure of the package of education initiatives that form part of the Rudd government's education revolution. It seems common sense to me that providing university students with supportive ancillary services will enhance their learning outcomes and increase university participation. It is also the case that many and possibly most university students are not awash with money. I believe that most of them do it pretty tough. They skimp and save to make ends meet, with many university students juggling part-time work and studies. In fact, I understand that 1.1 million Australians are currently combining work with full-time studies. That is a combination of university students and younger people in secondary schooling. I recently heard of one university student who was juggling studies with being a carer. When I heard that student put her case, it immediately became evident to me that she was not alone in trying to do that.

University life and university study can be very stressful for a student. Juggling studies with work, family commitments and social life all add to that stress and compound it. University student services can therefore take a huge load off students. The support that those services can provide can make a difference between a student completing a degree or not. They can even make a difference as to whether a student attempts a university degree. Coalition members simply do not get it and never have been serious about raising education standards in Australia. Their view has always been that you can pay your own way through life. If you cannot, it is too bad. And that equally applies when it comes to education.

Using that mentality, the disadvantaged are further disadvantaged and the cycle of disadvantage is perpetuated. Children from disadvantaged communities do not lack the intelligence or ability to successfully complete higher education degrees. What they often lack is the financial support that is needed to overcome many of the barriers they often have to overcome. Professor Denise Bradley said:

Despite low access rates, the success rate (or tendency to pass their year's subjects) of low socio-

economic status students is 97 per cent of the pass rates of their medium and high socio-economic status peers …

If we want to increase education standards we must remove the very barriers that prevent so many young people from completing university and other higher education degrees. Providing university students with supportive services is an effective step in removing those barriers. Health services, counselling services, legal services, employment services, welfare support services, even housing, decent cafeterias, childcare support, sporting facilities and other services—this is the range of services that the various universities around Australia individually provide.

These services have been substantially denied to students because of the obsession the coalition members had with unions when they were in government. We saw it earlier this week in the debate in this place on the electoral law amendments, where their obsession with unions was very evident. We saw it with their extreme Work Choices laws. We saw it with their extreme ABCC legislation. We saw it with the Peter Reith affair—the rottweilers on the docks debacle—and we saw it with their student union legislation in 2005.

Whilst voluntary student unionism sounded admirable in 2005 in that it supposedly provided choice, the reality is that the decline in membership was inevitable and that in turn student support services would decline as well. That is precisely what happened, with $170 million being stripped from university student service funding around Australia. And what were the consequences? Let us look at some of them.

La Trobe and Southern Cross University dental services were closed down completely. The University of Technology, Sydney, La Trobe and James Cook universities closed their legal services. In the case of the University of Technology, Sydney, this affected not only students but also the local community, who were also able to access that very service. The emergency loan scheme once offered at the University of Sydney is now closed. At least three universities have shut down their Centrelink advice services and nine universities have shut down their student legal and or taxation advice services. Six universities have shut down their elite athlete support programs and eight universities have discontinued funding of sports scholarships. Some universities, to their credit, redirected funds from other areas in an attempt to continue the provision of essential student services. They cared about their students. Regrettably, all that does, however, is compromise the service for which those funds were originally allocated without fully restoring the full range of student services lost.

There is widespread support for this legislation from throughout the Australian university sector. Let me quote what some of the universities have had to say. On 3 November 2008 the Group of Eight, a coalition of leading Australian universities, said:

The Federal Government's decision to allow universities to support essential student services through the collection of a modest fee is a sensible compromise that will enhance the quality of Australia's higher education system.

Universities Australia, the industry peak body representing the university sector, said on the same date:

Universities have struggled for years to prop up essential student services through cross-subsidisation from other parts of already stretched university budgets, to redress the damage that resulted from the Coalition Government's disastrous Voluntary Student Unionism (VSU) legislation.

The Australian Olympic Committee said in its submission to the 2008 review:

> … the introduction of the VSU legislation has had a direct negative impact on the number of students (particularly women) participating in sport and, for the longer term, the maintenance and upgrading of sporting infrastructure and facilities and the retention of world class coaches.

The impact of the removal of university student services on country students warrants special attention. Country students often relocate to capital cities or regional centres so that they can pursue their study. The relocation immediately adds to the cost of their career development. It is often those additional costs which prevent young people from country areas from pursuing university studies and their preferred career paths. However, for those that do get to a university, there is little doubt that they have additional barriers to overcome. They need to integrate into a new community, without having the support that a family home and a familiar local community provide. So their extended family, particularly in the early months, becomes the university community. For both emotional and financial reasons, they come to rely on the very services that had previously been provided by universities but which in many cases have now been withdrawn. This bill will enable universities to restore those services and in turn, hopefully, remove some of the barriers to university entry for many country students.

The removal of the barriers and the provision of university services will also be invaluable to overseas students, who, as with country students, have to relocate away from their own community. They have to relocate away from their own homeland. For international students, the relocation is compounded by language and cultural differences, so the university community and the services provided become even more important to them. Attracting overseas students to Australian universities is important for our country and important for individual universities. For our country, overseas students become an important link with overseas countries. Greater respect and understanding are fostered between Australia and other countries. Cultural barriers are further broken down and valuable trade links are sometimes established. For the universities, the overseas students provide an income stream which in turn enables the university to provide a much better range of services for all students. Overseas students have choices. They can choose to attend universities in countries other than Australia. Australian universities know that and they compete for the enrolment of overseas students. In fact, it is probably one of the biggest trade areas that this country has to benefit from in the years ahead. The choice that overseas students make about which university and which country they travel to will be influenced by all of the services that a university provides, including the student support services that this bill aims to reinstate.

I heard a moment ago the member for Page talking about her association with a university in her area. I have had a lengthy association with the University of South Australia, in Mawson Lakes. I know for a fact that the university places high importance on the enrolment of overseas students, so much so that the university has worked extremely hard with the surrounding local community to ensure that overseas students are made to feel welcome and are made to feel at home, through the provision of a whole range of services. The university does what it can. Its ability to provide those services has been limited because the funds have not been available. So it has turned to the local community to assist in making those overseas students feel at home. I have been involved in some of the programs to do that. This highlights two things: firstly, the importance of overseas students to universities in Australia and, secondly, the impor-

tance of having the appropriate range of services if you are going to attract those university students to Australia.

It matters to students and it matters to their families far away to know that the universities provide a range of support services that any young person living away from home may need. I am sure it is not very difficult for any parent to understand that, if your children had to relocate from a country area to the city, you would have some reservations and some concerns about their wellbeing and their safety. Imagine what it is like when your child relocates from one country to another. Those concerns are compounded because you are so far away from them. Therefore, any action that can be taken to put people's minds at rest that both the universities and the local communities are providing the services that these students may require is very, very important.

In listening to opposition speakers on this bill, it is clear that they are blinded by any reference to the term 'union'. I commented on this earlier. Interest sectors in society can come together with a common objective and call themselves an association, a federation, a congress, a society, perhaps even a chamber, but call it a union and the coalition members go into a frenzy. It was the coalition members' paranoia about the term 'union' that led to the demise of student services at universities across Australia. Now coalition members say that imposing compulsory fees on students will cause an additional financial burden on cash-strapped students. They are right about one thing: students are cash-strapped. But, under this legislation, students do have the option of taking out HECS style loans to pay for any fees imposed and then repaying those amounts when they have completed their education and are earning an income. Furthermore, students will have a student voice in the decision-making process relating to the fees charged and the services provided. In other words, they will have a direct say in how those fees that are raised by the universities are expended. There will also be a clear set of guidelines in respect of what the fees can be used for. This will ensure that the fees raised are used for legitimate and approved services, services that are needed and appreciated by students and which will enable more of them to successfully complete their studies.

Finally, I just want to re-emphasise the point that was previously made by the member for Page. I would have thought that all members in this House would encourage young people, as they go through their university life, to become involved in the broader issues of society. Whatever career paths they choose, whatever philosophical views they choose, are entirely up to them. There is no suggestion that any legislation of this type directs students to take a particular philosophical view or another. It is open to them to do with their lives what they choose, and I would have thought that encouraging them to understand, participate and actively become involved in community life would be something that we should encourage them to do because, ultimately, when they finally complete their studies, that is exactly what they will have to do.

This is good legislation. It restores services that university students require. It will make their life at university easier. I hope and expect that it will encourage and support more university students to get through university. I commend the bill to the House.

**Mr IRONS** (Swan) (12.01 pm)—I rise today to talk on the Higher Education Legislation Amendment (Student Services and Amenities, and Other Measures) Bill 2009. I am probably a bit different from most members in this place. I admit that I did not attend university or a tertiary education insti-

tution. I was a humble tradesman and I feel honoured to be in this place with so many educated people. Obviously, attending a university or a tertiary eduction institute also gives you an automatic degree in passion when it comes to this issue.

I have heard members from both sides of this House claim the high moral ground on this issue. It is fantastic to see the intelligentsia coming forward and proclaiming that they know best. I cannot talk about my own experiences on this matter but I have spent some time talking to people who have experienced campus life and who are currently enrolled. I have also listened to some of the highly charged arguments made by members in this place. There have been accusations of members presenting mischievous arguments on this matter. In my speech I will obviously have a slant towards the opposition's position, but I would also add that we cannot isolate universities from the expectations and accountability that all of society has to live by.

My electorate is a student hub. In total there are 10,457 students who reside in Swan. Many students attend Curtin University of Technology, in Bentley, which is Western Australia's largest university. There are also many students who live in my electorate who attend one of the nearby universities, such as the University of Western Australia or Murdoch University. UWA student Andrew Williams, who recently won a prestigious national science award, is one such example. In fact the participation rate of 17- to 22-year-olds in tertiary education in my electorate ranks 33rd highest out of the 150 electorates. The people of my electorate therefore have an important stake in this legislation.

There are many reasons why I oppose this legislation today. First, it represents a tax hike that will put more pressure on students to work and it will persuade some not to attend university at all—especially those from low socioeconomic backgrounds. Second, I have been advised that the legislation is ideologically charged and, as such, is a return to compulsory student unionism by stealth. Third, this legislation is undemocratic. It fails to include key guidelines. We are being asked to vote now and find out about it later. It also fails to provide departmental scrutiny, instead giving significant powers to the Deputy Prime Minister. Importantly, it was not one of the policies that the ALP took to the last election.

If passed, this bill will lead to students in my electorate being charged a compulsory levy on student services, up to a total of $250 per year. Students should not be burdened with extra taxes. Like every other member of our community, students already pay the same income taxes, GST and other taxes that we all pay. They live by the same laws and they pay the same taxes. Students are already paying for living expenses, books and travel to and from classes and work, all without a steady income and without the ability to work a full-time job. A $250 tax is another unnecessary pressure, stress and difficulty for students to deal with. Students should not have to pay for services or amenities which they do not want. It should be the right of the student to choose. Many will choose to pay for off-campus services, which may be better value. Why should they have to subsidise uncompetitive activities on campus? It seems particularly unfair that the 130,000 external students across Australia who do not access campus resources will have to pay this fee. It also appears that students may have to pay for child care for staff members. The member for Braddon said that university childcare costs have risen. It is amazing that most of the childcare facilities at the University of New South Wales are being used by staff members. Why should students have to sup-

port services for university staff? The member for Braddon also spoke about services on campus being utilised by members of the public. Again, why should students have to support services for members of the public?

I note that the Minister for Education has recently been talking about the need to increase the number of people from less-affluent backgrounds who attend university. I can tell the minister that a $250 tax is unlikely to help her achieve this goal. Students on average have saved $247 per annum as a result of the Howard VSU legislation, and those who have chosen not to become members of student unions have saved on average $318 per annum. These savings mean that students can spend more time studying and less time in a job paying unnecessary fees or taxes. Only recently, members of the House of Representatives Standing Committee on Education and Training were briefed on the detrimental effect of students having to combine work and study. Whilst I acknowledge that many students successfully manage work and study, they should not be pushed to breaking point. A student on the national minimum wage of $14.31 per hour will have to work an extra 17½ hours to pay off this new tax bill.

The compulsory $250 amenities fee is effectively a poll tax on university students. That is the key issue here. Students will be slugged this amount, or a portion of it, regardless of their income or their ability to use the services that the fees will contribute to. Like any regressive tax, it will hit poor students hardest. The member for Braddon accused the member for Canning of being mischievous when he assumed that the majority of universities would choose to implement this tax. This is not mischievous but simply realistic. Can the member for Braddon name one university that has said it will not introduce this tax?

I note the minister's plan for how students should pay this tax is consistent with this government's approach to most issues: add it to personal debt. How disappointing yet unsurprising that, in a financial crisis caused by excessive debt, the Minister for Youth is encouraging students to take out more debt.

The Minister for Youth said in her second reading speech:

> Let me be clear—the bill is not a return to compulsory student unionism.

Why would you have to declare that if it were not so? Why are government members so delicate about this assertion? Maybe it is true. However, the only political activities expressly prohibited by the legislation are support for political parties and support for election to a Commonwealth, state, territory or local government body. Funds may be used for student representation. Funding campaigns against legislation and policies—and potentially against any political parties or in support of trade unions or any other organisation not registered as a political party—are not ruled out. It is more than likely that the money collected will find its way into the hands of unrepresentative student unions. Spending of student money to make political points should be prohibited.

Mr Deputy Speaker, I ask you to consider this in the context of how student unions are elected. A staggeringly low number of students vote in student elections. I understand that all positions for the 2008 election for the Curtin guild were uncontested, with one exception: NUS delegates, numbering 400 out of a total student population of 34,000—with 25,000 students at the Bentley campus—voted. In 2006 the guild elections at Curtin University were held on a Wednesday during a free period time. A lot of students were not in attendance at university that day or found they were unable to drag themselves away from the local tavern. How can this type of

election be representative? I believe these trends are not uncommon in universities across Perth. This example indicates to me that student unions and guilds are some of the most unrepresentative elected bodies in the country.

In Australia we pride ourselves on deep democracy, sustained by federalism and our current system of compulsory voting. In most other spheres of society it would be considered unreasonable to raise money of this magnitude—up to $250 million—with no accountability for how it is spent. If this issue is so important to the government, why didn't they just allocate $250 million out of the $42 billion debt package to the universities to use on amenities? I know why. It is because government money has to be accountable. If the government cared about the accountability of student money, they would consider extending compulsory voting to university guild elections. It would not be difficult to implement. Voting in elections could just be made a university requirement, like a compulsory student tax. This would ensure that student unions were fully representative and it would give a mandate to any body that is a beneficiary of this tax to use the money only as per the wishes of the representative body. Of course, within a context of compulsory voting it would then be fair to organise a referendum on the issue of student taxes.

This brings me to my final point. Even if this bill were not an ideologically driven tax on a vulnerable group, we on this side of the House would still have a responsibility to vote against it because we have not seen the key elements of the bill. Money collected by the tax will be distributed according to the Student Services and Amenities Fee Guidelines. However, those guidelines are unwritten, so we have not seen them yet. We are simply told they will be tabled in the form of a disallowable instrument after the bill has been passed. This is undemocratic. Similarly, the universities are expected to administer this funding in accordance with the Student Services, Amenities, Representation and Advocacy Guidelines, the final copy of which will be tabled in parliament only after the bill has passed. In addition to this there will be no departmental oversight to protect against poor expenditure; it will only be overseen by the Deputy Prime Minister. With her busy schedule, I doubt that will be effective.

In speech after speech—from the Minister for Youth's opener to the member for Braddon's effort—Labor have claimed that this is somehow delivering on a Labor Party election commitment. It may be delivering on a private commitment that the ALP made to the NUS. However, it certainly was not an election commitment that was made publicly to the Australian people. There was no mention of a higher education amenity fee in the policy which the Labor Party took to the last election. In fact, they made the opposite pledge. The member for Boothby has already quoted the then shadow minister for education, the member for Perth, who said in a May 2007 statement that he was not contemplating a compulsory amenities fee.

In conclusion, this bill represents a tax for students. It places an undue burden on those who can least afford it, purely to provide services they will not benefit from. The debate on this bill has been very emotionally charged. It appears from some of the exchanges between members—for example, that between the member for Hume and the member for Leichhardt in the Main Committee yesterday—that this is an issue that goes to the very core of ideals and philosophies of the conservative and the left-wing political parties in our society. Personally, having not lived through the battles in the furnace of political birth that many members in this place have gone through, I have found it a great experience and a personal education to

see such passion and such emotionally charged argument during this debate. I will be voting against the bill.

**Mr SLIPPER** (Fisher) (12.12 pm)—As always, it is good to see you in the chair, Deputy Speaker Secker. It will come as no surprise to honourable members that I also intend to vote against this bill. Every so often in parliament we find a piece of legislation which goes back to the Dark Ages, the bad old days. Every so often, despite the fact that the government likes to claim that it is packed with economic conservatives, who are presumably people not of an extremist left-wing persuasion, we find legislation like the Higher Education Legislation Amendment (Student Services and Amenities, and Other Measures) Bill 2009 creeping onto the parliamentary agenda.

I consider there to be two major problems with this particular bill as far as students are concerned. Firstly, there is a $250 imposition placed on students, which is to be indexed. They are forced to pay this as the price of getting an education and education providers are compelled to charge it. It imposes a further economic burden on young people who are struggling to get through tertiary institutions. Secondly, it removes what I believe is a basic element of Australian society—that is, free choice. Whatever the government says about this legislation not turning back the clock and bringing back compulsory student unionism, what we find is a compulsory fee being imposed on young Australians which they can ill afford and which they do not have the right to reject if they do not want to pay.

With respect to universities today, particularly many of those in Queensland, we find that they have a certain percentage of students enrolled actually attending on campus. But in many cases, given the internet and external studies, these universities have large numbers of students who never enter the university campus and as such would not be able to use the facilities provided by this $250 impost. That surely is completely unfair. It is antidemocratic to force people to contribute towards facilities that in many cases they will never see. Universities might be based in a particular state but often have interstate outposts, interstate satellite campuses or offices or lecture theatres, and students who could be some thousands of kilometres away from the primary campus where all of this money will be spent will clearly simply be subsidising facilities that someone else is able to use.

Also, with respect to student unions and university sports clubs, if they provide the services that students want then obviously students would be prepared to vote with their feet and actually pay the fee. I have not got a problem if someone chooses to join a student union or a student association. I certainly do not have a problem if someone chooses to join a university sporting club and chooses to use the facilities provided by the university. But I have a very strong objection to students being conscripted into making this payment and into paying for facilities that they choose not to use. Many students do not want to live their entire lives around the university and consequently when they do play sport tend to join community based sporting organisations. When they do, like everyone else they pay a fee. This $250 charge will compel them to subsidise the facilities on campus and then they will have to pay again if they choose to join a community association.

It is interesting that the bill will require higher education providers to comply with the new Student Services, Amenities Representation and Advocacy Guidelines. These guidelines will bring about obligations on the university to meet the requirements relating to so-called student representation and advocacy, and effectively that means that student

elections, student offices and salaries will be supported by this $250 payment. As with the fees guidelines, the student representation and advocacy guidelines will be tabled in the form of a disallowable instrument after the bill has been passed. So we do not have those regulations currently before the chamber, yet we are asked to vote for this piece of draconian legislation, which is absolutely appalling, without actually seeing what the guidelines are going to be.

I am very pleased to have been a member of a party in the conservative government which brought in the historic voluntary student unionism legislation. As a former patron of the Queensland Young Liberal Movement, I know that there was very strong opposition, both within the Young Liberal Movement and within the Australian Liberal Students Federation, to compulsory student unionism. I find it somewhat bizarre that, on the one hand, very few people say that people should compulsorily be forced to join a union and yet, on the other hand, people who would agree that compulsory trade unionism is inappropriate see compulsory student unionism, under the guise of this $250 fee, as morally and socially acceptable. What the former government did was not to stop student associations from doing what they want to do but simply to force them to compete in the marketplace to attract members if students actually thought that those organisations were worth joining and that the services provided by those organisations were in fact worth accessing.

It was interesting to see that the Australian Labor Party in opposition opposed the Liberal-National voluntary student unionism legislation in 2005. It is a piece of history, Mr Deputy Speaker, but of course you will recall that the National Union of Students continued its longstanding practice in opposing conservative politics and spent a quarter of a million dollars of students' money against the Howard government. We are told that the minister has assured us that the legislation would prohibit money being spent for political purposes. How on earth could this be the truth? The only political activities expressly prohibited by the legislation are support for political parties and support for election to a local council or to the state parliament or to the Australian parliament. It does leave open a whole range of political activities, including funding campaigns against legislation and policies, potentially against political parties, or for direct support of trade unions or any other organisation not registered as a political party. There are lots of organisations out there that are heavily political in character, heavily political in action, heavily political in direction, which are not technically political parties. So what we are finding is that this $250 fee, to be indexed, will in fact be a backdoor method of assisting left-wing political causes and indirectly the Australian Labor Party.

There are no departmental guidelines with respect to monitoring. One would think that, if the Deputy Prime Minister is guaranteeing to us that this money is not going to be used for political processes, there would indeed be someone in the department to make sure that organisations do not misuse the money. But there is not. As the honourable member who spoke before me mentioned, the Deputy Prime Minister is quite a busy person, and I really cannot see her having the time to be able to do this. It could well be up to individual students who might want to whistleblow on the student organisations to warn people that money is being used inappropriately.

There are two elements to this bill. The first element is the element of compulsion. It is wrong, in 2009, that students should be forced to pay $250—to be indexed—to support services that they may choose not to use. That is antidemocratic, it is inappropriate, it

is despicable, and I think that the government ought to seriously reconsider this particular matter. The second aspect is—and Labor members in the debates in this place in previous times have said that students are finding it difficult to survive and do not need any further imposition of charges—that students, who might be thousands of kilometres away from the campus in question, could be conscripted, and will be conscripted, into making this payment if they want to be a student. I think this is absolutely appalling. It is completely disgusting, and it is one of those matters that the Australian people will take note of at the next election.

In 2009, it is wrong to impose extra charges on students at university. And it is wrong to force them to make this payment when they might not be using the services provided. They might be vehemently opposed to the left-wing policies or the particular causes that the beneficiary student organisations might be promoting. This is undoubtedly one of the very worst pieces of legislation that I have ever seen introduced to the Australian parliament. and I will be very pleased to take the opportunity of voting against this legislation when it is undoubtedly put to a vote in the House.

**Mr BIDGOOD** (Dawson) (12.24 pm)—I rise to speak in support of the Higher Education Legislation Amendment (Student Services and Amenities, and Other Measures) Bill 2009. The Australian government is committed to ensuring that higher education students have access to the amenities and services they need, as well as access to independent democratic student representation. These amendments provide for measures that support a balanced, practical and sustainable solution to rebuilding student support services, as announced by the Hon. Kate Ellis MP, the Minister for Youth, on 3 November 2008.

These include, firstly, an imposition on higher education providers that receive funding for student places under the Commonwealth Grants Scheme of requirements that ensure the provision of information on and access to basic student support services of a non-academic nature. Secondly, there is an imposition on these higher education providers of requirements ensuring the provision of student representation and advocacy. Thirdly, it includes allowing higher education providers, from 1 July 2009, to choose to implement a compulsory student services and amenities fee—which will be capped at $250 per student per annum and indexed annually—to help provide student services and amenities within set guidelines. Fourthly, it includes providing eligible students with the option of a loan for the fee through the establishment of a new component of the Higher Education Loan Program, HELP, to be known as Services and Amenities HELP, or SA-HELP.

In 2008-09, total funding for this initiative is $1.34 million, funded through savings against the Learning and Teaching Performance Fund. Table A and Table B providers, as listed under the Higher Education Support Act 2003, will be provided with $20,000 each to support upgrades to IT and administrative systems. Funding of $523,000 for departmental expenses will support modifications to the Higher Education Information Management System of $300,000. It will also provide funds for staffing, $122,194, and publication costs of $100,000. Future offsets will be considered in the context of the 2009-10 budget, and the government's consideration of the review of Australian higher education. Fifthly, this is not a return to compulsory student unionism. Sixthly, the government is not changing section 19-37(1) of the Higher Education Support Act, which prohibits a university from requiring a stu-

dent to be a member of a student organisation.

The opposition argues that government is slugging students with more debt in tough economic times. But, in fact, the introduction of the VSU by the previous government stripped close to $170 million out of university funding. This means that students are already paying the cost of VSU, with many university services and amenities being substantially reduced or cut completely. Students have also been hit with increased prices for child care, parking, books, computer labs, sport and food. Students have also experienced the indirect cost of VSU, with many universities redirecting funding out of research and teaching budgets to fund services and amenities that would otherwise have been cut. The student amenities fee will help rebuild important student services and amenities. To ensure that the fee is not a financial barrier to students in higher education, eligible students have the option of taking out a HECS style loan under a new component of the Higher Education Loan Program—SA-HELP.

I now turn to the VET FEE-HELP measures. The bill also amends HESA to introduce provisions to allow loan fees and VET credit transfer requirements related to the VET FEE-HELP. This scheme is to be referred to the guidelines that support the program. Specifically, there is a provision to specify a reduced VET FEE-HELP debt below the current 120 per cent of the loan in the VET FEE-HELP guidelines and a provision to allow different arrangements to apply to a different student cohort in relation to credit transfer requirements.

Why is it necessary to introduce these provisions for the VET FEE-HELP scheme? To increase productivity, Australia needs to increase the skill levels of its population. For the last four or five years, the number of students studying diplomas and advanced diplomas in the public VET system has decreased, from 197,300 in 2002 to 165,000 in 2007. This is unacceptable. VET FEE-HELP assists students who may not study at this level due to upfront fees to access training and defer the fees until they are able to pay. This amendment provides the flexibility to reduce the loan fee for particular students and streamline credit transfer requirements for a range of students through the guidelines. On 26 August 2008, the government announced that VET FEE-HELP would be extended to state-subsidised diploma and advanced diploma students in Victoria, with the loan fee being withdrawn for these students. Reducing the loan fee and relaxing credit transfer restrictions form part of this measure. The availability of VET FEE-HELP is expected to significantly contribute to the Council of Australian Governments target to double the number of diploma and advanced diploma completions by 2020.

The bill will also amend the HESA to provide that TACs—Tertiary Admission Centres—have the same status and duty of care as officers of a higher education provider in relation to the processing of students' personal information. Higher education providers, HEPs, must access students' personal identifying information to process applications for student places and for Commonwealth scholarships. This amendment will ensure that the relevant information may be shared between the department, HEPs and TACs as appropriate in accordance with HESA and subject to HESA's privacy requirements. This will help ensure that students' privacy rights are protected by HESA's privacy protection provisions.

I commend this bill to the House.

**Mr HAWKE** (Mitchell) (12.32 pm)—I rise today, as the youngest member of the Liberal party room here in this parliament, to

stand shoulder to shoulder with my Liberal colleagues in defiance of what is a retrograde piece of legislation for young people in this country. The title of the Higher Education Legislation Amendment (Student Services and Amenities, and Other Measures) Bill 2009 ought to read 'Higher Education Legislation Amendment (Student Taxation) Bill', because what this government is seeking to do is to impose a tax on every student seeking to better themselves at universities around Australia.

Much was made prior to the election of the Rudd government's appeal to young people and how those from younger demographics would be voting in record numbers for Kevin Rudd as Prime Minister and this new government. Since the election, what we have seen from this government is a blatant attack on young people in this country. This bill today represents an impediment to young people in Australia getting ahead by furthering their education. What we have seen since the election are the ideas that young people in Australia are somehow now binge drinkers, and that they cannot be trusted to use the internet responsibly and we need to put a government filter on all of the internet. And now, of course, we want to put a further barrier, a further impediment, in the way of young people seeking a better education by taxing them on the right to go to university.

This is in direct breach of what the Rudd government promised prior to the election. Stephen Smith stated in 2007 that it was not appropriate for Labor, and Labor would not be able, to go back to the pre-voluntary student unionism world. What happened in this country in the life of the last government was that, for the first time, the last bastion of compulsory unionism for young people in Australia, where the government compelled a person to join an organisation against their will, was erased; it was removed. Once that was removed, what did we see in campuses around Australia? We saw the continuation of high educational standards and of services to students, and record low rates of young people on campus choosing to join a union themselves.

What that reflects is that the choice of young Australians is not to join a union that they do not want to be a member of. They do not believe they are getting a service that is worth the value of the fee for joining that union. We have heard bizarre claims from members opposite today: that somehow this is about providing child care, when most university students do not access child care; or that this is about providing cheaper food, when the reality is that, on most campuses around this country, most food outlets would be desperate to get onto campus to provide their food and their services. For example, if you could not turn a profit providing food at the University of Sydney, with 30,000 students every day, then perhaps you ought not to be in business. So the claim that this is about services is a bizarre and false claim.

Let us be very clear. What this legislation before the House is about is a return to the oligarchy that Labor seeks to impose upon Australia—the oligarchy of left-wing thought, the oligarchy of left-wing union control of campuses. What demonstrates this more than anything else is the turnout in student union elections all across Australia. There is no campus where this exceeds more than 10 per cent of students. Ten per cent—that is the highest rate of engagement of students on campus. At my own university, Sydney university, it is as low as five per cent of students who seek to vote in a student election. Why? Because they want nothing to do with student politicians or student politics. There is no value to them in voting for or getting a service out of a student union. They can choose their own food. They are quite capable of deciding whether they want

to go to a restaurant and have Thai food for lunch or whether they might like to have a pie or a sandwich. It is entirely within their control.

For this government to tell us that the legislation before us today is somehow about student services is a totally false proposition, because the federal government and other levels of government already provide good quality childcare facilities all around Australia. If this had something to do simply with rural or regional campuses then perhaps this legislation should have just addressed a regional or rural campus situation where there is a need. We know that there is no need for this bill, for this tax on students to charge every student in Australia $250 for the right to further their education.

It is the case that voluntary student unionism, since it was brought in by the Howard government, has been working. Since the introduction of voluntary student unionism, members of student unions have saved an average of $246 per annum. Those who have not chosen to be members of unions have saved even more—$318. Any member in this House who says this is just some sort of nominal fee or a small amount should go and talk to a first-year student. I remember distinctly that every year when I had to stump up the $300 for union membership was a very difficult time. You had to work hard to get that money, and it was a significant imposition at that age and at that time. It remains so today.

The government's claim to be responsible economic managers, handing out money for students—those who paid tax in the last financial year—to spend, is also a furphy, because they will be handing out the $900 with one hand but ripping $250 out with the other. It is a flawed system, and it is a flawed proposition that this is somehow going to benefit the majority of students.

We do know that voluntary membership of unions and associations breeds better accountability and efficiency. One of the great concerns I have with this legislation is: will it be monitored? Will it be enforced? The guidelines that the minister will set up will be expansive, of course. They will be added to over time. Who will monitor, and how will they monitor, each of these student associations and their activities and whether they are meeting those guidelines? None of that is addressed within this legislation.

We know that this is a secret code to student unions. This is a secret code to university student activists, that small, narrow band of Australian young people. The code says: 'You are back in business. We will tax every student so that this money can be returned to the small oligarchy of young people who seek to engage in politics, who will tell us what to think, what to do and how to act'—and of course will damage us with their opinions every single day.

We have seen that voluntary membership of unions has led to such low rates of membership—like the University of Canberra, with a simple five per cent take-up of union membership. There is a clear rejection by every young person on every campus in this country of unions and the benefits that they provide. In 2004, before VSU, we had amenities fees. We had many campuses, in particular in Victoria, which had an amenities fee. We are supposed to believe that this is about providing services. The amenities fee in 2004 at Monash University, for example, was $428. Of this, $238 was for administrative costs; $30 was for building services; $13 was for clubs and societies; $22 was for sport; $5.40 was for childcare subsidies; 59c was for unspecified student services; and the list goes on. That list tells us that this is not about the child care; this is not about sport. The bulk of this money, the bulk of this tax on students across Australia, is to be used to

fund political activity on campus. That is one of the things that will be clear within the minister's guidelines that will be announced after this legislation: you will be able to fund and promote political activity on campus.

I also want to address a point that many people have taken up around Australia about sporting teams and the fact that people who are seeking to get a better education ought to pay somehow for people to further their sports education. This has been one of the greatest inequities on Australian campuses for many, many years—that people get charged a sports union fee, as when I went to university, regardless of whether they are interested in sport or not, regardless of whether they go to a gym or not. Regardless of whether they ever played a sport, they were charged a compulsory sporting fee.

We have heard much in this debate that this has something to do with sporting teams. I do not believe that poor students who are struggling to get to university, to work hard and to further their education ought to be taxed to send money to the likes of elite rugby at the University of Sydney. Coming from this side of the House, I would have thought that Labor members opposite would have something to say about that system, where taxes are imposed on everybody regardless of their demographics, regardless of their socioeconomic status, to be sent to elite sport and elite activity. Taking that money away from people to give to sporting groups produced great inequity.

When you look at the other parts of this bill, you see that this is going to be a regressive tax on students—up to $250 annually, as we know, indexed to inflation. The government have thought of everything in relation to this, because they would not want to miss getting more money out of young people without that indexation. In relation to young people everywhere, they seek to ensure that this group of people who are just starting out in their lives, seeking to further their education, pay as much as they can make them pay. I have no doubt that, if they could get away with it, compulsory unionism would be back.

This tax that is being imposed on students around Australia is being imposed on anyone, regardless of an individual's capacity to pay. In other legislation that we have seen in this place that the government are introducing, they make much of means testing. They are proposing to means test the Medicare safety net. But will this student tax be means tested? Of course it will not be means tested. They do not care whether you are a poor student or whether you are a wealthy student; they just want your money. They need your money because without it they cannot sustain their political activity. They could not all sit here in parliament having used students' money for decades—without their choice—to become political activists. Many of them could not sit here today without their student union backgrounds. They could not sit here if they had not compulsorily taxed young people over many decades. They are proposing today to reintroduce a tax on any student, regardless of their socioeconomic background, with no means testing, with no regard for the wealth or status of that young person.

That flies in the face of the whole narrative of this Rudd government. We have heard much about the 'Robin Hood' Rudd government, the government that is taking from the rich and giving to the poor. That is the narrative they are attempting to build about themselves. They have no qualms about stripping $250 off any young person. Whether you are from Penrith, from Parramatta or from any other socioeconomic demographic in this country, they will treat you equally if you are a young person. If you are being taxed in other ways, in income tax or in consideration

for the Medicare safety net, they will take your means into account, but if you are a young person they believe in equal treatment. According to this government, we should tax you all equally and take the money from you regardless of your circumstances. We know what this is about.

I have also heard many members put an argument in this place that says, 'Of course this is just like imposing another level of government upon students—federal, state and local government is not enough government for Australia. What we need is another level of government, just for young people and students, because we simply do not have enough government in this country.' I have to say that, after 31 years growing up in this country, a cry I hear often is that we have too little government in this country, that we need more government to provide more services just for young people, that a local, a state and a federal level is not enough to cater for the needs of Australians and that we need a fourth tier of government just for young people—and we will tax you for the benefit whether you want it or not!

If the government are real and serious about this legislation, why don't they approach young people on campus? Why don't they have a referendum, if they are seeking to impose a fourth level of government across campuses? Why don't they go to every campus and say to the students, 'Do you want to be taxed this $250?' You know why they will not ask them, Madam Deputy Speaker. We know why students will never get the choice as to whether they have to pay this fee or not. They would overwhelmingly reject this fee; they would overwhelmingly say to the minister and to the government, 'We do not need a fourth tier of government for students. We do not need your services. You can take your services and you can use them for yourselves.' That is what they would say to this government, and this government knows it. There will be no attempt to seek the input of ordinary students on rural and regional campuses or on city campuses because every member of this House understands clearly what this is an attempt to do. This is purely about bringing back the political oligarchy of the Left that existed on campuses for so many decades under an enforced and compulsory system.

Nobody decries the right of people to actively engage in politics on campus as long as it is of their free will and is their choice to do so, but there is much political activity that will not be captured by the minister's so-called guidelines in relation to this bill. The right to freedom of association will be lost once again once these guidelines are expanded and political activity starts to take place on campuses across Australia. If you look at the range of activities that are engaged in across campuses in Australia you will see some very interesting examples. In 2007, for example, the Monash Student Association contributed $1,500 towards the legal defence of convicted and jailed G20 rioter Akin Sari. This was the same organisation that produced stickers in 2003 that read: 'Bomb the White House'. It was a student association choice to fund that defence. You might say that is fine. That would be fine if that association were voluntary. That would be fine if everybody were not being taxed to provide the money for that defence.

We know that there are many other examples. You could go on endlessly in this place with examples of the abuse of students and the abuse of students' money while there was a system of compulsory unionism. In 2004, for example, the National Union of Students, using money appropriated, not for educational benefits, from every student in the country, spent a quarter of a million dollars campaigning against the Howard government. Again, there would be nothing wrong with using money that they had obtained

voluntarily from students to campaign against the Howard government. But they used money that students were forced to hand over, regardless of their choice or means, to campaign against a government, and that is what this government wants to see a return to—a system where money can be appropriated from students regardless of means and turned into money and political benefit for this government. It is the consistent narrative of this government that politics comes first and good government and outcomes for students come second.

Ministerial discretion is a major concern in relation to this bill. I do not think it is a good system of government to allow the minister, who is so obviously partisan in this issue and who has no ability to separate her background from this legislation, to enable the guidelines, to add to the guidelines or to remove the guidelines. We ought in this place to be passing what is allowable and what is not allowable. The parliament ought to have the right to decide these things, not the minister. We know why the minister has been given the discretion: this is the backdoor conduit for the student unions. We know exactly what will happen: over time the student services list will increase and the list of allowable expenditures will be added to by the government. We know that money will be going to student services in ways that we cannot even imagine over here, and we know that in a decade we will have seen a lot of political activity funded by people who do not want to fund it. That is what we object to primarily in this bill.

The Howard government's move to remove compulsory student unionism was a great advance for freedom in this country. The freedom to choose whether you want to join a union or not is a fundamental freedom that the Howard government stood up for. The government have decided they do not want to have a battle about freedom, because they will lose that battle. They have decided to impose a tax on every student in this country, regardless of their means, and are attempting to avoid a battle about whether a person should be a member of an association or not. *(Time expired)*

**Ms KATE ELLIS** (Adelaide—Minister for Youth and Minister for Sport) (12.52 pm)—in reply—In summing up, I would like to thank all members who have spoken in this at times lengthy debate on the Higher Education Legislation Amendment (Student Services and Amenities, and Other Measures) Bill 2009. There have certainly been some lively contributions. I will try very hard not to get too sidetracked in responding to the at times kooky suggestions put forward by the previous speaker, but I might just correct him on a couple of the things he put forward that were clearly incorrect. Firstly, he asks, 'Why doesn't the government go out to universities and ask students what they think?' Well, we think that that is a really good idea, which is why we did exactly that before bringing this legislation to the parliament. In fact, we went out and did a roadshow that went to every single state and to a number of regional campuses to talk firsthand with students, with educators, with university administrators and with all of the local stakeholders about their views on the solution that went forward. Of course, the member opposite would know this because the Young Liberals were amongst those whose views on this matter we listened to. It is interesting that one of the things that kept coming back during those consultations right around the country was people saying, 'Wow, do you know that for over a decade we have been stripped of our funding, we have been slugged with further debt and not once have we seen the government actually come out and talk to us and ask us about what we think.' So it was quite newsworthy to many students at universities around the

country that the government did indeed take the time to do that.

The one other thing that I will correct the member opposite on which is also clearly very, very wrong is this view that the minister has discretion on the guidelines. The member put forward the question: 'Why shouldn't the parliament have to approve these?' Well, here is a big news flash: it does—with a disallowable instrument. If the government seeks to change it, it has to go through both houses of the parliament. So let us not let facts get in the way of a good story here! Anyway, I did say that I would not be too sidetracked by that one contribution.

Clearly there has been a lot of interest in the government's balanced, sensible and sustainable plan to rebuild student services at our universities. Unfortunately, though, what this debate has also revealed is that the Liberal Party remains stuck in the old ideological battles of the past. The truth is that there is no reason why those opposite should not be supporting this bill, despite our ideological differences, because this bill is not a continuation of the debates of days gone by. Rather, this is about moving forward in a new way to ensure that the universities of our future are world-class institutions that produce well-rounded graduates and are able to attract and retain overseas students from all over the world. We on this side know that this is absolutely critical to sustaining Australia's workforce and that our future productivity and economic growth rely upon it.

Of course, supporting this legislation would mean that the opposition would have to concede that there has been much damage done by the Howard government's extreme laws—that they did indeed go too far and that all of the consequences that those who opposed the laws predicted would happen have indeed occurred. And they will not do that. So instead what we have seen is the Liberal Party demonstrating that they would rather pretend that this is the same debate that we have had in the past, and instead they have chosen to rely upon misinformation, falsehoods such as those that we heard from the previous speaker, and hopelessly outdated rhetoric. The opposition have shown in this debate that they would rather talk about the teacher strikes in Puerto Rico and the communist party of Malaya than how we can sensibly reform our universities to train the workforce of the future.

We saw a rare parliamentary contribution from the member for Higgins, where he waxed lyrical about resolutions that were passed in 1975, a court case in 1978 and the difficulties that he had in 1979 making up his mind whether or not to join a student organisation. What the member for Higgins's contribution showed was that the Liberal Party would rather reminisce about now defunct organisations from the 1970s than acknowledge the serious misjudgment they made in 2005. Their standing in this parliament and their making an argument based on a resolution passed by a group of students in a now defunct organisation before many members of this House, before many students on our university campuses and, indeed, before I was even born, shows how outdated they really are.

The Senate report on this bill says:

> Since compulsory levies were abolished in 2005, the cost of legislating to make an ideological point has bourn heavily on the vast majority of students who remain largely indifferent to campus political activity, but who need to eat and otherwise miss the services formerly provided by student unions.

The opposition have spent a lot of time in this debate complaining about students paying for services they do not use, but they fail to understand that the impact of their approach went far beyond the services alone. The Liberal Party's approach not only cut

$170 million from services, with students paying the price ever since for the loss of health, legal and welfare assistance services, but also has had a serious impact on teaching. The Liberal Party still fail to understand that their changes directly undermine the quality of the teaching that students could receive. It is not just me saying this; it is the Chair of Universities Australia, Professor Richard Larkins, who is certainly no long-haired radical that the opposition like to turn to in this debate. He said earlier this month that the Liberal Party's approach had 'directly impaired our ability to deliver quality education and research'. He went on to say:

> We had to use money for research and teaching and use it to support the student experience on campus.

So, memo to the Liberal Party: all students suffer when universities are forced to redirect funding away from teaching and research.

It has also been interesting to listen to opposition members talking about their concerns for students from regional areas. Yet the same members remain oblivious to the impact the previous government's approach has had on regional Australia. We heard the member for Forrest telling us how hard it was for students from her area to find affordable housing if they moved to Perth to go to university. I wonder if she understands that one of the services that we want to help universities provide under this legislation is housing assistance for students. The member for Cowper told us how worried he was about the additional burden on students at Southern Cross University. Again, I wonder if he understands that the previous government's approach forced the dental service at that very same university to close and that the 2,100 students who used this service in 2005 have now had to find somewhere else to go.

The harsh fact for the opposition is that students attending regional universities and students from regional areas attending city universities were badly hit by the service cuts caused by the previous government's approach. That is because regional students are generally heavier users of services and amenities on campus, as they sometimes lack the local support networks of city based students. The government's proposal will help to re-establish services and jobs in and around regional universities. It will also help to ensure that basic services are available for students where they may otherwise be unprofitable because of the remoteness of the campus and limited number of customers. Also, unfortunately for members opposite, there was a lot of misinformation put out during the debate, so it may take some time to get through correcting the record. But, rest assured, I am prepared to stand here and make sure that the truth of all of these issues is put on the record prior to the vote on this debate—that I promise to this chamber.

I will also make mention of sport, which was also seriously impacted by the previous government's approach. The government received evidence from across the sporting spectrum, from the Australian Olympic Committee to individual sporting clubs, and all concluded that sport had been an innocent victim of the 2005 changes. The submission from Australian University Sport and the Australasian Campus Union Managers Association said that, as a direct result of the previous government's changes, direct funding for sporting clubs had been cut by 40 per cent, funding for intervarsity sport was cut by half and participation by women in the Australian University Games was reduced by almost 10 per cent. Six universities shut down their elite athlete support programs and eight universities discontinued funding of sports scholarships. The AOC expressed concern about the impact of Australia's in-

ternational sporting performance when it said:

> Given the importance that the university sports system has on elite level sport, these trends will have a direct and real impact on Australia's ability to maintain its hard won international standing in sport.

But we know that the Liberal Party have no interest in sport in universities, because they made this clear in 2005 when they said:

> Sport and recreation is an adjunct to a university education. It is far from being 'core business' …

*Mr Hawke interjecting—*

**Ms KATE ELLIS**—I note that the member opposite said 'Absolutely' at that point, and I hope that the shadow minister for sport will come clean about that being his view as well as the rest of the Liberal Party's view. Here again we are hearing that the Liberal Party do not believe that sport has any place on university campuses.

Unlike the Liberal Party, the government do care about sport, just like we care about the quality of education that students receive at university. This bill also delivers on the government's commitment not to return to compulsory student unionism, as much as those opposite would like to suggest that that is the case. Section 19-37(1) of the act, which expressly prohibits higher education providers from requiring a student to be a member of a student organisation, is unchanged by this bill. That is right, the very clause that the government put in, we are not changing in this legislation.

*Opposition members interjecting—*

**Ms KATE ELLIS**—This is obviously not clear enough, though, for the Liberal Party, with the members for Indi, Casey and their colleagues intent on fighting the same old, tired and ideological wars of yesteryear.

**Mrs Mirabella**—Who are you calling old? Come on!

**Ms KATE ELLIS**—I will just repeat what I said for the benefit of members opposite and their colleagues: I am calling their ideas old and outdated and I am saying that they are engaging in the debates of the past. Sorry if that was not clear the first time.

This debate is not about the 1970s or the 1980s. It is about the higher education sector in 2009 and beyond. In 2009, I find myself in the very rare position of being in agreement with the member for Indi on at least one thing. I agree with her that no-one should be forced to join a student organisation against their will, and that is why the provision that outlaws compulsory student unionism is unchanged through this bill. The bill will require higher education providers that receive Commonwealth funding to comply, from 2010, with two new sets of guidelines. The Liberal Party assert that the Minister for Education would somehow have unilateral powers to specify exactly what these guidelines say, and we have just heard that argument again. But, once again, they are not letting facts get in the way of a good story. Not only does this demonstrate that they do not understand the bill; it also shows a total ignorance about parliamentary process. If they understood the processes of the parliament, they would know that if ever this government, or indeed any future government, wanted to change these guidelines, an entirely new instrument would have to be tabled in both the House of Representatives and the Senate.

Instead of talking about what the bill does not do, I am now going to concentrate my focus on what the bill will do. For the first time, universities will have to meet national access to services benchmarks, which will require them, as a very condition of their funding, to provide students with information on and access to health and welfare services. This is very similar to the benchmarks that the Howard government put in place

which only applied to international students. We on this side think that domestic students should also have access to these important benchmarks. This will better align the arrangements for domestic students with those obligations for international students. The bill also introduces, for the first time, a requirement to meet national student representation and advocacy protocols. This is a new requirement that does not exist now. There is no obligation on universities to consult with students about decisions which may affect them directly—no obligation at all. For the first time ever universities will be required, through these protocols, to provide opportunities for democratic student representation and to take student views into account in institutional decision making.

This is a value that is reflected in the democratic rights that underpin our nation and our community. This new requirement has nothing to do with the student services and amenities fee and is not being funded by this fee. Universities will be required to establish new representation arrangements, irrespective of whether or not they choose to implement a fee. Over and above these basic services, representation and advocacy rights, the bill will also provide universities with the option to implement a services fee from 1 July 2009, capped at a maximum of $250 per year. Universities that choose to levy a fee will be expected to consult with students on the nature of the services and amenities and advocacy that they will provide. But to ensure that the fee is not a financial barrier, any university that implements the fee must also provide eligible students with the option of taking out a HECS style loan under a new component of the Higher Education Loan Program, SA-HELP.

I was also very interested to hear the Liberal Party's new-found concern for student welfare where a university chooses to introduce a fee. The government is very mindful of the impact on students, whose average debt increased massively under the previous government.

*Mrs Mirabella interjecting—*

**Ms KATE ELLIS**—Perhaps the member for Indi might like to explain why she voted time and time and time again under the Howard government to massively increase fees on students—including the time she voted to increase HECS by 25 per cent—but now sits here and cries crocodile tears over this capped and deferred $250 fee. Of course, even more recently than under the Howard government we have also seen this sort of hypocrisy because the members who sit here and rail against universities having the choice to implement a capped and deferred fee are the very same members who voted against the $950 payment to every eligible student across Australia.

**Mr Hawke**—It's only $700 because you've taken $200 off.

**Ms KATE ELLIS**—Well, clearly it is $700 that you voted against—so are you worried about student income or are you not worried about it, because you are trying to walk both sides of the street at the moment and it is not a very convincing argument.

**The DEPUTY SPEAKER (Hon. JE Moylan)**—Order! The minister will address her comments through the chair.

**Ms KATE ELLIS**—Thank you, Madam Deputy Speaker, I will be sure to do that. I would like to address some comments through the chair about external students, because there have also been some arguments put about the impact on external and part-time students. I want to make it very clear that if universities opt to implement this fee then they will be able to charge some groups of students less than the maximum. In fact, this is clearly the case for external students—where there is a clear expectation

that if universities choose to implement a fee then they will implement sensible arrangements for part-time students and for external students.

The guidelines will specify the purposes for which the fee can and cannot be used. Universities will only be allowed to provide amounts raised through the student services and amenities fee to organisations for the provision of services specifically outlined in the fee guidelines. These include such radical things as: child care, health and welfare support services, and sport and recreation. These are things that we believe are very important on our university campuses. Despite the wild claims from the opposition, they do not include political campaigns or broader political activity and nor do they even include student representation.

The money will not be able to be spent on boozy pub crawls like those the member for Fadden spoke about so fondly in his speech. I would like to again stress that this fee will be collected by higher education providers, not by student organisations. So while members opposite are engaging in the debate of the past about student organisation control of these funds, under this initiative they will be controlled by higher education providers. I say to all members: if passage of this bill is delayed, essential student services will continue to decline and the student experience will be further diminished. The losers in those circumstances will be not just our universities but also students, and particularly those students from regional areas or attending regional universities who depend on the availability of services to help them make the transition to university life.

The provision of services and amenities on our university campuses is a key part of Australia having a world-leading higher education system and the new arrangements need to be available as soon as possible. This bill is not about the past; it is not about student politics in the 1970s; it is not about returning to the former system—it is about establishing a sensible, reasonable and rational new way forward. It is about the universities which will play a key role in our future. I urge members to support this bill, even if that means swallowing their pride and admitting the obvious truth that the Howard government's legislation went far too far, just as everybody said it was going to. I commend this bill to the House.

Question put:

That this bill be now read a second time.

The House divided. [1.16 pm]

(The Deputy Speaker—Hon. JE Moylan)

| | |
|---|---|
| Ayes…… | 77 |
| Noes…… | 58 |
| Majority…… | 19 |

AYES

| | |
|---|---|
| Adams, D.G.H. | Albanese, A.N. |
| Bevis, A.R. | Bidgood, J. |
| Bird, S. | Bowen, C. |
| Bradbury, D.J. | Burke, A.E. |
| Burke, A.S. | Butler, M.C. |
| Byrne, A.M. | Campbell, J. |
| Champion, N. | Cheeseman, D.L. |
| Clare, J.D. | Collins, J.M. |
| Combet, G. | Crean, S.F. |
| D'Ath, Y.M. | Danby, M. |
| Debus, B. | Elliot, J. |
| Ellis, A.L. | Ellis, K. |
| Emerson, C.A. | Ferguson, L.D.T. |
| Ferguson, M.J. | Fitzgibbon, J.A. |
| Garrett, P. | Georganas, S. |
| George, J. | Gibbons, S.W. |
| Gray, G. | Grierson, S.J. |
| Griffin, A.P. | Hale, D.F. |
| Hall, J.G. * | Hayes, C.P. * |
| Irwin, J. | Jackson, S.M. |
| Kelly, M.J. | Kerr, D.J.C. |
| King, C.F. | Livermore, K.F. |
| Macklin, J.L. | Marles, R.D. |
| McClelland, R.B. | McMullan, R.F. |
| Melham, D. | Murphy, J. |
| Neumann, S.K. | O'Connor, B.P. |

| | |
|---|---|
| Oakeshott, R.J.M. | Owens, J. |
| Parke, M. | Perrett, G.D. |
| Plibersek, T. | Price, L.R.S. |
| Raguse, B.B. | Rea, K.M. |
| Ripoll, B.F. | Rishworth, A.L. |
| Roxon, N.L. | Saffin, J.A. |
| Shorten, W.R. | Sidebottom, S. |
| Smith, S.F. | Snowdon, W.E. |
| Sullivan, J. | Swan, W.M. |
| Symon, M. | Tanner, L. |
| Thomson, C. | Thomson, K.J. |
| Trevor, C. | Vamvakinou, M. |
| Zappia, A. | |

NOES

| | |
|---|---|
| Abbott, A.J. | Andrews, K.J. |
| Bailey, F.E. | Baldwin, R.C. |
| Billson, B.F. | Bishop, B.K. |
| Bishop, J.I. | Briggs, J.E. |
| Broadbent, R. | Chester, D. |
| Ciobo, S.M. | Cobb, J.K. |
| Costello, P.H. | Coulton, M. |
| Dutton, P.C. | Farmer, P.F. |
| Forrest, J.A. | Gash, J. |
| Georgiou, P. | Haase, B.W. |
| Hartsuyker, L. | Hawke, A. |
| Hawker, D.P.M. | Hockey, J.B. |
| Hull, K.E. * | Hunt, G.A. |
| Irons, S.J. | Jensen, D. |
| Johnson, M.A. * | Keenan, M. |
| Laming, A. | Ley, S.P. |
| Macfarlane, I.E. | Marino, N.B. |
| May, M.A. | Mirabella, S. |
| Morrison, S.J. | Nelson, B.J. |
| Neville, P.C. | Pearce, C.J. |
| Pyne, C. | Ramsey, R. |
| Randall, D.J. | Robb, A. |
| Robert, S.R. | Ruddock, P.M. |
| Schultz, A. | Scott, B.C. |
| Secker, P.D. | Simpkins, L. |
| Slipper, P.N. | Smith, A.D.H. |
| Somlyay, A.M. | Stone, S.N. |
| Truss, W.E. | Vale, D.S. |
| Washer, M.J. | Wood, J. |

* denotes teller

Question agreed to.

Bill read a second time.

Message from the Governor-General recommending appropriation announced.

### Third Reading

**Ms KATE ELLIS** (Adelaide—Minister for Youth and Minister for Sport) (1.20 pm)—by leave—I move:

That this bill be now read a third time.

Question agreed to.

Bill read a third time.

## COMMITTEES

### Privileges and Members' Interests Committee

#### Report

**Mr RAGUSE** (Forde) (1.21 pm)—As required by resolutions of the House I present copies of notifications of alterations of interests and statements of registrable interests received during the period 4 December 2008 to 18 March 2009.

## RESERVE BANK AMENDMENT (ENHANCED INDEPENDENCE) BILL 2008

### Consideration of Senate Message

Message received from the Senate requesting the House to immediately consider the Senate amendments.

## CUSTOMS LEGISLATION AMENDMENT (NAME CHANGE) BILL 2009

### Second Reading

Debate resumed from 12 March, on motion by **Mr McClelland**:

That this bill be now read a second time.

**Ms LEY** (Farrer) (1.22 pm)—I am pleased to speak on the Customs Legislation Amendment (Name Change) Bill 2009. This is a very simple, straightforward bill because it changes the name of the Australian Customs Service to the Australian Customs and Border Protection Service, which is actually the same name as Customs has in the US.

It was interesting that the subject of this bill was really the first broken promise of Labor's campaign. It cancelled its national security policy launch during the campaign, probably in preparation for the inevitable decision to abolish the idea of a department for homeland security. This is something which our leader, Mr Turnbull, talked about in his response to the national security statement. I think he said that it was a promise we were very pleased to see broken, because a giant, bungling bureaucratic department for homeland security would not have been in Australia's interests. I do not mean to be impolite by saying 'bungling', but sometimes when bureaucracies get to a certain size they get very confused. The other policy that Labor had for a long time was to introduce a coastguard. This renaming of the Australian Customs Service, with some of the changes that will happen as a result of that renaming, is the fruition of that promise to have a dedicated Australian coastguard.

I want to outline what I see are the principal responsibilities of the government in protecting our borders and to assess how the current government is addressing those responsibilities. As I said, the objective of this bill is to amend the Customs Administration Act 1985 to rename the Australian Customs Service as the Australian Customs and Border Protection Service. This was first announced on 4 December 2008, when the Prime Minister issued his first national security statement. The Prime Minister said:

> Let me return for a moment to the serious matter of people-smuggling, that is, the organised, unauthorised arrival of people by boat to Australia.
>
> … … …
>
> The Government has decided therefore to move quickly to better enable the existing Australian Customs Service to meet this resurgent threat to our border integrity. To this end we will in coming weeks establish new arrangements whereby the Australian Customs Service is augmented, re-tasked and re-named the Australian Customs and Border Protection Service. This arrangement will create in the Australian Customs and Border Protection Service a capability to task and analyse intelligence, coordinate surveillance and on-water response, and engage internationally with source and transit countries to comprehensively address and deter people smuggling throughout the operating pipeline from source countries to our shores.

These were the words the Prime Minister used in his national security statement, but I make the point that the statement does not offer any direct linkages between the priorities that the Prime Minister outlined and the dollars. This is where the rubber certainly hits the road in this bill—I cannot think of a maritime analogy! It is all very well to talk about the dawn of the Asia-Pacific century and various strategic policy ideas, as the Prime Minister is so fond of doing. But if it comes down to our border and maritime security—and our country controls an unbelievably vast amount of ocean—then the issues, and the issues for the opposition, are how the dollars will flow and how the job will get done.

We should be clear about the border security threats that we face today. People-smuggling, of course, is very much in the news, and this name change for Customs obviously has to do a lot more than just change the name. To be fair, it is about bringing the attack on people-smuggling under one agency, even under one roof. This is a new role for the service that was previously shared with the Department of Immigration and Citizenship, so a portion of that department's function and strategic policy is coming into Customs and will have a maritime border protection focus.

I note that after maritime arrivals peaked in 2001-02, they dropped off. But they have started to rise again, which is a worrying trend, and one I am sure that my colleague the member for Murray and shadow minister

for immigration will discuss further when talking about this bill. What it comes down to is anticipation on the part of people smugglers that by getting to Australia's shores there will be a migration outcome, or there is more likely to be a migration outcome than there was under the previous government. Of course, we know that illegals arrive by air as well as sea, and the Department of Immigration and Citizenship will still handle the air arrivals. They are better placed to do that. This is about goods, people and trafficking that happens over the ocean.

As the situation deteriorates in different countries we see, of course, the landscape change and more people-smuggling taking place. As the Sri Lankan government becomes more successful against the Tamil Tigers, more refugees are coming, including direct departures from Sri Lanka—although there are still people smugglers who work groups of people through the landmass of Asia, down through South-East Asia and departing from Indonesia. They are not always refugees. The issue is that once people arrive in our exclusive economic zone, 200 nautical miles out, the people smugglers can say they have achieved their aim and the problem becomes ours. The problem for the poor trafficked people is unbelievable, and we should not always assume that they are typical refugees with no resources at all. Some of them have paid very large sums of money and expected a flight and have arrived in a desperate situation in a leaky boat.

Once people arrive, the smugglers have had a win: they have collected the money and the people are our problem. This initiative will see the Customs and Border Protection Service leading a whole-of-government strategic policy approach. It will provide oversight and direction, engaging internationally with the Department of Foreign Affairs and Trade and our heads of mission overseas to prevent and disrupt people-smuggling, to undertake maritime surveillance and to provide the necessary response. Customs, of course, has the ability for interdiction on the sea and will continue to do that.

The AFP people-smuggling strike team will now be located within Customs and the people-smuggling intelligence and targeting unit, coming from various agencies, will be co-located within Customs. With analysts co-located in this way, information can move much more quickly not just within the agencies but also to offshore teams. Doing this as a nation is about establishing the capability not only here in Canberra but also overseas and building that up so that we can improve and enhance the capacity of overseas nations to deal with this problem. Building capability with our South-East Asian partners means that we can target people smugglers by stopping the boats being launched, and this is the humane and appropriate response—it really is. It is not about saying that our territory extends to 200 nautical miles and then losing interest. I applaud any initiative, and the coalition are entirely bipartisan with the government on working with the countries that the boats are launched from to prevent boats leaving in the future. We rely very much on the goodwill of our South-East Asian neighbours. People-smuggling is not a crime in Indonesia but the Indonesian authorities are proactive in cracking down on it. We must build these regional partnerships. We must enhance our regional intelligence so that we can prevent the boats actually leaving.

New arrangements will see the coordination between our intelligence agencies, including the AFP and the Department of Immigration and Citizenship, under Border Protection Command in Canberra. It will give this Canberra central group direct connection with the agencies overseas in the countries where people-smuggling is a problem. It is a

single point of accountability and a whole-of-government approach. Having said that, in support of the announced measures I remake the point that it is about the resources and it is about the government allocating the necessary resources to do this job, because it is an enormous job. We can put the architecture in place, but we must follow it with the dollars. So far, I understand that the equivalent of 20 full-time positions have been allocated to move from the department of immigration. That is a start, but the test will come with the May budget when we will see whether this government adequately resources the new Border Protection Command to do the very big task that it has been set. As an opposition, we will be working very hard to make sure that the government gives this effort the priority that it needs.

The opposition support the move to bring the people-smuggling effort together because combating smuggling is something that Customs know how to do. People smugglers are in business smuggling other things too—goods and money as well as trafficking people for other purposes—and Customs know what to do and how to detect illegals. Customs know the importance of evidence and are trained in collecting evidence and preparing a brief of evidence so that a legal case can be brought against a smuggler. Defence, Immigration and the Federal Police know how to do this, but it is a Customs specialty and it should be with Customs.

What I now call for is a proper written protocol between the AFP and Customs, indeed between all the agencies, so that the rules can be followed when priority needs to be given to access information that is being collected. For example, the closed-circuit TVs that we see at airports are accessed by Customs, the AFP and ASIO. But, if there is an urgent situation, the question is—and I think this is something that was dealt with in the past by the Minister for Justice and Customs in the last government—who has priority over that camera? Who has authority to turn it to what they want to view when there is a conflict? Unless there is a protocol in writing and it is clearly understood, there will be problems. Every agency needs to know its responsibility to other agencies. With the new Border Protection Command enhanced role for Customs, it is vital that written protocols follow. They may seem tedious and bureaucratic at the time, but they are absolutely essential. When different agencies with different responsibilities and reporting lines work together, they need to have clearly outlined rules of engagement, if I can call them that.

With the latest illegal boat of asylum seekers arriving on our shores, I do not believe the government is doing enough to ensure the security of our borders, to police the seas around us and to ensure we know who is coming and going and what they are bringing with them. On Saturday, 14 March, it took four children under the age of 12 to spot a boatload of 54 people headed into the harbour at Port Essington on the Coburg Peninsula. The vessel, which was about 20 metres long, came to rest in the harbour about 500 metres from land. A park ranger who was with the children alerted Customs to the vessel's whereabouts, after which it was intercepted by a Navy vessel. If we are relying on four children under 12 to spot an illegal vessel that has come so close to land, I question whether enough is being done to police our 37,000 kilometres of coastline.

It is clear that an entire organised criminal industry of people smugglers is beginning to take advantage of this government's lax approach to unauthorised arrivals. The threat to our border security is clear but so is the remedy. I need to mention the former coalition government because we did deter illegal immigration by legislating to allow offshore processing, by excluding from asylum proc-

esses those who have access to effective protection elsewhere, by maintaining mandatory detention and by excising from our migration zone those territories off our coast that were magnets for people smugglers. Our uncompromising approach to border protection worked, and in the years after these legislative changes the traffic in illegal people-smuggling vessels all but stopped. As I said earlier, the message must be out there that there is a possibility of a migration outcome if you can sit through at least 12 months of processing once you arrive. That is bad news, but the humane thing to do is to prevent the boats from leaving in the first place.

I would now like to touch on the illegal movement of goods across the border. Serious and organised criminal groups pose a significant risk to Australian border protection by engaging in illicit, cross-border trafficking of a range of goods. Such goods include drugs, precursor chemicals, tobacco, cigarettes, performance- and image-enhancing drugs, counterfeit goods, wildlife and currency. Wildlife deserves a special mention. Because of the conditions that birds, lizards and reptiles are placed in, this is indeed a heinous crime, yet the fine for smuggling wildlife is probably no more than $30,000—certainly a lot less than the value of the creatures on the black market. The penalty for wildlife trafficking does need to be increased, as anyone who has seen some of the instances of it would certainly agree.

Mr Jeffrey Buckpitt, the National Director, Intelligence and Targeting at Customs, outlined to the Joint Committee on the Australian Crime Commission on 29 September 2008—and these remarks are on the public record:

> Customs's role in combating serious and organised crime at the border encompasses the detection and interdiction of illegal movements across the border, investigation of certain border offences and cooperation and collaboration with partner law enforcement and regulatory agencies to disrupt and dismantle serious and organised criminal activity.

I think that that captures the importance of the role precisely.

The Australian National Council on Drugs has warned that Australia is at risk of an influx of heroin, thanks to a surplus in supply from Afghanistan and Burma. This is of serious consequence to Australian parents. We have enormous architecture in place, with maritime security, port security and airport security and a large slice of the Australian government budget devoted to this, but if we do not succeed the result will be heartache on our streets for children—and they are, in many cases, only children—who become addicted to drugs and whose lives are ruined in the process. Like many others, I was most concerned to read of the sudden spike in the arrival of heroin.

People imagine that a lot of smuggling takes place at airports. High-profile cases—I am not going to mention names—and shows on television that demonstrate how people are intercepted at airports make us think that is where the action is. But it is not. Airport smuggling is for the small-time and the desperate. The smuggling effort of organised crime, with networks around the world—linking into governments, in some cases, in Third World countries, as the Australian Crime Commission has described to us—is done through our ports. Containers at our ports are the transmitting weapon of choice.

I return to heroin seizures and make the point that in 2006-07 the weight of heroin seizures increased by 79 per cent compared to the previous year. That year it was the highest on record. Considering that opium cultivation in neighbouring South-East Asia has increased by 22 per cent after six years in decline, it is of grave concern that the government is not taking tough measures to stem

the flow of drugs onto Australian streets. The coalition stand for a Tough on Drugs strategy. It has been proved that harm minimisation has not succeeded. This is not about coming from the Left or Right of politics, about being a big 'C' conservative or a small 'l' liberal; it is about using strategies that work to protect vulnerable Australians from drugs. I have a table that shows that, two years after the coalition introduced the Tough on Drugs strategy, heroin use plummeted and the use of marijuana, methamphetamine, cocaine, hallucinogens and ecstasy was also in decline. I know that in some cases the demand-supply equation relates to price and availability, but we did have a proud record and we do stand by our Tough on Drugs approach. We saw evidence of illicit drug use dropping.

I am most concerned that Labor is now softening its stance on drugs. In yesterday's *Australian* newspaper Paul Maley and Adam Creswell reported:

> The Rudd Government has moved to reassert the role of controversial harm-reduction strategies in the fight against the illicit drug trade …

I shall certainly be watching every move it makes in that area, because if the Labor government does not continue the coalition's successful Tough on Drugs strategy it is possible that we will fall back to pre-1998 levels of drug use. I urge the government not to take this soft approach. We must maintain appropriate resources needed to ensure that fewer drugs slip through our borders, and that includes in the sea cargo screening process.

Total Customs sea cargo detections from 1 July 2007 to 30 June 2008 include 25 kilograms of heroin, 116 kilograms of ecstasy, 531 kilograms of cocaine, 869 kilograms of ephedrine, 186 kilograms of amphetamine type stimulants, more than 102 million cigarette sticks, more than 258 tonnes of tobacco leaf and more than three tonnes of molasses tobacco. I want to make the point that Customs does a very good job of detecting these illicit goods. But, considering the percentage of containers checked, it is concerning to think about just how many drugs are slipping through the screening process and arriving on our streets. The figure, I believe, has moved from five per cent to 7½ per cent of containers being X-rayed, and that is simply not enough.

Mr Buckpitt, whom I mentioned earlier, explained to the Australian Crime Commission committee that Customs employs an intelligence based risk assessment approach to screening cargo and passenger movements at the border. That is entirely appropriate. But five per cent of 20-foot-equivalent containers equates to only 134,000 containers per year, and only one-tenth of those X-rayed are actually subject to some form of physical unpacking. Due to its lack of resources, Customs is forced to rely on intelligence led examinations and profiling more than it should do. For those who may not be aware, one of the first actions the government took in its first budget was to cut the Customs budget by $51.5 million.

It is interesting to note the measures taken by our close trading partner the US in this field. Australia's trade and security developments cannot ignore the US Security and Accountability for Every Port Act 2006, the SAFE Port Act, which was an act of congress in the US covering port security. The SAFE Port Act requires 100 per cent screening of sea containers destined for the US, a departure from its current risk based inspection and examination approach. As I said in the debate on the AusCheck Amendment Bill in the House yesterday, I think it is going to be extremely difficult to screen 100 per cent of containers, especially given the tension in Customs's role between preventing goods coming across the border and facilitating the

free flow of goods for trade. Small businesses rely on their goods getting to the shop on time and not being held up on the docks.

So it will be interesting to see what happens in the US. The legislation has been passed through congress, but it is still in a trial stage. Our CEO of Customs, Mr Michael Carmody, has stated that Customs has raised concerns on behalf of Australian industry, is liaising with US officials to clarify the proposed arrangements and is examining potential implications for Australian traders. So it is certainly an area that the coalition will monitor closely.

In conclusion, I say that it is encouraging to see the Prime Minister and the Labor government place emphasis on the border protection role of Customs by changing its name to the Australian Customs and Border Protection Service, but the cost of changing the letterhead, the talk about strategic policy, the numerous diagrams that will be drawn on envelopes and the considerations that people will make about how resources are moved are not nearly as important as the quantum of those resources. We will watch with great interest to see how this government allocates the customs function appropriately in its next budget, because it does need to work harder against smuggling, trafficking and illegal immigration.

**Mr BUTLER** (Port Adelaide) (1.45 pm)—I agree with the previous speaker that the hub of this issue lies in maritime ports. I rise to support the Customs Legislation Amendment (Name Change) Bill 2009 on the understanding that the South Australian branch of the Australian Customs and Border Protection Service is headquartered in my electorate of Port Adelaide; indeed, my office is located in Customs House in Port Adelaide, so this is an issue quite dear to my heart.

On 4 December last year, the Prime Minister delivered Australia's first national security statement. In that statement he spoke of the many challenges we face in a changing world and the need to reform our national security structure to adapt to those changes effectively. This bill reflects one of those reforms. It is extraordinary that during their 11½ years in power those opposite never bothered to make a statement on national security. Labor recognises that Australians might wish to be kept abreast of policy on the highest priority of the national government, and the Prime Minister intends this to be the first of regular briefings to the nation on this important area.

Australia's geographical position means that controlling our maritime border is a complex and challenging task. The smuggling of people by boat has become a hot political issue in Australia, sometimes used to score cheap political points. Unlike our predecessors, we will not show our strength by punishing those people so desperate and vulnerable that they are prepared to take such extreme measures to migrate. Instead we will focus our energies on a multipronged approach that seeks to tackle the problem. The three main aspects of this approach are, firstly, international cooperation, secondly, prevention strategies, and, thirdly, border protection. This bill supports all these measures by reflecting the government's new unified approach to national security as supported by the Homeland and Border Security Review and outlined in the Prime Minister's speech.

Australia is a party to the Protocol Against Smuggling of Migrants by Land, Sea and Air, supplementing the UN Convention Against Transnational Organised Crime. The purpose of the protocol is to promote international cooperation to prevent and combat people-smuggling whilst also protecting the

rights of smuggled migrants. The protocol defines the smuggling of migrants as:

> … procurement, in order to obtain, directly or indirectly, a financial or other material benefit, of the illegal entry of a person into a State Party of which the person is not a national or a permanent resident.

People-smuggling is distinguished from people-trafficking predominantly by the concept of coercion, though the reality is that there is often substantial overlap between these two categories. What needs to be emphasised is that both the smuggling and the trafficking of human beings involve the exploitation of vulnerable people and the endangerment of their lives in pursuit of profit. The government will not tolerate these crimes.

Both trafficking and smuggling have strong links to organised crime and generate billions of dollars of profit at the expense of human rights. The abuse involved in the exploitation of trafficked people is abundantly clear, but it would be a mistake to romanticise people smugglers as the modern-day equivalents of the Scarlet Pimpernel. Essentially this is an illegal trade where the welfare of migrants is rarely a consideration. Human cargo as a commodity means people not only are suffering inhumane and dangerous conditions on their journey but can also be the victims of debt bondage, violence and even murder. In September last year at least 26 people died off the coast of Yemen when they were forced overboard at gunpoint after the smugglers' vessel was stopped offshore. In the first nine months of 2008 more than 25,000 arrived in Yemen aboard smugglers' boats, with at least 200 deaths and an equal number missing. Closer to home, we saw terrible tragedy in 2001, when more than 350 people died trying to reach Australia while being smuggled on a boat intended to hold only 150 passengers. This was a clear example of the devastating consequences of maximising profit with no regard for life.

It is important to keep our situation in perspective and recognise that people-smuggling is a global phenomenon that continually fluctuates because of driving forces for irregular migration such as war, famine, poverty and natural disasters. Sensible, sustainable measures at a number of levels, not beat-up stories, are needed in response. An important aspect of our efforts to achieve international cooperation on people-smuggling is through the Bali process. Co-chaired by the governments of Australia and Indonesia, the steering group also includes New Zealand, Thailand, the UNHCR and the International Organisation for Migration. With over 50 countries and numerous international agencies participating, the Bali process is an outstanding forum for developing practical measures to combat and prevent people-smuggling and people-trafficking, with a focus on the Asia-Pacific region in particular. This issue affects all nations whether as countries of source, transit or arrival or a combination of all three. This government is committed to furthering international cooperation, particularly with our neighbours such as Indonesia, Malaysia and Thailand, to coordinate efforts to prevent and deter people-smuggling in our region. The Minister for Immigration and Citizenship held talks with his Indonesian counterpart on this issue last week and will attend the Bali Process Ministerial Meeting next month.

Prevention strategies must also focus on helping to remove the underlying causes of smuggling and trafficking. Poverty, displacement, corruption and inequality are just some of the reasons why people are drawn into dangerous and illegal migration arrangements or become prey for modern-day slavery, whether that be in the cocoa fields or the sex trade. This government is committed to progressing the Millennium Development Goals and believes Australia should be a powerful contributor to achieving these. We

run a strong development assistance program, and Australia has joined the International Health Partnership to help build sustainable health systems in developing countries and accelerate progress on meeting the health goals. The government has also announced increases in the ratio of Australia's aid to gross national income. The assistance we provide through our AusAID program helps prevent those violations of human rights, particularly on an economic and social level, that are direct causes of both human-smuggling and people-trafficking.

In February this year, the government announced it will provide $12.8 million for overseas assistance projects to alleviate displaced persons' vulnerability to people-smuggling. Supporting the work of organisations like the UNHCR, Care Australia and the International Organisation for Migration will help those displaced by war and persecution receive the assistance, protection and support they need, thereby reducing demand for irregular migration.

The Australian government's Displaced Persons Program for 2009 will focus on displaced Afghans, Iraqis, Burmese and Sri Lankans. Depending on the situation, this can mean facilitating a safe return to their homeland, reintegration assistance, improving asylum seeker processing or the provision of humanitarian aid. Millions of people have been displaced from these four nationalities alone, and unless the international community works to improve their situation then the demand for irregular migration must inevitably follow.

Strong border protection is vital to our national security. This entails extensive patrolling, coordinated intelligence analysis and an effective response to breaches of our law. Those that exploit the vulnerable by selling illegal passage to Australia will be caught and they will be punished. Less than a fortnight ago, an Indonesian skipper convicted of people-smuggling received a jail term of six years. This bill reflects the new key role of the Australian Customs and Border Protection Service on maritime smuggling issues. The nature of this issue means that numerous agencies are involved in tackling it, and this can weaken our response by a lack of coordination and accountability. The new Australian Customs and Border Protection Service will direct and analyse intelligence, coordinate surveillance and response and liaise with other countries to ensure that effective measures are taken to deter people-smuggling. The Australian Customs and Border Protection Service will streamline our approach to this scourge on our seas by providing a central pivot for unified control and direction.

The change of name from the Australian Customs Service to the Australian Customs and Border Protection Service is not a mere cosmetic exercise. It is a reflection of this body's important role in our nation's security and of this country playing its part to reduce transnational organised crime. I commend the bill to the House.

## BUSINESS

**Mr ALBANESE** (Grayndler—Leader of the House) (1.55 pm)—by leave—I move:

> That standing order 31 (automatic adjournment of the House) and standing order 33 (limit on business after 10 p.m.) be suspended for this sitting.

For the benefit of members, I will speak briefly to this motion. It would appear most likely that the House will have to sit for some period tomorrow morning, depending on the determination of the Senate. After discussion with the Manager of Opposition Business, it has been determined that, rather than us sit very late into the night or into the early hours of tomorrow morning waiting from a message from the Senate, what would

be most convenient and practical—also for the staff of the House of Representatives, I must say—is if we adjourn tonight and then come back tomorrow morning.

At this stage it is not possible to be deliberative, because we do await the activity in the Senate. But I will certainly continue to liaise with the Manager of Opposition Business and ensure that, on behalf of all members of the House, we engage in a procedure that creates as little disruption as possible to the timetable that members have. I am aware, of course, that many members would have scheduled functions or visits in their electorates tomorrow afternoon. It is up to the Senate as to whether it will be possible for those to occur. I certainly thank the opposition for their cooperation on these issues.

Question agreed to.

## CUSTOMS LEGISLATION AMENDMENT (NAME CHANGE) BILL 2009

### Second Reading

Debate resumed.

**Dr STONE** (Murray) (1.57 pm)—I rise to speak on the Customs Legislation Amendment (Name Change) Bill 2009. In one of the shortest second reading speeches in the history of this House, in just 2½ minutes, the Attorney-General told us that there is to be a name change from the Australian Customs Service to the Australian Customs and Border Protection Service. This, we are told, will better reflect the agency's new role as lead agent on maritime people-smuggling issues.

Quite obviously, people-smuggling is an extraordinarily serious issue. It is a case of international criminals making a lot of dangerous decisions, where some of the most vulnerable people, who have the cash and contacts and are prepared to pay upfront, are put into leaking vessels—in our case, typically pushed off the Indonesian shores. The impoverished and often ignorant Indonesian fishermen who man these vessels are not aware that they will be picked up and charged with the serious offence of people-smuggling. We just heard reference to a sentence that was delivered very recently in a Perth court—a six-year jail term for people-smuggling. People-smuggling is a very important matter.

While a name change is no doubt very exciting for the print industry, for those who design logos and paper, we want to see more than a name change. We on this side of the House had to deal with one of the biggest surges of people-smuggling, which occurred in the early part of the 21st century. We saw several thousand people coming via boats and we saw hundreds lost at sea. We took very stringent measures at the time—in 1999-2000—and were able over a period of two years to reduce those people-smuggling activities down to zero. While that meant that we, no doubt, saved lives, it also meant that we were in a position to look very carefully at such issues as our migration zones to make sure that our undefended coastline, which is one of the longest in the world, did not remain vulnerable to international criminals who saw a cash opportunity. In our time in government, we also worked very closely with the Indonesian government.

**The SPEAKER**—Order! It being 2 pm, the debate is interrupted in accordance with standing order 97. The debate may be resumed at a later hour and the member for Murray will have leave to continue speaking when the debate is resumed.

## MINISTERIAL ARRANGEMENTS

**Mr RUDD** (Griffith—Prime Minister) (2.00 pm)—I inform the House that the Minister for Sport and Minister for Youth will be absent from question time today as she is representing me at the ICC Women's World

Cup on Jane McGrath Day in Sydney. The Minister for Health and Ageing will answer questions regarding sport, and the Deputy Prime Minister will answer questions regarding youth on her behalf. I also inform the House that the Minister for Housing and the Minister for the Status of Women will leave question time early today to deliver an address to the Sydney Institute. The Minister for Families, Housing, Community Services and Indigenous Affairs will answer questions on her behalf.

## CONDOLENCES

### Mr William George Burns

**The SPEAKER** (2.01 pm)—I inform the House of the death, on Monday, 16 March 2009, of William George Burns, a member of this House for the division of Isaacs from 1977 to 1980. As a mark of respect to the memory of William Burns, I invite honourable members to rise in their places.

*Honourable members having stood in their places—*

**The SPEAKER**—I thank the House.

### Corporal Mathew Ricky Andrew Hopkins

**Mr RUDD** (Griffith—Prime Minister) (2.02 pm)—I move:

That the House record its deep regret at the death on 16 March 2009 of Corporal Mathew Hopkins, while on combat operations in Afghanistan, place on record its appreciation of his service to the country and tender its profound sympathy to his family in their bereavement.

On behalf of the parliament, the government and the nation, I wish to express our deepest sympathy to Corporal Hopkins's family and friends. I would like to offer my heartfelt condolences to Corporal Hopkins's wife, Victoria; his little son, Alex; his mother and father, Bronwyn and Ricky; and his younger brother, Corey. I also wish to extend our sympathy to his fellow service men and women. Corporal Hopkins was a father, a husband, a loving son and a dedicated soldier of the Australian Defence Force. A proud Brisbane boy, he was a passionate supporter of the Broncos and the Maroons. He was a valued member of the Darwin based 7th Battalion, Royal Australian Regiment.

He was known as a friendly and approachable bloke with a genuine caring attitude for his soldiers. He was an experienced soldier and a leader of men. He had served once before in Afghanistan. He had risen to the rank of corporal and was a section commander with combat experience. He always led from the front and has been described by many as a source of inspiration for his personal courage and his mateship. Corporal Hopkins aspired to join the Army from a very young age. He was dedicated to serving and protecting his country. He lived the values of professionalism and camaraderie in the great tradition of the Australian military. His loss will be deeply felt by the Australian Defence Force and our nation.

Recently married to Victoria, Corporal Hopkins was a loving family man who became a proud father to young Alex just weeks ago. The thoughts and prayers of all Australians go out to this young family at this most difficult time. There is no higher calling than to serve our nation in uniform. Corporal Hopkins did this with distinction through his valued work as a member of the first Mentoring and Reconstruction Task Force in Afghanistan. He lost his life serving his nation with bravery and honour. He is the ninth Australian to lose his life in Afghanistan. He is the ninth Australian to lose his life helping to secure that country from the grip of terrorism.

We must never forget that the malignant heart of terrorism today is still alive and well in Afghanistan. And we must never forget the direct impact that al-Qaeda and the Taliban

have had on our own region and on the lives of our fellow Australians. Since 2000, over 100 Australian citizens have been killed in major terrorist attacks, the perpetrators of which were trained primarily in Afghanistan or in the border region with Pakistan. Within our own region, individuals who have undergone terrorist training in Afghanistan continue to remain at large. We therefore remain committed to taking the fight to the terrorists and helping to secure Afghanistan against violent extremism. In doing so, we know that brave soldiers like Corporal Hopkins will be called upon to defend our country and some will make the ultimate sacrifice. His sacrifice and those who have fallen before him will never be forgotten by the government, the parliament or the nation. On behalf of the Australian government, we offer our prayers and our support to Corporal Hopkins's family, friends and fellow soldiers.

**Mr TURNBULL** (Wentworth—Leader of the Opposition) (2.06 pm)—I second the motion. It is hard to imagine an experience more heart-wrenching or more poignant than that of a father who must leave a newborn child to go to war. We in the opposition join in profound sadness with the Prime Minister and the nation as we offer our deepest condolences for the loss in Afghanistan of Corporal Mathew Hopkins. The thoughts and prayers of all Australians are with his loved ones, especially his wife, Victoria; his parents, Bronwyn and Ricky; his brother, Corey; and his baby son, Alex. This tiny boy was cradled in his father's arms for only a few precious days before Corporal Hopkins returned to duty in Afghanistan. It is a tragedy beyond words.

As a nation we are reminded frequently of the dangers our forces face in Afghanistan every day. As a nation we are immensely proud of the men and women of the Australian Defence Force for their service and their sacrifice. As a nation we know there can be no greater grief than news that a 21-year-old soldier, so respected by his comrades in arms and with so much ahead of him in life, will not be coming home to his young family. Our duty, our debt, to Corporal Hopkins for the years to come is to ensure that his wife and son have all the love and support that they deserve. Our duty is to honour the memory of this brave young man who went to Afghanistan in our name, in our uniform, serving under our flag. Our duty is to ensure that as Matt Hopkins's little boy grows up and embarks on a life of his own, he will always know that his father served nobly and courageously in the cause of making the world a safer place.

We have been privileged in these difficult days to hear moving tributes to Corporal Hopkins from two proud and stoic women, his mother and his young wife. From them we have heard that Matt Hopkins was a proud Queenslander, a proud son of the sunshine state, a Brisbane boy with a passionate fervour for the Maroons and the Broncos. He was also a passionate and patriotic Australian. From a young age, all he wanted to do was to join the Army and serve his country. He signed up as soon as he had finished his studies at Kenmore High. In Afghanistan he served with the 7th Battalion as a member of the Mentoring and Reconstruction Task Force, and his mates called him 'Hoppy'. His mission was to help train and support members of Afghanistan's security forces to secure and defend themselves against Taliban extremists. That was Corporal Hopkins's job, and he carried it out professionally and courageously in the most difficult conditions against the most dangerous of enemies. On Monday, they came under fire from a group of Taliban insurgents while they were on patrol with Afghan colleagues north of Tarin Kowt. The patrol returned the fire. We lost Matt Hopkins during this intense exchange of gunfire.

Corporal Hopkins is the ninth Australian to be killed in Afghanistan since 2002. We are forever indebted for his sacrifice. He will be remembered as a father of whom any son would be proud. In years to come, Alex, I hope you will read these words that your mum is hearing today. And, when you do, you will know that all of us here assembled, representing the entire nation—your nation—to honour your father's courage and to thank him for his service. We say to you, Alex Hopkins, across the years, that no son could have a finer example of strength and honour, courage and sacrifice, than the example your father has given to you, his baby son, and to all of us Australians.

Question agreed to, honourable members standing in their places.

## QUESTIONS WITHOUT NOTICE

### Economy

**Mr TURNBULL** (2.11 pm)—My question is to the Prime Minister. Why has the Prime Minister wasted $23 billion on his cash splashes before checking that the government has the funds to pay for important infrastructure projects? Hasn't the Prime Minister, by borrowing $23 billion and simply giving it away, made matters worse and increased the risk of a Rudd recession?

**Mr RUDD**—I thank the Leader of the Opposition for his question. I would draw his attention to the fact that over the 12 years in which the Liberal Party were in office, their great conspicuous failure was to not invest in the nation's infrastructure—a matter which was the subject of conspicuous and consistent reports from a range of agencies over the period of their tenure in office. As a result, when we moved to the various warnings which were delivered in the last several years by the Reserve Bank and others about inflationary pressures in the economy, they pointed to two things: inadequate investment in infrastructure and infrastructure bottlenecks on the one hand—

*Mr Costello interjecting—*

**Mr RUDD**—It is good to see that the member for Higgins has leapt back into action today. Three days of self-discipline were too much for the member for Higgins, but we come to day 4 and he is back up the front.

Then you have got the other thing which was pointed to, which was the underinvestment in skills. If you look at the overall need for productivity performance in the economy, you need to be investing in infrastructure and investing in skills, because the long-term economic mission of the government—and it should be of the nation—is to ensure that we are turbocharging long-term productivity growth. That is why, prior to the election, we committed ourselves to significant infrastructure investment. That is why, prior to the election, we committed ourselves to building an education revolution. These two enterprises come together with one objective: boosting long-term productivity growth.

The honourable member refers to the infrastructure funds which we have dedicated for this purpose. Can I again draw the attention of the nation to the double standards of the opposition. Each of these infrastructure funds was voted against, in this parliament, by those opposite. They have opposed nation building, they have opposed economic stimulus, they have opposed infrastructure investment, and they stand here at the dispatch box today and pretend that they are concerned about the above. This is a political strategy designed to take political advantage of a global economic crisis. This government is prosecuting an economic strategy in order to cushion the impact of that crisis on Australian families and on jobs.

## DISTINGUISHED VISITORS

**The SPEAKER** (2.14 pm)—I inform the House that we have present in the gallery

this afternoon members of the Rural and Regional Committee of the Parliament of Victoria. On behalf of the House, I extend a very warm welcome to the members.

**Honourable members**—Hear, hear!

## QUESTIONS WITHOUT NOTICE

### Victorian Bushfires

**Mr GIBBONS** (2.14 pm)—My question is to the Minister for Families, Housing, Community Services and Indigenous Affairs. Will the minister update the House on the joint Commonwealth-Victorian efforts on the Victorian bushfires?

**Ms MACKLIN**—I would like to thank the member for Bendigo for his question and for the efforts that he has made on behalf of his constituents in Bendigo. I also recognise the very significant work being done by the member for McEwen, the member for McMillan, the member for Indi, the member for Gippsland and the member for Ballarat. And I would like to recognise my colleagues from Victoria, many of whom, I know, are working very hard on these issues, which are still affecting so many people in Victoria.

I would like to take this opportunity to update the House on both the Australian and Victorian governments' bushfire recovery and rebuilding efforts. It is now almost six weeks since that terrible day and the days that followed. Of course, although the immediate threat is over, every day is still a struggle for so many people—so many families who have lost, in some cases, many members of their families, friends, homes and possessions. It is still a very difficult time for people and will be for a considerable time to come.

As the Prime Minister has said, the Australian government intends to be there every single step of the way, no matter how long it takes, to help to rebuild both people's lives and their communities. There is certainly a lot of work going on as we speak. I would particularly like to thank and recognise the work being done by my parliamentary secretary, the member for Maribyrnong, who has been on the ground over the last few weeks in the devastated fire communities, working particularly with the Victorian government and with the Victorian Bushfire Reconstruction and Recovery Authority and its head, Christine Nixon, as they go around working with communities. As members will know, the royal commission that has been established began its consultations yesterday, and the Commonwealth has, of course, given its commitment to cooperate in every way possible. Just this week, my colleague the Minister for Tourism and the Premier of Victoria announced a $10 million package to encourage tourists back into the fire devastated areas of Victoria.

I would like to give one example, that of a trout farmer in Buxton—I am sure the member for McEwen is familiar with this fellow—who is already getting his business back up and running. He has been cleaning up and doing an extraordinary job. He is just one example of a terrific businessperson trying to get himself back on his feet. I say to anybody listening today that there are many parts of these fire affected areas where you can visit and where people will be very happy to see you.

I can inform the House that, as of today, personal hardship and distress payments—including almost 8,000 emergency payment grants—have been made, totalling around $5.9 million. Forty-seven million dollars in Australian government disaster recovery payments have been of immediate assistance to individuals and families. More than 1,300 properties have been registered under the demolition and clean-up program. Could I just mention and thank Grocon, the contractor that has got the job to coordinate the clean-up—they are doing this job at cost. We

have a large number of case managers from Centrelink, from the Commonwealth Rehabilitation Service, from the Department of Human Services in Victoria and from non-government organisations, who are all providing one-on-one case management to fire affected families. There are farmers and small businesses now accessing grants, advisory services and low-interest loans. There is extra money for emergency relief. Extra assistance has been provided for mental health services. One of the lovely things happening is that, through the Community Recovery Fund, we are seeing the local footy clubs, tennis clubs, golf clubs and pony clubs already starting up again and rebuilding their clubhouses and grounds.

I would like to take just a moment longer to particularly thank all of the Commonwealth agencies that have been involved in both the relief and the recovery effort to date—in particular, the very large numbers of people from the defence forces, the Australian Federal Police, Emergency Management Australia, Centrelink and the Commonwealth Rehabilitation Service. There are many people here in Canberra working behind the scenes. I would particularly like to thank all of the people in my own department who have been working night and day to make sure that all of this is working smoothly—or as smoothly as possible—in what has been a very, very difficult situation. There has been a veritable army of people in a wide range of voluntary agencies and, of course, just the most extraordinary generosity of the Australian people donating to the appeal.

I think this demonstrates that each and every one of us intends to be with the fire affected families and communities for as long as it takes.

**Automotive Industry**

**Mr HOCKEY** (2.20 pm)—I ask my question of the Treasurer. I refer to the Australian Bureau of Statistics motor vehicle sales data today that shows a fall in car sales in February. This means car sales have fallen consistently now for one year. Does the Treasurer now regret increasing the cost of motor vehicles in his May budget by increasing the taxes on cars? Didn't the Rudd government's increased tax on cars make things much worse for an industry that is now facing the risk of a Rudd recession?

**Mr SWAN**—Here we have yet another example of the shadow Treasurer being in complete denial about the global recession. Let us just go through the international figures on car sales and look at the falls around the world over the year to February: in the UK, they fell by 22 per cent; in the United States, they fell by 40 per cent; in Japan, they fell by 24 per cent; and, in Canada, they fell by 22 per cent. They refuse to acknowledge—

**Mr Hockey**—Mr Speaker, I rise on a point of order on relevance. Unless the Treasurer wants to point out which countries put up taxes—

**The SPEAKER**—Order! The Treasurer is responding to the question.

**Mr SWAN**—The world economy is experiencing the sharpest downturn in living memory, something that those opposite will not acknowledge. The consequence of that is they cannot support any of our measures to boost demand in the Australian economy. Our measures are boosting demand in the Australian economy through economic stimulus, which they oppose.

There are some other figures out today. The ABS has figures out today on industry employment. They show something really interesting. We do not want to overstate these

figures, but I think they are very important. These figures show that retail trade in Australia grew by 16,000 people in the three months through to February. I will tell the shadow minister what it fell by in the United States: 130,000 people.

Those opposite refuse to acknowledge that, in the middle of a global recession, governments must act. This government has acted. It has acted decisively. They come into this House and say to us that we are involved in irresponsible spending, whilst at the same time they are giving $1.6 billion to the alcohol industry. How does that work?

**Mr Pyne**—I rise on a point of order on relevance, Mr Speaker. The Treasurer was asked a question about taxes on vehicles, not about any other matter. It was very specific. I ask you to bring him back to answering, unless his contention is that taxes increase sales.

**The SPEAKER**—The Treasurer is responding to the question.

**Mr SWAN**—This is yet another example of how out of touch they are. They value Porsches more than they value pensioners. When it comes to economic credibility, they simply have not got a clue. They are completely out of touch. The merchant banker there and the lawyer for merchant bankers over there do not know what life is like for the average person. They do not walk in the same shopping aisles as the average person, and the consequence of that is that they are not supporting important measures to bolster demand in the Australian economy. This government is. We make no apology for it, because it is the responsible course of action.

The irresponsible course of action is not to act and, as a consequence, deepen the downturn. That is what happens if you do not act: you deepen the downturn. What happens then is that debt is higher because deficits are higher. So, by not acting and not supporting fiscal stimulus, they are arguing for a higher debt and higher deficits. The proof of all of this is their decision to support the alcohol industry and give it a bonus of $1.6 billion, whilst they come into this House and oppose bonuses of $900 for people on low and medium incomes. The hypocrisy of the opportunists opposite knows no bounds. All they have is a political strategy. We have a strategy in the national interest. The Leader of the Opposition has a strategy in his own self-interest, because he sits there hoping the economy goes down so that he can take political advantage of it. On this side of the House, we will continue to support the national interest in the interests of employment and growth in the Australian economy.

**Economy**

**Mrs D'ATH** (2.26 pm)—My question is to the Prime Minister. Will the Prime Minister outline to the House developments in the international economy and how the Australian government is taking decisive action to cushion Australia from the worst impacts of the global recession?

**Mr RUDD**—I thank the honourable member for Petrie for her question. The World Bank overnight lowered its economic growth forecast for China. This is of direct relevance to the Australian economy. China is now expected to grow at 6.5 per cent in 2009. This is down from nine per cent in 2008 and 13 per cent in 2007. This is partly driven by weaknesses in the global economy causing significant falls in private sector investment. It has also been caused by falling Chinese exports. We have seen China's exports down 21 per cent year on year, on average, in the first two months of 2009. These are very large numbers with global significance. China's economic growth has a direct effect on Australia. China is Australia's largest trading partner. It takes 13.6 per cent of our exports, $31.4 billion in 2007-08.

These results on China's exports follow a broader trend of falling world trade. Volumes of world trade in 2009 are predicted to contract for the first time since 1982. The fall in global trade highlights an important element of the upcoming G20 agenda, which is preventing emerging protectionism. The World Bank also released a report last night on protectionist measures that have been introduced since this crisis began.

*Mr Hunt interjecting—*

**Mr RUDD**—The report indicates that 78 protectionist trade measures have been proposed or implemented since the start of the financial crisis. It is essential that G20 leaders make a firm commitment to avoid protectionist measures.

*Mr Hunt interjecting—*

**Mr RUDD**—The World Bank President, Bob Zoellick, said yesterday:

Leaders must not heed the siren song of protectionist fixes, whether for trade, stimulus packages, or bailouts. Economic isolationism can lead to a negative spiral of events such as those we saw in the 1930s …

*Mr Ciobo interjecting—*

**Mr RUDD**—I note the rolling series of interjections from those opposite, who do not regard this crisis as real. It is a stark reminder of the fact that those opposite seem to exist in some sort of self-contained political bubble. The world is grappling with a real problem, a real crisis, and we are seeking as a world community to deliver responses to that crisis. Those opposite seem to be engaged in a political conversation known only to and understood only by themselves.

Dealing with protectionism, whether it is financial protectionism or protectionism in goods and services, is of critical importance for the future. If we fail to do so, we will not be heeding the lessons of the 1930s. If we fail to do so and resort to new forms of financial protectionism then we will see the emergence of a new form of protectionism which would become the 21st century equivalent of the Smoot-Hawley tariff of the 1930s. These things must be avoided, and it requires, therefore, concerted global action and concerted global leadership in order to do so.

On the domestic agenda, the government's response to the global economic crisis—this global economic storm—has been to embrace a course of action to reduce the impact on unemployment and on Australian families. We have done that in three specific areas under our economic stimulus strategy: first of all, to continue to take action in support of the stability of Australian financial markets, anchored in our guarantee to Australian deposit holders. On top of that, we are also investing in critical areas to support the Australian finance industry, most particularly through the Business Investment Partnership. We are, secondly, engaging in direct support to employment for 1½ million Australians who work in the Australian retail industry, through the support that we have provided to consumption and the payments we have made to pensioners, to carers, to veterans and to others, because those 1½ million jobs are important. On the debate just before about employment impacts across the economy: it has been important to see recent statements by some of our leading retailers about their plans to add to employment in the year ahead, which is remarkable given the stress which the economy generally is under as a consequence of the global recession. The third element of our strategy is to engage in long-term investment and infrastructure, in school building and in public housing, as well as energy insulation to ensure we are also doing our bit to draw down greenhouse gas emissions. Finally, what we are doing in addition to these three sets of measures is embracing new and additional measures to

support those who, through no fault of their own, lose their job.

These constitute the core elements of the government's strategy at home for dealing with the overall impact of the global recession on Australia. This must occur in harmony with what we do globally as well—which brings us back to the agenda which now looms for G20 leaders at the summit which will be held in London in a week or so—because each of the domestic measures that I have just referred to in my remarks to the House has direct parallel with international measures: firstly, financial markets and their stability globally, dealing with toxic assets, properly resourcing the International Monetary Fund and reforming its governance; secondly, dealing properly with coordinated fiscal stimulus worldwide so that all economies are raising activity at a time when the private sector is in retreat; thirdly, acting in concert with our partners to ensure that we are bringing about a proper regulatory system for the future; and fourthly, acting on protectionism as well.

I conclude my remarks where I began as a response to the interjection by those opposite. Those opposite exist in a parallel universe. Those opposite exist in a universe completely disconnected from what is actually going on in the global economy and its roll-on consequences for Australians, their jobs, their families and their communities. The government strategy is clear cut, but I would say to those opposite—as, during the break, they wrestle with the rolling leadership tensions between the member for Higgins and the member for Wentworth—that the nation expects a little better of a party which seeks to put itself up as the alternative government of Australia. This is a time of deep national economic crisis. What we need is not simply an opposition which opposes everything and proposes nothing, an opposition which simply says that the best thing to do is to sit, wait and do nothing. What the nation expects is for leadership to emanate from this parliament to deal with the challenges which the global economy has delivered us. That is the government strategy. I would challenge those opposite to support such a strategy.

**Economy**

**Mr TURNBULL** (2.33 pm)—My question is addressed to the Prime Minister. Why has the Prime Minister wasted $23 billion on his cash splashes while cancer patients and young couples on IVF treatment are reportedly set to face higher Medicare costs? Hasn't the Prime Minister made matters worse by cutting funding from those who are sick and vulnerable to help fund his $23 billion cash splash?

**Mr RUDD**—I am taken by the Leader of the Opposition's reference to health priorities in Australia on a day when those opposite have voted to return $1.6 billion over time to the distilling industry through a tax loophole with a direct impact on hospital emergency services across Australia. They do not like this matter for debate. They do not wish to be confronted with the absolute hypocrisy of their position on the health debate in general and on the impact on families more generally, because the actions they have taken in the Senate to deliver a $1.6 billion gift to the alcohol industry of Australia have their direct consequence in the hospital emergency departments of Australia.

**Mr Turnbull**—Mr Speaker, I rise on a point of order on relevance. The question was about cancer patients and young couples seeking IVF being denied support by this government.

**The SPEAKER**—The Leader of the Opposition will resume his seat. The question went to the $23 billion package and then to health matters.

**Mr RUDD**—I listened very carefully to the intervention by the Leader of the Opposition. It goes to the fiscal capacity of government to deliver health services. If you are going to rip $1.6 billion out of the budget by returning that amount of money to the alcohol industry, where are your priorities, Leader of the Opposition? I would say to the Leader of the Opposition that the Liberal Party have demonstrated themselves to be so out of touch on the question of the measures they have taken in the Senate to provide these alcopops to young Australians, young girls in particular, by the irresponsible actions they have taken. Each and every one of them should just hang their head in shame. This is the ultimate triumph of their ideology. It says, at the end of the day: just oppose anything which might add up to a tax impost, even if it is on the alcohol industry, even if it deals with protecting our young people, even if it deals with the burden felt by our emergency services departments across Australia.

**Mr Dutton**—Mr Speaker, I rise on a point of order. This cannot be relevant when I offered the Prime Minister this morning the opportunity—

**The SPEAKER**—The member for Dickson will resume his seat.

**Mr RUDD**—Thanks to the Liberal Party, what we have is teenage girls now being able to use their pocket money to pay for alcopops, alcoholically powerful drinks, because those opposite wanted to give a tax gift to the alcohol industry in Australia. Any responsible Australian would hang their head in shame at the decision the opposition have taken at the behest of the alcohol industry in Australia.

**Mr Turnbull**—Mr Speaker, I rise on a point of order: relevance. Any responsible Prime Minister would hang his head in shame—

**The SPEAKER**—Order! The Prime Minister will respond to the question.

**Mr RUDD**—Not only did those opposite, when in office, pull a billion dollars out of the public hospital system of Australia but they have now returned $1.6 billion to the alcohol industry. What does that say about priorities? In their heart of hearts, each of them over there knows that what they have done is wrong. They actually know that what they have done is wrong. That is why this debate hurts them so much individually. It is the triumph of their ideology over what is decent and practical common sense. When you look at the events of this week in parliament, what we have seen is the Liberal Party and the National Party united on just two measures: how to cut workers' wages, through their position on Work Choices, and how to cut the price of alcopops for young Australians.

## Alcopops

**Ms CAMPBELL** (2.38 pm)—My question is to the Minister for Health and Ageing. What are the consequences of the Liberals' decision to block the government's action on alcopops?

**Ms ROXON**—I thank the member for Bass for her question. We on this side of the House are concerned that the decision of the Liberal Party means that alcopops will be sold around the country at lower prices in just a few weeks time. Every single one of those teenagers is going to be saying cheers to Malcolm Turnbull for one of the biggest shouts in the country—all on his ledger. There is a very serious issue at stake here. Yesterday the Liberal Party wrote a cheque to the distillers not just for $300 million but for $1.6 billion into the future. The member for Dickson and the Leader of the Opposition are prepared to advocate for that $300 million as hush money for the distillers.

**Mr Dutton**—That is a lie and a fabrication!

**The SPEAKER**—The member for Dickson will withdraw.

**Mr Dutton**—Mr Speaker, I said it was a lie, and it is a lie. It is a lie not just by this minister but by the Prime Minister as well. They completely misrepresent the position of the opposition. We do not want to give this money back to the distillers. It should stay with the government for education programs, not be given back by Mr Rudd.

**The SPEAKER**—The member for Dickson is warned and he will now withdraw.

**Mr Dutton**—I withdraw.

*Government members interjecting—*

**The SPEAKER**—Again I am getting the rolling of eyes—it is just that it is now from the right and not the left. This shows the difficulty of my position. The only option open to me was to warn, because I do not think that particular member has recognised, in the number of times that he has been given a one-hour suspension under 94(a), that he cannot do what he is doing.

*Mr Abbott interjecting—*

**The SPEAKER**—Order! The member for Warringah is not in any privileged place such that he can mutter on in that way either.

**Ms ROXON**—I understand why the opposition is sensitive about this. The opposition has allowed the distillers to express their largesse. The distillers will say that we can, at their discretion, keep the $300 million so that they can make billions and billions in profits years into the future. This is hush money and the Liberal Party has fallen for that trick. We are not going to fall for that trick. Because of the Liberal Party, $1.6 billion into the future has been lost. That is not acceptable. We know that Mr Turnbull—

**Mrs Bronwyn Bishop**—Mr Speaker, I refer you to standing order 90, 'Reflections on Members', and to the imputation that there is payment of hush money. It is disorderly and I ask you to ask the minister to withdraw.

**The SPEAKER**—The minister has the call.

**Ms ROXON**—If there is any doubt in people's minds about whose idea this was, I table a letter from the distillers which makes it clear that they, in their largesse, will allow us to keep $300 million if we just give them a teensy-weensy tax break into the future of several billions of dollars. We are not prepared to do that. We are not prepared to see the price of alcopops reduced. They will be called 'Malcopops' around the country into the future because of the position of the Leader of Opposition. We want to make sure that young people get protection and are not saying cheers to Mr Turnbull at every 18th birthday party around the country.

**Mr Randall**—Mr Speaker, the minister said she would table the letter from the distillers. I ask her to table the letter.

**Ms ROXON**—I table the letter.

## Economy

**Mr HOCKEY** (2.44 pm)—My question is to the Treasurer. I refer to the Treasurer's suggestion that the Vision luxury apartment project in Brisbane, which proposes selling 110 apartments in the current environment for up to $5 million, is just the sort of project that may qualify for a taxpayer backed loan from Ruddbank. Treasurer, does this fall within your definition of 'social housing' in your $42 billion stimulus? Moreover, is the standard application fee for a loan from Ruddbank a $500,000 donation to the Labor Party, as reported in the *Sydney Morning Herald*? Given that the government is borrowing $2 billion to establish Ruddbank,

isn't this just another example of how bad government policy makes the risk of a Rudd recession even greater?

**Mr SWAN**—What it is an example of is responsible economic management.

*Opposition members interjecting—*

**Mr SWAN**—Putting in place a vehicle to support employment for 150,000 Australians is not a laughing matter. Those opposite do not understand the magnitude of the challenge. Foreign banks have not been able to guarantee to the Treasury that they will keep funding syndicated loans in this country, and there is a need for such a vehicle. We are putting it in place in a responsible way, with the governance that is required, to ensure that we do our best to support employment in this vital sector, because if foreign banks do withdraw then that will affect property prices across the board and it will result in a massive increase in unemployment in this country.

What those opposite do not understand is the nature of the challenge. First of all we have had the World Bank again revise down growth forecasts. They have revised down the growth figures for China to something like 6.5 per cent. China has been the engine room that has been boosting this economy and the commodity boom for a long time. This is going to be very damaging for the Australian economy. It sends a shock right into the economy. And we have got overnight from the IMF the release of further revised-down forecasts, the fourth revision in a few months. The secretary-general has indicated that once again there will be a further revision down and is putting forward a much sharper contraction in the economy. That is the background to putting in place the Australian Business Investment Partnership, which we are doing with the best corporate governance, which has been put in place with the advice of some of the best minds in business.

**Mr Morrison**—Mr Speaker, I raise a point of order on relevance. The question was: was the $500,000 a Ruddbank fee?

**Mr Albanese**—Mr Speaker, repeatedly members of the opposition are using purported points of order to make what are political points across the dispatch box. It is disorderly conduct, and disorderly conduct should be dealt with under the provisions of standing order 91.

**Mr Pyne**—Mr Speaker—

**The SPEAKER**—No, I am in a position to rule and I really think delaying question time in this way then becomes disruptive. So the Manager of Opposition Business will resume his seat.

I understand the proposition that is being put to me but the decision about that, as I said earlier, is in my hands about whether it is being disruptive. But I really think that perhaps one of the things that the House could look at is that, when people are offered the opportunity to state a point of order, it is simply what the point of order is; it is not an opportunity to add. I will invite people if I need clarification. To paraphrase parts of a question is not in any way making the case of relevance—or not any more accurate. In fact, my concern about the particular point of order—and this gets to matters that have been discussed this week—is whether there is an inference that should be dealt with in some other form by the House in the part of the question that was highlighted by the member for Cook. The Treasurer is responding to the question and the Treasurer has the call.

**Mr SWAN**—The partnership's lending decisions will not be made by politicians. There is an independent board which will use guidelines, which will use best practice. That

is exactly what will happen. The honourable member opposite knows that but he is seeking to do the big smear. Whether it is the Economic Security Strategy, our Nation Building and Jobs Plan, our bank guarantee or now this partnership, or the motor vehicle partnership, they cannot support one positive initiative to support employment and growth in the Australian economy. So it will be on their heads if this vehicle is not established and the consequence is that someone who would have been eligible for funding cannot get it because they would not support it in the Senate. It will be on their heads.

This government has the guts to take the tough decisions. We took a decision yesterday on executive pay, a decision they could not take in 12 years. We will take the hard decisions. We have taken the hard decision with the bank guarantee. The member opposite knows that if it were not for the bank guarantee we would not have any stability at all in our financial sector. We took that decision and we took it early. We took the hard decision to put forward an Economic Security Strategy last October when most countries around the world were not even acting. Again in February we got ahead of the curve when we brought down the Nation Building and Jobs Plan, well before many other countries in the Western world. We did it because we understand the nature of this challenge, which will be underlined by the IMF forecast which will come out overnight.

Our conscience is clear. We will do what is right by the nation, and what is right by the nation is the measures we have taken, and we have taken them on the best possible advice. Those opposite are only acting in their political self-interest. They are not acting in the national interest, and they should be condemned.

**Workplace Relations**

**Mr SYMON** (2.51 pm)—My question is to the Prime Minister. Will the Prime Minister outline the importance of a fair and balanced industrial relations system and the need to ensure that any unfair industrial relations systems are not reintroduced in the future?

**Mr RUDD**—I thank the honourable member for his question. As I said earlier in question time today, in a party of disunity—that is, the Liberal Party—there are only two things which have caused them to be united this week. One is their agreement to cut the wages of working Australians because of their ideological commitment to Work Choices. The second is to cut the prices of alcopops. Those have been the two things which have been the unity ticket—the only surviving unity ticket—within the Liberal Party this week as the parliament draws closer to the recess.

On 24 November 2007, Australians walked into the ballot boxes around the country and voted to abolish the Liberal Party's unfair Work Choices legislation. There could not have been a clearer mandate for a government to act. Today, the Senate is debating the legislation to end Work Choices. Those opposite, Liberals and Nationals, cannot make up their minds. They are split between the two enduring factions: the purists and the pretenders—the purists, who want to go out there and declare what they actually believe, which is that Work Choices should be the nation's legislation for our workplaces for the future, and the pretenders, who seek to push that to one side in order to take the political pain for themselves away for a season at least.

It is now almost 500 days since Australian voters decisively rejected an industrial relations system that bent all the rules in the system away from the interests of workers and

in the direction of employers. That system was wrong. They got the balance wrong. We went to the people last time around and said we would get the balance right through our approach to industrial relations. We put that to the people in great detail. The people voted for it. Yet those opposite continue to frustrate these measures in the Senate.

Australians voted for a fair and balanced industrial relations system. They voted for a system that builds a strong safety net. They voted for a system that gives employees a right to bargain with the employer. They voted for a system that protects them from being unfairly sacked. These are the key elements of the system which we seek to replace Work Choices with but, 500 days later, those opposite continue to deny the mandate given to this government to bring about this change.

Again we see these tensions on the part of those opposite in the public debate today. We have the Leader of the Opposition this morning on radio still threatening to vote to keep Work Choices alive. Honourable members might appreciate what he actually had to say:

> If Julia Gillard is so stubborn that she is not prepared to give any ground then she may not get her bill through the Senate and it may not be passed at all.

That is kind of the pretend position. But, if you want some purity, of course, you have to go to the member for Warringah. He chipped in on Sky this morning—onya, Tone!—and said:

> If all of our amendments are scorned by the government, we will be against the bill.

And of course we know where the other pretender, the member for Higgins, stands on this. He says:

> If the bill is not changed in these essential respects, then the Liberal Party and the National Party should vote it down.

They are the positions on offer on the part of those opposite.

What we know for a fact is this: when the member for Higgins replaces the member for Wentworth as the Leader of the Opposition, it will be like Frankenstein having the electrodes reconnected as far as Work Choices is concerned. That is what is going to happen. It is in the Liberal Party's DNA. It is doubly in the DNA of the member for Higgins—we all know that and he still says that publicly. But there they will be, putting the old electrodes onto the Work Choices system again—if they get the chance, back in government—to bring it back to life. That is what it is all about.

What the Australian people will be carefully reflecting on in the coming debates is that, when the member for Higgins replaces the member for Wentworth—and it is a matter of time, not a matter of 'if'—as the Leader of the Opposition, the agenda on Work Choices will be clear. The purists will have replaced the pretenders, and the agenda for actually bringing back Work Choices will be there for all to see.

But what about the 11 million Australian workers who are the direct recipients of the rough justice that will be delivered by Work Choices? What will happen to them? As they engage in their internal political debate—Higgins versus Wentworth, Wentworth versus Higgins—not a passing thought is given to those workers and their desire for some basic protection and a basic safety net in the period going forward. The most basic interest they have right now is this: a basic right to ensure that they at least have protection when it comes to redundancy. Those opposite, in Work Choices, stripped that away and that is the system which those opposite wish to re-establish and replace as the industrial relations system for the future. The former 'Minister for Work Choices', the current

shadow Treasurer, knows that to be absolutely true, as the pretenders once again try to cover up for the purists and pretend that that was somehow not part of the Work Choices regime.

What I cannot understand in this entire debate is how the Leader of the Opposition could stand up, only a few months ago, and say that Work Choices was dead. How could standing up and saying that, and the shenanigans currently underway in the Senate and prospectively in the House, be in any way consistent? Consistency is what people expect in our national political life. Instead they have an epistle of opportunism on the part of the Leader of the Opposition.

Then on the question of unfair dismissal he says clearly, in black and white, that the government has a mandate when it comes to our proposals on unfair dismissal. Yet what they now seek to do in the Senate is to undermine those very proposals. We have a consistent approach on this. What we have on the part of the Leader of the Opposition—the temporary Leader of the Opposition, the current Leader of the Opposition—is one thing writ large: opportunism, opportunism and opportunism squared. People in this country expect some decency—

*Opposition members interjecting—*

**Mr RUDD**—The Leader of the Opposition says we are so hopeless on this, on industrial relations. I would say to him, as he rises to address the television cameras next time, I suppose, rather than—

*Opposition members interjecting—*

**Mr RUDD**—I do not know if those opposite have noticed this but, whenever he asks a question, he does not actually ask it of us; he asks it of the camera. But that is just something to note on the way through.

What we know about this Leader of the Opposition is that, on every thread of consistency, he has been demolished on the industrial relations debate. The member for Bradfield stuck hard to the position—the right-wing position of the Liberal Party—both internally and in his external declarations. He was a purist. He remains a purist. And he was replaced by the supreme pretender.

**Economy**

**Mr HOCKEY** (3.00 pm)—My question is to the Treasurer. I refer to the fact that the Australian government is now borrowing money from investors at up to 6½ per cent per annum, government guaranteed for four years. Treasurer, how can small businesses, or anyone else for that matter, borrow money when the government is offering such generous terms to lenders? Isn't the government making a bad situation worse for anyone who wants to borrow money, because this government is borrowing money for a spending spree that increases the risk of a Rudd recession?

**Mr SWAN**—The opposition do live in a parallel universe, they really do. They come in here and pretend that there has been no substantial revenue write-down and that the global financial crisis has had no impact on the bottom line of the budget, when the truth is that budget revenues have been written down by $115 billion. Of course, they quietly do admit in the corridors that they would have to borrow because of that write-down. They do admit that. If they did not borrow, what would they do? They would either have to cut spending savagely or put up taxes massively. What the government is doing is the responsible thing. It is the responsible thing to have a temporary deficit and to borrow for economic stimulus. Every responsible and respected body in the world recognises that in these circumstances, as I described before, it is responsible to borrow to stimulate the economy when demand is suf-

fering such a sharp shock. That is the situation.

The member seeks to claim that there is some crowding-out effect going on because we are borrowing to cover the loss in revenue and to stimulate the economy. There is not a shred of evidence of that at all. I can cite the Governor of the Reserve Bank or the Deputy-Governor of the Reserve Bank as the authority for that because it was said at the parliamentary committee, which the member himself attended. He is seeking to assert there is some crowding-out effect going on and the consequence of that is that interest rates are higher for domestic borrowers than they would otherwise be. This is a bit rich coming from those opposite who gave the country 10 interest rate rises in a row. This is a bit rich. They gave us 10 interest rate rises in a row on the back of a spending spree in the middle of a mining boom, and during the middle of all that they could not find the money to invest in infrastructure and education. They have no qualifications to be making the sorts of assessments that are being put forward by the shadow Treasurer. I know he was on the phone the other day seeking to speak to Treasury officials about borrowing. If he really got the good oil, he would have found out that the assertion he just made is ridiculous.

**Workplace Relations**

**Mr SIDEBOTTOM** (3.03 pm)—My question is to the Minister for Education, the Minister for Employment and Workplace Relations and the Minister for Social Inclusion. Would the Deputy Prime Minister detail the protections offered for working Australians under the government's Fair Work Bill and specifically the arrangements for protection against unfair dismissal? What impact do specific variations to key measures have on working Australians?

**Ms GILLARD**—I thank the member for Braddon for his question. I know that he wants to see fairness for Australian workers in his electorate. As members of this House would now be aware, the Senate is considering the Fair Work Bill—working through it amendment by amendment. But as members of this parliament would also be aware, the key debate emerging in the Fair Work Bill is the debate caused by the Liberal Party around unfair dismissal provisions. Let us be very clear about this. In 2007, the Labor Party took to the election a crystal clear policy about unfair dismissals—published, circulated, crystal clear—and that policy said:

A Rudd Labor Government will introduce a simple system for determining who can bring an unfair dismissal claim based on three circumstances:

- an employee who is employed by an employer who employs 15 or more employees must have been employed for 6 months;
- an employee who is employed by an employer who employs fewer than 15 employees must have been employed for 12 months;

That is crystal clear policy and the policy that was in our election policy Forward with Fairness. As the Liberal Party twist and turn to try and clutch onto Work Choices and its continuation, the Liberal Party are contesting the ability of the Rudd Labor government to honour its promise to the Australian people. Extraordinarily, today, we have seen the Liberal leader in the Senate suggest that, really, this all does not matter very much, that if the parliament adopted the Liberal Party's amendment it would not matter very much. I quote the Liberal leader in the Senate, 'Those extra five employees, I do not think will make much difference in the minds of fair thinking Australians.' That is what he had to say. When it comes to the Liberal Party, never watch what they say, always watch what they do. Earlier this week, I exposed in this parliament the planned Liberal

Party redundancy rip-off, where they had put forward amendments in the Senate which, if adopted, would have ripped redundancy rights off 200,000 working Australians—a rip-off of 200,000 working Australians that the Liberal Party cooked up this week.

On the amendments that they have cooked up on unfair dismissal, as they twist and turn to keep Work Choices, let's just be very clear about what this difference means. I am advised that we are talking about a difference for 700,000 employees—700,000 employees that the Liberal Party amendment would make a difference for in terms of their rights on unfair dismissal. So, when you are listening to the Liberal Party, never listen to what they say, because telling the Australian people the truth about workplace relations is something they have never done; look for the facts. The facts are: what they are proposing in the Senate would change arrangements as proposed by the Labor Party for 700,000 working Australians. Well, we will not let them rip Australians off from opposition the way they ripped Australians off from government. We will not let them do that. The party of rip-offs in government is becoming the party of rip-offs in opposition. We will not let them do it.

As the Prime Minister says, as they embrace Work Choices, as they revel in the rip-offs, the Liberal Party are divided between the purists, who were out loud and proud as Work Choices supporters, and the pretenders. Of course, we know the member for Goldstein is one of the purists, because he was out today and, in relation to the Fair Work Bill, he said, 'All of these initiatives that go beyond Work Choices are all things to increase the power of the unions, and it is unacceptable.'

**Ms Julie Bishop**—That's right.

**Ms GILLARD**—The Deputy Leader of the Opposition shouts, 'That's right.' So the Deputy Leader of the Opposition has just verified in the parliament that the Liberal Party are opposed to any initiative that goes beyond Work Choices. I thank the Deputy Leader of the Opposition for confirming in the parliament today that they do not want to see any modicum of fairness; they want to stick with Work Choices. She, I acknowledge, is a purist.

Then, of course, we have seen some of the pretenders out and about today. Most particularly, we have seen the shadow minister for finance, Senator Coonan. She is a pretender. She said, 'We have said all along that we recognise the government's mandate,' while she walks in and out of the Senate voting on amendments that are purpose designed to deny that mandate and keep Work Choices.

But let's come to the biggest pretender of them all, the Leader of the Opposition, who now faces a fundamental question of character as this parliament deals with the Fair Work Bill, because this is about the rights of working Australians. It is about whether the Liberal Party are out there publicly, loudly endorsing Work Choices or whether they are scurrying around quietly supporting it. But it has also become a test of the honesty of the Leader of the Opposition, a question of character for him, because last December he said: 'Labor took a proposal to change the unfair dismissal laws to the election and won, so we must respect that.' Having uttered those words, there are only two choices for the Leader of the Opposition: he can stand up and say, 'In December I did not tell the Australian people the truth because I am not a man who tells the truth,' or he can ensure that the Liberal Party in the Senate vote as he instructed them to vote last December. There are only two choices here for the Leader of the Opposition: he can expose himself to the Australian people as a dishonest man or he can instruct his senators to vote for the Fair

Work Bill. We wait to see what choice he is going to make.

### Employment

**Mr TURNBULL** (3.10 pm)—My question is to the Prime Minister. I refer to the evidence that has emerged this week that the Prime Minister's flawed emissions trading scheme will destroy thousands of jobs across Australia in the energy sector while doing little or nothing to protect the environment. Hasn't the Prime Minister made matters worse by rushing a flawed emissions trading scheme, which will only destroy jobs and increase the risk of a Rudd recession?

**Mr RUDD**—I thank the Leader of the Opposition for his question, because it is almost parallel to the point I was making before about Work Choices and the division between the purists and the pretenders.

**Mr Pyne**—That's got nothing to do with it.

**Mr RUDD**—No, it is highly relevant to the question that has just been asked, because on the question of jobs and Work Choices, which extends right across the employment market, we had the purist, the member for Bradfield, unseated by the pretender, the member for Wentworth—and we can see where they now stand on Work Choices—and on emissions trading the same thing, because the Leader of the Opposition sought to unseat—

**Mr Hockey**—Mr Speaker, I raise a point of order on relevance. It is a question about the emissions trading scheme and jobs.

**The SPEAKER**—The Prime Minister is responding to the question.

**Mr RUDD**—On the question of emissions trading, when the member for Wentworth was seeking to unseat the member for Bradfield as Leader of the Opposition, he did so on the basis of saying he was going to be green on the question of emissions trading.

**The SPEAKER**—The Leader of the Opposition on the point of order?

**Mr Turnbull**—Mr Speaker, I seek leave to move a motion of censure against the Prime Minister.

Leave not granted.

### PRIME MINISTER

### Suspension of Standing and Sessional Orders

**Mr TURNBULL** (Wentworth—Leader of the Opposition) (3.12 pm)—I move:

That so much of the standing and sessional orders be suspended as would prevent the Leader of the Opposition moving immediately—That this House censures the Prime Minister for his Government's incompetent management of Australia's economy which has delivered a trifecta of higher unemployment, higher government debt and more strikes, greatly increasing the risk of a Rudd Recession, and, in particular, for recklessly:

(1) delivering a failed stimulus package, squandering a $22 billion Budget surplus and burdening future generations with a $226 billion debt;

(2) sacrificing jobs by pandering to union demands for a re-regulated industrial relations system;

(3) proposing a bureaucratic, costly and jobs destroying Emissions Trading Scheme that will fail the economy and the environment;

(4) ignoring the interests of Australian workers by not modelling the employment impact of its misguided policies;

(5) increasing Australia's skilled migration intake by 20 per cent in 2008 despite the slowing global economy;

(6) borrowing money to fund cash hand outs, diminishing the resources available for critical government spending on services such as pensions and health care; and

(7) rejecting alternative views or proposals and arrogantly pursuing policies that are making a difficult economic situation much worse.

The Prime Minister seeks to be the teflon man of Australian politics. He wants to be

the blameless one. He wants to have no blame, no responsibility. The truth is that every step you have taken—

*Ms Gillard interjecting—*

**Mr TURNBULL**—and you too. Every step you have taken has made things worse. Your incompetence is a disgrace. You talk about living in a parallel universe. They talk about parallel universes. Let me say, Mr Speaker, that last year, while the subprime crisis loomed and while credit was tightening around the world, this pack of incompetents talked up inflation and talked up interest rates.

*Mr Swan interjecting—*

**Mr TURNBULL**—Ah, yes, you did. I see the Treasurer interjecting there. The Treasurer is to economics what the Prime Minister is to public speaking. They are hopelessly incompetent, disgracing both professions. The reality is that last year they made a difficult situation worse. Australian businesses were pressured by higher interest rates that they did not deserve, that they did not need and that were matched in no other country. Why? Because the government had, and always has had, a political agenda. This is a government driven by politics and driven by ideology. It does not care about the economic results of its policies; it is only interested in the spin. So politics trumped economics in 2008. Politics trumped economics when the government went for an unlimited bank deposit guarantee.

The government talk about their motor vehicle finance special vehicle, which has not yet advanced any money at all, for a motor vehicle industry that is floundering because their incompetent management of the bank deposit guarantee resulted in finance companies being starved of cash. They ignored the advice of the Reserve Bank. The Reserve Bank said, 'It needs a cap, and the lower the better.' They ignored it, until finally they brought it down to a million dollars, the highest in the world. It used to be even higher, of course.

Then we have had the cash splashes, which we were told were going to give an adrenalin shot to the Australian economy, and all we get is reports of higher sales of plasmas. This is what—some retail commitment of the Prime Minister? We keep losing jobs. We are losing jobs every month. Economic growth is going backwards, and all we get from the government is more debt. They are indeed addicted to debt and, like most addicts, they do not understand the gravity of the addiction they are under, because the government can argue that this or that policy they have today may provide some economic benefit—they can try and make a case there; all the evidence is against them—but the one thing we all know is that higher debt means higher interest rates and higher taxes.

They are throwing Australians out of work with misguided policies. We have heard that from one energy company after another this week—thousands of jobs for no environmental gain. Sheer incompetence! Who could be so incompetent as to design an emissions trading scheme that destroys Australian jobs, that damages the economy and that does nothing for the environment, exporting thousands of jobs overseas? We have evidence from Xstrata, Envirogen and one company after another complaining about the jobs they are going to lose and the billions of dollars of investment that will not go ahead. And what do we get from the Prime Minister? Just rhetoric and ideology. His essay in the *Monthly* about neoliberalism sums it up. He talks about being in a parallel universe. He is in a universe of his own with Hugo Chavez, waging a two-man campaign against neoliberalism. He is not even in the same universe as his Deputy Prime Minister. The Prime Minister claims that our financial system was undermined by neoliberal policies

of the previous government, yet the Deputy Prime Minister here goes to Davos and says our financial and prudential regulatory system is 'better than world class'. Who put it in place? We put it in place, not you. The people you excoriate put in place a system you say is better than world class.

But what we are losing today is jobs. We have a government that are not prepared to invest in jobs. There have been $23 billion of cash splashes: first, nearly $10 billion in December. We have the evidence of that. We know that 80 per cent of it was saved. We know that it had no impact on economic activity. We know that, far from creating 75,000 jobs, it created not one. We know that it was a flop. It was, as one economist wrote, not so much a bang for the taxpayers' buck but simply a 'dull thud'. But then, having failed once, the government backed the truck up with the credit card of our kids and borrowed another $13 billion and did it all over again. Now we see that there is not enough money to fund the infrastructure they claim to be so committed to, because they have spent it. They have spent the money. The big infrastructure fund of which they were so proud has no money in it because they have been spending the money on one poorly conceived venture after another. And they have the gall to stand here and say we propose nothing in reply! We proposed a scheme—a policy; a stimulus package—that would have created jobs, that would have created more economic activity and that would have given real support to small business. We proposed measures that were responsible, that were economically beneficial and that would have created jobs. Instead we have simply had a spendathon from the government.

Now we have the spectre of Ruddbank. Talk about a dog returning to its vomit! The Labor Party goes back to the failures of the past. It goes back to Tricontinental, WA Inc. and the State Bank of South Australia—all of those great examples of Labor banking. It goes all the way back to Brian Burke. Yesterday we saw the Treasurer, sight unseen, endorsing the Vision property project in Brisbane as being suitable for Ruddbank to finance. Let us see what Robert Harley wrote in today's *Financial Review*:

> If Swan has become the arbiter of what is or is not "viable", this industry is in worse shape than I thought.
>
> And his first call was a doozy. The Vision proposal—Brisbane's highest at 79 levels—has been a marginal project for years, even in the good times. No one was surprised when, in November last year, one offshore funder got cold feet and the developer, Austcorp, deferred.

That is what we will see. They have walked in there, like the mugs they are, ready with the taxpayers' chequebook to sign up to take over one dud loan after another—one poor investment after another. And, as Labor governments have always done, they will say, 'We're supporting the economy; we're supporting jobs.' That is what Tim Marcus Clarke said. That is what they said in Victoria. That is what Cain and Kerner said. That is what Brian Burke said. They have always got the same mantra. They talk about jobs while they destroy them. They are addicted to debt, and that debt will slow our recovery. It will mean higher taxes and higher interest rates for years—perhaps generations—into the future. *(Time expired)*

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

**Mr HOCKEY** (North Sydney (3.22 pm)—I second the motion. This government is accruing debt at over $2 billion a week, and the majority of that money is being borrowed from overseas. Now is the time to ask questions about exactly what the Rudd government have done to make a bad situation even worse. Why did they take a position where they ran a campaign against inflation, at a time when exactly the opposite tack

should have been taken? They should have been talking down the impact of inflation, maintaining growth in the Australian economy and becoming aware of exactly what the impacts would be on the Australian people of a looming financial crisis.

As the Prime Minister scurries out the door to run away from what is a significant debate about the state of the Australian economy, we say this: we are opposed to increasing debt beyond the capacity of the next generation. We are opposed to increasing taxes beyond the capacity of the next generation. We do not want to see our children without jobs; we want to see our children with jobs—real jobs, innovative jobs. We want to see our economy grow. We do not want to see a return to the bad old days of Labor—Labor with state banks. What a toxic cocktail: a Labor party member and a banker! What a cocktail that is! What an unholy relationship—a bit like Elizabeth Taylor going back to Richard Burton once again. That is what it is about: the Labor Party and bankers.

If there has been any lesson learnt over the last 30 years in Australia it is that governments should not be involved in banking. When the state government of New South Wales started peeling the gold-leaf ceiling off the corridors of the State Bank of New South Wales—put there by Nick Whitlam—the taxpayers of New South Wales said, 'The only saving grace is the fact that we did not go down the path of Victoria, South Australia and Western Australia.' Yet the Labor Party today are seeking to reintroduce legislation to once again burden the taxpayers of Australia with bad debts and bad projects involving property developers.

The government have a problem. The problem is that they have committed to a limit of two per cent real growth in budget expenditure; yet their own budget papers last year indicate that, in the major areas of expenditure—welfare, health, education and defence—committed expenditure is beyond two per cent over the forward estimates. Their commitment to a two per cent limit on an increase in expenditure does not take into account the fact that they are going to have to pay the interest on all the money they are borrowing today. It does not take into account the fact that the population is growing. It does not take into account the fact that, if we are going to build the infrastructure necessary to improve productivity in this nation over the next 10, 20 and 30 years, it will require investment.

But what the Rudd Labor government are leaving us with and leaving our children with is an impossible debt to repay. They are leaving our children with the highest taxes that a generation of Australians will ever face. And that does not even take into account the structural deficit that our nation is facing, as identified in the *Intergenerational report*. We are facing significant challenges in Australia—not just today, but tomorrow and beyond. Today the Rudd government are focused on politics. Today the Rudd government react to the latest initiative occurring overseas. We have heard Kevin Rudd, the Prime Minister, lecture the world on a whole range of things over the last 15 months. He told the world that it was warming. The world really listened to that! He told the world that nuclear nonproliferation should be the main game. He told the world that he had a solution to the global financial crisis. And do you know what? He is going to go to Copenhagen and he will have nothing. He cannot even deliver a five per cent ETS to show off to the rest of the world. He is going to be embarrassed. But the people who will pay the price for all of the Rudd government embarrassments are the next generation of Australians. We stand up for the children of Australia. The Rudd government deny them a future.

**Mr ALBANESE** (Grayndler—Leader of the House) (3.27 pm)—The only person in this chamber watching when the Leader of the Opposition rose to move his censure motion today was the member for Higgins. He was the only one who was smiling. What we have seen today with this weak censure motion is the last refuge of a dying Leader of the Opposition. We saw the same thing from the member for Bradfield as he was going out the door.

We saw the opposition come in with pre-prepared censure motions, typed out in great detail and signed in advance, regardless of what happened on the floor of this chamber. I have sat on the tactics committee of the great Australian Labor Party for many years in this parliament, and not once did we make a pre-decision that, regardless of what happened on the floor of the chamber, we would move a censure motion such as they did today. It is all they have left. Because of the inconsistency this week of their discredited, disorganised Leader of the Opposition, they have absolutely nothing left.

We saw it on the doors this morning when the Leader of the Opposition continued to say one thing on issues and say another thing later on. This morning he was interviewed on Alan Jones's program on 2GB, and he was asked about the position on Work Choices. What he said is a damning indictment of him as a person and the Liberal Party as an organisation. He was asked, 'You said that the government had a mandate to get rid of Work Choices and therefore you wouldn't be opposing the legislation?' This was the response—and the member for Bradfield should listen to this:

> Well Alan I—can I just cut you off there—let's get the history straight here. The person who said WorkChoices was dead was Brendan Nelson after the election.

The only job that the Leader of the Opposition is concerned about is his own. He is prepared to roll back the clock and defend Work Choices in spite of the fact that he indicated that we had a very clear mandate after the election campaign.

They come into this chamber and they talk about jobs. The fact is that they are pleased when there are any job losses. They are a cheer squad for downturn in economic activity, because they would rather see the country fail than the government succeed. And the most obscene example of that comes from the member for Goldstein. The member for Goldstein and the member for Flinders have both recently said that Sun Metals Zinc Refinery in Townsville would shut down under a CPRS. The member for Goldstein, in a media release on 17 March, said:

> … it will … be made uncompetitive if Mr Rudd's emissions trading scheme is allowed to go ahead as planned next year.

On *Lateline*, on 13 March, the member for Flinders said, 'They will probably move straight to China.' But yesterday a spokesperson for Sun Metals told the *Australian* the opposite: 'I don't know why Mr Robb would say these things.' He also said:

> We had a meeting with … Mr Greg Hunt three or four months ago and at that time there was no emissions-intensive assistance for zinc, but since then we have made significant progress and we will now get significant compensation, so I can say for sure there is no way we will shut down …

Everyone on this side of the House thinks that is good news; those on the other side of the House are opposed to it. Their inconsistency is mind-boggling. We have had questions today about the CPRS. The Leader of the Opposition, though, said on 21 May:

> The Emissions Trading Scheme is the central mechanism to decarbonise our economy.

It is 10 years to the day, 19 March 1999, when the Australian Greenhouse Office re-

leased its first discussion paper on national emissions trading. Yet, for eight years after that was released the opposition did absolutely nothing, because they were dominated by the climate change sceptics. And that is exactly what they would do were they to come back into office today.

We have also heard some extraordinary comments about infrastructure. We know for a fact that, when it comes to infrastructure, the opposition simply does not support national action. The Leader of the Opposition has consistently opposed every one of the projects and every one of the interventions that we have put up here. Two-thirds of the $42 billion Nation Building and Jobs Plan is about infrastructure. It is the largest ever spend on education infrastructure, on every primary school, in our nation's history, yet members of parliament are coming into this House and actually being critical of members who have been out there supporting this plan.

The fact is that whether it is jobs, whether it is nation building, whether it is action on climate change, or whether it is action to address the tragedy of alcopops and the impact it is having particularly on young women, those opposite simply fail to act. They are obsessed by one issue and one issue only. The issue that they are obsessed by is simply the job of the Leader of the Opposition. When it comes to the need to provide leadership to the nation, they are not concerned about that. It is all about their internals. We saw it again today, with this suspension motion. We saw it when they came in here with suspension motions in their back pockets—probably 20 of them written by the 20 members of the tactics committee, each with a different idea to put forward—because they simply do not have the interests of the nation at heart. We have seen it with regard to their attitude towards ABIP.

Every single advanced economy in the world has had to intervene to take action to give support to the finance sector due to the global recession—every single economy in the world. But those opposite think that we should just sit back and watch and let the market rip, because when it comes down to it they are stuck in the ideology of the past: Work Choices, no action on climate change, letting free markets rip, and yet they have the hide to come into this House and ask some extraordinary questions. Today they asked about the spending in terms of the stimulus package. Every time that they do that, what they are saying is that we should not have given money to pensioners, we should not have given money to carers, we should not have given money to veterans, we should not have given money to support low-income families.

I contrast that with the fact that they are prepared to give $1.6 billion to the big distillers who run the alcopops industry. It is an absolutely extraordinary position, but it is consistent with one thing, and that is that they have opposed every single major measure of this government: getting rid of Work Choices, taking action on climate change, providing support to make sure our financial system stays intact, making sure that we have stimulus, building on infrastructure—all of these programs have been opposed by those opposite and they stand condemned.

**The SPEAKER**—Order! The honourable member's time has expired. The question is that the motion for the suspension of standing and sessional orders moved by the Leader of the Opposition be agreed to.

Question put.

The House divided. [3.42 pm]

(The Speaker—Mr Harry Jenkins)

| | |
|---|---|
| Ayes…… | 60 |
| Noes…… | 77 |
| Majority…… | 17 |

AYES

| | |
|---|---|
| Abbott, A.J. | Andrews, K.J. |
| Bailey, F.E. | Baldwin, R.C. |
| Billson, B.F. | Bishop, B.K. |
| Bishop, J.I. | Briggs, J.E. |
| Broadbent, R. | Chester, D. |
| Ciobo, S.M. | Cobb, J.K. |
| Costello, P.H. | Coulton, M. |
| Dutton, P.C. | Farmer, P.F. |
| Forrest, J.A. | Gash, J. |
| Georgiou, P. | Haase, B.W. |
| Hartsuyker, L. | Hawke, A. |
| Hawker, D.P.M. | Hockey, J.B. |
| Hull, K.E. * | Hunt, G.A. |
| Irons, S.J. | Jensen, D. |
| Johnson, M.A. * | Keenan, M. |
| Laming, A. | Ley, S.P. |
| Macfarlane, I.E. | Marino, N.B. |
| May, M.A. | Mirabella, S. |
| Morrison, S.J. | Moylan, J.E. |
| Neville, P.C. | Pearce, C.J. |
| Pyne, C. | Ramsey, R. |
| Randall, D.J. | Robb, A. |
| Robert, S.R. | Ruddock, P.M. |
| Schultz, A. | Scott, B.C. |
| Secker, P.D. | Simpkins, L. |
| Slipper, P.N. | Smith, A.D.H. |
| Somlyay, A.M. | Southcott, A.J. |
| Stone, S.N. | Truss, W.E. |
| Turnbull, M. | Vale, D.S. |
| Washer, M.J. | Wood, J. |

NOES

| | |
|---|---|
| Adams, D.G.H. | Albanese, A.N. |
| Bevis, A.R. | Bidgood, J. |
| Bird, S. | Bowen, C. |
| Bradbury, D.J. | Burke, A.E. |
| Burke, A.S. | Butler, M.C. |
| Campbell, J. | Champion, N. |
| Cheeseman, D.L. | Clare, J.D. |
| Collins, J.M. | Combet, G. |
| Crean, S.F. | D'Ath, Y.M. |
| Danby, M. | Debus, B. |
| Dreyfus, M.A. | Elliot, J. |
| Ellis, A.L. | Emerson, C.A. |
| Ferguson, L.D.T. | Ferguson, M.J. |
| Fitzgibbon, J.A. | Garrett, P. |
| Georganas, S. | George, J. |
| Gibbons, S.W. | Gillard, J.E. |
| Gray, G. | Grierson, S.J. |
| Griffin, A.P. | Hale, D.F. |
| Hall, J.G. * | Hayes, C.P. * |
| Irwin, J. | Jackson, S.M. |
| Kelly, M.J. | Kerr, D.J.C. |
| King, C.F. | Livermore, K.F. |
| Macklin, J.L. | Marles, R.D. |
| McClelland, R.B. | McKew, M. |
| McMullan, R.F. | Melham, D. |
| Murphy, J. | Neumann, S.K. |
| O'Connor, B.P. | Owens, J. |
| Parke, M. | Perrett, G.D. |
| Price, L.R.S. | Raguse, B.B. |
| Rea, K.M. | Ripoll, B.F. |
| Rishworth, A.L. | Roxon, N.L. |
| Rudd, K.M. | Saffin, J.A. |
| Shorten, W.R. | Sidebottom, S. |
| Smith, S.F. | Snowdon, W.E. |
| Sullivan, J. | Swan, W.M. |
| Symon, M. | Tanner, L. |
| Thomson, C. | Thomson, K.J. |
| Trevor, C. | Vamvakinou, M. |
| Zappia, A. | |

* denotes teller

Question negatived.

## QUESTIONS WITHOUT NOTICE

### Workplace Relations

**Mr SULLIVAN** (3.46 pm)—My question is to the Minister for Education, Minister for Employment and Workplace Relations and Minister for Social Inclusion. I refer the Deputy Prime Minister to a recent Auditor-General's report that discusses the previous government's marketing of workplace relations reform. Are there elements of campaigns in the minister's portfolio that are instructive for the portfolio's operations in the future? Are there examples of purchasing practice within the portfolio that relate to government commitments to workplace relations reform?

**Ms GILLARD**—I thank the member for Longman for his question. The substantial question that is now raised in this parliament as it deals with the Fair Work Bill is a question about the character of the Leader of the Opposition, what his word to the Australian people is worth. On the question of whether the word of the Leader of the Opposition is worth anything, the signs are not very good. We know from last December he gave his word to the Australian people, in a very instructive and discursive interview with Dennis Shanahan of the *Australian*, when he said:

> Our principles are enduring, but we must frame our policies in the light of changing circumstances and, most importantly, in the light of the judgement of the people delivered at the election—which we heard loud and clear.

Those are the words of the Leader of the Opposition. I am going to concede to the House that he was trying to make a point. He went on to say:

> So while I believe—as would most economists—

I do not agree with him on that but it is his quote—

> that unfair dismissal laws add to the cost of employing people, nonetheless Labor took a proposal to change the unfair dismissal laws to the election and won.
>
> So we must respect that.

Those are the words of the Leader of the Opposition. Are those words worth anything? On the question of whether the words of the Leader of the Opposition are worth anything, I would refer the House to an interview with Alan Jones today. It is very instructive. Mr Jones put to the Leader of the Opposition a proposition about Work Choices, and Mr Turnbull said in response, 'The person who said Work Choices was dead was Brendan Nelson.' That is very interesting, isn't it? Because I have a transcript from the Leader of the Opposition as recent as 5 March in which he said:

> Work Choices is dead. We accepted the verdict of the people at the last election.

At some point in all this opportunism, in all this twisting and turning, in all these statements to the Australian people, the Leader of the Opposition is going to run out of rope and he is going to have to declare his hand and make a decision—and that point is coming in the Senate later today. The Leader of the Opposition will be exposed as a man in the embrace of Work Choices if his senators vote against the Fair Work Bill, and he will be exposed as a man whose word is worth nothing. This is now a question of character for the Leader of the Opposition.

On the question of character and lack of honesty and the lack of principles of the Liberal Party in relation to Work Choices, I would refer members in the House to a recent report of the Auditor-General. It is very instructive. The Auditor-General's recent audit report No. 24: *The Administration of contracting arrangements in relation to government advertising November 2007* audited two separate Work Choices campaigns—one for more than $49 million in 2005 and one for more than $63 million in 2007. They worked their way through the probity arrangements in relation to these campaigns.

*Opposition members interjecting—*

**Ms GILLARD**—They do not like talking about honesty; I understand that.

**Mr Hunt**—Mr Speaker, I rise on a point of order on relevance. She is proposing to spend $24 million on advertising—

**The SPEAKER**—Order! The member for Flinders will leave the chamber under 94(a) for one hour.

*The member for Flinders then left the chamber*

*Opposition members interjecting—*

**The SPEAKER**—Order! I simply say to those on my left (a) it is not quite Christmas and (b) it is not close enough to Easter.

**Ms GILLARD**—This audit report deals with the shadowy work of the Ministerial Committee on Government Communications in relation to the Work Choices advertising campaign. The report finds things that it says are deeply disturbing, including the following: contracts not signed prior to work commencing, budgets blown out by huge amounts without authorisation, poor documentation and sometimes no documentation.

Then this audit report reveals the Liberal Party all-stars being involved in this campaign—Liberal Party connections such as Dewey & Horton and Brandmark all receiving substantial contracts through deeply flawed processes. The report says:

> As the contract with Dewey & Horton was not finalised until after the completion of all major elements of the campaign, the contract manager could not have been certain of the requirements of the sub-contracting regime that could be included in that contract.

All the work is done and then the contract is finalised—you know, a mates' arrangement, Liberal Party all-stars: the values of the Liberal Party on display. The report goes on to state:

> Where decisions were made by the Ministerial Committee on Government Communications to engage consultants, the successful consultants were advised immediately by the committee or, alternatively, by the Government Communications Unit shortly after. In reality this practice resulted in the creation of contractual arrangements between the department and the successful tenderer.

The report goes on to complain about 'no documented assessment of proposals or short lists of tenderers'. It goes on to complain that:

> A selection process was completed and a letter of engagement issued by the department within 10 hours of the portfolio's minister's office requesting the department—

*Mr Hockey interjecting—*

**Ms GILLARD**—Yes, it is about your track record, Joe, and it is a shadowy one. What we know from this Auditor-General's report and what we know from the conduct of the Leader of the Opposition is that honesty and the Liberal Party do not belong in the same sentence, particularly when one is talking about workplace relations. We know that with taxpayers' money, through this shadowy process, they paid for all this propaganda before the election. But, despite all of the mouse pads and all of the pens, they did not convince the Australian people of Work Choices. Today is the day to bury Work Choices. We are waiting for the decision of the Leader of the Opposition. We are waiting to see how his senators vote across the way. We are waiting to find out what his word is worth, whether this track record of dishonesty by the Liberal Party is going to continue in relation to Work Choices.

## Nation Building and Jobs Plan

**Mr HAWKE** (3.54 pm)—My question is to the Prime Minister. Can the Prime Minister confirm that the costs of implementing his second stimulus package will total $227 million? Can he also confirm that advertising and communications costs will total $46 million? Can the Prime Minister confirm that, as the country confronts the risk of a Rudd recession, he is making matters worse by spending $273 million on advertising and implementation costs?

**Mr RUDD**—What you love about the opposition's tactics committee is that they never listen to the answer to the previous question, which went to the absolute rorting of government advertising by the previous government. The member for Mitchell should hang his head in shame.

*Opposition members interjecting—*

**The SPEAKER**—Order! Those on my left will come to order.

**Agriculture**

**Mr BIDGOOD** (3.55 pm)—My question—

*Mr Anthony Smith interjecting—*

**The SPEAKER**—Order! The member for Casey is warned!

**Mr BIDGOOD**—My question is to the Minister for Agriculture, Fisheries and Forestry. What is the government doing to prepare farmers and their communities for the future, and what challenges does the government face in achieving that?

**Mr BURKE**—I thank the member for Dawson for his question. A number of challenges are faced by farmers, including adapting to climate change, dealing with exports and dealing with the challenges for infrastructure—

**Mr John Cobb**—Well, you're not helping them deal with exports!

**Mr BURKE**—Wait till you hear what your leader said. Just wait!

*Mr John Cobb interjecting—*

**The SPEAKER**—Order! The member for Calare will stop interjecting. The minister will ignore the interjections.

**Mr BURKE**—I hold the portfolio of fisheries as well, and he takes to the bait! On the issue of climate change, described by the National Farmers Federation as perhaps the biggest challenge facing agriculture in Australia, the government has provided a clear pathway through on Australia's farming future, making sure that, through research and development, farmers are being given a way of interacting and being part of the process in reducing emissions, while still improving their own productivity. At the same time, from those opposite we face the challenge of working out 'Is there bipartisan support or is there not?' as we go through each of these measures. We have calls opposite, from the member for Goldstein and the Leader of the Opposition, for tougher action. We have calls for weaker action—from the member from Goldstein and the Leader of the Opposition. We also have calls from the shadow minister for agriculture for no action at all being taken in Australia, and we have calls from the member for Tangney for action instead to be taken in outer space.

They have arrived at a target. Their target is both higher than ours and lower than ours. The answer to how they could arrive at that is quite simple: those opposite have a target that is not a number but a person sitting at the table opposite us. That is the one target that those behind him can agree on.

The hypocrisy, though, does not only go to dealing with climate change. We have it as well on questions that were even asked yesterday, on export subsidies. The shadow minister for agriculture just said on exports: 'Look at what you're doing with the subsidies.' Think of a previous minister for agriculture, who now leads the National Party, who, in a statement, said these words:

> We give a high priority to eliminating domestic and export subsidies, which continue to distort world markets.

He called for the elimination of those very subsidies when he held the same portfolio. That is the Leader of the Nationals.

At the same time, we have the infrastructure issues and the calls that have been made for so long by those opposite. The Leader of the Nationals calls for more money for country schools, and then votes against it. The shadow minister for agriculture calls for more money for farmers, and then votes against it. We have calls for more money for roads, and then they vote against it. The member for Hinkler, who was being very sincere, I think, in his calls for doing some-

thing about level crossings, was then compelled, as a member of the coalition, to vote against that money coming through for level crossings.

Only this morning, Senator Joyce said, 'When he refers to spending, he refers to ridiculous issues such as ceiling insulation, boom gates and sundry payments to sundry people.' Boom gates? What are the boom gates he is referring to if that is not an objection to doing something about level crossings? You can go through the list, electorate by electorate, of the level crossings that have been given boom gates in the state of Queensland for those opposite, including in the electorates of Herbert, Maranoa, Wide Bay and Kennedy. You can go through the country and you can see the popular level crossings that finally something is being done about, only to be consistently opposed by those opposite.

A year ago those opposite were backgrounding against their then leader, claiming that he did not stand for anything. So their new strategy is to stand for everything, no matter how contradictory: take tougher action on climate change, take no action, take action in outer space; yesterday, they were complaining about us keeping their deadline on export subsidies but, in government, they called to eliminate them; they demanded support for country schools, roads and farmers but then vote against those same measures. They are out of ideas, out of touch, out of control.

**Superannuation**

**Dr WASHER** (4.00 pm)—My question is to the Prime Minister. Will the Prime Minister guarantee that the government will not remove concessions on superannuation in the budget?

**Mr RUDD**—The government stands by its pre-election commitments and, as the honourable member for Moore will know, repeating an earlier statement by the member for Higgins on pre-budget speculation, this government will adhere to the conventions that have always been adhered to, which is that we will not be commenting one way or the other on budget processes. But I say for the benefit of the member for Moore that the government stands by its pre-election commitments in relation to superannuation, 100 per cent.

**Economy**

**Mr RAGUSE** (4.01 pm)—My question is to the Assistant Treasurer. Will the Assistant Treasurer inform the House of the importance of the government's plan to support jobs and cushion the impact of the global recession on Australia? What actions and responses threaten the government's economic strategy?

**Mr BOWEN**—I thank the honourable member for his question. At a time when the global recession washes over Australia it is important not only that the government provide leadership but also that the parliament provide leadership to get Australia through these troubled times, and that is what we have been doing, of course, with the Economic Security Strategy and the Nation Building and Jobs Plan to help Australian jobs. And that is what we want to continue to do with the Australian Business Investment Partnership—an initiative in a sector with $150,000 jobs on the line, an initiative the Leader of the Opposition is determined to oppose.

It is one thing when the Leader of the Opposition tries to wreck government policy to save his own job; it is another when he risks the jobs of thousands of other Australians to do so. There is no clearer demonstration of the Leader of the Opposition's approach—which is to say anything but do nothing—than their response to the government's stimulus packages. On 14 October, honour-

able members might recall the Leader of the Opposition setting out the coalition's position on the Economic Security Strategy. He said:

> … we are not going to argue about the composition of the package or quibble about it. It has our support. It will provide a stimulus to the economy, that's for certain.

And honourable members might not recall that he went on to say, 'But in any event, much of it, if not most of it, will be spent.' This is the same Leader of the Opposition who said, on 4 March:

> Now you'll remember that last year we said the cash splash in December would be saved rather than being spent. In other words, it wouldn't be an effective … stimulus.

The same bloke said both things. The Leader of the Opposition is taking the approach that, if you take many positions on every question facing the nation, one of them is bound to be right. That is his approach. And he is also taking to heart the old adage that even a broken clock is right twice a day, and his leadership is certainly broken because he is putting his job in front of the jobs of so many thousands of Australian families.

I am asked about the government's plans to cushion the impact of the global recession on Australia. As well as the initiatives that have been mentioned, it is also important that the government's legislation to crack down on serious cartel conduct pass the parliament. There is plenty of expert commentary to note that, in difficult economic times, cartel conduct increases. Cartels rip off consumers and are unfair to businesses doing the right thing. Can I say, in fairness, how encouraging it has been to hear the support of the opposition. The shadow minister, the member for Cowper—my honourable friend the member for Cowper—indicated support for the government's cartel legislation. He said:

> I believe that if an executive from the big end of town is ripping off the Australian public, he should face the consequences.

And the Liberal senators on the Senate Standing Committee on Economics supported a unanimous report recommending that our bill be passed. So imagine my surprise when I read in the *Financial Review* that an opposition backbencher rose in the Liberal Party room to oppose support for the government's cartel bill, to oppose cracking down on cartels. I am indebted to the *Financial Review* for letting us know it was the member for Higgins. This is a concern, because we all know that, when the member for Higgins talks, the member for Wentworth jumps. We all know that is how it works. We saw that in the jobs and nation building package, we saw it in emissions trading. The Leader of the Opposition needs to assure us that he is not going to let the tail wag the dog this time. Show a bit of leadership and stand up to the member for Higgins and confirm the opposition's support for cartel conduct.

We know from the financial review that the other member to talk in the Liberal Party room against cracking down on cartel conduct was our old friend the member for Mackellar. Perhaps the member for Mackellar used the same argument that she did in the House. That argument was that cartels are not all bad; they help keep the value of diamonds high. Talk about that for being in touch! The Leader of the Opposition needs to stop letting the tail wag the dog. He needs to back the government's commonsense approach and back Australian small business and families. He needs to start putting the interests of Australian workers ahead of his own self-interest.

**Budget**

**Mr CHESTER** (4.06 pm)—My question is to the Prime Minister. Will the Prime Minister guarantee all Australians that the gov-

ernment will not increase existing taxes or impose any new taxes, increased fees, charges or duties of excise in the May budget?

**Mr RUDD**—I say to the honourable member for Gippsland that, as he would know if he paid attention to the government's consistent policy on tax as a proportion of GDP, we will adhere to the promise that we made before the election. Our policy has not changed.

**Nation Building and Jobs Plan**

**Mr TREVOR** (4.07 pm)—My question is to the Prime Minister. Will the Prime Minister outline for the House the impact of the government's Nation Building and Jobs Plan on Australian schools and any threats to the implementation of that plan?

**Mr RUDD**—I thank the member for Flynn for his question. I know he, like other members on this side of the House, is standing up for the delivery of the biggest single school modernisation program in Australia's history—good for education, good for the future of our schools and good for local jobs. That is what this plan has been designed for, not just for our primary schools but also for our secondary schools in terms of the amount of money which has been dedicated to the building of science centres and language centres, as well as what we have done in the National School Pride program, in order to provide support for P&Cs and P&Fs to get on with the essential task of school maintenance.

What the government stands for is a program which delivers funding support to 9½ thousand schools across Australia: in New South Wales, 3,109 schools, $4.3 billion; in Victoria, 2,288 schools, $3.2 billion; in Queensland, 1,713 schools, $3.7 billion; in Western Australia, 1,065 schools, $1.5 billion; in South Australia, 795 schools, $1.2 billion; in Tasmania, 277 schools, $370 million; up in the Territory, 187 schools, $200 million; and, in the ACT, 128 schools, $230 million. We on this side of the chamber are delivering support to schools right across the Australian nation. For me, it defies any understanding as to why those opposite would stand resolutely opposed to delivery of $15 billion to the schools of Australia, both government and non-government, to make sure that we can get out there and support our kids with the infrastructure they need for the 21st century, the best schools possible, as well as supporting local jobs.

The member for Flynn asked me about threats to this program. Of course, the biggest single threat to this program lies in the absolute, total opposition of those opposite. Those opposite are not engaged. As we said earlier in the debate today, they are engaged instead in a parallel universe. Their interest is politics. Their interest is to say that negative economic growth in Australia is the result of the Australian government, not the global recession. Their political agenda is to say that, were they in government, they would not engage in temporary deficit and temporary borrowing—when we know that they would. Their political strategy is to hope like hell the global recession gets worse and the number of unemployed increases so they can then blame the Australian government for that. That in a nutshell is the strategy. That is what they talk about each day in their increasingly well-attended tactics meetings. Honourable members, none of that equals an economic strategy. None of it equals a strategy to support the unemployed. None of it equals a strategy to support our local schools. It is only about supporting the employment of one person—that is, the Leader of the Opposition.

It is not just this Leader of the Opposition who is on this bandwagon. I was reading the other day about the attitude of the Liberal National Party in Queensland. I would like to

know whether the Liberal National Party in Queensland support or oppose the biggest school modernisation program in Queensland's history—1,713 schools in Queensland and $3.7 billion. We know that Mr Turnbull and the Leader of the National Party are opposed to it here in Canberra. I presume the same is the case in Queensland as well. What I cannot understand is what will happen in terms of the maintenance of effort across state and territory governments nationwide. This is an important point. We have said that we will implement this program nationwide if state and territory governments maintain effort—that is, their existing investment program in schools across the country. Instead, the state Liberal National Party in Queensland have said they will pull out $1 billion each year from the Queensland state budget. So where is that going to be dealt? Where is it going to hurt? Who is going to be sacked as a result—which teachers, which nurses and which police? Mr Springborg's campaign in Queensland rests on a $1 billion cut to the state budget, denying that it would result in thousands of job sackings across Queensland, which is an absolute, total untruth.

Mr Springborg, of the Liberal National Party, acting in tandem with those opposite, was asked this question the other day: where is the $1 billion coming from? For the benefit of those opposite, have a little listen to this. The answer from the Liberal National Party leader was: 'I mean, the amounts that are identified, the amounts that, of course, you know, we will be, will be looking at amounts of money which we are going about finding.' That was the definitive budget policy statement of the Leader of the Liberal National Party in Queensland. Joh Bjelke-Petersen has now come back to life in the form of Lawrence Springborg. He is being channelled. I cannot make any sense of that statement. Nobody else can make any sense of that statement. But why is it relevant to our deliberations here? It goes to the maintenance of effort on the part of the Queensland government. Every state and territory government signed up in this place to maintaining state effort. I have heard no such commitment from the Liberal National Party in Queensland. I have heard no such commitment as to whether they actually support this program in the first place. I have heard no explanation as to where the $1 billion that they are going to take out of the state budget is coming from.

I say to those opposite: the nation actually wants us to get on with reducing the impact of the global recession on Australia. The nation wants us to act in a responsible fashion, to build jobs, to build through the modernisation of schools, to get on with the business of building houses needed to bring down homelessness and to invest in energy efficiency in the ceiling insulation of homes right across Australia—building jobs, great for education and great for the future. We are left instead in this question time with the dwindling and pathetic spectacle of a drowning and dying man, the Leader of the Opposition in this place, who, as he struggles and grasps his way towards the winter recess—towards the spring recess; towards the recess through until budget—

**Mr Turnbull**—You don't even know what time of year it is.

**Mr RUDD**—He says I do not know what time of year it is. I would say that the member for Higgins knows what time of year it is—it is the time to roll the Leader of the Opposition. That is the posture on the part of those opposite. As the Leader of the Opposition feels the warm breath of the member for Higgins breathing down his neck, I say to the Leader of the Opposition that there is a core reason why he is in such political strife—that is, a complete lack of consistency all the way

through. Last year he supported economic stimulus—

**Mr Anthony Smith**—Mr Speaker, I raise a point of order, on relevance. We know the Prime Minister can call—

**The SPEAKER**—The member for Casey will resume his seat.

**Mr RUDD**—It is again interesting that the member for Higgins' numbers man actually comes to the dispatch box. There is a core reason why the Leader of the Opposition is in near terminal trouble, and that is because he has no consistency of position. Last year he supported economic stimulus; this year he opposes it. Last year he supported emissions trading; this year he opposes it. Last year he supported the removal of Work Choices; this year he supports the continuation of Work Choices. Is it any wonder that this man's leadership is in terminal trouble? Those opposite know exactly what I am talking about. The internal rabble which now constitutes the once great party of Menzies is there for all to see.

Mr Speaker, I ask that further questions be placed on the *Notice Paper*.

## MS BARBARA BELCHER

**Mr RUDD** (Griffith—Prime Minister) (4.16 pm)—Mr Speaker, on indulgence, for the benefit of all members and particularly those who have served in the previous government, they may be familiar with Ms Barbara Belcher, who worked in the Department of Prime Minister and Cabinet. I would like to make some remarks about Barbara, as she is retiring from the Australian Public Service. Barbara Belcher will be retiring on 8 April 2009 after a career in the APS spanning nearly 44 years, most of it in the Department of Prime Minister and Cabinet. Wouldn't she have seen a thing or two!

There are not many members who have served in this place since it opened in May 1988. Those of you who have will doubtless remember Barbara. Among the various positions she has held, she was the parliamentary liaison officer in the House of Representatives between January 1988 and May 1990, and worked closely with the then Leader of the House, Kim Beazley, and the then Manager of Opposition Business, Wal Fife. She was, incidentally, the first woman to have held that position. Mr Beazley commented that everyone in the parliament knew who the real leader of the house was and therefore had all their conversations with Barbara, which made for more pleasant and more effective discussions than would otherwise have been the case.

In 1999 Barbara was appointed first assistant secretary of the government division of PM&C. In the 10 years that she has been in that position she has developed a reputation for common sense, probity and sound judgment that is, on most assessments, unsurpassed in the Australian Public Service. Prime ministers, ministers and senior officials have sought her views on a range of parliamentary and ethical questions confident in the knowledge that her advice would be well-founded and utterly reliable.

I first met Barbara on the day after the 2007 election when she arrived in Brisbane with the then Secretary of the Department of Prime Minister and Cabinet, Dr Peter Shergold, to present me with the incoming government briefs. Without her efforts, the transition to government would have been much more arduous. I knew at that time that I had met an individual who was in many ways the epitome of the professional Public Servant that I was hoping to find: dedicated, apolitical, knowledgeable, discreet and ready to offer constructive advice. I am sure that my predecessor also held similar views.

Barbara, you are here in the advisers box with us. Can I say to Barbara on behalf of all

members of the government, and I believe all members of the opposition, that this has been a Public Service career which is exemplary—exemplary in its professionalism and in the length of service you have provided the Commonwealth of Australia. For that, the parliament and the government thank you.

**Honourable members**—Hear, hear!

**Mr TURNBULL** (Wentworth—Leader of the Opposition) (4.18 pm)—On indulgence: I join with the Prime Minister in paying our greatest respect and compliments and thanks to Barbara Belcher, recognising her 44 years of distinguished service to the Commonwealth of Australia. Barbara has held many senior roles across the Public Service and has been the essential bridge between the Public Service and the smooth workings of the parliament and the government, whatever their political persuasion, for almost a quarter of a century.

I have spoken today with many members and current and former staff, all of whom remember Barbara, as I remember her, as the font of all knowledge. We had a few discussions when I was a cabinet minister in the previous government and I found her knowledge completely encyclopaedic, unerring and always reliable. It was slightly frightening to meet someone in Canberra who was so precise and exact in their opinions. Above all, she has always been a delightful person to work with. Barbara has appeared before countless Senate estimates committees, always displaying the utmost professionalism and fairness to both sides no matter how provoked she may have been.

Barbara has forgotten more about policy and law on entitlements and parliamentary and electoral matters than any of us in this place will ever know. Many of us remember Arthur Sinodinos, the chief of staff of former Prime Minister John Howard, who is an unashamed admirer of Barbara Belcher and told us today that it was always reassuring to have Barbara's advice as an exceptional public servant, a great credit to the Australian Public Service. She has lived the example that the Public Service Act envisions that APS leaders will provide in terms of the values, code of conduct, people policy and implementation of leadership.

We understand that Barbara wants to continue her work within the community and I have got no doubt that she will continue to manifest her lifelong commitment to the public good. I know that there will be many in the department who are very sad to see Barbara go. We know that she has inspired great loyalty in her own staff but I know that they wish her well as we on this side of the House also wish you well, Barbara, in your retirement. Thank you so much.

**Honourable members**—Hear, hear!

**The SPEAKER** (4.21 pm)—Very quickly, on behalf of members of the House and officers of the Department of the House of Representatives, I associate myself with the remarks of the Prime Minister and the Leader of the Opposition on the retirement of Barbara Belcher. Can I say that I do not think I have witnessed anybody in executive government or the Public Service who has better understood the great links between this institution, the parliament, and the public and executive government, and I think she will be sorely missed because of that. I wish Barbara all the best in her future endeavours.

## CONDOLENCES

### Corporal Mathew Ricky Andrew Hopkins

**Mr ALBANESE** (Grayndler—Leader of the House) (4.22 pm)—I present a copy of the Prime Minister's motion of condolence in connection with the death of Corporal Mathew Ricky Andrew Hopkins. I move:

That the House take note of the document.

Debate (on motion by **Mr Pyne**) adjourned.

## MAIN COMMITTEE

### Corporal Mathew Ricky Andrew Hopkins

#### Reference

**Mr ALBANESE** (Grayndler—Leader of the House) (4.23 pm)—by leave—I move:

That the resumption of debate on the copy of the Prime Minister's motion of condolence in connection with the death of Corporal Mathew Ricky Andrew Hopkins be referred to the Main Committee for debate.

Question agreed to.

## PERSONAL EXPLANATIONS

**Ms LIVERMORE** (Capricornia) (4.23 pm)—Mr Speaker, I wish to make a personal explanation.

**The SPEAKER**—Does the honourable member claim to have been misrepresented?

**Ms LIVERMORE**—I do, Mr Speaker.

**The SPEAKER**—Please proceed.

**Ms LIVERMORE**—Today's *Courier-Mail* makes the claim that I have been gagged from speaking publicly on the issue of the emissions trading scheme. This is clearly not the case. And as an example, I point members to an article in the Rockhampton *Morning Bulletin* on Wednesday, 18 March in which I was quoted extensively on precisely this issue.

## ANZAC DAY

**Mr GRIFFIN** (Bruce—Minister for Veterans' Affairs) (4.24 pm)—On indulgence: I wish to make some brief comments with respect to Anzac Day 2009. I thought I would take this opportunity, given that it is the last sitting day prior to Anzac Day this year, to inform the House and members of some of the aspects that the government has been undertaking on behalf of all of us with respect to preparation for Anzac Day 2009. Planning is well advanced. I do not have to tell members the importance of this in the national calendar. It is something that we are all involved with in our local areas, or sometimes with the privilege of representing our country in other places.

This year we will have services again at Gallipoli, Villers-Bretonneux, Hellfire Pass, Sandakan and Isurava. This year, although not a significant anniversary with respect to many of the locations where Australians have fought and died over the years, is still a very important occasion. The expectation with respect to attendances at some of the services overseas, given the global financial crisis and the fact that it is not a major anniversary, is that numbers may well be down. But preparations are there to ensure that all those who attend will be provided with the sort of support they need to properly and successfully commemorate the efforts of our forces over the last century.

It is 94 years since Gallipoli. Tomorrow, it will be 93 years exactly since the first Anzacs arrived on the Western Front from Gallipoli. Today, it is six years since the Iraq war started. Also, this year marks 10 years since INTERFET in East Timor, since what was one of the major engagements of our forces in recent times. It is a very important time, when it is very clear what the modern Anzacs do these days in terms of peacekeeping and support throughout the world, and it shows just how effective they are at coming to the aid of those who really needed it.

In honour of that, this year the poster that has been produced for Anzac Day—which will be going out to members, to schools and throughout the country—relates to INTERFET. We have got two soldiers in place as part of the first deployment in Dili, doing the job on behalf of their country. I point members to the gentleman closest to me in that poster. He is looking quite alert and strong and is doing the job. I point up to

the gallery and ask Paul Everett to stand. Paul Everett, who was a private at that time, was serving in East Timor. That is in fact Paul on the poster. As we can see, the years have been kind to him—kinder than they have been to many of us! The fact of the matter is that he was there serving his country at that time and doing a great job, very much in the Anzac tradition.

We are keen on this occasion, as I am sure all of us are, to remember what occurred on the Western Front, at Gallipoli, during World War II and in all of the conflicts since. I ask everyone to spare a thought for the fact, and I think the poster focuses it to make the point, that some 25,000 young Australians have deployed since 1999. The fact is that, although they often do not see themselves as veterans, they are. They are veterans in the very best Anzac tradition. To Paul, to those who served in East Timor, to those who serve now in Afghanistan et cetera, the bottom line is this: you serve with our support. You have done your country great credit. We support what you do, even if on occasions there may have been disagreements about why you went or where you went. The bottom line is that you are Australians, you are Anzacs, and you are people who we are very proud of.

**Honourable members**—Hear, hear!

**Mr PYNE** (Sturt) (4.28 pm)—On indulgence: I do not wish to politicise this debate. Obviously, we would like to associate ourselves with the remarks of the Minister for Veterans' Affairs about Anzac Day and about our friend from the armed services. I simply make the point that the opposition was only informed about this about 10 minutes ago. It could have been done by ministerial statement, in which case our shadow minister would have responded. It could have been done as a question. We will not haggle or niggle about it now, because it is an important issue. But it could have been done by ministerial statement and Louise Markus would have had the opportunity to respond. We were not given any notice about it until about 10 minutes ago.

## AUDITOR-GENERAL'S REPORTS

### Report No. 26 of 2008-09

**The DEPUTY SPEAKER (Ms AE Burke)** (4.29 pm)—I present the Auditor-General's Audit report No. 26 of 2008-09 entitled performance audit: r*ural and remote health workforce capacity—the contribution made by programs administered by the Department of Health and Ageing—Department of Health and Ageing*.

Ordered that the report be made a parliamentary paper.

## DOCUMENTS

**Mr ALBANESE** (Grayndler—Leader of the House) (4.29 pm)—Documents are presented as listed in the schedule circulated to honourable members. Details of the documents will be recorded in the *Votes and Proceedings* and I move:

That the House take note of the following document:

Treaties—Joint Standing Committee—Report 93: Treaties tabled on 12 March and 14 May 2008—Government response.

Debate (on motion by **Mr Pyne**) adjourned.

## MATTERS OF PUBLIC IMPORTANCE

### Export Industry Jobs

**The DEPUTY SPEAKER (Ms AE Burke)**—Mr Speaker has received a letter from the honourable member for Wide Bay proposing that a definite matter of public importance be submitted to the House for discussion, namely:

The failure of the Government to protect jobs in Australia's export industries.

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

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

**Mr ALBANESE** (Grayndler—Leader of the House) (4.29 pm)—I move:

That the business of the day be called on.

Question put.

The House divided. [4.34 pm]

(The Deputy Speaker—Ms AE Burke)

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|---|---|
| Ayes…… | 70 |
| Noes…… | 55 |
| Majority…… | 15 |

AYES

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|---|---|
| Adams, D.G.H. | Albanese, A.N. |
| Bevis, A.R. | Bidgood, J. |
| Bird, S. | Bowen, C. |
| Bradbury, D.J. | Butler, M.C. |
| Campbell, J. | Champion, N. |
| Cheeseman, D.L. | Clare, J.D. |
| Collins, J.M. | Combet, G. |
| Crean, S.F. | D'Ath, Y.M. |
| Debus, B. | Dreyfus, M.A. |
| Elliot, J. | Ellis, A.L. |
| Emerson, C.A. | Ferguson, L.D.T. |
| Ferguson, M.J. | Fitzgibbon, J.A. |
| Garrett, P. | Georganas, S. |
| George, J. | Gibbons, S.W. |
| Gillard, J.E. | Gray, G. |
| Grierson, S.J. | Griffin, A.P. |
| Hale, D.F. | Hall, J.G. * |
| Hayes, C.P. * | Irwin, J. |
| Jackson, S.M. | Kelly, M.J. |
| Kerr, D.J.C. | Livermore, K.F. |
| Macklin, J.L. | Marles, R.D. |
| McClelland, R.B. | McKew, M. |
| McMullan, R.F. | Melham, D. |
| Murphy, J. | Neumann, S.K. |
| O'Connor, B.P. | Owens, J. |
| Parke, M. | Perrett, G.D. |
| Raguse, B.B. | Rea, K.M. |
| Ripoll, B.F. | Rishworth, A.L. |
| Roxon, N.L. | Saffin, J.A. |
| Shorten, W.R. | Sidebottom, S. |
| Smith, S.F. | Snowdon, W.E. |
| Sullivan, J. | Swan, W.M. |
| Symon, M. | Thomson, C. |
| Thomson, K.J. | Trevor, C. |
| Vamvakinou, M. | Zappia, A. |

NOES

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| Andrews, K.J. | Bailey, F.E. |
| Baldwin, R.C. | Billson, B.F. |
| Bishop, J.I. | Briggs, J.E. |
| Broadbent, R. | Chester, D. |
| Ciobo, S.M. | Cobb, J.K. |
| Coulton, M. | Dutton, P.C. |
| Farmer, P.F. | Forrest, J.A. |
| Gash, J. | Georgiou, P. |
| Haase, B.W. | Hartsuyker, L. |
| Hawke, A. | Hawker, D.P.M. |
| Hockey, J.B. | Hull, K.E.* |
| Irons, S.J. | Jensen, D. |
| Johnson, M.A. * | Keenan, M. |
| Laming, A. | Ley, S.P. |
| Macfarlane, I.E. | Marino, N.B. |
| May, M.A. | Mirabella, S. |
| Morrison, S.J. | Moylan, J.E. |
| Neville, P.C. | Oakeshott, R.J.M. |
| Pearce, C.J. | Pyne, C. |
| Ramsey, R. | Randall, D.J. |
| Robert, S.R. | Ruddock, P.M. |
| Schultz, A. | Scott, B.C. |
| Secker, P.D. | Simpkins, L. |
| Slipper, P.N. | Smith, A.D.H. |
| Somlyay, A.M. | Southcott, A.J. |
| Stone, S.N. | Truss, W.E. |
| Turnbull, M. | Vale, D.S. |
| Wood, J. | |

* denotes teller

Question agreed to.

## SOCIAL SECURITY AMENDMENT (LIQUID ASSETS WAITING PERIOD) BILL 2009

### Returned from the Senate

Message received from the Senate returning the bill without amendment or request.

## COMMITTEES

### Foreign Affairs, Defence and Trade Committee

#### Appointment

**The DEPUTY SPEAKER (Ms AE Burke)**—Mr Speaker has received a message from the Senate informing the House that the Senate concurs with the resolution of the House in relation to the variation to the resolution of appointment of the Joint Standing Committee on Foreign Affairs, Defence and Trade.

#### Membership

**The DEPUTY SPEAKER**—Mr Speaker has received advice from the Chief Government Whip nominating Mr Murphy, and from Mr Oakeshott nominating himself, to be members of the Joint Standing Committee on Foreign Affairs, Defence and Trade.

**Mr ALBANESE** (Grayndler—Leader of the House) (4.38 pm)—by leave—I move:

That Mr Murphy and Mr Oakeshott be appointed to the Joint Standing Committee on Foreign Affairs, Defence and Trade.

I congratulate the members on their appointment.

Question agreed to.

## CUSTOMS LEGISLATION AMENDMENT (NAME CHANGE) BILL 2009

### Second Reading

Debate resumed.

**Dr STONE** (Murray) (4.39 pm)—I continue with the contribution I was making before question time. The Indonesian government has an enormous length of coastline to observe and police across its huge archipelago. We commend the Indonesian government for intercepting more than 20 boats heading for Australia since the new surge in people-smuggling began in August last year. There had been no people-smuggler boats since 21 November 2007, when 16 people were picked up from a sinking boat off the coast of Western Australia. We are very pleased that we were able to rescue those people. But some nine months later, after the Minister for Immigration and Citizenship, Senator Evans, announced what unfortunately can only be construed as a green light for people smugglers, Labor's new look border control and asylum seeker response was made clear.

What was this response? Embedded in it was a reference to the two months standdown of Army, Navy and Air Force over Christmas. The three forces were to have extended leave, and you can imagine the message that sent out to the people smugglers waiting in Indonesia with their customers, looking for the window of opportunity.

There was also reference to the fact that from August, and the commencement of the new Labor policy, it did not matter how you arrived in Australia in your bid to seek asylum. It did not matter whether you came via our carefully managed refugee and humanitarian program, with record-breaking numbers of people coming to this country—numbers that the coalition, from 1996, had built from a much smaller cohort of accepted arrivals needing asylum. The policy announced in August was that, if you came via boat because you had the cash and contacts to deal with international criminals, the people smugglers, you would have the same processing, outcomes and fast management of your needs that you would have through our lawful, legitimate pathways.

The tragedy is that across the globe we have increasing numbers of some of the most heartbreaking, difficult circumstances—whether it is in Africa, on the Myanmar border or in parts of the globe where the tragic circumstances are related to natural disas-

ters—but every time someone with the cash and contacts arrives via people smugglers they unfortunately replace one of those on our humanitarian and refugee intake list. So the queue just gets longer for those in the Congo, Sierra Leone and on the Burmese border.

In Australia we have a long and proud record of looking after humanitarian and refugee new settlers. We have some of the world's best new settler programs. They are some of the better resourced programs and are commended by UNHCR whenever they come and look closely at what we do. Under the coalition, I was very proud and pleased that we did not focus only on new housing and homes for new arrivals in the capital cities. We understood that a lot of our new settlers, particularly our torture/trauma refugees, had come from a rural background. They had never seen a developed city or lived in urban congestion, so for them the most comfortable, peaceful, secure place to be newly settled would be in a rural or regional part of Australia. In the Congolese new settler refugee program people were taken literally from the plane to the Goulburn Valley. That was hugely successful. It was a very proud moment for me when one of those Congolese refugees, now an Australian citizen, after only three years in Australia stood for local government at the last elections for the Greater Shepparton City Council. Another of those refugees, now a great Australian citizen, is in the process of becoming a justice of the peace.

Unfortunately, the Labor Party is not pursuing the settlement of refugees, torture or trauma victims or humanitarian settlers beyond the capital cities, because it is easy, of course, simply to look to the 'same old, same old' policies and strategies. Yes, I admit there are many more purpose-built migrant resource centres in the capital cities and that lots of the key NGOs have their bigger numbers in places like Melbourne, Sydney and Brisbane, but we should look at the needs of our newly arrived settlers first, see what is most comfortable for them and embed them in communities where there may not be specialist services but where there are services which are mainstreamed and can help those settlers become part of the Australian economy and community much faster and much more comfortably.

We as a coalition moved a long way in doing what we know is right in Australia when looking after asylum seekers, those who have through no fault of their own experienced the most shocking of threats to life and family. But what we also did as a coalition was to understand that if you have absolutely uncontrolled borders—if your border security is so lax and weak that the people smugglers take heart—then you risk lives. I have to remind people who might have forgotten that in 2000-01 there were 54 boats and 4,137 arrivals. In 2001-02 there were 1,212 arrivals. But, as I mentioned in my remarks before question time, with our new coalition strategy of excising migration zones, having a set of offshore processing facilities and making sure that if you arrived as a boat person then you had a temporary protection visa in the first instance and waited several years before moving on to full citizenship, we ensured that those strategies turned off the tap of people-smuggling. So in 2002-03 there were no boats and no arrivals, there having been 1,212 arrivals the year before. We again had no boats and no arrivals in 2004-05. There were only four boats in the following year and three boats in 2007-08.

But, unfortunately, things have changed since the announcements of Minister Evans in August last year—where, I stress again, he perhaps did not understand what he was doing but announced loudly and proudly that this government was having a go-slow on border control over Christmas, was abolish-

ing temporary protection visas and was introducing a 'no difference at all' processing strategy for those who arrived via the people smugglers. There was at that time absolutely no mention of Labor continuing mandatory detention or the Christmas Island detention as an offshore processing strategy. Certainly Labor did not mention that it was retaining the excised migration zones. So the message that went out to Indonesia, where the people smugglers had their queues, was, 'Come on down.'

Tragically, the consequences have already been lives lost. There have been bodies found washed up on Indonesian shores from boats sunk on their way to Australia. We have already intercepted sinking boats in Australian waters, just a few months ago. On 13 August, police in Indonesia were able to intercept nine Afghani asylum seekers on the island of Flores; they were on their way to Australia in a fishing boat. That was a sign of things to come and the floodgates starting to open. On 30 September 2008 a vessel carrying 14 people was intercepted in the Ashmore Reef area; there were 11 men and one woman from Afghanistan in that particular boat. Then there were incidents on 6 October, 20 October, 3 November, 11 November, 20 November, 28 November and 3 December.

I mentioned 3 December. It was interesting that on 1 December I put a question to the Prime Minister in this place during question time. I have just listed to you the numbers of boats coming down since August, some intercepted by the Indonesians on our behalf and the others intercepted by our own defence forces, usually the Navy. I asked the Prime Minister whether he was concerned about the stand-down of half of Australia's patrol boats for two months over Christmas, leaving only 320 naval personnel on active duty in Australian waters over that period, and whether in fact this was a case of giving the people smugglers a green light. His response was mock outrage—how dare I imply that people smugglers were back in business in bringing people down to Australia? There was no careful response—'Look, we're concerned about people-smuggling resurging.' There was a denial that this was in fact resurging. This was followed by the chairman of the Joint Standing Committee on Migration standing in this place within 24 hours of the Prime Minister denying that there was a new problem and also saying that what I had said was wrong; there was no re-emergence of this difficulty and problem. So today I am very pleased that there is at least an acknowledgement that people-smuggling is a heinous crime.

The victims are not just those who pay the cash and have the contacts to come down by leaking boats which may not get to our shores at all. The other victims are the Indonesian fishermen who, maybe, imagine that it is not going to be much more serious than being caught for illegal fishing when they deliver their human cargo into the hands of the naval patrol boats. In fact, of course, those Indonesian fishers, when charged with people-smuggling, face a much more serious sanction: 20 years in prison is the maximum penalty, as well as very hefty fines. So I see those Indonesian fishermen, with impoverished families in coastal villages, also as victims of the people smugglers.

I am concerned, I have to say, if this bill is only about a name change from 'Australian Customs Service' to 'Australian Customs and Border Protection Service'. There has to be more. You cannot just change a name, stand back and say, 'The job's right; the longer nameplate will scare off the illegals and the international criminals whose profit is in bringing boatloads down.' We have to look at what resources are being committed to this newly rebadged agency or entity. We have already seen the consequences of

squeezed resources for the Department of Immigration and Citizenship. We are already aware of the squeezed resources for Customs that our shadow minister referred to in her speech. In the case of the Department of Immigration and Citizenship, some 200 officials have been taken out of the service.

Whenever you start to rely more on home country immigration-processing officials—locals employed in our high commissions and embassies offshore—you invite a great deal of difficulty due to the fact that those locally employed officials bring to the jobs their own cultural biases and their own sense of who is worthy to be at the head of a queue in applying for visas. You start to have allegations of corruption. People applying for visas to come to Australia, if they are part of a minority group in that country, find themselves at the back of the queue. Money starts changing hands. It is a serious problem when Australia can no longer afford to have its own Australian citizens offshore working in those most sensitive and important posts.

We have heard of the problems in Afghanistan where, via the Indonesian embassy, there was a racket selling visas for Afghanis to go to Australia via Indonesia. It took the media to mention that problem before there was real action from the Department of Immigration and Citizenship, it would seem. We are also alarmed about the two boats that have recently come to Australia. The most recent one came several days ago with 54 on board. Children standing on the beach were the ones who saw that boat coming and reported that to a ranger. As we know, a boat of Sri Lankans came onto the coast of Western Australia, and local tourists saw, to their astonishment, a couple swimming ashore.

What is it that we have to do to make sure that this government pays serious attention to the resources needed for our border security and the protection of asylum seekers who are in the hands of these international criminals? We have to be serious about the longer queues in our offshore places like our high commissions and embassies. People become frustrated when they are told that it will perhaps take years for their visa applications to be properly considered. Yes, some will turn to people smugglers. When you have queues back in Indonesia waiting to see if it is worth the risk to push off in those leaking vessels—to literally put their lives in the hands of people smugglers who have taken the cash upfront—it is not helpful to hear on the news triumphal announcements that it has taken the shortest possible time to process the last lot of people smuggled into Australia and they are now enjoying a good life on the Australian mainland.

These are serious problems, and we have to wonder what will come next from the Labor Party. Will there be additional resources? The budget will tell us, but we are not holding our breath. We have already seen this Labor government commit, campaign after campaign, to a coastwatch. We were told a US style coastwatch was the way to go. Well, that has been thrown out the window. We were also told that there would be a mega department of home security and this department of home security—this great monolithic entity—would look after our coastline and make sure that no-one died in their run to the country in the hands of criminals. Well, the department of home security vanished as well. Now we have the Australian Customs Service renamed as the Australian Customs and Border Protection Service. We in the coalition really do wish this service well. It needs to succeed. The safety of this nation and the safety of very vulnerable people depend on this service succeeding. But we are very, very worried. This government has already got the nation heavily into debt. There are no surplus funds anywhere in

sight. We have heard about the $2 billion per week being borrowed. So will this service be properly resourced? It must be, but I am very afraid that the Australian nation will be more vulnerable because, quite simply, this economy is not being properly managed so that important aspects of the nation's safety can be properly looked after in the future.

**Mr CRAIG THOMSON** (Dobell) (4.56 pm)—It was an amazing contribution that we just heard from the member for Murray—based more on fantasy than reality. There have been two Customs pieces of legislation that have come before this House. Both have been supported by the opposition—and quite rightly so, because both are about strengthening our border protection and strengthening protection for this country. There is nothing wrong with making sure that you have a system that is tough but fair, and that is certainly the approach of the Rudd government. And we heard such hypocrisy in her contribution about needing to send a strong message to people overseas. This bill, the Customs Legislation Amendment (Name Change) Bill 2009, is about sending a strong message by renaming the agency to make plain that it is about customs and border protection. The honourable member for Murray cannot have it both ways. Either she wants this strong message to go out internationally through legislation like this—which she supports—or she does not. She needs to appreciate the work that has been done by the Rudd government in making sure that the shores of our country are well protected and well resourced.

The purpose of this bill is to amend the Customs Administration Act 1985 to rename the Australian Customs Service as the Australian Customs and Border Protection Service. The bill will also amend 24 other Commonwealth acts, including the Customs Act 1901, to replace references to the 'Australian Customs Service' in these acts with 'Customs'. The bill will also update the wording used on the Customs seal to refer to 'Customs and Border Protection'.

On 4 December 2008, the Prime Minister released the government's National Security Statement. The statement outlined the government's national security policy and vision for a reformed national security structure. As part of the statement, the Prime Minister announced that the Australian Customs Service would be renamed the Australian Customs and Border Protection Service to better reflect its new role as the lead Commonwealth government agency on maritime people-smuggling issues. It will do this, in conjunction with partner agencies, through the coordination of intelligence collection across government; analysis of intelligence gathered on people-smuggling ventures and networks; coordination of surveillance and on-water response; and engaging internationally with source and transit countries to comprehensively address and deter people-smuggling. These are important roles that this agency will be playing—important roles in making sure that our borders are better protected.

It is absolutely vital that, as a continent surrounded by sea, Australia is equipped with the best ways and means of protecting itself against the illegal movement of cargo, people and prohibited items. The key agency for this protection is the Australian Customs Service. In December 2008, the Prime Minister announced an enhancement of this agency's capabilities. Its new name, the Australian Customs and Border Protection Service, recognises our important border protection responsibilities, including this country's new role in ensuring a coordinated response to any resurgence of threats to our borders of maritime people-smuggling.

We are all aware of Australia's vast coastline, especially those of us in this place whose electorates make up part of that coastline. Smugglers or any other persons with criminal intentions who use the sea as a means of conducting their illegal activities will try anything and use any area of Australia's coast to attempt their criminal actions. We must always be aware that exposure to the ocean can also mean exposure to these potentially illegal activities at any time of the day or night. That is why we must ensure that the key agency engaged in overseeing our coastline is properly empowered to enforce the law.

At the start of this decade, Customs officers and federal agents intercepted an estimated half a ton of cocaine in a raid on a yacht, in the early hours, at Patonga on the New South Wales Central Coast, just near my electorate. It was, to that date, Australia's largest ever haul of a drug from a yacht off the New South Wales coast. This was more than twice the size of the previous largest haul. Seven people were arrested and two vessels were seized as part of this 18-month intelligence-driven operation. The operation was significant not only for the size of the haul but also for its success in disrupting an organised criminal syndicate. It goes to show that criminals will use any means and any destination, whether it be a quiet seaside hamlet such as Patonga or a bustling city port, to try to conduct their illegal activities.

The enhanced Australian Customs and Border Protection Service is set to meet the complex border security challenges of the future by providing unified control and direction and a single point of accountability. The planning framework aims to bring together all agencies involved in border management and attempts to ensure consistent and complementary functions. Additional capabilities given to the Customs and Border Protection Service under the new arrangement include analysing and coordinating the gathering of intelligence, coordinating surveillance and on-water response and engaging internationally to deter maritime people smugglers.

Let us just have a brief look at what Customs is and what it does. The Australian Customs and Border Protection Service manages the security and integrity of Australia's borders. It works closely with other government and international agencies, in particular the Australian Federal Police, the Australian Quarantine and Inspection Service, the Department of Immigration and Citizenship and the Department of Defence, in order to detect and deter unlawful movement of goods and people across the border. The agency is a national organisation employing more than 5,500 people in Australia and overseas, with its central office here in Canberra. It has a fleet of ocean-going patrol vessels and contracts two aerial surveillance providers for civil maritime surveillance and response.

Australian Customs faces a number of risks, but probably the more imminent safety and security risks are those posed by the use of sea cargo by criminal syndicates. Commonly this illegal activity is the import of illicit drugs, firearms, tobacco and counterfeit goods. Just last month alone, Customs officers were very busy, including uncovering one of the most intricate concealments ever. In Melbourne, Customs and Border Protection Service officers examined an air cargo consignment from Pakistan, which contained a number of rugs. During the examination, officers discovered a white powder substance intricately concealed within the rugs. Initial testing of the substance indicated the presence of heroin. Two Melbourne men were charged with conspiring to import 20 kilos of heroin into Australia. In another case, in March, a 31-year-old Austrian national was charged with importing drugs—in this case, ice—into Australia in chocolate bar

packaging, after a baggage inspection by Customs and Border Protection Service officers. Just last weekend, approximately two kilos of ice was allegedly found, during an X-ray by Customs and Border Protection Service officers, concealed in a suitcase carried by a Canadian national. These are just some of the typical examples of the daily challenges Customs and Border Protection Service officers face.

There is a real increase in the threat to public safety by the counterfeiting of poorly manufactured and hazardous goods, placing greater emphasis on the integrity of consignments entering Australia—food, children's products, medicines, explosives and other hazardous chemicals. Customs border protection approaches start off-shore. Customs is an active participant in a number of international counterterrorism and counter-proliferation forums, including the chemical and biological weapons convention, the Nuclear Suppliers Group, the Missile Technology Control Regime and international forums focused on developing border security capabilities. Customs also participates in international exercises, such as the proliferation security initiative, a global initiative aimed at impeding the movement of weapons of mass destruction by rogue states and terrorist groups. These exercises are invaluable in testing our abilities to respond to potential terrorist incidents and provide valuable lessons in how to develop our capabilities.

Clients of Customs include the Australian community, the government, industry, travellers and other government agencies. The Australian Customs and Border Protection Service is headed by a chief executive officer and is supported by three deputy CEOs. The service operates nationally through three programs: passenger and trade facilitation, border enforcement and corporate operations. Customs plays an important role in protecting Australia's borders from the entry of illegal and harmful goods and unauthorised people. Naturally, it must carry out this role while not impeding the legitimate movement of people and goods across the border.

Customs also contributes to whole-of-government efforts to protect Australia's waters through its part in the Border Protection Command. The command is a Customs and Defence partnership to ensure that any threat to Australia's maritime assets and coastline can be quickly detected and defeated. Illegal foreign fishing in Australian waters also poses a threat to our borders. Customs is on the front line of Australia's efforts to combat illegal foreign fishing in the northern and southern oceans. Customs is leading the way in the breeding and training of dogs to detect drugs and other prohibited items, including explosives, firearms and chemicals. Customs is committed to continuous improvement in its people, systems and technology, and it has the full support of the Rudd government to ensure that it is well placed to meet emerging challenges, including the constantly changing security and regulatory environment. Customs' authority stems principally from the Australian Constitution, which provides for the levying of customs duties and for laws concerning trade and commerce.

Schedule 2 of the bill proposes to amend 24 Commonwealth acts to change references to the 'Australian Customs Service' to read simply 'Customs'. I will not name all of those 24 acts, but they are very wide ranging. To give a sample, we are including acts such as the Anti-Money Laundering and Counter-Terrorism Financing Act 2006, the Australian Sports Anti-Doping Authority Act 2006 and the Criminal Code Act 1995. There are a variety of acts across all areas, which shows how widespread and important the role of Customs is to Australia. Also part of the amending legislation is the requirement to

change the Customs seal to read 'Customs and Border Protection', a change from 'HM Customs'.

We live in a rapidly changing world, and the name change from the Australian Customs Service to the Australian Customs and Border Protection Service will better reflect its new role of being the lead Commonwealth agency on maritime people-smuggling and associated issues such as the trade of illegal weapons, drugs and other items. This is an important piece of legislation and will send a strong message to all of those who think that because we are a country with a wide coastline it is easy to breach our borders. This will send a message that border protection is something that this government take very seriously. I commend the bill to the House.

**Mr MORRISON** (Cook) (5.09 pm)—The Customs Legislation Amendment (Name Change) Bill 2009 is probably the silliest bill I have seen come into this House in my very short time here, but it is one that really provides a narrative on this government. We have seen a lot of bad bills come into this place, and those on this side of the House have taken the opportunity to vote against bad bills. But the reason I think that this is a silly bill is that it does nothing of substance other than to change a name.

We have seen from the government that they are great at announcements, they are great at getting the packaging right but, when it comes to the substance, you open the box and there is nothing there. That is what this bill is: you open it up and there is nothing there. Maybe the wordsmiths who crafted the bill might want to call it the 'Customs Spin Bill 2009'. I do not recall, when the previous government decided to do actual things on border protection, that John Howard as Prime Minister felt the need to go around changing names to prove his point. John Howard and his government did everything that was necessary to ensure that Australia's borders were protected. As a result, our borders were protected. It was never part of his plan or strategy to change the name of a government agency which would have the people smugglers cowering in their pathetic little dens and would somehow be the thing that would bring about the great turnaround in protecting our borders.

This bill is about the shopfront but it does nothing about the shop. The bill is an empty gesture. It is more poll-driven Ruddspeak designed to kick up dust on an issue without actually doing something. Their idea is that if they change the name of an agency it will send a message out there that this is somehow a priority of the government. You need to do more than change the name on the letterhead to establish credentials to do what is necessary to protect Australia's borders. The government is great at announcing but woeful at delivering.

This reminds me again of the process, in portfolio areas where I have some responsibility, where the government back in November brought 500 mayors together and said, 'Now means now. The money is ready to go now and it is all immediate.' The Minister for Infrastructure, Transport, Regional Development and Local Government has been running around the country making announcements about new funding and approvals, yet we found out in estimates hearings that only one funding agreement had actually been signed. I have letters and emails coming to my office asking, 'Where's the money?' This is a government that likes to announce things but cannot actually follow through on the delivery. Building 20,000 new public housing dwellings may be, from a social policy perspective, very worthy of doing over a long period of time, if the country can afford it. But if you cannot afford it

and you cannot deliver it, it hardly delivers an effective stimulus.

Just today we had the announcement of some new housing commencement data which showed that over the last two years some 7,000 or so public housing dwellings were completed. The government think that they can build 20,000 dwellings in less than that period of time, through state agencies. My point is simply that this government like to make announcements, like to make cosmetic changes to get their messages out there, but if you are serious about border protection you need to do more than change the letterhead.

The bill amends the Customs Administration Act 1985 to change the name of the Australian Customs Service to the Australian Customs and Border Protection Service. As a consequence, we have in this bill amendments to a further 24 Commonwealth acts to replace references to the Australian Customs Service. Honestly, big deal. What the Australian people are looking for in border protection is actual action. The bill simply proposes a change of name. It does not make any substantial policy shift to combat people-smuggling as outlined by the Prime Minister in his national security statement in December last year.

The positive steps taken by the previous coalition government under John Howard to secure Australia's borders meant the following. They increased the funding for the Customs Service by $640 million between 1996 and 2007, an increase of 180 per cent or just over 100 per cent in real terms. The increased budget allowed Customs to significantly expand its operations in the detection and seizure of illicit drugs being imported into Australia. The additional funding provided by the Howard government allowed Customs to increase its staff numbers and introduce new technology. This sped up the processing of arriving international air passengers to about 95 per cent through the barrier within 30 minutes of arrival. Resources were provided for the deployment of new drug detection dog teams in Brisbane, Cairns, Darwin, Melbourne and Perth. The decision maintained Australia's reputation as a world leader in best practice for detector dog breeding, development, training and deployment. In 2007 there were 59 Customs dog detector teams maintained nationwide. Funding of $23 million was provided to enhance Customs' ability to identify international travellers who may be of interest. This included a new passenger evaluation system to improve data sharing between agencies. Customs liaison offices were established in a number of overseas cities, including Beijing and Jakarta, to enable Customs to engage directly with key overseas counterparts on issues of mutual interest, including border security, drugs and counterterrorism.

The Howard government established the Border Protection Command in 2004 to strengthen Australia's Civil Maritime Surveillance and Response Program. The Border Protection Command identifies and manages threats and shares information. It is legislated to allow offshore processing of illegal arrivals, with the establishment of processing centres on Nauru. Australia has also pursued an excellent relationship with our neighbours, particularly Indonesia, to improve the relations between Canberra and Jakarta to ensure greater cooperation and shared intelligence. As a government we introduced legislation to exclude from Australia's asylum processes those who have access to effective protection elsewhere. We maintained a commitment to the principle of mandatory detention for all persons without authority to be in Australia as a central part of maintaining the integrity of the migration program. We excised from Australia's migration zone those Australian territories that

were magnets for people smugglers. By doing these things, the government of John Howard was able to get results on border protection. We made serious changes and took serious actions to protect our borders—not name changes and Ruddspeak.

Between 1999 and 2001 around 12,000 people arrived illegally in Australia by boat. After the changes to Australia's migration laws introduced by the Howard government, only 56 people arrived in that same manner between 2005 and 2006. Since the election of the Rudd Labor government we have seen a change to these measures on their watch that cannot be papered over by the spin bill that we have before us, which merely seeks to change names to create an impression. That is what this government likes to do. They like to create impressions in the minds of Australians. But those impressions do not always match their intent, their actions and their follow-through. My warning to Australians is this: do not be fooled by a simple change of language. Go to the record to see which side of this House has a true commitment to border protection backed up by actions over a long period of time that delivered real results.

The Rudd government has announced a softening of border protection measures. Unauthorised arrivals will only be held in detention until health, security and identity checks have been completed. Beyond this, mandatory detention will continue to apply only to those people presenting an unacceptable risk to the community and to unlawful noncitizens who have repeatedly refused to comply with visa regulations. Another example of Labor's softening of border protection includes the abolition of the temporary protection visa program and its replacement with permanent visas. These sorts of changes really do start to give a nod and a wink to those who would seek to engage in the despicable act of people-smuggling.

As a new member of parliament, I took it upon myself to go and visit the Villawood detention centre early in my time as a member of this place. The thing I was struck by was how very few people were actually in that detention centre. That should be our goal. We should not have these places full. We should not be in a situation where we have to do this. The way to do that was demonstrated by the Howard government in having strong, tough border protection laws. That is how these places emptied out. That is how we got to a position where there were fewer and fewer boat arrivals. I am happy to stand here in this place and identify myself totally with the policies of the Howard government on border protection, because they worked. That is why I am happy to do it—because they worked. I am as opposed to people-smuggling as anyone else in this House. But the best way to ensure that these detention centres are not full and the best way to ensure that children are not on boats going across the strait is to ensure that there is a massive deterrent for them to engage in this activity. That is the way to stop them. That is the humane approach. We do not want those boats leaving those shores. We do not want them coming across in a position of danger where people's lives are being put at risk. To achieve that you have got to have tough border protection. That is what the Howard government did.

When in opposition, those opposite wanted to feign that they had some sort of similarity to the Howard government on these things. They would not come out before the election and beat their chests on this issue and talk with the Australian people about the changes they have now made. You did not hear the Prime Minister being honest with the people by saying that he was going to change temporary protection visas and detention laws. No, he did not have the courage to put that to the Australian people. He

sat here in this place today and had the gall to tell people he was keeping promises. That was one promise he never made to the Australian people; it was something he was happy to do quietly after he got into government—not unlike his changes on the issues of aid and abortion. He was quite happy to go out there and send a message to the Christian community—

**The DEPUTY SPEAKER (Ms AE Burke)**—The member for Cook has been wide-ranging and I would say he is now being totally irrelevant to the bill before us. I would ask him to come back to the bill before us now.

**Mr MORRISON**—Madam Deputy Speaker, I am making the point that the government has been out there failing to promise things before an election and then doing them in government. I think that is a very valid point.

**The DEPUTY SPEAKER**—The member for Cook needs to refer to the bill before the House.

**Mr MORRISON**—This bill seeks to simply put a superficial gloss on actions that are not being undertaken by this government—and this government has form on doing this. And I make reference to the government's and the Prime Minister's form on this issue, particularly in relation to his appalling stand on aid and abortion. But I will move on.

In addition, serious and organised criminal groups pose a significant risk to Australian border protection by engaging in the illicit cross-border trafficking of a range of goods. Such goods include drugs, precursor chemicals, tobacco and cigarettes, performance and image enhancing drugs, counterfeit goods, wildlife and currency. Mr Jeffrey Buckpitt, the National Director of Intelligence and Targeting at Customs, outlined to the Joint Committee on the Australian Crime Commission on 29 September 2008 the Customs role in combating serious and organised crime at the border, which encompasses the detection and interdiction of illegal movements across the border, the investigation of certain border offences, and cooperation and collaboration with partner law enforcement and regulatory agencies to disrupt and dismantle serious and organised criminal activity.

A warning has come from the Australian National Council on Drugs that Australia is at risk of an influx of heroin, thanks to the surplus in supply from Afghanistan and Burma. The council says that, after a few years of heroin drought, the drug is once again readily available on Australia's streets. The Australian Bureau of Crime Statistics has been looking at the border detections, and they were the highest on record last year. That was coupled with an 80 per cent increase in the weight of the drug seized in the previous year. Considering opium cultivation in neighbouring South-East Asia has increased by 22 per cent after six years in decline, it is of grave concern to the coalition that the Labor government is not taking tough measures to stem the flow of drugs onto Australian streets.

The Prime Minister speaks about national security, but his government is delivering budget cuts in that very area. Efficiency dividends have seen $24 million cut from the operating budget of the Australian Federal Police. His budget cuts have seen 169 Australian Federal Police staff take voluntary redundancy packages. Fifteen staff from the Australian Crime Commission have also take voluntary redundancies, with another 50 staff required to leave in the next 12 months. The ACC has had its budget cut by $2.7 million between 2007-08 and 2008-09. The Rudd Labor government needs to explain how it can say it is not soft on border protection, when it is cutting resources to the law en-

forcement and security agencies that play a crucial role in protecting our borders.

Labor are all front and no shop on border protection, and that is what this bill says. They can change their name as often as their leader changes his ideologies, but it does not change the fact that Labor are soft on border protection and the Australian people should not be fooled by a simple name change. I am sure they will not be, because the Australian people are very perceptive on these matters and, at the end of the day, they are looking for action.

*Dr Kelly interjecting—*

**Mr MORRISON**—I say to the Parliamentary Secretary for Defence Support, who is at the table, that, when the Australian people are promised action and it does not happen, they get very disappointed. They get very, very disappointed. You have made a lot of promises on these issues and you are not following through on them. You mislead people before an election, you create perceptions out there in the community and, when you get into government, you start to shuffle away and the only way you can try and paper over it is with a bill such as this, which seeks to change a name. You cannot change your name if you are not going to change the attitude that sits behind it. There is no change of attitude in this bill. There is nothing in terms of a change of action in it. It is all just papering over the top.

Labor are no more tough on protecting our borders than they are economic conservatives, believe in reducing debt or deliver surpluses. These are all things the Labor government promised in opposition and have been absolutely hopeless at delivering in government. They are quite happy to create perceptions out in the community and lead the community to believe that their vote was safe with them, whether on border protection or economic conservatism, which is about responsible economic management and not driving up interest rates and talking up inflation. But the community have a right to expect that the government that has been elected will follow through on their pledges and their statements of philosophy on these issues—whether on reducing debt, on delivering surpluses or, for those in the Christian community who thought their vote was safe, on things like aid and abortion. What we have seen from this government is a betrayal of all of the perceptions they created, and what we have seen in this bill is their willingness to try and cover over all these things with a simple name change. Labor are no more tough on protecting our borders than they are economic conservatives who believe in reducing debt and delivering surpluses.

**Mr ZAPPIA** (Makin) (5.27 pm)—I rise to speak in support of the Customs Legislation Amendment (Name Change) Bill 2009. Before I get to the substance of my remarks, I will respond to some of the comments made by members opposite, in particular the member for Murray and the member for Cook. The first comment I make is that, if I were in their shoes, I would not be too proud of the Howard government record when it comes to the issue of refugees and asylum seekers. It was a deplorable record and one that I have heard condemned more than any other single policy issue that I have been associated with since being elected to this parliament.

I am a member of the Joint Standing Committee on Migration. I have visited almost all of the detention centres in Australia, including the Christmas Island facility. I have spoken with people in detention and I have also spoken with countless people who are associated with providing services, support systems and the like for those centres and the people within them. We as a committee have received countless submissions and

representations in respect of them. Not one submission received by the committee supported what was being done in the past in respect of the way asylum seekers and refugees were treated in this country—not one. I think that speaks for itself.

I want to refer to another matter—that is, the perception given by the member for Cook and the member for Murray that this government has gone soft on dealing with border protection and refugee matters. On 29 July last year the Minister for Immigration and Citizenship announced a policy change. I make this very simple point: that policy change was considered by the Joint Standing Committee on Migration. The member for Murray, the shadow spokesperson for immigration and citizenship, is a member of that committee. The committee presented an interim report in December. In that first interim report the committee not only embraced the minister's new policy but also suggested that it should have gone further—that it should have been softer.

But the issue goes further. There was a dissenting report written by the member for Kooyong, Senator Eggleston and Senator Hanson-Young—and that list includes two members of the coalition party. They dissented because they believed that the committee did not go far enough in softening the policy in the recommendations that we put to the government. So they thought not only that the minister's policy did not go far enough but also that the committee's recommendations did not go far enough. They wanted the committee to go even further. So for the member for Murray and the member for Cook to come into this chamber and suggest that this government has gone soft on border protection and refugee matters, when the coalition have signed off on that report to this parliament, is totally contradictory to what the coalition have done in terms of their position on the committee.

The bill implements a measure outlined by the Prime Minister on 4 December 2008 when he presented the government's national security policy and vision for a reformed national security structure. In that statement the Prime Minister announced that the Australian Customs Service is to be renamed the Australian Customs and Border Protection Service to better reflect its new role of being the leading Commonwealth government agency on maritime people-smuggling issues.

People-smuggling has become a lucrative international criminal activity. It is generally a well-organised, relatively low-risk activity for people smugglers and is carried out by sophisticated and well-organised international networks. It is an activity that seems to have flourished in recent years, probably because of the number of people fleeing from war-torn countries or other appalling conditions that they are living in. People smugglers, however, appear to have little regard for the wellbeing and safety of those who are fleeing and little regard for what confronts them when they reach their country of destination. One need only look at the poor condition of the vessels that have been intercepted by authorities to understand the callous nature of smugglers. Many of these vessels have been found to be both unseaworthy and overcrowded. In fact there is much anecdotal evidence that many of these vessels never reach their intended destination. Just how many lives have been lost will never accurately be known, but there is little doubt that people smugglers are placing at extreme risk the lives of those who pay for their services.

I will just digress on that point. That was one of the matters I raised as part of the inquiry on detention centres in Australia with some of the agencies that were presenting evidence. I was trying to get a handle on just how many lives might possibly have been

lost. It is not possible to get accurate figures about illegal matters and therefore there is no factual material to use. But from the evidence given by people who had come here as refugees there was no doubt whatsoever that many of their fellow refugees never made it to the mainland, or to any other country for that matter—and that is of real concern. That people are prepared to pay people smugglers and place their lives at such risk is evidence of the desperation of people fleeing from their homeland. I say this to the members opposite: at the end of the day it will not be the policies of any country which determine whether someone will attempt to flee to that country; it will be the desperation that they face in the land from where they come—desperation which in many cases is a matter of life or death. And if you are faced with a life or death situation, you will flee anywhere regardless of what the possible outcomes might be further down the track. That has been substantiated by the authorities we spoke to during the course of our inquiry.

Whilst people smugglers use very crude vessels they are nevertheless highly organised and have access to up-to-date sophisticated technologies so as to avoid detection. Routes and methods of arrival change at short notice in response to detection activities by authorities. The most effective action by authorities to prevent people-smuggling operations comes from governments working together and sharing intelligence information. In 2002 ministers and law enforcement agencies from 42 countries initiated what is referred to as the Bali process. The Bali process was aimed at combating people-smuggling, drug trafficking and related transnational crime in the Middle East, Asia and Pacific regions. As a consequence of initiatives taken, regional countries have been active in preventing and deterring the activities of people smugglers and the movement of potential illegal immigrants towards Australia.

Since 2002 the number of maritime people-smuggling ventures to Australia has reduced significantly. In 2001-02, six vessels carrying 1,212 illegal immigrants reached Australia. In 2007-08, 25 people arrived illegally on three boats. This shows the difference that process has made—all because governments and authorities were working together, sharing intelligence information and cooperating in their efforts to stop people smugglers. Over that same period there have also been several successful prosecutions of persons associated with people-smuggling activities, with some of those people having been extradited to Australia in order to be prosecuted.

Of course, in addition to people-smuggling there has also been an ongoing problem with illegal fishing in Australian waters. Again, as a result of greater cooperation with neighbouring countries and a more effective sea and air surveillance strategy by Australian authorities, there has been a steep decline in illegal fisher apprehensions over recent years. The detention of illegal fishers, the apprehension and destruction of their vessels, and the prosecution of key people in the trade are clearly having a deterring effect on illegal fishing activities in Australian waters.

Border protection, whether it relates to people-smuggling, illegal fishing, illegal drug importation or any other security purpose, is of national importance. There is, of course, a secondary benefit from and purpose to the need to have an effective border protection strategy in place, particularly with respect to people-smuggling activities. Many of the people seeking refuge in Australia are exploited and deliberately misled by the people smugglers. I certainly heard, in evidence to the inquiry, stories of people being

misled. And, when you hear it firsthand, you understand just how callous these people smugglers are. Fees of up to $18,000 per person are reported to have been charged, with smugglers knowing full well that those seeking refuge are very likely to lose their lives along the way or, if they do reach their destination, are highly likely to either be returned to their country of origin or spend lengthy periods in detention and then still be returned to their country of origin—as has happened with so many of them. People smugglers have little regard for human life and largely prey on desperate people fleeing from a life-threatening situation in their own homeland. For those people who may be fortunate enough to reach their intended destination and to be allowed to remain here in Australia, the whole experience—going across the seas, being in detention centres and then being released years later—can be soul destroying. These people might be free at the end of that journey but, from the evidence received by the committee, most of them come out of it very deeply scarred.

In closing, I simply want to quote the remarks of the Prime Minister when he introduced this proposal to parliament on 4 December 2008. He said:

> The government has decided therefore to move quickly to better enable the existing Australian Customs Service to meet this resurgent threat to our border integrity. To this end we will in coming weeks establish new arrangements whereby the Australian Customs Service is augmented, retasked and renamed the Australian Customs and Border Protection Service. This arrangement will create in the Australian Customs and Border Protection Service a capability to task and analyse intelligence, coordinate surveillance and onwater response, and engage internationally with source and transit countries to comprehensively address and deter people-smuggling throughout the operating pipeline from source countries to our shores. … The colocation of agencies and capabilities in this way is a concept strongly supported by the Homeland and Border Security Review.

I commend this bill to the House.

**Mr DEBUS** (Macquarie—Minister for Home Affairs) (5.40 pm)—Can I especially thank the member for Makin for his contribution to the debate. It was very gratifying to hear such a sensible, compassionate and well-informed explanation of the issues of people-smuggling and border protection. People-smuggling is, indeed, a most serious crime. It preys on the vulnerability of desperate people, and it puts lives at risk. The government is committed to combating people-smuggling.

The Customs Legislation Amendment (Name Change) Bill 2009 implements the Prime Minister's announcement in his national security statement last December which created the Australian Customs and Border Protection Service from the existing Australian Customs Service. The bill reflects the role of Customs as not only an important civilian service but a service that deals directly with transnational crime. Customs deals firsthand with activities like trafficking in persons, drugs and arms, and maritime people-smuggling.

The Rudd government is committed to ensuring that all agencies work together to prevent, detect and deter people-smuggling, and, as a result, the government is creating the Australian Customs and Border Protection Service as a single agency responsible for the coordination of the response to people-smuggling. This change was a highlight of the Prime Minister's first national security statement, as I have said. It signals the seriousness of our commitment in particular to combating this crime of people-smuggling, and I am very pleased to be putting this change into legislation today.

The member for Cook asked during the debate what changes will actually occur for

the Australian Customs and Border Protection Service. I am pleased to be able to tell the House that, under the new arrangements, Customs and Border Protection will have an unprecedented capability to coordinate intelligence collection and analysis on people-smuggling ventures and networks across government. This will include the transfer of a number of resources from the Department of Immigration and Citizenship to Customs and Border Protection; the co-location of the Australian Federal Police people-smuggling strike-force team with Customs and Border Protection; and the collocation of the newly established people-smuggling intelligence and targeting unit, comprising intelligence analysts from various agencies. Customs and Border Protection will also lead government efforts to engage internationally with source and transit countries so that we may comprehensively address and deter people-smuggling—specifically, by early intervention initiatives to provide alternatives to displaced people and refugees in source and transit countries; by diplomatic representation and active support to foreign governments, which is aimed at improving official controls on people-smuggling in transit countries; and by on-the-ground operational advice and technical support to overseas law-enforcement agencies to stop imminent launches of people-smuggling vessels. So I hope the member for Cook can see from that description that, in fact, a great deal is going to be done to improve our capacity for coordinated and purposive responses to the problem.

For those vessels that do depart for our shores, the government will continue to maintain extensive patrols of our borders, with Customs and Border Protection continuing to coordinate surveillance and response on the water. Our maritime surveillance operates every day of the year, and it includes 11 Customs and Defence aircraft, flying more than 2,400 missions a year, and 16 Navy and Customs patrol boats.

Members of the opposition have criticised these arrangements today. The member for Farrer called these arrangements lax and said that she did not believe the government were doing enough. Though I do welcome the opposition's apparent final support for this bill, I do wish to address those comments. The facts are that this government have either the same number or more boats patrolling under Border Protection Command than the previous government had and our aircraft are actually more capable. Recent detections and interceptions show that our surveillance is indeed strong and effective. The response time for aircraft locating the most recent boat to be intercepted was less than 30 minutes. The AFP was also involved in February this year in an investigation with Indonesian police which led to 41 passengers along with six suspected people smugglers being detained before they got to leave Indonesia. These examples only highlight the necessity for a more coordinated approach across agencies—something the government have recognised and which this bill is now delivering.

In speeches today several opposition members also made some alarmist statements about maritime arrivals being on the rise. They said that that was linked to the government's humane policy for dealing with asylum seekers. The member for Murray called this a 'new surge' and went so far as to say the government had given a green light to people smugglers. To the opposition I would say this: people-smuggling is a problem that is not determined by domestic policies. Australia has had a comparatively small number of arrivals over the last five years. Of course, we have to remain vigilant and we have to approach people smugglers as the criminals they are—threatening innocent lives as well as Austra-

lian sovereignty. But these are not Australian problems in isolation. There was a report in the *Sydney Morning Herald* on 7 February this year that figures from the United Nations established that 36,952 refugees landed on the coast of Italy last year. That was a jump of 75 per cent on the previous year. Thirty-one thousand of those people were rescued by the Italian Coast Guard. Last year's arrivals in Australia were entirely comparable to previous years, with seven vessels arriving in our waters with 179 people. There were not 37,000 people but fewer than 200 people, so let us keep this in some kind of perspective.

Of course our maritime threats are different from those of Europe. We have a smaller potential volume of illegal immigrants but we have a massively larger area to keep under surveillance—the archipelago of Indonesia and the vast coast and territorial waters of Australia. To back up her claims about a purported new surge in arrivals, the member for Murray quoted figures on arrivals over a number of years. But, interestingly, she failed to quote the number of arrivals during 2007. That was of course a Howard government year. There were 148 people that year. As I have said, that figure is comparable to the figures we saw last year. The figures simply reiterate what the government has been saying all along: the number of people seeking asylum in Australia fluctuates, and the fluctuation is actually influenced by conflict overseas—in Afghanistan and Sri Lanka, for instance, and elsewhere in our region—by seasonal conditions and by the actual state of the sea. I repeat that these arrivals are not for the most part affected in any way by government policy in Australia.

The government has maintained a system of excision and mandatory detention on Christmas Island for all unauthorised boat arrivals. We have ended the embarrassing and inhumane Howard government policies that saw women and children locked up in detention centres and people languishing for years in detention without any review of their cases. That change in policy was part of the platform upon which the present government was elected. In my view, and in the view of all of my colleagues on this side of the House, that new policy has restored our honour as a nation.

We have also strengthened the Australian government's response to the crime of people-smuggling. On the one hand we have established some humanity in the way that we deal with illegal entrants to this country but, contrary to what has been said by those opposite, we have also strengthened the Australian government's response to the crime of people-smuggling through the measures that accompany the legislation that we are introducing today and the simple improvement in the material circumstances of the surveillance efforts that we carry out.

Customs also deals with the detection of drugs at the border. The member for Farrer criticised Customs container-screening operations this morning and criticised the harm minimisation component of the government's drug strategy. I would like to briefly respond to those criticisms. The fact is that the Australian Customs and Border Protection Service has one of the best cargo inspection and examination regimes in the world. All Australian sea cargo imports and exports are risk assessed. We think about and collect intelligence on the risks associated with all cargo that enters Australia and then, where appropriate, through Customs and Border Protection we conduct further examination and inspection of that cargo.

In criticising the government's wider drug strategy, the member for Farrer has apparently failed to understand that this is not a circumstance that one might ordinarily have expected, but the fact is that there has not been any change in the government's tough

stance on drugs from that of the previous government. We have not gone soft on drugs; in fact, the present government's approach to illegal drugs is exactly the same as that of the previous government. We have adopted the National Drug Strategy of the previous government. We did so because it was a sensible one, and it encompasses the three elements that any good drug policy should have: it looks to reduce supply, it looks to reduce demand and it looks to reduce harm. Harm minimisation is in fact an integral part of our fight against drugs, but it does not in any way mean that we have dropped the ball on detection and supply. It is hardly a dramatic proposition to say that all three components of a policy are just as important as each other—reduction of supply, reduction of demand and reduction of harm.

On the bill at hand I want to be clear: the government has as many, and sometimes more, patrol boats in operation than the Howard government had in place. We have more capable aircraft than the Howard government had in place, and now we are improving coordination on people-smuggling to a level that is without precedent and is, by its nature, bound to be more effective than any arrangement that existed under the Howard government. We are doing all that without leaving asylum seekers in detention indefinitely without review of their case and without putting little kids into confinement. We are behaving like a civilised nation again. We are achieving this while also having better and more coordinated arrangements in place for dealing with people smugglers than those opposite ever had. I have pride and pleasure in commending the bill to the House.

Question agreed to.

Bill read a second time.

**Third Reading**

**Mr DEBUS** (Macquarie—Minister for Home Affairs) (5.54 pm)—by leave—I move:

That this bill be now read a third time.

Question agreed to.

Bill read a third time.

## COMMITTEES

### Infrastructure, Transport, Regional Development and Local Government

#### Membership

**The DEPUTY SPEAKER (Ms AE Burke)**—Mr Speaker has received advice from the Chief Government Whip nominating members to be supplementary members of the House of Representatives Standing Committee on Infrastructure, Transport, Regional Development and Local Government for the purpose of the committee's inquiry into the impact of the global financial crisis on regional Australia.

**Ms McKEW** (Bennelong—Parliamentary Secretary for Early Childhood Education and Childcare) (5.54 pm)—I move:

That Mr Oakeshott and Ms Parke be appointed supplementary members of the Standing Committee on Infrastructure, Transport, Regional Development and Local Government for the purpose of the committee's inquiry into the impact of the global financial crisis on regional Australia.

Question agreed to.

**The DEPUTY SPEAKER**—Order! The chair will be resumed tomorrow morning at the ringing of the bells.

**Sitting suspended from 5.56 pm to 12.34 pm**

*Friday, 20 March 2009*

## CONDOLENCES

### An Australian Soldier

**Mr RUDD** (Griffith—Prime Minister) (12.34 pm)—Mr Speaker, I make a statement to the House on indulgence concerning the death of an Australian soldier. This has been a tragic week for Australia and for the Australian Defence Force. I was deeply saddened to learn last night that an Australian soldier was killed yesterday in Afghanistan, the second to fall in a week. His loss will be deeply felt across the nation. This brave and courageous soldier died while attempting to make safe an improvised explosive device in order to protect his mates. In order to protect his mates—let's reflect on that.

On behalf of the Australian government and the Australian people, I extend my most heartfelt condolences to this brave soldier's family, his friends and his fellow soldiers. This has been a sad week for all Australians. The loss of two proud and respected soldiers is felt by all Australians. As a result of this incident yesterday, 10 Australian soldiers have now been killed in Afghanistan fighting the fight against terrorism. Oruzgan, like the rest of Afghanistan, remains a difficult and dangerous place. Our mission in Afghanistan is important for Australia because we remain committed to fighting terrorism at its source. We must never forget those terrorists who have killed over a hundred Australians in major attacks since 2000 and found sanctuary in Afghanistan and its border regions with Pakistan.

Australia will not falter in our efforts to bring greater security and stability to Afghanistan. We cannot allow Afghanistan to yet again become another safe haven for terrorists who then present a threat to the security of people everywhere, including Australians at home and abroad. The implications of this would extend well beyond Afghanistan itself to our wider region and possibly to our own shores. This government and the nation will not allow this to happen. Today our nation grieves with this man's family, and we are again reminded of the ultimate sacrifice that some are called upon to make in the service of our nation. His sacrifice and the sacrifice of those who have fallen before him will never be forgotten by this House, by this parliament, by this government or by this nation.

**Mr TURNBULL** (Wentworth—Leader of the Opposition) (12.37 pm)—Mr Speaker, on indulgence: for the second time this week we in the opposition join with the government and all Australians as we mourn the loss of one of our finest. Overnight came the dreadful news that one of our bomb disposal experts in Afghanistan lost his life while attempting to clear a safe path for his mates. He gave his life trying to protect the lives of others. His courage and self-sacrifice will forever be remembered by us.

The Chief of the Defence Force last night paid tribute to this soldier as one of the experts in this field. Explosive ordnance disposal technicians are among the bravest of the brave. They walk straight into danger zones to clear the way of mines, roadside bombs and other suspect items that our enemies strew in our path. They keep safe their comrades in arms. They provide reassurance to the people of Afghanistan that they can go to their local market without the fear of setting off a landmine on the road and being destroyed by it. These men and women, these explosive ordnance disposal technicians, are chosen for their calm, their skill, their mental discipline and, above all, their nerves of steel. They expose themselves not only to the danger of the explosive device itself but also to direct enemy fire. They are part of a dedicated, selfless and courageous group that say to their comrades in arms: keep your head down and let me clear a safe

way for you. The prayers and thoughts of the Australian people today are with this soldier's family and friends.

This is the 10th fatality in Australia's Afghanistan campaign. It is a heavy toll for the nation to bear. It represents an incalculable sacrifice by 10 soldiers and their families and loved ones. The nation mourns their loss and honours their sacrifice but remains committed to the cause, their cause—the cause for which they gave up their lives. The freedom they have fought for is the freedom the Taliban seek to deny the people of Afghanistan. The terrorism these Australian soldiers seek to destroy in our name is the same brand of terror that we must defeat around the globe and be ever vigilant against on our home soil as well. We cannot resile from this task despite the heavy cost. We honour the fallen by recommitting to the task of liberating the people of Afghanistan and ridding the world of the scourge of terrorism.

**The SPEAKER** (12.40 pm)—I invite honourable members to stand in silence to show their support for the remarks by the Prime Minister and the Leader of the Opposition and for the fallen soldier, his family and his comrades in arms.

*Honourable members having stood in their places—*

**The SPEAKER**—I thank the House.

## AVIATION LEGISLATION AMENDMENT (2008 MEASURES No. 2) BILL 2008

### Consideration of Senate Message

Bill returned from the Senate with an amendment.

Ordered that the amendment be considered immediately.

*Senate's amendment—*

(1) Page 2 (after line 11), after clause 3, insert:

**4 Report of the Privacy Commissioner**

(1) The Privacy Commissioner must examine the following matter:

The privacy implications for flight crew members of the provisions of the *Civil Aviation Act 1988* relating to copying or disclosure of CVR information, as amended by Part 2 of Schedule 1 of this Act.

(2) In examining the matter the Privacy Commissioner must consult representatives of associations affected by the provisions.

(3) The Commissioner must produce a written report to the Minister within 15 months of the commencement of this Act about the operation of the provisions referred to in paragraph (1) over its first 12 months, and may include in the report any recommendations the Commissioner wishes to make for amendment of the provisions to address any privacy concerns.

(4) In examining and reporting on this matter the Privacy Commissioner may exercise any of the powers conferred upon him or her by the *Privacy Act 1988*, and may delegate any matter to a member of his or her staff as provided for by section 99 of that Act.

(5) The Minister shall cause a copy of a report given to the Minister under subsection (2) to be laid before each House of the Parliament within 15 sitting days of that House after the report is received by the Minister.

**Mr ALBANESE** (Grayndler—Minister for Infrastructure, Transport, Regional Development and Local Government) (12.41 pm)—I move:

That the amendment be agreed to.

The Aviation Legislation Amendment (2008 Measures No. 2) Bill 2008 makes amendments to aviation security and safety legislation. The safety measures include amendments to the Civil Aviation Act 1998 to allow copying and disclosure of cockpit

voice recordings, or CVRs, for the purpose of testing whether the CVR is functioning and reliable. CVRs retain the last two hours of audio in the cockpit during a flight. Information is recorded for use in accident investigations and needs to be fully functioning and reliable for this critical safety purpose.

Non-government amendments were successfully moved in the Senate with respect to the cockpit voice recorder provisions. While the bill already contains stringent measures to protect the privacy of an aircraft's crew, the government supported an amendment to the bill to provide for a review of the CVR provisions by the Privacy Commissioner after they have been in operation for 12 months. The government supported the amendment because it is consistent with the nature of the existing protections to have an independent body review their implementation. This amendment was moved after discussions between Senator Xenophon and me. I thank him for the constructive way in which he entered into dialogue with the government.

The amended bill is in the interests of preserving best practice with respect to the maintenance of privacy. The other safety measures in the bill are amendments to the Transport Safety Investigation Act 2003 to improve the workability of the Australian Transport Safety Bureau's accident and incident reporting scheme. It is essential that safety data is reported on accidents and incidents for the improvement of future transport safety. These security measures are amendments to the Aviation Transport Security Act 2004 to expand the information collection and delegation of powers of the secretary of my department. These amendments will improve the robustness and flexibility of the aviation security framework to ensure a timely response to threats of unlawful interference with aircraft. I am confident that the amendments contained in this bill will further enhance Australia's aviation security and safety regime. There is no greater priority when it comes to aviation than the issue of safety. Consistent with that, I commend the bill, as amended, to the House.

**Mr TRUSS** (Wide Bay—Leader of the Nationals) (12.45 pm)—The opposition is happy to support this amendment. It deals with the issue of the privacy of conversations amongst aircraft crew and the need to ensure that that privacy is appropriately respected. As I said in my remarks during the debate on this bill, I am sure that no-one ever expected there would be restrictions on the maintenance of cockpit voice recorders because of privacy provisions. There was never that intention, and I thought it was stretching the privacy rules to the absolute limit when maintenance staff gave the reason, as an excuse for not maintaining the cockpit voice recorder, that it might infringe the privacy of the conversations that were recorded on it. Frankly, safety is a priority issue and sometimes we have to accept some compromises in other areas to ensure that that safety is maintained.

Clearly, everybody believes that there is not much point in having cockpit voice recorders unless regular maintenance can be undertaken without any kind of interference or obstruction. So the opposition was happy to support the original bill. After the bill had gone through the House of Representatives, pilots raised concerns that there may not be adequate protection for those casual conversations which are inadvertently picked up on cockpit voice recorders during a flight. They proposed that pilots, to ensure that these conversations were kept private, should have a right of veto over whether or not the cockpit voice recorder could be maintained. I think that went too far. You cannot really have a situation where a pilot, co-pilot or any of the crew could have a right to essentially

prevent maintenance from occurring because of what they may have said on the cockpit voice recorder on its last flight. There are, as the Minister for Infrastructure, Transport, Regional Development and Local Government has rightly said, already quite significant rules guaranteeing the privacy of any such information. That is as it ought to be.

There have been some issues about whether it might be possible to recover ancient, wiped out conversations through modern technology that are actually no longer on the primary record of the cockpit voice recorder. I do not really know that I have a satisfactory technical answer as to whether that is actually possible but, for that reason, I think the suggestion that the Privacy Commissioner have a look at this issue after 12 months of operation is reasonable.

I also felt that the original amendment proposed by Independent senators—that a 'three strikes and you're out' rule be applied—would essentially make the original legislation, as it was intended, unworkable. If each member of the crew could have three goes at knocking off maintenance then clearly, over the course of a year, there might never be any maintenance undertaken. So I do not think that was a practical amendment. If there are issues associated with privacy, then the Privacy Commissioner can have a look at them as a result of this amendment. Frankly, I doubt that there will be issues but, if there are, it is right that the Privacy Commissioner should have a look at them and see what needs to be done to correct any unintended consequences of this legislation.

I make the point, again, that the primary objective of this legislation is to ensure that cockpit voice recorders are maintained. There should not be any technical barriers put in the way of that and that will have to be the priority outcome, even taking into account the concerns of pilots in relation to their casual conversations. To just make one final point, the pilots are, I am told, to be notified in advance when the maintenance schedule is going to occur. It is probably good advice to them to remember that what they are saying in that conversation will be recorded. But even if they say something they should not say, or if they regret something they said, the privacy laws still give them protection.

**Mr OAKESHOTT** (Lyne) (12.49 pm)—I will speak very briefly on the Aviation Legislation Amendment (2008 Measures No. 2) Bill 2008 because I spoke on this in the Main Committee and expressed some concerns there, and I am sure the minister has read and digested those at length. I just want to get on the record that this is a good example of the processes of this place that work. Legislation was presented in this place and the other place; there were negotiations and compromise has been reached. I think the legislation is better because of that.

I also want to emphasise the increased role that I am seeing for the Privacy Commissioner and the role that the Privacy Commissioner is being seen to take in a number of pieces of legislation—including, in fact, one that looks to have kept people up most of the night. I think it is a good thing that this place is focusing more on the liberties of the individual and the importance of those liberties as we develop and enhance the legislation that goes through these chambers.

As part of that, the point I want to reemphasise from my speech in the Main Committee is that, although the intelligence gathering by various agencies is important, unrestrained and uncontrolled intelligence gathering should be of concern. I think greater transparency and greater accountability in that intelligence-gathering process strengthen the security of this nation and the security within aviation. Therefore, I am

pleased to see at least a step forward in this amendment where the Privacy Commissioner is playing a great role.

**Mr ALBANESE** (Grayndler—Minister for Infrastructure, Transport, Regional Development and Local Government) (12.51 pm)—I thank the members for their contributions to the debate. Certainly the pilots association had raised issues of privacy, as indicated by the member for Lyne, which led to the amendment moved by Senator Xenophon. Senator Xenophon consulted with my office on making sure that the concerns were alleviated; hence there was certainly consultation with my department on the wording of the amendment that has been moved to make sure that there were not any unintended consequences from the amendment.

Let me say this about the comments of the shadow minister in this case: when it comes to a decision-making alternative of privacy over safety, I concur with the views of the shadow minister. I will put that on the record so that people clearly know where I am coming from. Anyone who has been aviation minister, as the shadow minister and other members of this chamber have been, knows that it is an extraordinary responsibility that falls upon one's shoulders. It is certainly one that I am very conscious of. When there is an aviation incident, I am normally notified within a very short period of time. When I get a phone call from my aviation adviser it is sometimes a chilling prospect if it is at an hour when he would not normally be calling me.

We do need to look after people's privacy, and I think these provisions ensure that any concerns that existed can be dealt with, which is why the government was prepared to support them. But we really do need to make sure in all circumstances that safety is not compromised, which is what the overall legislation is directed towards. I am pleased that this legislation will be supported by every member of the House because I think that it is very important for the confidence of the travelling public that aviation safety is not a political issue but an issue that the whole parliament works towards. I am very pleased that with this legislation we have had constructive input from government members, opposition members and Independent members in both chambers. I commend the Aviation Legislation Amendment (2008 Measures No. 2) Bill 2008, as amended, to the House, and I thank the member for Lyne and the shadow minister for their cooperation and for their contributions to this debate.

Question agreed to.

## RESALE ROYALTY RIGHT FOR VISUAL ARTISTS BILL 2008

### Second Reading

Debate resumed from 27 November 2008, on motion by **Mr Garrett**:

That this bill be now read a second time.

**Mr CIOBO** (Moncrieff) (12.55 pm)—How extraordinary that we find ourselves debating the Resale Royalty Right for Visual Artists Bill 2008 today. I say 'how extraordinary' because it is an indictment on the government's legislative program that this bill is before the House today for debate. As recently as 10 minutes ago, the Minister for the Environment, Heritage and the Arts, the man who has carriage of this legislation, assured me that this bill would not be up for debate today. Ten minutes ago the government said, 'No, the bill's not going to be on for debate,' and now here we are 10 minutes later forced to discuss this bill. It is even more extraordinary because the legislation that is now before the House is legislation into which the minister sought an inquiry from the House of Representatives Standing Committee on Climate Change, Water, Environment and the Arts, and yet the govern-

ment has not even responded to that. So let us just look at this process and the completely rushed and bungled way this government has handled the resale royalty right.

Initially, we had the minister for the arts come into the chamber with a bill that was already considered to be largely unworkable. There were faults being pointed out by intermediaries such as galleries and artists' representatives and by the opposition. So we sought, before the bill was even introduced into the House, to outline some of the concerns that we had about the way in which the bill had been structured to provide a resale royalty right to artists.

That notwithstanding, the Minister for the Environment, Heritage and the Arts came into the House and introduced the bill. He immediately referred the bill to the House of Representatives Standing Committee on Climate Change, Water, Environment and the Arts for an inquiry into how workable the bill would be. That committee, I am pleased to say, in a bipartisan way put forward a number of recommendations in their report of the inquiry. The extraordinary thing is that, the inquiry having been undertaken and the report having been introduced into this chamber and noted, the minister is still yet to reply and address the concerns and the recommendations made in the report from that inquiry—the inquiry that he called for. Yet we find ourselves today debating the legislation without even a response from the minister to the inquiry that he called for.

This has been a gross mismanagement of this entire process, and it demonstrates that the government are in a complete shambles, and not only on resale royalties. When you consider this as a litmus test of the government's legislative program, you understand that they do not know whether they are Arthur or Martha. We have had a 10-minute gap between the minister saying, 'Oh no, that legislation's not up for debate today,' and having that actual debate. So I think it is high time that the government got a grip. It is high time that the government actually understood what their legislative program was and which pieces of legislation would be before the House and which pieces would not.

If you look at the nitty-gritty of this bill, it is completely unacceptable to the opposition, and I know it to be completely unacceptable to the stakeholders in the arts community who are forced to endure this completely botched effort when it comes to resale royalty rights. It is no wonder that, out there in the community, as I find when I talk to art galleries, to principals and to artists, they just shake their heads at the absolute incompetence of this government when it comes to the issue of resale royalty rights. It is little wonder that journalists scratch their heads and wonder what this government's plan is for the arts sector when the government is so utterly useless at dealing with it.

I have spoken to many people about this bill. I have consulted far and wide and sought the advice of many people. When it comes to this legislation, I think it is time that the minister actually spoke to a few more people besides perhaps the one or two that he has been chatting to. We know that the coalition's policy committee for the environment, climate change, water, heritage and the arts had a good long look at the matter and it has helped to inform my opinion on the legislation. Members on this side of the House actually have some idea of what it is that artists are looking for and what it is that intermediaries are seeking, as opposed to the government, which clearly is completely all at sea.

I ensured that I spoke with Tamara Winikoff, Chair of the Coalition for an Australian Resale Royalty, as well as other members of CARR, which represents some

2½ thousand artists; Robyn Ayres, Executive Director of the Arts Law Centre of Australia; Jo Cave, Chief Executive of Viscopy; Libby Baulch, Executive Director of the Australian Copyright Council; Dean Ormston, Director of Corporate Affairs for the Australasian Performing Right Association; as well as a number of intermediaries, such as Eva Breuer, Anna Schwartz, Paul Greenway and Adrian Newstead. They will all play a very important role should this very botched legislative program and structure for resale royalties that the government has in place come to pass.

I have also gone out and consulted directly with artists who have a very real interest in this matter—people like Nicholas Harding, Ken Done and Wendy Whiteley, as a representative of the Whiteley estate. I have also contacted some of Australia's most significant collectors of art, such as Dr Patrick Corrigan, who, as many people know, is certainly a very avid collector of Australian art. Also, as part of informing my view, I have spoken to people such as Elizabeth Anne Macgregor from the MCA and, of course, Lynn Bean, the First Assistant Secretary from the Department of the Environment, Water, Heritage and the Arts about what is contained in the legislation.

I cite all of those people and those organisations as people who can give the parliament some clear understanding of the extent to and the seriousness with which the opposition takes this legislation. We remain absolutely committed—and I have said this previously in the House—to supporting the right of visual artists to have their intellectual property rights recognised. The legislation that is being debated today highlights the completely bungled and mishmash way this government is approaching it in its attempts to recognise intellectual property rights through this bill.

As I said, how extraordinary that the Minister for the Environment, Heritage and the Arts, a man who heads up a staff of 30 or 40 people, as well as having a department behind him, did not even have it together enough to know whether this bill would be debated today as little as 10 minutes before the bill came on for debate! How extraordinary that the minister can commission a House of Representatives committee inquiry into this completely botched piece of legislation and then not even have the wherewithal to respond to it before the debate takes place in the parliament! It is no wonder that the minister has sought further advice on this completely bungled attempt to recognise the intellectual property rights of our visual artists because, quite extraordinarily, this bill has been criticised from all corners of the arts community.

The only person I can find who supports this botched piece of legislation is the minister. The only person who supports what the parliament has in front of it today is the minister. There are no intermediaries, there are no stakeholder groups such as CARR, there are no collectors, there are no journalists—there is only the minister, like an island, standing there all by himself, saying, 'This is a great piece of legislation.' We even have opposition members and government members working together and putting forward recommendations in a bipartisan report—a report which, as I have said, the minister has not even responded to. It is no wonder that last month, Katrina Strickland, a reporter with the *Australian Financial Review*, said that even supporters of the principle of this bill—I would perhaps consider even myself to be one of them—have outlined how the Rudd government's current scheme is completely unworkable. The word 'unworkable' has been used a lot. It has been used to describe this bill, as I said, by all stakeholders interested in this debate.

Even right now, as we are having this debate, there is disputed legal advice about the constitutional implications of section 11 of the bill, with advice contrary to the government's assertions having been tendered to the inquiry that was concluded by the House of Representatives Standing Committee on Climate Change, Water, Environment and the Arts. I have sought, through my office in consultation with the minister's office, to obtain the legal advice that the minister says forms the basis upon which section 11 has to remain in its current form. I have not been provided with that advice from the minister's office. I am forced to deal with basically a 'take us on our word' attitude from the minister.

In the same way, the inquiry of the House of Representatives committee was also provided with, from the department in their advice, the basic attitude of, 'You will have to take us on our word about the legal advice in respect of section 11'. It is simply unacceptable when there are so many obvious problems with this bill that the government has now before us for debate without even a response to the inquiry and without even being open, honest and transparent with all stakeholders and with me as the shadow minister about what is contained in that legal advice.

The minister has called us here now and we are having this debate in the House before the government has even received the final advice from the Solicitor-General on the constitutionality of section 11. It is no wonder that in light of such complete and total incompetence the government is in a situation where it is not engendering very much support at all from any of the stakeholders in the community that have an interest in resale royalty rights. While it is clear that the minister does not take the consequences of section 11 seriously, certainly our visual artists do. Based on an analysis of this document that they provided to me and to the inquiry, the eligibility of more than 1,600 artists hangs on section 11. On the same analysis, it advises that $30 million of a potential $35 million in royalties that would have been eligible between 1997 and 2008 will be excluded under the bill in its current form.

With 85 per cent of the royalties hanging in the breeze, you would have thought that the minister would have put some serious thought into the operation of section 11, and you would have thought, if you were reasonable, that the government would have been in a position to provide the House with conclusive advice on this issue before bringing this matter into this House for debate. Unfortunately, it is clear that there is very good reason why gallery owners, intermediaries, collectors and artists themselves are all completely disillusioned by this minister and by this completely bungled attempt to introduce a resale royalty right into the parliament.

We have a number of proposals that are still very much alive. I do not even know, thanks to the minister's sheer incompetence on this bill, whether this bill as it sits before the parliament now is going to be ultimately what the minister takes forward. There is no threat of Senate changes here. There is no threat of what the crossbench senators are going to do this legislation. That is a whole other level again. We are still talking about whether the government has even made up its mind on its own piece of legislation. Yet, here we are, having the debate before the House. Before we even get close to its going to Senate, we have the bill before the House with absolutely no direction from the minister's office as to whether the bill in its current form is even going to be the way the minister wants to take it forward.

How is that possibly acceptable to artists? How is that possibly acceptable to intermediaries? How is such a rushed and bungled

scheme possibly acceptable even by the minister's apparently low standards when it comes to legislation that he has to take stewardship of? Had this been the first occasion when legislation in the arts sector had been so poorly managed, you could, if you were a very generous person—and I like to consider myself a very generous person—have thought, 'Okay, maybe things have just gotten away from the minister.' But the problem is that this is not the first time that the minister for the arts has completely botched legislation at his fingertips.

Only a matter of months ago, in a key and crucial part of the portfolio of the minister for the arts, we saw a completely ham-fisted attempt by this minister to deal with the Australian National Academy of Music. The situation faced by ANAM, in Melbourne, one of our premier music institutions, was that almost without any notice whatsoever the minister wrote to them and said they would no longer be funded by the federal government. This is one of the elite training institutions. Perhaps the best analogy to use would be to contrast it with the Australian Institute of Sport. It is the equivalent of the AIS for classical musicians. Basically, with no warning whatsoever, the minister wrote to ANAM and said: 'We are cutting your funding. That will take place as of the end of the year'—that is, the end of last year—'and from the beginning of this year, 2009, you will be subsumed into the University of Melbourne and become part of its curriculum going forward.'

We all know what happened. The students at ANAM were up in arms. A whole variety of very senior people in Australia's music community were absolutely appalled and outraged at not only the lack of procedural fairness but the very botched way in which the minister handled the whole ANAM issue. After months of intensive lobbying, including calls from this side of the House and protests at the doors of parliament over the minister's sheer incompetence—and I have to say, Madam Deputy Speaker, it is not every day of the week that you get classical musicians protesting outside parliament; it generally takes a fair bit of bending and twisting to get a concert violinist out the front of Parliament House protesting against a minister; nonetheless, this minister achieved it—and perhaps a new record—this minister changed his mind. He said: 'For 12 months we are going to have a moratorium. I have changed my mind. I have heard the wisdom of what the opposition has said, what the students at ANAM have said and what some of Australia's greatest composers, musicians and performers have said, so I am going to provide a 12-month moratorium.' We welcome that decision. But I raise this example because it demonstrates how important it is to ensure that the minister's track record in this area is recorded and recognised.

There are a number of aspects of this bill that are worth very close scrutiny. It is not only section 11 but also the whole sustainability of the current structure that requires very close inspection. I want to put very clearly on the record the coalition's position, which is that we support the recognition of intellectual property rights for artists. However, the coalition will reserve our approach to this legislation because we do not know its final form—and, as I said, that is before it gets anywhere near the other place. In addition to that, we will be closely watching the rollout of this legislation to determine whether or not it requires refinement in the future. I can very confidently say, on behalf of the opposition, that it will require refinement; I have no doubt about that. Quite frankly, any refinements that the coalition make to this legislation will be an improvement, because it has been so appallingly handled by the minister.

In addition to that, the entire sustainability of the minister's approach to the current legislation needs to be closely analysed. The approach says that the government effectively will provide seed capital to the successful tenderer. Under this legislation, some $1½ million of taxpayers' money will be used to support the successful tenderer. That $1½ million is essentially being put forward to ensure that the minister has at his disposal a monopoly controller who will exercise responsibility for the resale royalty right and the way in which the resale royalty right operates. No-one knows yet, as it will be open to tender, but it is anticipated that one of the most significant visual artists organisations—that is, Viscopy—will be the successful tenderer. With the fullness of time we will see whether or not that is the case. But one thing is clear: under the current legislation and the way in which it operates the resale royalty right will only apply upon the second resale.

What that means, and what we have seen from some of the modelling that has been put forward, is that with the second resale there will be a whole raft of sales of art on the secondary market that will not be captured. So that five per cent resale royalty right that is currently proposed in the legislation, which kicks in at the threshold of $1,000 or more, will start to flow to Viscopy. They will use a portion of it for administration, and the balance will be remitted to the artists themselves. We know that under the current proposed section 11 we will potentially see a situation where, if it is limited to the second resale royalty right, there will not be enough money being supplied back to artists and back to Viscopy to enable the scheme to be sustainable in any way. That issue remains unresolved. It was a key part of the inquiry that the government had the House of Representatives committee make. It was a key part of the recommendations that were put forward, and yet, despite this, we have the situation where we still do not know what the government's approach is going to be.

I remain very, very concerned about this legislation. I remain very, very committed to the principle of ensuring that resale royalty rights are recognised, but let this not be lost upon all members opposite, who form the government. Let them all recognise that we are debating this legislation in the House today when, about 25 minutes ago, the minister said the debate would not be on. This completely incompetent and bungled framework has been rushed into the parliament today to provide some wriggle room for the Leader of the House so that he can get his legislative agenda in place. We know that the left-hand side of the Labor Party does not even know what the right-hand side of the Labor Party is going to do. This very botched piece of legislation will be closely scrutinised by the opposition.

Debate (on motion by **Mr Albanese**) adjourned.

## FAIR WORK BILL 2008

### Consideration of Senate Message

Bill returned from the Senate with amendments.

Ordered that the amendments be considered immediately.

*Senate's amendments—*

**Agreements**

(1) Clause 193, page 182 (after line 15), at the end of the clause, add:

*FWA may assume employee better off overall in certain circumstances*

(7) For the purposes of determining whether an enterprise agreement passes the better off overall test, if a class of employees to which a particular employee belongs would be better off if the agreement applied to that class than if the relevant modern award applied to that class, FWA is entitled to assume, in

the absence of evidence to the contrary, that the employee would be better off overall if the agreement applied to the employee.

(2) Clause 207, page 196 (lines 5 to 10), omit subclause (5).

(3) Clause 211, page 198 (line 6), omit "and".

(4) Clause 211, page 198 (lines 7 to 9), omit paragraph (1)(c), substitute:

unless FWA is satisfied that there are serious public interest grounds for not approving the variation.

(5) Clause 211, page 198 (line 26), omit "those provisions", substitute "sections 180 and 188".

(6) Clause 211, page 199 (line 3), omit "and subparagraph 188(a)(ii)".

(7) Clause 211, page 199 (after line 4), after paragraph (3)(h), insert:

(ha) references in paragraphs 186(2)(c) and (d) to the agreement were references to the enterprise agreement as proposed to be varied; and

(hb) subparagraph 188(a)(ii) were omitted; and

(8) Page 202 (after line 5), after clause 217, insert:

**217A FWA may deal with certain disputes about variations**

(1) This section applies if a variation of an enterprise agreement is proposed.

(2) An employer or employee organisation covered by the enterprise agreement or an affected employee for the variation may apply to FWA for FWA to deal with a dispute about the proposed variation if the employer and the affected employees are unable to resolve the dispute.

(3) FWA must not arbitrate (however described) the dispute.

(9) Page 230 (after line 20), after clause 256, insert:

**256A How employees, employers and employer organisations are to be described**

(1) This section applies if a provision of this Part requires or permits an instrument of any kind to specify the employers, employees or employee organisations covered, or who will be covered, by an enterprise agreement or other instrument.

(2) The employees may be specified by class or by name.

(3) The employers and employee organisations must be specified by name.

(4) Without limiting the way in which a class may be described for the purposes of subsection (2), the class may be described by reference to one or more of the following:

(a) a particular industry or part of an industry;

(b) a particular kind of work;

(c) a particular type of employment;

(d) a particular classification, job level or grade.

**Application of this Act**

(10) Clause 27, page 45 (before line 33), before subclause (1), insert:

(1A) Section 26 does not apply to any of the following laws:

(a) the *Anti-Discrimination Act 1977* of New South Wales;

(b) the *Equal Opportunity Act 1995* of Victoria;

(c) the *Anti-Discrimination Act 1991* of Queensland;

(d) the *Equal Opportunity Act 1984* of Western Australia;

(e) the *Equal Opportunity Act 1984* of South Australia;

(f) the *Anti-Discrimination Act 1998* of Tasmania;

(g) the *Discrimination Act 1991* of the Australian Capital Territory;

(h) the *Anti-Discrimination Act* of the Northern Territory.

(11) Clause 27, page 45 (line 34) to page 46 (line 6), omit paragraph (1)(a).

(12) Clause 27, page 47 (lines 11 to 15), omit paragraph (2)(l), substitute:

(l) regulation of any of the following:

(i) employee associations;

(ii) employer associations;

(iii) members of employee associations or of employer associations;

(13) Clause 29, page 48 (lines 5 to 13), omit subclause (2), substitute:

(2) Despite subsection (1), a term of a modern award or enterprise agreement applies subject to the following:

(a) any law covered by subsection 27(1A);

(b) any law of a State or Territory so far as it is covered by paragraph 27(1)(b), (c) or (d).

(14) Clause 34, page 52 (line 12), at the end of paragraph (3)(a), add "and".

(15) Clause 34, page 52 (after line 13), after subclause (3), insert:

(3A) For the purposes of extending this Act in accordance with subsection (3):

(a) any reference in a provision of this Act to an employer is taken to include a reference to:

(i) an Australian employer; and

(ii) an employer of an Australian-based employee; and

(b) any reference in a provision of this Act to an employee is taken to include a reference to:

(i) an employee of an Australian employer; and

(ii) an Australian-based employee.

(16) Page 53 (after line 16), after clause 35, insert:

**35A Regulations excluding application of Act**

(1) Regulations made for the purposes of section 32 or subsection 33(4) or 34(4) may exclude the application of the whole of this Act in relation to all or a part of an area referred to in section 32 or subsection 33(4) or 34(4) (as the case may be).

(2) If subsection (1) applies, this Act has effect as if it did not apply in relation to that area or that part of that area.

**Bargaining**

(17) Clause 174, page 165 (after line 12), at the end of the clause, add:

*Regulations may prescribe additional content and form requirements etc.*

(6) The regulations may prescribe other matters relating to the content or form of the notice, or the manner in which employers may give the notice to employees.

(18) Clause 176, page 166 (line 28), after "agreement", insert ", or has revoked the status of the organisation as his or her bargaining representative for the agreement under subsection 178A(2)".

(19) Clause 176, page 167 (line 21), at the end of subclause (2), add:

; or (f) the employee has revoked the status of the organisation as his or her bargaining representative for the agreement under subsection 178A(2).

(20) Page 169 (after line 8), after clause 178, insert:

**178A Revocation of appointment of bargaining representatives etc.**

(1) The appointment of a bargaining representative for an enterprise agreement may be revoked by written instrument.

(2) If a person would, apart from this subsection, be a bargaining representative of an employee for an enterprise agreement because of the operation of paragraph 176(1)(b) or subsection 176(2) (which deal with employee organisations), the employee may, by written instrument, revoke the person's status as the employee's bargaining representative for the agreement.

(3) A copy of an instrument under subsection (1) or (2):

(a) for an instrument made by an employee who will be covered by the agreement—must be given to the employee's employer; and

(b) for an instrument made by an employer that will be covered by a proposed enterprise agreement—must be given to the bargaining representative and, on request, to a bargaining representative of an employee who will be covered by the agreement.

(4) The regulations may prescribe matters relating to the content or form of the instrument of revocation, or the manner in which the copy of the instrument may be given.

(21) Clause 179, page 169 (lines 9 to 19), omit the clause.

(22) Clause 186, page 176 (lines 3 to 8), omit subclause (3), substitute:

(3) FWA must be satisfied that the group of employees covered by the agreement was fairly chosen.

(3A) If the agreement does not cover all of the employees of the employer or employers covered by the agreement, FWA must, in deciding whether the group of employees covered was fairly chosen, take into account whether the group is geographically, operationally or organisationally distinct.

(23) Clause 228, page 207 (after line 19), at the end of subclause (1), add:

; (f) recognising and bargaining with the other bargaining representatives for the agreement.

(24) Clause 229, page 209 (lines 6 to 10), omit subclause (5), substitute:

(5) FWA may consider the application even if it does not comply with paragraph (4)(b) or (c) if FWA is satisfied that it is appropriate in all the circumstances to do so.

(25) Clause 237, page 215 (lines 8 to 11), omit paragraph (2)(c), substitute:

(c) that the group of employees who will be covered by the agreement was fairly chosen; and

(26) Clause 237, page 215 (after line 16), after subclause (3), insert:

(3A) If the agreement will not cover all of the employees of the employer or employers covered by the agreement, FWA must, in deciding for the purposes of paragraph (2)(c) whether the group of employees who will be covered was fairly chosen, take into account whether the group is geographically, operationally or organisationally distinct.

(27) Clause 238, page 216 (lines 23 to 26), omit paragraph (4)(c), substitute:

(c) that the group of employees who will be covered by the agreement proposed to be specified in the scope order was fairly chosen; and

(28) Clause 238, page 216 (after line 27), after subclause (4), insert:

*Matters which FWA must take into account*

(4A) If the agreement proposed to be specified in the scope order will not cover all of the employees of the employer or employers covered by the agreement, FWA must, in deciding for the purposes of paragraph (4)(c) whether the group of employees who will be covered was fairly chosen, take into account whether the group is geographically, operationally or organisationally distinct.

(29) Clause 539, page 430 (table item 5), omit the table item.

**Commencement**

(30) Clause 2, page 2 (table), omit the table, substitute:

| Commencement information | | |
|---|---|---|
| **Column 1** | **Column 2** | **Column 3** |
| **Provision(s)** | **Commencement** | **Date/Details** |
| 1. Sections 1 and 2 and anything in this Act not elsewhere covered by this table | The day on which this Act receives the Royal Assent. | |
| 2. Sections 3 to 40 | A single day to be fixed by Proclamation.<br>However, if any of the provision(s) do not commence within the period of 12 months beginning on the day on which this Act receives the Royal Assent, they commence on the first day after the end of that period. | |
| 3. Sections 41 to 572 | A day or days to be fixed by Proclamation.<br>A Proclamation must not specify a day that occurs before the day on which the *Fair Work (Transitional Provisions and Consequential Amendments) Act 2009* receives the Royal Assent.<br>However, if any of the provision(s) do not commence within the period of 12 months beginning on the day on which the *Fair Work (Transitional Provisions and Consequential Amendments) Act 2009* receives the Royal Assent, they commence on the first day after the end of that period. | |
| 4. Sections 573 to 718 | At the same time as the provision(s) covered by table item 2. | |
| 5. Sections 719 to 800 | A day or days to be fixed by Proclamation.<br>A Proclamation must not specify a day that occurs before the day on which the *Fair Work (Transitional Provisions and Consequential Amendments) Act 2009* receives the Royal Assent.<br>However, if any of the provision(s) do not commence within the period of 12 months beginning on the day on which the *Fair Work (Transitional Provisions and Consequential Amendments) Act 2009* receives the Royal Assent, they commence on the first day after the end of that period. | |
| 6. Schedule 1 | At the same time as the provision(s) covered by table item 2. | |

**Definition of small business employer**

(31) Clause 23, page 41 (line 31), omit "15 employees", substitute "20 employees".

(32) Clause 23, page 42 (line 5), at the end of subclause (2), add:

; and (c) the number is to be calculated in terms of full-time equivalent positions, not as an individual head count of employees; and

(d) the regulations must prescribe a method for the calculation of ***full-***

***time equivalent positions*** for the purposes of this section.

(33) Clause 121, page 122 (line 5), before "Section", insert "(1)".

(34) Clause 121, page 122 (after line 11), at the end of the clause, add:

(2) Subsection 23(1) has effect in relation to this section as if it were modified by omitting "20 employees" and substituting "15 employees".

(3) Subsection 23(2) has effect in relation to this section as if it were modified by omitting paragraphs (c) and (d).

**Description of employees**

(35) Page 251 (after line 26), at the end of Division 7, add:

**281A How employees, employers and employer organisations are to be described**

(1) This section applies if a provision of this Part requires or permits an instrument of any kind to specify the employers, employees or employee organisations covered, or who will be covered, by a workplace determination or other instrument.

(2) The employees may be specified by class or by name.

(3) The employers and employee organisations must be specified by name.

(4) Without limiting the way in which a class may be described for the purposes of subsection (2), the class may be described by reference to one or more of the following:

(a) a particular industry or part of an industry;

(b) a particular kind of work;

(c) a particular type of employment;

(d) a particular classification, job level or grade.

**Fair Work Information Statement; functions of the Fair Work Ombudsman**

(36) Clause 124, page 126 (lines 3 to 17), omit the clause, substitute:

**124 Fair Work Ombudsman to prepare and publish Fair Work Information Statement**

(1) The Fair Work Ombudsman must prepare a ***Fair Work Information Statement***. The Fair Work Ombudsman must publish the Statement in the *Gazette*.

Note: If the Fair Work Ombudsman changes the Statement, the Fair Work Ombudsman must publish the new version of the Statement in the *Gazette*.

(2) The Statement must contain information about the following:

(a) the National Employment Standards;

(b) modern awards;

(c) agreement-making under this Act;

(d) the right to freedom of association;

(e) the role of FWA and the Fair Work Ombudsman;

(f) termination of employment;

(g) individual flexibility arrangements;

(h) right of entry (including the protection of personal information by privacy laws).

(3) The Fair Work Information Statement is not a legislative instrument.

(4) The regulations may prescribe other matters relating to the content or form of the Statement, or the manner in which employers may give the Statement to employees.

(37) Clause 576, page 461 (lines 8 and 9), omit ", and undertaking activities to promote public understanding of,".

(38) Clause 682, page 517 (line 8), before "The", insert "(1)".

(39) Clause 682, page 517 (line 10), after "harmonious", insert ", productive".

(40) Clause 682, page 517 (line 13), after "organisations", insert "and producing best practice guides to workplace relations or workplace practices".

(41) Clause 682, page 517 (line 31), after "Note", insert "1".

(42) Clause 682, page 517 (after line 32), at the end of the clause, add:

Note 2: In performing functions under paragraph (a), the Fair Work Ombudsman might, for example, produce a best practice guide to achieving productivity through bargaining.

(2) The Fair Work Ombudsman must consult with FWA in producing guidance material that relates to the functions of FWA.

**Fair Work Ombudsman; Fair Work Australia**

(43) Clause 12, page 20 (lines 10 and 11), omit "who is also a police, stipendiary or special magistrate".

(44) Clause 539, page 428 (lines 17 to 19), omit "if an undertaking given by the person in relation to the contravention has not been withdrawn (see subsection 715(4))", substitute "in certain cases where an undertaking or compliance notice has been given (see subsections 715(4) and 716(4A))".

(45) Clause 544, page 441 (line 15), after "Note", insert "1".

(46) Clause 544, page 441 (after line 17), at the end of the clause, add:

Note 2: For time limits on orders relating to underpayments, see subsection 545(5).

(47) Clause 545, page 442 (after line 24), at the end of the clause, add:

*Time limit for orders in relation to underpayments*

(5) A court must not make an order under this section in relation to an underpayment that relates to a period that is more than 6 years before the proceedings concerned commenced.

(48) Clause 573, page 458 (lines 21 and 22), omit "Division 7 deals with FWA's seal, reviews and reports, and disclosing information obtained by FWA.", substitute "Division 7 deals with FWA's seal. It also deals with other powers and functions of the President and the General Manager (including in relation to annual reports, reports on making enterprise agreements, arrangements with certain courts, and disclosing information obtained by FWA).".

(49) Page 459 (after line 2), after clause 574, insert:

**574A Schedule 1**

Schedule 1 has effect.

(50) Clause 576, page 461 (line 12), after "section 650", insert "or 653A".

(51) Clause 576, page 461 (after line 12), after paragraph (2)(c), insert:

(ca) mediating any proceedings, part of proceedings or matter arising out of any proceedings that, under section 53A of the *Federal Court of Australia Act 1976* or section 34 of the *Federal Magistrates Act 1999*, have been referred by the Fair Work Division of the Federal Court or Federal Magistrates Court to FWA for mediation;

(52) Clause 596, page 470 (after line 6), at the end of subclause (2), add:

Note: Circumstances in which FWA might grant permission for a person to be represented by a lawyer or paid agent include the following:

(a) where a person is from a non-English speaking background or has difficulty reading or writing;

(b) where a small business is a party to a matter and has no specialist human resources staff while the other party is represented by an officer or employee of an industrial association or another person with experience in workplace relations advocacy.

(53) Clause 596, page 470 (lines 14 and 15), omit paragraph (4)(b), substitute:

(b) is an employee or officer of:

(i) an organisation; or

(ii) an association of employers that is not registered under the *Fair Work (Registered Organisations) Act 2009*; or

(iii) a peak council; or

(iv) a bargaining representative;

that is representing the person; or

(54) Clause 625, page 485 (after line 12), after paragraph (2)(d), insert:

(da) publishing the results of a protected action ballot under section 457;

(55) Clause 625, page 485 (after line 21), at the end of subclause (2), add:

; (i) any function or power prescribed by the regulations.

(56) Heading to Division 7, page 501 (lines 2 and 3), omit the heading, substitute:

**Division 7—Seals and additional powers and functions of the President and the General Manager**

(57) Heading to clause 653, page 502 (line 5), omit the heading, substitute **"Reports about making enterprise agreements, individual flexibility arrangements etc.".**

(58) Clause 653, page 502 (lines 6 to 11), omit subclause (1), substitute:

*Review and research*

(1) The General Manager must:

(a) review the developments, in Australia, in making enterprise agreements; and

(b) conduct research into the extent to which individual flexibility arrangements under modern awards and enterprise agreements are being agreed to, and the content of those arrangements; and

(c) conduct research into the operation of the provisions of the National Employment Standards relating to:

(i) requests for flexible working arrangements under subsection 65(1); and

(ii) requests for extensions of unpaid parental leave under subsection 76(1); and

(d) conduct research into:

(i) the circumstances in which employees make such requests; and

(ii) the outcome of such requests; and

(iii) the circumstances in which such requests are refused.

(1A) The review and research must be conducted in relation to each of the following periods:

(a) the 3 year period that starts when this section commences;

(b) each later 3 year period.

(59) Clause 653, page 502 (lines 12 and 13), omit "review the effects that such bargaining has had", substitute ", in conducting the review and research, consider the effect that the matters referred to in paragraphs (1)(a) to (d) have had".

(60) Clause 653, page 502 (line 24), after "review", insert "and research".

(61) Page 502 (after line 31), after clause 653, insert:

**653A Arrangements with the Federal Court and the Federal Magistrates Court**

The General Manager may make a written arrangement with the Federal Court or the Federal Magistrates Court for FWA to provide administrative support to the Fair Work Division of the Court.

(62) Clause 655, page 503 (line 29), omit "under this Act", substitute "of FWA".

(63) Clause 657, page 505 (after line 8), after subclause (1), insert:

(1A) The General Manager also has the following functions:

(a) any function conferred on him or her by a fair work instrument;

(b) any function conferred on him or her by a law of the Commonwealth.

Note: Sections 653 and 653A confer additional functions and powers on the General Manager.

(64) Clause 657, page 505 (lines 9 and 10), omit the note.

(65) Clause 657, page 505 (line 12), omit "assisting the President", substitute "performing his or her functions".

(66) Clause 658, page 505 (lines 24 and 25), omit "the General Manager's review of developments in making enterprise agreements", substitute "the conduct by the General Manager of the review and research, and the preparation of the report,".

(67) Clause 671, page 509 (line 14), omit "in relation to assisting the President".

(68) Clause 713, page 530 (lines 6 to 12), omit subclause (2), substitute:

(2) However, in the case of an individual none of the following are admissible in evidence against the individual in criminal proceedings:

(a) the record or document produced;

(b) producing the record or document;

(c) any information, document or thing obtained as a direct or indirect consequence of producing the record or document;

(d) any record or document that is inspected or copied under paragraph 709(e);

(e) any information, document or thing obtained as a direct or indirect consequence of inspecting or copying a record or document under paragraph 709(e).

(69) Clause 716, page 533 (after line 11), after subclause (4), insert:

*Relationship with civil remedy provisions*

(4A) An inspector must not apply for an order under Division 2 of Part 4-1 in relation to a contravention of a civil remedy provision by a person if:

(a) the inspector has given the person a notice in relation to the contravention; and

(b) either of the following subparagraphs applies:

(i) the notice has not been withdrawn, and the person has complied with the notice;

(ii) the person has made an application under section 717 in relation to the notice that has not been completely dealt with.

Note: A person other than an inspector who is otherwise entitled to apply for an order in relation to the contravention may do so.

(4B) A person who complies with a notice in relation to a contravention of a civil remedy provision is not taken:

(a) to have admitted to contravening the provision; or

(b) to have been found to have contravened the provision.

(70) Page 575 (after line 13), at the end of the bill, add:

**Schedule 1—Transitional provisions**

Note: See section 574A.

**1 Definitions**

(1) For the purposes of this Schedule, unless a contrary intention appears, expressions used in this Schedule that are defined in the *Workplace Relations Act 1996* (other than Schedule 1 to that Act) have the same meanings as they have in that Act.

(2) If:

(a) a provision of this Schedule uses an expression defined in both the *Workplace Relations Act 1996* and this Act; and

(b) it is clear from the context of the provision which of those meanings is intended to apply in that provision;

the expression has that meaning.

**2 Appointments to Fair Work Australia**

(1) An appointment that is:

(a) to an office of the Commission mentioned in a table item below; and

(b) in force immediately before the commencement time for the table item;

is taken, after that time, to be an appointment, under section 626 of this Act, to the office of FWA mentioned in the table item.

Note: The person continues to be appointed to the Commission (see subclause (3)).

**Appointments to FWA**

| Item | Column 1<br>Office of the Commission | Column 2<br>Office of FWA | Column 3<br>Commencement time |
|---|---|---|---|
| 1 | President of the Commission | President of FWA | The day proclaimed for the purposes of item 2 of the table in subsection 2(1) of this Act. |
| 2 | Vice President of the Commission | Deputy President of FWA | The first day proclaimed for the purposes of item 3 of the table in subsection 2(1) of this Act. |
| 3 | Senior Deputy President of the Commission | Deputy President of FWA | The first day proclaimed for the purposes of item 3 of the table in subsection 2(1) of the FW Act. |
| 4 | Deputy President of the Commission | Deputy President of FWA | The first day proclaimed for the purposes of item 3 of the table in subsection 2(1) of this Act. |

**Appointments to FWA**

| Item | Column 1<br>Office of the Commission | Column 2<br>Office of FWA | Column 3<br>Commencement time |
|---|---|---|---|
| 5 | Commissioner of the Commission | Commissioner of FWA | The first day proclaimed for the purposes of item 3 of the table in subsection 2(1) of this Act. |

(2) Subclause (1) does not apply to a member of the Commission who:

(a) was appointed as a member of a prescribed State industrial authority (within the meaning of the *Workplace Relations Act 1996*) before being appointed as a member of the Commission; and

(b) still holds that appointment as a member of the prescribed State industrial authority.

*Dual appointments*

(3) Despite any provision of the *Workplace Relations Act 1996* or this Act, a person who is taken to have been appointed as an FWA Member under this clause continues also to hold office under the *Workplace Relations Act 1996*.

Note: The terms and conditions of a person who is taken to have been appointed as an FWA Member are the terms and conditions that attach to his or her appointment under the *Workplace Relations Act 1996* (see clause 3).

**3 Terms and conditions**

(1) A person who is taken to have been appointed as an FWA Member under clause 2:

(a) holds office under this Act on the same terms and conditions as attach, or attached, to his or her appointment under the *Workplace Relations Act 1996* (including under subsections 63(2) and (3) of that Act); and

(b) is entitled to the same designation as he or she is, or was, entitled to in relation to his or her appointment under the *Workplace Relations Act 1996* (including the designation the person has, or had, because of subsection 80(2) of the *Industrial Relations (Consequential Provisions) Act 1988*).

(2) To avoid doubt, subclause (1):

(a) has effect despite subsections 633(1) and 644(1) of this Act; and

(b) continues the operation of the *Judges' Pensions Act 1968* in relation to a person taken to have been appointed under clause 2 and to whom that Act applied as a member of the Commission.

(3) For the purposes of determining the remuneration of a person who is taken to have been appointed as an FWA Member under clause 2:

(a) sections 635 and 637 of this Act do not apply; and

(b) sections 79 and 81 of the *Workplace Relations Act 1996* continue to apply in relation to the person's appointment as both an FWA Member and a member of the Commission.

**4 Seniority of FWA Members**

(1) If a person who is a member of the Commission is taken to have been appointed as an FWA Member under clause 2, the day on which the person's appointment took effect is, for the purposes of section 619 of this Act, taken to be the day on which the person was appointed as such a member of the Commission.

(2) If 2 or more such persons were appointed to the Commission on the same day, their seniority is, for the purposes of section 619 of this Act, to be determined in accordance with the precedence assigned to them under section 65 of the *Workplace Relations Act 1996*.

**5 Procedural rules**

Section 609 of this Act has effect, in relation to any time at which the President is the only FWA Member, as if the words "After consulting the other FWA Members," were omitted from subsection (1) of that section.

**6 Transfer of assets and liabilities**

(1) The person referred to in column 1 of an item of the following table must arrange for the transfer, on the first day proclaimed for the purposes of item 3 of the table in subsection 2(1) of this Act, of assets and liabilities of the body referred to in column 2 of the item of the following table to the body referred to in column 3 of the item of the following table.

**Transfer of assets and liabilities**

| Item | Column 1<br>Office-holder who enters arrangement with FWA | Column 2<br>Body whose assets and liabilities are transferred | Column 3<br>Body to which assets and liabilities are transferred |
|---|---|---|---|
| 1 | Director of the AFPC Secretariat | AFPC Secretariat | FWA |
| 2 | Industrial Registrar | Australian Industrial Registry | FWA |
| 3 | Workplace Authority Director | Workplace Authority | Office of the Fair Work Ombudsman |
| 4 | Workplace Ombudsman | Office of the Workplace Ombudsman | Office of the Fair Work Ombudsman |

(2) Despite subclause (1), the Minister may, before the day mentioned in that subclause, determine one or more of the following by writing:

(a) that some or all assets and liabilities of the body (as specified in the determination) are to be transferred to a different body (as specified in the determination) from the one referred to in column 3 of the table;

(b) that some or all assets and liabilities of the body (as specified in the determination) are to be transferred on a different day (as specified in the determination) from the one referred to in subclause (1);

(c) that some or all assets and liabilities of the body (as specified in the determination) are to be transferred in accordance with regulations made, or to be made, for the purposes of this paragraph.

(3) A determination under subclause (2):

(a) has effect accordingly; and

(b) is not a legislative instrument.

(4) In this clause, a reference to an asset of a body includes a reference to a record or any other information that is in the custody of, or under the control of, the body.

**7 Additional function and power of the General Manager**

The General Manager of FWA may enter into an arrangement with the person referred to in column 1 of an item of the following table for FWA to provide assistance to the body referred to in column 2 of the item for the purpose of performing functions on and after the WR Act repeal day.

**Arrangements between FWA and body**

| Item | Column 1<br>Office-holder who enters arrangement with FWA | Column 2<br>Body to which assistance is provided |
|---|---|---|
| 1 | Industrial Registrar | Australian Industrial Registry |
| 2 | Workplace Authority Director | Workplace Authority |
| 3 | Director of the AFPC Secretariat | AFPC Secretariat |

**General protections**

(71) Clause 12, page 10 (after line 24), after the definition of ***annual wage review***, insert:

***anti-discrimination law***: see subsection 351(3).

(72) Clause 12, page 28 (line 13), omit the definition of ***State or Territory anti-discrimination law***.

(73) Clause 347, page 301 (line 31), after "association", insert ", or to someone in lieu of an industrial association".

(74) Clause 351, page 304 (lines 12 and 13), omit paragraph (2)(a), substitute:

(a) not unlawful under any anti-discrimination law in force in the place where the action is taken; or

(75) Clause 351, page 304 (lines 22 and 23), omit the note.

(76) Clause 351, page 304 (line 24), omit "a ***State or Territory***", substitute "an".

(77) Clause 351, page 304 (before line 26), before paragraph (3)(a), insert:

(aa) the *Age Discrimination Act 2004*;

(ab) the *Disability Discrimination Act 1992*;

(ac) the *Racial Discrimination Act 1975*;

(ad) the *Sex Discrimination Act 1984*;

(78) Clause 734, page 543 (line 22), omit "another", substitute "an anti-discrimination".

**Greenfields agreements**

(79) Clause 12, page 11 (lines 8 and 9), omit "or 177(b)".

(80) Clause 12, page 12 (line 5), omit "sections 176 and 177", substitute "section 176".

(81) Clause 172, page 162 (line 3), at the end of subparagraph (2)(b)(ii), add "and will be covered by the agreement".

(82) Clause 172, page 162 (line 19), at the end of subparagraph (3)(b)(ii), add "and will be covered by the agreement".

(83) Clause 175, page 165 (line 13) to page 166 (line 10), omit the clause.

(84) Clause 177, page 168 (lines 3 to 17), omit the clause.

(85) Clause 178, page 168 (line 32), omit "; and".

(86) Clause 178, page 169 (lines 1 to 4), omit paragraph (2)(c).

(87) Clause 182, page 172 (lines 24 and 25), omit "will be covered by the agreement", substitute "the agreement is expressed to cover (which need not be all of the relevant employee organisations for the agreement)".

(88) Clause 182, page 172 (lines 26 to 30), omit subclause (4).

(89) Clause 185, page 174 (after line 11), after subclause (1), insert:

(1A) Despite subsection (1), if the agreement is a greenfields agreement, the application must be made by:

(a) an employer covered by the agreement; or

(b) a relevant employee organisation that is covered by the agreement.

(90) Clause 187, page 177 (after line 23), at the end of the clause, add:

*Requirements relating to greenfields agreements*

(5) If the agreement is a greenfields agreement, FWA must be satisfied that:

(a) the relevant employee organisations that will be covered by the agreement are (taken as a group) entitled to represent the industrial interests of a majority of the employees who will be covered by the agreement, in relation to work to be performed under the agreement; and

(b) it is in the public interest to approve the agreement.

(91) Clause 193, page 181 (lines 19 to 22), omit all the words from and including "that" to the end of subclause (3), substitute "that each prospective award covered employee for the agreement would be better off overall if the agreement applied to the employee than if the relevant modern award applied to the employee".

(92) Clause 207, page 196 (line 4), after "concerned", insert "and are covered by the agreement".

(93) Clause 219, page 203 (line 20), after "concerned", insert "and are covered by the agreement".

**Independent contractors**

(94) Clause 194, page 183 (line 13), at the end of the clause, add:

; or (h) any matter that restricts, controls or dictates the use or non-use of independent contractors.

**Industrial action**

(95) Clause 12, page 14 (line 22), at the end of the definition of ***employee claim action***, add "and paragraph 471(4A)(c)".

(96) Clause 12, page 14 (line 29), at the end of the definition of ***employee response action***, add "and paragraph 471(4A)(d)".

(97) Clause 19, page 37 (after line 8), at the end of the clause, add:

Note: In this section, ***employee*** and ***employer*** have their ordinary meanings (see section 11).

(98) Clause 409, page 336 (line 17), before "about", insert "only".

(99) Clause 409, page 336 (line 18), after "to", insert "only".

(100) Clause 413, page 341 (line 22), omit "Neither", substitute "None".

(101) Clause 413, page 341 (line 24), omit "the industrial action", substitute "industrial action in relation to the agreement".

(102) Clause 413, page 341 (line 26), omit "the industrial action.", substitute "industrial action in relation to the agreement;".

(103) Clause 413, page 341 (after line 26), at the end of subclause (7), add:

; (c) a serious breach declaration in relation to the agreement.

(104) Clause 417, page 344 (lines 17 and 18), omit "to whom the agreement or determination applies", substitute "who is covered by the agreement or determination".

(105) Clause 417, page 344 (lines 19 and 20), omit "to which the agreement or determination applies", substitute "that is covered by the agreement or determination".

(106) Clause 438, page 363 (line 5), omit "apply to", substitute "cover".

(107) Clause 470, page 383 (lines 19 to 31), omit subclause (4), substitute:

(4) If the industrial action is, or includes, an overtime ban, this section does not apply, in relation to a period of overtime to which the ban applies, unless:

(a) the employer requested or required the employee to work the period of overtime; and

(b) the employee refused to work the period of overtime; and

(c) the refusal was a contravention of the employee's obligations under a modern award, enterprise agreement or contract of employment.

(5) If:

(a) the industrial action is, or includes, an overtime ban; and

(b) this section applies in relation to a period of overtime to which the ban applies;

then for the purposes of this section, the total duration of the industrial action is, or includes, the period of overtime to which the ban applies.

(108) Clause 471, page 384 (lines 28 to 30), omit paragraph (4)(c), substitute:

(c) the employer gives to the employee a written notice stating that, because of the ban:

(i) the employee will not be entitled to any payments; and

(ii) the employer refuses to accept the performance of any work by the employee until the employee is prepared to perform all of his or her normal duties;

(109) Clause 471, page 384 (after line 32), after subclause (4), insert:

(4A) If:

(a) an employer has given an employee a notice under paragraph (4)(c); and

(b) the employee fails or refuses to attend for work, or fails or refuses to perform any work at all if he or she attends for work, during the industrial action period;

then:

(c) the failure or refusal is ***employee claim action***, even if it does not satisfy subsections 409(2) and 413(4), if the related industrial action referred to in paragraph (4)(a) is employee claim action; or

(d) the failure or refusal is ***employee response action***, even if it does not satisfy subsection 413(4), if the related industrial action referred to in paragraph (4)(a) is employee response action.

(110) Clause 474, page 387 (after line 25), after subclause (2), insert:

(2A) If:

(a) the industrial action is, or includes, an overtime ban; and

(b) this section applies in relation to a period of overtime to which the ban applies;

then, for the purposes of this section:

(c) the total duration of the industrial action is, or includes, the period of overtime to which the ban applies; and

(d) if paragraph (1)(b) applies—the period of 4 hours mentioned in that paragraph includes the period of overtime to which the ban applies.

(111) Clause 539, page 433 (table item 14, paragraph (c) of column 2), omit "to which the enterprise agreement or workplace determination concerned applies", substitute "covered by the enterprise agreement or workplace determination concerned".

**Multiple actions**

(112) Clause 734, page 543 (line 19), before "A", insert "(1)".

(113) Clause 734, page 543 (after line 27), at the end of the clause, add:

(2) A person must not make an application or complaint under an anti-discrimination law in relation to conduct that does not involve the dismissal of the person if:

(a) a general protections court application has been made by, or on behalf of, the person in relation to the conduct; and

(b) the application has not:

(i) been withdrawn by the person who made the application; or

(ii) failed for want of jurisdiction.

**National Employment Standards; dealing with disputes**

(114) Clause 12, page 10 (before line 25), before the definition of applicable award-derived long service leave terms, insert:

***applicable agreement-derived long service leave terms***: see subsection 113(5).

(115) Clause 16, page 34 (line 15), omit "However", substitute "Despite subsection (1)".

(116) Clause 16, page 34 (after line 28), at the end of the clause, add:

*Meaning for pieceworkers for the purpose of section 206*

(3) The regulations may prescribe, or provide for the determination of, the base rate of pay, for the purpose of section 206, of an employee who is a pieceworker. If the regulations do so, the employee's ***base rate of pay***, for the purpose of that section, is as prescribed by, or determined in accordance with, the regulations.

Note: Section 206 deals with an employee's base rate of pay under an enterprise agreement.

(117) Clause 55, page 68 (line 8), omit "only if the", substitute "only to the extent that the".

(118) Clause 55, page 68 (lines 30 to 36), omit subclause (5), substitute:

*Enterprise agreements may include terms that have the same effect as provisions of the National Employment Standards*

(5) An enterprise agreement may include terms that have the same (or substantially the same) effect as provisions of the National Employment Standards, whether or not ancillary or supplementary terms are included as referred to in subsection (4).

*Effect of terms that give an employee the same entitlement as under the National Employment Standards*

(6) To avoid doubt, if a modern award includes terms permitted by subsection (4), or an enterprise agreement includes terms permitted by subsection (4) or (5), then, to the extent that the terms give an employee an entitlement (the ***award or agreement entitlement***) that is the same as an entitlement (the ***NES entitlement***) of the employee under the National Employment Standards:

(a) those terms operate in parallel with the employee's NES entitlement, but not so as to give the employee a double benefit; and

(b) the provisions of the National Employment Standards relating to the NES entitlement apply, as a minimum standard, to the award or agreement entitlement.

Note: For example, if the award or agreement entitlement is to 6 weeks of paid annual leave per year, the provisions of the National Employment Standards relating to the accrual and taking of paid annual leave will apply, as a minimum standard, to 4 weeks of that leave.

*Terms permitted by subsection (4) or (5) do not contravene subsection (1)*

(7) To the extent that a term of a modern award or enterprise agreement is permitted by subsection (4) or (5), the term does not contravene subsection (1).

Note: A term of a modern award has no effect to the extent that it contravenes this section (see section 56). An enterprise agreement that includes a term that contravenes this section

must not be approved (see section 186) and a term of an enterprise agreement has no effect to the extent that it contravenes this section (see section 56).

(119) Clause 61, page 72 (lines 5 and 6), omit subclause (1), substitute:

(1) This Part sets minimum standards that apply to the employment of employees which cannot be displaced, even if an enterprise agreement includes terms of the kind referred to in subsection 55(5).

Note: Subsection 55(5) allows enterprise agreements to include terms that have the same (or substantially the same) effect as provisions of the National Employment Standards.

(120) Clause 113, page 114 (line 3) to page 115 (line 19), omit the clause, substitute:

**113 Entitlement to long service leave**

*Entitlement in accordance with applicable award-derived long service leave terms*

(1) If there are applicable award-derived long service leave terms (see subsection (3)) in relation to an employee, the employee is entitled to long service leave in accordance with those terms.

Note: This Act does not exclude State and Territory laws that deal with long service leave, except in relation to employees who are entitled to long service leave under this Division (see paragraph 27(2)(g)), and except as provided in subsection 113A(3).

(2) However, subsection (1) does not apply if:

(a) a workplace agreement, or an AWA, that came into operation before the commencement of this Part applies to the employee; or

(b) one of the following kinds of instrument that came into operation before the commencement of this Part applies to the employee and expressly deals with long service leave:

(i) an enterprise agreement;

(ii) a preserved State agreement;

(iii) a workplace determination;

(iv) a pre-reform certified agreement;

(v) a pre-reform AWA;

(vi) a section 170MX award;

(vii) an old IR agreement.

Note: If there ceases to be any agreement or instrument of a kind referred to in paragraph (a) or (b) that applies to the employee, the employee will, at that time, become entitled under subsection (1) to long service leave in accordance with applicable award-derived long service leave terms.

(3) ***Applicable award-derived long service leave terms***, in relation to an employee, are:

(a) terms of an award that (disregarding the effect of any instrument of a kind referred to in subsection (2)):

(i) would have applied to the employee immediately before the commencement of this Part if the employee had, at that time, been in his or her current circumstances of employment; and

(ii) would have entitled the employee to long service leave; and

(b) any terms of the award that are ancillary or incidental to the terms referred to in paragraph (a).

*Entitlement in accordance with applicable agreement-derived long service leave terms*

(4) If there are applicable agreement-derived long service leave terms (see subsection (5)) in relation to an employee, the employee is entitled to long service leave in accordance with those terms.

(5) There are ***applicable agreement-derived long service leave terms***, in relation to an employee if:

(a) an order under subsection (6) is in operation in relation to terms of an instrument; and

(b) those terms of the instrument would have applied to the employee immediately before the commencement of this Part if the employee had, at that time, been in his or her current circumstances of employment; and

(c) there are no applicable award-derived long service leave terms in relation to the employee.

(6) If FWA is satisfied that:

(a) any of the following instruments that was in operation immediately before the commencement of this Part contained terms entitling employees to long service leave:

(i) an enterprise agreement;

(ii) a collective agreement;

(iii) a pre-reform certified agreement;

(iv) an old IR agreement; and

(b) those terms constituted a long service leave scheme that was applying in more than one State or Territory; and

(c) the scheme, considered on an overall basis, is no less beneficial to the employees than the long service leave entitlements that would otherwise apply in relation to the employees under State and Territory laws;

FWA may, on application by, or on behalf of, a person to whom the instrument applies, make an order that those terms of the instrument (and any terms that are ancillary or incidental to those terms) are applicable agreement-derived long service leave terms.

*References to instruments*

(7) References in this section to a kind of instrument (other than an enterprise agreement) are references to a transitional instrument of that kind, as continued in existence by Schedule 3 to the *Fair Work (Transitional Provisions and Consequential Amendments) Act 2009*.

**113A Enterprise agreements may contain terms discounting service under prior agreements etc. in certain circumstances**

(1) This section applies if:

(a) an instrument (the ***first instrument***) of one of the following kinds that came into operation before the commencement of this Part applies to an employee on or after the commencement of this Part:

(i) an enterprise agreement;

(ii) a workplace agreement;

(iii) a workplace determination;

(iv) a preserved State agreement;

(v) an AWA;

(vi) a pre-reform certified agreement;

(vii) a pre-reform AWA;

(viii) an old IR agreement;

(ix) a section 170MX award; and

(b) the instrument states that the employee is not entitled to long service leave; and

(c) the instrument ceases, for whatever reason, to apply to the employee; and

(d) immediately after the first instrument ceases to apply, an enterprise agreement (the ***replacement agreement***) starts to apply to the employee.

(2) The replacement agreement may include terms to the effect that an employee's service with the employer during a specified period (the ***excluded period***) (being some or all of the period when the first instrument applied to the employee) does not count as service for

the purpose of determining whether the employee is qualified for long service leave, or the amount of long service leave to which the employee is entitled, under this Division or under a law of a State or Territory.

(3) If the replacement agreement includes terms as permitted by subsection (2), the excluded period does not count, and never again counts, as service for the purpose of determining whether the employee is qualified for long service leave, or the amount of long service leave to which the employee is entitled, under this Division or under a law of a State or Territory, unless a later agreement provides otherwise. This subsection has effect despite sections 27 and 29.

(4) References in this section to a kind of instrument (other than an enterprise agreement) are references to a transitional instrument of that kind, as continued in existence by Schedule 3 to the *Fair Work (Transitional Provisions and Consequential Amendments) Act 2009*.

(121) Clause 117, page 119 (lines 24 to 28), omit paragraph (2)(b), substitute:

(b) the employer has paid to the employee (or to another person on the employee's behalf) payment in lieu of notice of at least the amount the employer would have been liable to pay to the employee (or to another person on the employee's behalf) at the full rate of pay for the hours the employee would have worked had the employment continued until the end of the minimum period of notice.

(122) Clause 121, page 122 (line 5), before "Section", insert "(1)".

(123) Clause 121, page 122 (after line 11), at the end of the clause, add:

(2) A modern award may include a term specifying other situations in which section 119 does not apply to the termination of an employee's employment.

(3) If a modern award that is in operation includes such a term (the ***award term***), an enterprise agreement may:

(a) incorporate the award term by reference (and as in force from time to time) into the enterprise agreement; and

(b) provide that the incorporated term covers some or all of the employees who are also covered by the award term.

(124) Clause 123, page 124 (lines 11 to 19), omit paragraph (3)(a).

(125) Clause 186, page 176 (line 27), after "Note", insert "1".

(126) Clause 186, page 176 (after line 29), after the note at the end of subclause (6), add:

Note 2: However, this does not prevent FWA from dealing with a dispute relating to a term of an enterprise agreement that has the same (or substantially the same) effect as subsection 65(5) or 76(4).

(127) Clause 738, page 545 (line 16), after "employment", insert "or other written agreement".

(128) Clause 738, page 545 (after line 20), at the end of the clause, add:

; or (d) a determination under the *Public Service Act 1999* includes a term that provides a procedure for dealing with disputes arising under the determination or in relation to the National Employment Standards.

(129) Clause 739, page 545 (line 26), omit "76(4)", substitute "76(4), unless:

(a) the parties have agreed in a contract of employment, enterprise agreement or other written agreement to FWA dealing with the matter; or

(b) a determination under the *Public Service Act 1999* authorises FWA to deal with the matter".

(130) Clause 739, page 545 (after line 26), at the end of subclause (2), add:

Note: This does not prevent FWA from dealing with a dispute relating to a term of an enterprise agreement that has the same (or substantially the same) effect as subsection 65(5) or 76(4) (see also subsection 55(5)).

(131) Clause 740, page 546 (line 16), omit "76(4)", substitute "76(4), unless:

(a) the parties have agreed in a contract of employment, enterprise agreement or other written agreement to the person dealing with the matter; or

(b) a determination under the *Public Service Act 1999* authorises the person to deal with the matter".

(132) Clause 740, page 546 (after line 16), at the end of subclause (2), add:

Note: This does not prevent a person from dealing with a dispute relating to a term of an enterprise agreement that has the same (or substantially the same) effect as subsection 65(5) or 76(4) (see also subsection 55(5)).

(133) Clause 758, page 554 (lines 5 to 12), omit the clause, substitute:

**758 Object of this Division**

The object of this Division is to give effect, or further effect, to:

(a) the ILO Convention (No. 158) concerning Termination of Employment at the Initiative of the Employer, done at Geneva on 22 June 1982 ([1994] ATS 4); and

(b) the Termination of Employment Recommendation, 1982 (Recommendation No. R166) which the General Conference of the ILO adopted on 22 June 1982.

Note 1: In 2009, the text of a Convention in the Australian Treaty Series was accessible through the Australian Treaties Library on the AustLII website (www.austlii.edu.au).

Note 2: In 2009, the text of a Recommendation adopted by the General Conference of the ILO was accessible through the ILO website (www.ilo.org).

(134) Clause 771, page 559 (lines 12 to 14), omit paragraph 771(c), substitute:

(c) the ILO Convention (No. 158) concerning Termination of Employment at the Initiative of the Employer, done at Geneva on 22 June 1982 ([1994] ATS 4); and

(d) the Termination of Employment Recommendation, 1982 (Recommendation No. R166) which the General Conference of the ILO adopted on 22 June 1982.

(135) Clause 784, page 565 (lines 5 to 12), omit the clause, substitute:

**784 Object of this Division**

The object of this Division is to give effect, or further effect, to:

(a) the ILO Convention (No. 158) concerning Termination of Employment at the Initiative of the Employer, done at Geneva on 22 June 1982 ([1994] ATS 4); and

(b) the Termination of Employment Recommendation, 1982 (Recommendation No. R166) which the General Conference of the ILO adopted on 22 June 1982.

Note 1: In 2009, the text of a Convention in the Australian Treaty Series was accessible through the Australian Treaties Library on the AustLII website (www.austlii.edu.au).

Note 2: In 2009, the text of a Recommendation adopted by the General Conference of the ILO was accessible through the ILO website (www.ilo.org).

**Objects of the Act**

(136) Clause 3, page 3 (line 34), omit "enterprise-level", substitute "enterprise-level or workplace-level".

**Other safety net entitlements**

(137) Clause 12, page 19 (line 8), omit "means redundancy", substitute "means redundancy or termination payment".

(138) Clause 154, page 144 (line 27), omit paragraph (1)(b), substitute:

(b) are expressed to operate in one or more, but not every, State and Territory.

(139) Clause 287, page 257 (line 21) to page 258 (line 4), omit the clause, substitute:

**287 When national minimum wage orders come into operation etc.**

*Orders come into operation on 1 July*

(1) A national minimum wage order that is made in an annual wage review comes into operation on 1 July in the next financial year (the ***year of operation***).

*Setting of different wages or loadings only permitted in exceptional circumstances*

(2) The national minimum wage or the casual loading for award/agreement free employees set by the order must be the same for all employees, unless:

(a) FWA is satisfied that there are exceptional circumstances justifying setting different wages or loadings; and

(b) the setting of different wages or loadings is limited just to the extent necessary because of the particular situation to which the exceptional circumstances relate.

(3) A special national minimum wage set by the order for a specified class of employees must be the same for all employees in that class, unless:

(a) FWA is satisfied that there are exceptional circumstances justifying setting different wages; and

(b) the setting of different wages is limited just to the extent necessary because of the particular situation to which the exceptional circumstances relate.

*Adjustments taking effect during year of operation only permitted in exceptional circumstances*

(4) The order may provide that an adjustment of the national minimum wage, the casual loading for award/agreement free employees, or a special national minimum wage, set by the order takes effect (whether for some or all employees to whom that wage or loading applies) on a specified day in the year of operation that is later than 1 July, but only if:

(a) FWA is satisfied that there are exceptional circumstances justifying the adjustment taking effect on that day; and

(b) the adjustment is limited just to the particular situation to which the exceptional circumstances relate.

*When orders take effect*

(5) The order takes effect in relation to a particular employee from the start of the employee's first full pay period that starts on or after 1 July in the year of operation. However, an adjustment referred to in subsection (4) takes effect in relation to a particular employee from the start of the employee's first full pay period that starts on or after the day specified as referred to in that subsection.

(140) Clause 289, page 258 (line 27) to page 259 (line 2), omit subclauses (2) and (3), substitute:

(2) FWA must publish all submissions made to FWA for consideration in the review.

(3) However, if a submission made by a person or body includes information that is claimed by the person or body to be confidential or commercially sensi-

tive, and FWA is satisfied that the information is confidential or commercially sensitive, FWA:

(a) may decide not to publish the information; and

(b) may instead publish:

(i) a summary of the information which contains sufficient detail to allow a reasonable understanding of the substance of the information (without disclosing anything that is confidential or commercially sensitive); or

(ii) if FWA considers that it is not practicable to prepare a summary that would comply with subparagraph (i)—a statement that confidential or commercially sensitive information in the submission has not been published.

(4) A reference in this Act (other than in this section) to a submission under this section includes a reference to a summary or statement referred to in paragraph (3)(b).

(5) FWA must ensure that all persons and bodies have a reasonable opportunity to make comments to FWA, for consideration in the review, on the material published under subsections (2) and (3).

(6) The publishing of material under subsections (2) and (3) may be on FWA's website or by any other means that FWA considers appropriate.

(141) Clause 306, page 266 (lines 29 and 30), omit all the words from and including "to the extent" to and including "equal remuneration order", substitute "in relation to an employee to the extent that it is less beneficial to the employee than a term of an equal remuneration order that applies to the employee".

(142) Clause 324, page 282 (line 2), before "An", insert "(1)".

(143) Clause 324, page 282 (after line 22), at the end of the clause, add:

(2) An authorisation for the purposes of paragraph (1)(a):

(a) must specify the amount of the deduction; and

(b) may be withdrawn in writing by the employee at any time.

(3) Any variation in the amount of the deduction must be authorised in writing by the employee.

(144) Clause 326, page 283 (line 6), omit "the", substitute "an".

(145) Clause 326, page 283 (lines 10 to 12), omit all the words from and including "the deduction" to the end of subclause (1), substitute:

either of the following apply:

(c) the deduction or payment is:

(i) directly or indirectly for the benefit of the employer, or a party related to the employer; and

(ii) unreasonable in the circumstances;

(d) if the employee is under 18—the deduction or payment is not agreed to in writing by a parent or guardian of the employee.

(146) Clause 333, page 289 (line 9), omit "The", substitute "(1) Subject to this section, the".

(147) Clause 333, page 289 (after line 10), at the end of the clause, add:

(2) A regulation made for the purposes of subsection (1) has no effect to the extent that it would have the effect of reducing the amount of the high income threshold.

(3) If:

(a) in prescribing a manner in which the high income threshold is worked out, regulations made for the purposes of subsection (1) specify a particular matter or state of affairs; and

(b) as a result of a change in the matter or state of affairs, the amount of the high income threshold worked out in that manner would, but for this

subsection, be less than it was on the last occasion on which this subsection did not apply;

the ***high income threshold*** is the amount that it would be if the change had not occurred.

(148) Page 289 (after line 10), at the end of Division 3, add:

**333A Prospective employees**

If:

(a) an employer, or a person who may become an employer, gives to another person an undertaking that would have been a guarantee of annual earnings if the other person had been the employer's or person's employee; and

(b) the other person subsequently becomes the employer's or person's employee; and

(c) the undertaking relates to the work that the other person performs for the employer or person;

this Division applies in relation to the undertaking, after the other person becomes the employer's or person's employee, as if the other person had been the employer's or person's employee at the time the undertaking was given.

**Outworkers**

(149) Clause 12, page 14 (after line 2), after the definition of Deputy President, insert:

***designated outworker term*** of a modern award, enterprise agreement, workplace determination or other instrument, means any of the following terms, so far as the term relates to outworkers in the textile, clothing or footwear industry:

(a) a term that deals with the registration of an employer or outworker entity;

(b) a term that deals with the making and retaining of, or access to, records about work to which outworker terms of a modern award apply;

(c) a term imposing conditions under which an arrangement may be entered into by an employer or an outworker entity for the performance of work, where the work is of a kind that is often performed by outworkers;

(d) a term relating to the liability of an employer or outworker entity for work undertaken by an outworker under such an arrangement, including a term which provides for the outworker to make a claim against an employer or outworker entity;

(e) a term that requires minimum pay or other conditions, including the National Employment Standards, to be applied to an outworker who is not an employee;

(f) any other terms prescribed by the regulations.

(150) Clause 12, page 24 (lines 10 to 12), omit paragraph (e) of the definition of outworker entity, substitute:

(e) a person who carries on an activity (whether of a commercial, governmental or other nature) in a Territory in Australia, so far as:

(i) the person arranges for work to be performed for the person (either directly or indirectly); and

(ii) the work is of a kind that is often performed by outworkers; and

(iii) the work is, or is reasonably likely, to be performed in the Territory or in connection with the activity carried on in the Territory.

(151) Clause 27, page 46 (line 22), at the end of paragraph (2)(d), add "(within the ordinary meaning of the term)".

(152) Clause 46, page 61 (lines 1 to 3), omit the note, substitute:

Note: Subsection (2) does not affect the ability of outworker terms

in a modern award to be enforced under Part 4-1 in relation to outworkers who are not employees.

(153) Page 69, after clause 57 (after line 14), insert:

**57A Designated outworker terms of a modern award continue to apply**

(1) This section applies if, at a particular time:

(a) an enterprise agreement applies to an employer; and

(b) a modern award covers the employer (whether the modern award covers the employer in the employer's capacity as an employer or an outworker entity); and

(c) the modern award includes one or more designated outworker terms.

(2) Despite section 57, the designated outworker terms of the modern award apply at that time to the following:

(a) the employer;

(b) each employee who is both:

(i) a person to whom the enterprise agreement applies; and

(ii) a person who is covered by the modern award;

(c) each employee organisation that is covered by the modern award.

(3) To avoid doubt:

(a) designated outworker terms of a modern award can apply to an employer under subsection (2) even if none of the employees of the employer is an outworker; and

(b) to the extent to which designated outworker terms of a modern award apply to an employer, an employee or an employee organisation because of subsection (2), the modern award applies to the employer, employee or organisation.

(154) Clause 140, page 136 (lines 25 and 26), omit "is, or is reasonably likely to be,", substitute "is of a kind that is often".

(155) Clause 186, page 176 (after line 11), after subclause (4), insert:

*Requirement that there be no designated outworker terms*

(4A) FWA must be satisfied that the agreement does not include any designated outworker terms.

(156) Clause 200, page 186 (line 22), after "employee", insert "in any respect".

(157) Clause 253, page 229 (line 6), at the end of subclause (1), add:

; or (c) it is a designated outworker term.

(158) Clause 272, page 244 (line 18), at the end of subclause (3), add:

; or (c) any designated outworker terms.

(159) Clause 545, page 442 (after line 20), after subclause (3), insert:

(3A) An eligible State or Territory court may order an outworker entity to pay an amount to, or on behalf of, an outworker if the court is satisfied that:

(a) the outworker entity was required to pay the amount under a modern award; and

(b) the outworker entity has contravened a civil remedy provision by failing to pay the amount.

Note 1: For the court's power to make pecuniary penalty orders, see section 546.

Note 2: For limitations on orders in relation to costs, see section 570.

(160) Clause 547, page 443 (lines 25 and 26), omit "an employer was required to pay to, or on behalf of, an employee", substitute "a person was required to pay to, or on behalf of, another person".

(161) Clause 548, page 445 (lines 9 to 14), omit paragraph (1)(b), substitute:

(b) the order relates to an amount referred to in subsection (1A); and

(162) Clause 548, page 445 (after line 17), after subclause (1), insert:

(1A) The amounts are as follows:

(a) an amount that an employer was required to pay to, or on behalf of, an employee:

(i) under this Act or a fair work instrument; or

(ii) because of a safety net contractual entitlement; or

(iii) because of an entitlement of the employee arising under subsection 542(1);

(b) an amount that an outworker entity was required to pay to, or on behalf of, an outworker under a modern award.

(163) Clause 679, page 516 (line 9), after "employers", insert ", outworkers, outworker entities".

(164) Clause 682, page 517 (line 13), after "employers", insert ", outworkers, outworker entities".

(165) Clause 682, page 517 (lines 23 to 26), after "employees" (wherever occurring), insert "or outworkers".

**Requests for flexible working arrangements**

(166) Clause 65, page 76 (lines 5 to 8), omit subclause (1), substitute:

(1) An employee who is a parent, or has responsibility for the care, of a child may request the employer for a change in working arrangements to assist the employee to care for the child if the child:

(a) is under school age; or

(b) is under 18 and has a disability.

**Right of entry**

(167) Clause 12, page 10 (after line 15), after paragraph (a) of the definition of affected employer, insert:

(aa) in relation to an entry under section 483A other than a designated outworker terms entry: see paragraph 483B(3)(a); and

(ab) in relation to a designated outworker terms entry under section 483A: see paragraph 483B(3)(b); and

(168) Clause 12, page 10 (line 17), omit "subsection 495(2)", substitute "paragraph 495(2)(a)".

(169) Clause 12, page 10 (line 17), at the end of the definition of affected employer, add:

; and (c) in relation to a State or Territory OHS right to inspect or otherwise access an employee record: see paragraph 495(2)(b).

(170) Clause 12, page 14 (before line 3), before the definition of discriminatory term, insert:

***designated outworker terms entry***: see subsection 483A(5).

(171) Clause 12, page 21 (after line 26), after the definition of non-excluded matters, insert:

***non-member record or document***: see subsection 482(2A).

(172) Clause 12, page 28 (after line 20), after the definition of step-child, insert:

***TCF award*** means an instrument prescribed by the regulations for the purposes of this definition.

(173) Clause 12, page 28 (before line 21), before the definition of termination of industrial action instrument, insert:

***TCF outworker*** means an outworker in the textile, clothing or footwear industry whose work is covered by a TCF award.

(174) Clause 478, page 390 (line 10), after "instruments.", insert "The Division makes special provision in relation to TCF outworkers.".

(175) Clause 478, page 390 (line 12), after "employees", insert "and TCF outworkers".

(176) Clause 480, page 391 (line 6), after "employees", insert "and TCF outworkers".

(177) Clause 481, page 392 (after line 22), at the end of the clause, add:

Note: A permit holder who seeks to exercise rights under this Part without reasonably suspecting that a contravention has occurred, or is occurring, is liable to be penalised under subsec-

tion 503(1) (which deals with misrepresentations about things authorised by this Part).

(178) Clause 482, page 393 (line 3), after "document", insert "(other than a non-member record or document)".

(179) Clause 482, page 393 (line 3), before "relevant", insert "that is directly".

(180) Clause 482, page 393 (line 3), after "contravention", insert "and".

(181) Clause 482, page 393 (lines 7 to 10), omit the note, substitute:

Note 1: The use or disclosure of information or documents obtained under this section is strictly controlled (see section 504).

Note 2: The use or disclosure of personal information obtained under this section is regulated under the *Privacy Act 1988*.

(182) Clause 482, page 393 (after line 10), after subclause (1), insert:

(1A) However, an occupier or affected employer is not required under paragraph (1)(c) to allow the permit holder to inspect, or make copies of, a record or document if to do so would contravene a law of the Commonwealth or a law of a State or Territory.

(183) Clause 482, page 393 (after line 18), after subclause (2), insert:

*Meaning of* ***non-member record or document***

(2A) A ***non-member record or document*** is a record or document that:

(a) relates to the employment of a person who is not a member of the permit holder's organisation; and

(b) does not also substantially relate to the employment of a person who is a member of the permit holder's organisation;

but does not include a record or document that relates only to a person or persons who are not members of the permit holder's organisation if the person or persons have consented in writing to the record or document being inspected or copied by the permit holder.

(184) Clause 483, page 393 (line 26), after "document", insert "(other than a non-member record or document)".

(185) Clause 483, page 393 (line 27), before "relevant", insert "that is directly".

(186) Clause 483, page 393 (after line 28), after subclause (1), insert:

(1A) However, an affected employer is not required under subsection (1) to produce, or provide access to, a record or document if to do so would contravene a law of the Commonwealth or a law of a State or Territory.

(187) Clause 483, page 394 (lines 14 to 17), omit the note, substitute:

Note 1: The use or disclosure of information or documents obtained under this section is strictly controlled (see section 504).

Note 2: The use or disclosure of personal information obtained under this section is regulated under the *Privacy Act 1988*.

(188) Page 394 (after line 17), after clause 483, insert:

**483AA Application to FWA for access to non-member records**

(1) The permit holder may apply to FWA for an order allowing the permit holder to do either or both of the following:

(a) require the occupier or an affected employer to allow the permit holder to inspect, and make copies of, specified non-member records or documents (or parts of such records or documents) under paragraph 482(1)(c);

(b) require an affected employer to produce, or provide access to, specified non-member records or documents

(or parts of such records or documents) under subsection 483(1).

(2) FWA may make the order if it is satisfied that the order is necessary to investigate the suspected contravention. Before doing so, FWA must have regard to any conditions imposed on the permit holder's entry permit.

(3) If FWA makes the order, this Subdivision has effect accordingly.

(4) An application for an order under this section:

(a) must be in accordance with the regulations; and

(b) must set out the reason for the application.

(189) Page 394 (before line 18), before Subdivision B, insert:

**Subdivision AA—Entry to investigate suspected contravention relating to TCF outworkers**

**483A Entry to investigate suspected contravention relating to TCF outworkers**

(1) A permit holder may enter premises and exercise a right under section 483B or 483C for the purpose of investigating a suspected contravention of:

(a) this Act, or a term of a fair work instrument, that relates to, or affects, a TCF outworker:

(i) whose industrial interests the permit holder's organisation is entitled to represent; and

(ii) who performs work on the premises; or

(b) a designated outworker term that is in an instrument that relates to TCF outworkers whose industrial interests the permit holder's organisation is entitled to represent.

Note: Particulars of the suspected contravention must be specified in an entry notice, unless the entry is a designated outworker terms entry (see subsection 518(2)).

(2) The permit holder must reasonably suspect that the contravention has occurred, or is occurring.

(3) The burden of proving that the suspicion is reasonable lies on the person asserting that fact.

(4) Subsections (2) and (3) do not apply in relation to a designated outworker terms entry.

(5) A ***designated outworker terms entry*** is an entry under paragraph (1)(b) for the purpose of investigating a suspected contravention of a designated outworker term.

**483B Rights that may be exercised while on premises**

*Rights that may be exercised while on premises*

(1) While on the premises, the permit holder may do the following:

(a) inspect any work, process or object relevant to the suspected contravention;

(b) interview any person about the suspected contravention:

(i) who agrees to be interviewed; and

(ii) whose industrial interests the permit holder's organisation is entitled to represent;

(c) require the occupier or an affected employer to allow the permit holder to inspect, and make copies of, any record or document that is directly relevant to the suspected contravention and that:

(i) is kept on the premises; or

(ii) is accessible from a computer that is kept on the premises.

Note 1: The use or disclosure of information or documents obtained under this section is strictly controlled (see section 504).

Note 2: The use or disclosure of personal information obtained un-

der this section is regulated under the *Privacy Act 1988*.

(2) However, an occupier or affected employer is not required under paragraph (1)(c) to allow the permit holder to inspect, or make copies of, a record or document if to do so would contravene a law of the Commonwealth or a law of a State or Territory.

*Meaning of* ***affected employer***

(3) A person is an ***affected employer***:

(a) in relation to an entry onto premises under section 483A other than a designated outworker terms entry, if:

(i) the person employs a TCF outworker whose industrial interests the permit holder's organisation is entitled to represent; and

(ii) the TCF outworker performs work on the premises; and

(iii) the suspected contravention relates to, or affects, the TCF outworker; or

(b) in relation to a designated outworker terms entry under section 483A, if the person is covered by a TCF award.

*Occupier and affected employer must not contravene requirement*

(4) An occupier or affected employer must not contravene a requirement under paragraph (1)(c).

Note: This subsection is a civil remedy provision (see Part 4-1).

**483C Later access to record or document**

*Later access to record or document*

(1) The permit holder may, by written notice, require the occupier or an affected employer to produce, or provide access to, a record or document that is directly relevant to the suspected contravention on a later day or days specified in the notice.

(2) However, an occupier or affected employer is not required under subsection (1) to produce, or provide access to, a record or document if to do so would contravene a law of the Commonwealth or a law of a State or Territory.

*Other rules relating to notices*

(3) The day or days specified in the notice must not be earlier than 14 days after the notice is given.

(4) The notice may be given:

(a) while the permit holder is on the premises; or

(b) within 5 days after the entry.

*Occupier and affected employer must not contravene requirement*

(5) An occupier or affected employer must not contravene a requirement under subsection (1).

Note: This subsection is a civil remedy provision (see Part 4-1).

*Where record or document may be inspected or copied*

(6) The permit holder may inspect, and make copies of, the record or document at:

(a) the premises; or

(b) if another place is agreed upon by the permit holder and the occupier or affected employer—that other place.

Note 1: The use or disclosure of information or documents obtained under this section is strictly controlled (see section 504).

Note 2: The use or disclosure of personal information obtained under this section is regulated under the *Privacy Act 1988*.

**483D Entry onto other premises to access records and documents**

(1) A permit holder who may enter premises under paragraph 483A(1)(a) for the purpose of investigating a suspected contravention may enter other premises and exercise a right under subsection (2) or section 483E if the permit

holder reasonably suspects that records or documents that are directly relevant to the suspected contravention:

(a) are kept on the other premises; or

(b) are accessible from a computer that is kept on the other premises.

Note: Particulars of the suspected contravention must be specified in an entry notice (see subsection 518(2)).

*Rights that may be exercised while on premises*

(2) While on the other premises, the permit holder may require the occupier to allow the permit holder to inspect, and make copies of, any such record or document.

Note 1: The use or disclosure of information or documents obtained under this section is strictly controlled (see section 504).

Note 2: The use or disclosure of personal information obtained under this section is regulated under the *Privacy Act 1988*.

(3) However, an occupier is not required under subsection (2) to allow the permit holder to inspect, or make copies of, a record or document if to do so would contravene a law of the Commonwealth or a law of a State or Territory.

*Occupier must not contravene requirement*

(4) An occupier must not contravene a requirement under subsection (2).

Note: This subsection is a civil remedy provision (see Part 4-1).

**483E Later access to record or document—other premises**

*Later access to record or document*

(1) The permit holder may, by written notice, require the occupier of the other premises to produce, or provide access to, a record or document that is directly relevant to the suspected contravention on a later day or days specified in the notice.

(2) However, an occupier is not required under subsection (1) to produce, or provide access to, a record or document if to do so would contravene a law of the Commonwealth or a law of a State or Territory.

*Other rules relating to notices*

(3) The day or days specified in the notice must not be earlier than 14 days after the notice is given.

(4) The notice may be given:

(a) while the permit holder is on the other premises; or

(b) within 5 days after the entry.

*Occupier must not contravene requirement*

(5) An occupier must not contravene a requirement under subsection (1).

Note: This subsection is a civil remedy provision (see Part 4-1).

*Where record or document may be inspected or copied*

(6) The permit holder may inspect, and make copies of, the record or document at:

(a) the other premises; or

(b) if another place is agreed upon by the permit holder and the occupier—that other place.

Note 1: The use or disclosure of information or documents obtained under this section is strictly controlled (see section 504).

Note 2: The use or disclosure of personal information obtained under this section is regulated under the *Privacy Act 1988*.

(190) Clause 484, page 394 (line 20), omit "to hold", substitute "for the purposes of holding".

(191) Clause 484, page 394 (line 21), omit "persons", substitute "employees or TCF outworkers".

(192) Clause 486, page 395 (line 27), omit "Neither Subdivision A nor B authorises", substitute "Subdivisions A, AA and B do not authorise".

(193) Clause 487, page 396 (after line 1), before subclause (1), insert:

*Entry under Subdivision A or B*

(194) Clause 487, page 396 (line 11), after "notice", insert "for an entry under Subdivision A or B".

(195) Clause 487, page 396 (after line 20), at the end of the clause, add:

*Entry under Subdivision AA*

(5) If the permit holder enters premises under Subdivision AA, the permit holder must, either before or as soon as practicable after entering the premises, give an entry notice for the entry to the occupier of the premises or another person who apparently represents the occupier if the occupier or other person is present at the premises.

(196) Clause 489, page 396 (line 25), after "A", insert "or AA".

(197) Clause 489, page 396 (lines 30 and 31), omit "under paragraph 482(1)(c) or subsection 483(1)", substitute "under:

(i) paragraph 482(1)(c) or 483B(1)(c), or subsection 483D(2); or

(ii) subsection 483(1), 483C(1) or 483E(1)".

(198) Clause 489, page 397 (lines 1 to 3), omit the note, substitute:

Note: Paragraphs 482(1)(c) and 483B(1)(c) and subsection 483D(2) deal with access to records and documents while the permit holder is on the premises. Subsections 483(1), 483C(1) and 483E(1) deal with access to records and documents at later times.

(199) Clause 489, page 397 (line 7), omit "A", substitute "A, AA".

(200) Clause 490, page 397 (line 15), omit "A", substitute "A, AA".

(201) Clause 490, page 397 (line 19), omit "A", substitute "A, AA".

(202) Clause 495, page 401 (lines 2 to 4), omit subclause (2), substitute:

(2) A person is an ***affected employer***:

(a) in relation to an entry onto premises in accordance with this Division—if one or more of the person's employees perform work on the premises; and

(b) in relation to a right to inspect or otherwise access an employee record in accordance with this Division—if the person employs the employee to whom the record relates.

(203) Clause 502, page 402 (line 18), omit "483(5)(b)", substitute "483(5)(b), 483C(6)(b) or 483E(6)(b)".

(204) Clause 504, page 403 (lines 3 to 14), omit the clause, substitute:

**504 Unauthorised use or disclosure of information or documents**

A person must not use or disclose information or a document obtained under section 482, 483, 483B, 483C, 483D or 483E in the investigation of a suspected contravention for a purpose that is not related to the investigation or rectifying the suspected contravention, unless:

(a) the person reasonably believes that the use or disclosure is necessary to lessen or prevent:

(i) a serious and imminent threat to an individual's life, health or safety; or

(ii) a serious threat to public health or public safety; or

(b) the person has reason to suspect that unlawful activity has been, is being or may be engaged in, and uses or

discloses the information or document as a necessary part of an investigation of the matter or in reporting concerns to relevant persons or authorities; or

(c) the use or disclosure is required or authorised by or under law; or

(d) the person reasonably believes that the use or disclosure is reasonably necessary for one or more of the following by, or on behalf of, an enforcement body (within the meaning of the *Privacy Act 1988*):

(i) the prevention, detection, investigation, prosecution or punishment of criminal offences, breaches of a law imposing a penalty or sanction or breaches of a prescribed law;

(ii) the enforcement of laws relating to the confiscation of the proceeds of crime;

(iii) the protection of the public revenue;

(iv) the prevention, detection, investigation or remedying of seriously improper conduct or prescribed conduct;

(v) the preparation for, or conduct of, proceedings before any court or tribunal, or implementation of the orders of a court or tribunal; or

(e) if the information is, or the document contains, personal information (within the meaning of the *Privacy Act 1988*)—the use or disclosure is made with the consent of the individual to whom the information relates.

Note: This section is a civil remedy provision (see Part 4-1).

(205) Clause 508, page 406 (lines 18 to 25), omit subclause (4), substitute:

(4) Without limiting subsection (1), an official misuses rights exercisable under this Part if:

(a) the official exercises those rights repeatedly with the intention or with the effect of hindering, obstructing or otherwise harassing an occupier or employer; or

(b) in exercising a right under Subdivision B of Division 2 of this Part, the official encourages a person to become a member of an organisation and does so in a way that is unduly disruptive:

(i) because the exercise of the right is excessive in the circumstances; or

(ii) for some other reason.

(206) Clause 510, page 407 (line 11), omit "subsection 504(1)", substitute "section 504".

(207) Clause 510, page 407 (lines 12 and 13), omit "employee records", substitute "information or documents".

(208) Clause 510, page 407 (lines 16 to 18), omit "an employee record of an employee obtained under section 482 or 483", substitute "information or documents obtained under section 482, 483, 483B, 483C, 483D or 483E".

(209) Clause 518, page 412 (lines 25 and 26), omit "481 (which deals with entry to investigate suspected contraventions)", substitute "481, 483A or 483D".

(210) Clause 518, page 413 (line 1), before "specify", insert "unless the entry is a designated outworker terms entry under section 483A—".

(211) Clause 518, page 413 (line 3), before "contain", insert "for an entry under section 481—".

(212) Clause 518, page 413 (after line 10), after paragraph (2)(c), insert:

(ca) for an entry under section 483A other than a designated outworker terms entry—contain a declaration by the permit holder for the entry that the permit holder's organisation is entitled to represent the industrial interests of a TCF outworker, who performs work on the premises, and:

(i) to whom the suspected contravention or contraventions relate; or

(ii) who is affected by the suspected contravention or contraventions; and

(cb) for a designated outworker terms entry under section 483A—contain a declaration by the permit holder for the entry that the permit holder's organisation is entitled to represent the industrial interests of TCF outworkers; and

(cc) for an entry under section 483D—contain a declaration by the permit holder for the entry that the permit holder's organisation is entitled to represent the industrial interests of a TCF outworker:

(i) to whom the suspected contravention or contraventions relate; or

(ii) who is affected by the suspected contravention or contraventions; and

(213) Clause 518, page 413 (line 12), at the end of paragraph (2)(d), add "or TCF outworker".

(214) Clause 518, page 413 (line 20), omit "a person", substitute "an employee or TCF outworker".

(215) Clause 518, page 413 (line 23), omit "person", substitute "employee or TCF outworker".

(216) Clause 539, page 435 (table item 25, column 1), after "483(4)", insert:

483B(4)
483C(5)
483D(4)
483E(5)

(217) Clause 539, page 435 (table item 25, column 1), omit "504(1)", substitute "504".

**Right of entry – conscientious objection certificate**

(218) Clause 12, page 13 (line 2), omit the definition of conscientious objection certificate.

(219) Clause 485, page 394 (line 26) to page 395 (line 24), omit the clause.

(220) Clause 601, page 472 (lines 15 and 16), omit paragraph (5)(b).

(221) Clause 625, page 485 (lines 13 and 14), omit paragraph (2)(e).

**Stand down**

(222) Clause 524, page 417 (line 23), omit "Note:", substitute "Note 1:".

(223) Clause 524, page 417 (after line 25), at the end of subclause 524(2), add:

Note 2: An enterprise agreement or a contract of employment may also include terms that impose additional requirements that an employer must meet before standing down an employee (for example requirements relating to consultation or notice).

**Transfer of business**

(224) Clause 318, page 276 (line 12), omit paragraph (3)(d), substitute:

(d) whether the transferable instrument would have a negative impact on the productivity of the new employer's workplace;

(e) whether the new employer would incur significant economic disadvantage as a result of the transferable instrument covering the new employer;

(f) the degree of business synergy between the transferable instrument and any workplace instrument that already covers the new employer;

(g) the public interest.

(225) Clause 319, page 277 (line 34), omit paragraph (3)(d), substitute:

(d) whether the transferable instrument would have a negative impact on the productivity of the new employer's workplace;

(e) whether the new employer would incur significant economic disadvantage as a result of the transfer-

able instrument covering the new employer;

(f) the degree of business synergy between the transferable instrument and any workplace instrument that already covers the new employer;

(g) the public interest.

(226) Clause 320, page 278 (line 23), at the end of subclause (2), add:

; or (c) to enable the transferable instrument to operate in a way that is better aligned to the working arrangements of the new employer's enterprise.

(227) Clause 320, page 279 (line 14), omit paragraph (4)(d), substitute:

(d) whether the transferable instrument, without the variation, would have a negative impact on the productivity of the new employer's workplace;

(e) whether the new employer would incur significant economic disadvantage as a result of the transferable instrument, without the variation;

(f) the degree of business synergy between the transferable instrument, without the variation, and any workplace instrument that already covers the new employer;

(g) the public interest.

**Unfair dismissal**

(228) Clause 12, page 26 (after line 22), after the definition of registered employee association, insert:

***reinstatement*** includes appointment by an associated entity in the circumstances provided for in an order to which subsection 391(1A) applies.

(229) Clause 391, page 325 (after line 28), after subclause (1), insert:

(1A) If:

(a) the position in which the person was employed immediately before the dismissal is no longer a position with the person's employer at the time of the dismissal; and

(b) that position, or an equivalent position, is a position with an associated entity of the employer;

the order under subsection (1) may be an order to the associated entity to:

(c) appoint the person to the position in which the person was employed immediately before the dismissal; or

(d) appoint the person to another position on terms and conditions no less favourable than those on which the person was employed immediately before the dismissal.

(230) Clause 391, page 326 (line 7), at the end of paragraph (2)(b), add ", or (if subsection (1A) applies) the associated entity".

(231) Clause 394, page 329 (line 13), omit "7", substitute "14".

**Ms GILLARD** (Lalor—Minister for Education, Minister for Employment and Workplace Relations and Minister for Social Inclusion) (1.17 pm)—I would like to indicate to the House that the government proposes that amendments Nos (1) to (30), (35) to (93), (95) to (135) and (137) to (231) be agreed to and that amendments Nos (31) to (34), (94) and (136) be disagreed to. I suggest therefore that it may suit the convenience of the House first to consider amendments Nos (1) to (30), (35) to (93), (95) to (135) and (137) to (231) and then, when those amendments have been disposed of, to consider amendments Nos (31) to (34), (94) and (136).

**The DEPUTY SPEAKER (Ms AE Burke)**—There is no objection to the proposal by the Deputy Prime Minister.

**Ms GILLARD**—I move:

That Senate amendments Nos (1) to (30), (35) to (93), (95 ) to (135) and (137) to (231) be agreed to.

Today is 20 March 2009. On 27 March 2006, Work Choices first came into effect in this country. The third anniversary is just one

week away. We come today to this parliament to complete what the Australian Labor Party promised the Australian people in 2007: that we would rip up and get rid of Work Choices forever, for all time. Those opposite have fought us every step of the way.

Those opposite would now have us believe that somehow they are not associated with bringing Work Choices to this country. But if we tell the truth about the three years from 27 March 2006 til now, it is clear that Work Choices was the product of the Liberal Party and is still the policy of the Liberal Party. The Leader of the Opposition was a cabinet minister in the government that watched the Work Choices rip-offs and did nothing. The Deputy Leader of the Opposition is on the record as saying that the Liberal Party should go further than Work Choices. The shadow Treasurer was the Liberal Party's preferred salesperson for Work Choices. The member for Menzies, who is leading the Liberal Party's policy review, was the minister who introduced Work Choices. The man calling the shots, the member for Higgins, was the architect of Work Choices. The Liberal Party is the party of Work Choices now, today and forever.

In the three years between 27 March 2006 and now, we came to this place, against the fierce opposition of the Liberal Party, because of the goodwill of Australians and because of those people right around the country who campaigned against these laws because they knew that they were un-Australian and wrong for this nation. They were trade unionists and non trade unionists; they were people from churches and people of no faith; they were people who were born here and people who were born overseas; they were from every part of the country. They gathered under the banner of 'Your Rights at Work' to get rid of these laws.

We are here because the Labor Party campaigned against these laws and committed itself in its detailed policy documents to getting rid of them, ripping them up and eradicating them for all time. I would like to thank every Labor member of this House who campaigned for that outcome. That is why we are here today. In bringing these laws to the parliament, we not only published incredibly detailed policies but, once elected, went through an incredibly detailed consultation process. There was no railroading for us, no arrogant dismissal of other people's views. We have taken on board sensible suggestions every step of the way. That is why we formed a business advisory group and had it meet so frequently. That is why we formed a small business working party and had it meet so frequently. That is why we had a workers advisory group and had it meet so frequently. That is why we took the unprecedented step of making available to the committee on industrial legislation—experts on workplace relations laws from around the country—the legislation before it came to this parliament.

During the course of this parliamentary debate, we have been prepared at every stage to accept good ideas that were in accord with our election mandate. The government is making a significant number of amendments and in part we are doing that because we have accepted the legitimate suggestions of those who, like the Labor government, are opposed to Work Choices. We have accepted the legitimate suggestions of the Australian Greens, Senator Fielding and Senator Xenophon. Those amendments are being put forward for the House's consideration today because they accord with Labor's mandate and they accord with the commitments that we gave to get a detailed policy to the Australian people and to enact that detailed policy in consultation with those who desper-

ately care about this policy and want to see it work well.

The amendments in this motion are being brought forward in that spirit. But the House will shortly deal with amendments that are not being brought forward in that spirit, amendments that are being brought forward as the last desperate twisting and turning of the Liberal Party to hold firm to Work Choices. What the Liberal Party wanted in this debate was not a spirit of cooperation and goodwill, not a spirit of 'can do' to get rid of Work Choices, but to take every excuse, every point, every procedural device to ensure that Work Choices staggered through for another day. Their belief in Work Choices is one of the few things that still unite the Liberal Party in the modern age.

There is no doubt that, should the Liberal Party ever be re-elected, Work Choices would be back. Well, at least in future elections they will be judged against that test, because they were never judged against that test in the past. In 2004, when they went to the Australian people, they never breathed a word of Work Choices. The one thing you can say about the Liberal Party of this country is that they never tell the truth on workplace relations. They did not tell the truth in 2004 and then they foisted Work Choices on this country, bringing it into effect in 2006 and doing so much damage to hardworking Australians. We are sweeping that away, opposed every step of the way by the Liberal Party.

The amendments under consideration today go to a wide range of issues of fairness and balance in Australian workplaces. This includes the early commencement of Fair Work Australia and the Fair Work Ombudsman, the expansion of matters to be covered in the fair work information statement and the inclusion of right of entry. This is primarily to address concerns raised by the Privacy Commissioner to deal with the inspection of non-union member employee records and to strengthen the protections around right of entry for compliance purposes. There are amendments about outworkers to ensure the right of entry framework minimises the risk of unscrupulous employers destroying relevant records. There are amendments about greenfields agreements to ensure that new projects or businesses are not delayed by red tape in negotiating enterprise agreements that will apply. There is an amendment about the right to request flexible working arrangements for carers of children under 18 years of age with disabilities. There are amendments committing to an examination of the use of individual flexibility arrangements, further research into flexible working arrangements and requests for extensions of unpaid parental leave.

These amendments strengthen the Fair Work Bill. We have been prepared to accept amendments from people of goodwill, from people who were opposed to Work Choices, and consequently many of them have come forward from Senators Fielding and Xenophon and from the Australian Greens. I thank them for their contribution to this debate.

Of course, the sticking point in this debate, which we will deal with soon, is the attitude of the Liberal Party, which of course finds it all very amusing as it twists and turns in its political desperation to keep Work Choices. Anybody who watched the Senate last night saw the ugly face of the Liberal Party on display as it did that twisting and turning, and we will inevitably see more of that today. What the Australian people voted for is what we are determined to deliver: fairness, balance and flexibility in Australian workplaces. I commend the amendments to the House.

**Mr TURNBULL** (Wentworth—Leader of the Opposition) (1.29 pm)—The Deputy

Prime Minister reminds me of a very wise saying from an old friend which reminds us there is no deal so good that a lawyer cannot ruin it.

*Government members interjecting—*

**Mr TURNBULL**—You should listen. He said, 'Anyone can go to jail if they get the right lawyer'—and, boy, has the labour movement got the right lawyer in the Deputy Prime Minister! Work Choices died at 2.30 am this morning, and the only people trying to revive it are the Australian Labor Party. The Prime Minister talked yesterday about putting the electrodes back onto the body of Work Choices. Well, let me tell you: the only people applying those electrodes are 'Dr Rudd' and his companion 'Dr Gillard'. There they are, trying to revive it for political purposes.

We can have debates here about policy and we can have debates here about politics, but what we have here today is a debate about nothing more than pig-headedness. What we have are a government that brought their legislation so incompetently drafted, so pathetically prepared, that they have already agreed to 225 amendments—and they thanked the Independents and the Greens. 'Thank you, Senator Xenophon,' the Deputy Prime Minister said. She was so sanctimonious about that. The reality is that the key amendments here are the amendments we supported—the changes to right of entry and the changes to greenfields sites. Those are changes that we fought for, and they would never have been achieved without our advocacy. But what is holding us up? Why are we still here? We are here because the Deputy Prime Minister is so colossally stubborn, so vain, so determined to wring the last bit of political value out of this.

*Government members interjecting—*

**Mr TURNBULL**—I love to hear the laughter from the other side, because they know. There are a couple of very experienced trade unionists on the other side here, and they know that the trade union movement has no interest in unfair dismissal. They know that they are about to see the death of Work Choices become a revival of Work Choices at the hands of the Deputy Prime Minister because she is too stubborn, too pig-headed, to agree to a sensible, realistic change to the definition of small business—something that will make a bad change less bad, something that will result in fewer job losses, something that will preserve employment in small business—and because she is too stiff-necked to bend to that amendment, even though she has agreed to 225 others. We saw the whole movement to change the industrial relations laws that the union movement put tens of millions of dollars into. They spent so much time advocating it, and now, thanks to an incompetent lawyer, they are going to run it into a brick wall.

We have talked about ambulance chasers in this place. The real problem is when you pursue a political goal and then discover you have run into a brick wall. That is exactly what the Deputy Prime Minister has done. The only reason we are here today, the only reason the government is not compromising, is that it wants to make one last pathetic political attempt to prop up the incompetent, bungling state government of Anna Bligh. One last pathetic point, then you will have to go back to your friends in the union movement and say: 'We've crashed the whole plan. The whole project has been crashed over the difference between 15 and 20 full-time equivalents.' That is what you have crashed the whole project over.

**Mr KEENAN** (Stirling) (1.33 pm)—Beyond all the rage and the theatre that we are seeing in the chamber today, beyond this pantomime, I want to remind the Australian people what we are actually here debating at

the cost of $1 million a day to the Australian people to keep this parliament here. We are debating in this parliament, in a climate where unemployment is skyrocketing, whether we are to give small business the confidence and the incentive to employ more Australians. That is exactly the issue that we are debating here today. The reality is—and you can ask anyone in small business around the country and they will tell you the same—neither the Deputy Prime Minister nor the Prime Minister, nobody on that side of the House, understands small business. They do not understand the struggles that Australian small business goes through on a daily basis. They do not have that life experience. They do not understand what drives small business to create employment.

There was an article in the *Australian* this week that said they went to the Deputy Prime Minister's electorate and down to Main Street, in Altona, I think it was—I am happy to be corrected. They went into the local pizza shop there, apparently one that the Deputy Prime Minister likes to visit. The next time she is there, she might like to ask them how many employees they have on the books. I bet you, if they are a pizza shop that has two shifts a day, which is very realistic, they will have more than 15 employees on their books. That is the reality and that is the reality of small businesses all around the country. The idea that having more than 15 people on your books means that you are no longer a small business is, quite frankly, absurd. We stand for a more realistic definition of 'small business'. We want that pizza shop in Altona to be classified as a small business, as is appropriate, and we want that to happen so they can have the confidence to employ more people. Nobody in small business believes that this government understands either what small business goes through or what small business is required to do.

The Deputy Prime Minister consistently refers to the mandate that the government received at the election in 2007. Nobody on this side of the House disputes that the Labor Party have a mandate to change Australia's industrial relations system. What the Labor Party were not elected to do was to come to Canberra and do whatever they liked to the Australian industrial relations system. They had a very detailed policy, which is contained within these two documents I have here.

The Deputy Prime Minister will have you believe that somehow Moses brought these documents down from the mountain—that they cannot possibly be altered, which is why the Labor Party cannot move from a definition of small business being 15 employees. But let us have a look at these documents and see where the Labor Party has trashed its own policy. I refer to the policy release of April 2007—Forward With Fairness: Labor's Plan for Fairer and More Productive Australian Workplaces—where they talk about agreement making:

> Labor's good faith bargaining rules will not require an employer or employees to sign up to an agreement where they do not agree to the terms.

Yet what we find within the Fair Work Bill is that this has not translated into that bill. Within the bill there is compulsory arbitration, which is totally against the policy that they took to the people at the last election.

In the implementation plan that was released in August 2007—and this is an absolute corker, because it is very simple to understand—this is what Labor said about right of entry:

> Labor will maintain the existing right of entry rules.

When that is translated into the Fair Work Bill, what we find is that union right of entry has been massively expanded. Union officials were given the power to go in and seek

any employee record—not just those of union members—within a business. They could get access to all sorts of private records.

This is a very simple debate today. It is a debate about giving small business the confidence to employ more Australians. Nobody on that side of the House has any idea of the struggles that are facing small business today. They do not know that small business needs to be given the confidence to do what it does best: create employment. *(Time expired)*

**Mr OAKESHOTT** (Lyne) (1.39 pm)—I rise very briefly to put my views on the record and to say, 'Oh, what strange bedfellows indeed'. For all the posturing, for all the positioning, for all the impassioned speeches, I see very little difference in the positions of both sides of this chamber when we look at the foundation principles behind the movement from a scattered, state-based industrial relations system to a national industrial relations system.

Rather than to say, 'A pox on all of you here,' it is to congratulate everyone here in recognising the movement of business and the union tradition to a future, hopefully, within Australia and the Australian workplace that is one of a united working environment where those foundation pillars are adhered to and supported by both employees and employers. Those foundation pillars represent a national scheme, and for a lot of reasons I hope the term 'Work Choices' is one we can put on the shelf for political reasons and for a whole number of reasons. Let us hope the term itself is dead other than being a very important High Court case that recognises the importance of the role of the Commonwealth under the Corporations Law. I hope the move towards a national scheme is supported by both sides of this chamber, with a foundation pillar not only in industrial relations laws but in occupational health and safety laws as well. The range of structures that we currently have in place for businesses, in an increasingly global business environment within Australia today, is an absolute dog's breakfast.

Another foundation pillar is the streamlining of an award structure. Whilst I have feedback from my communities about concerns with the hospitality award and the detail of the streamlining of the hospitality award, fundamentally as a foundation principle the streamlining of an award structure in Australia is something I would have thought both sides of this chamber would have strongly supported. I would have thought support for such a move would be seen in both sets of policies. Whether from a business angle or a union angle, fundamentally having a minimum set of principles in place in a fair work set of rules is something that I would have thought all members of this chamber would support. So, with respect to the 10 commandments from the government of the day, I wear that as a mandate issue. If there is a change of government sometime in the future, by all means I wish them good luck in looking at their own set of principles and their own set of minimum standards. But, fundamentally, those three key principles—moving to a national scheme, streamlining awards and a having set of 10 commandments, if you like, in setting some national minimum principles in the workplace—are all good, solid policy for the future of this country.

I endorse the comment made on a news bulletin this morning by the Leader of the Opposition, where he said the only point of difference was this issue of 15 or 20 employees as a definition of small business. That is what it has come down to.

**Mr Albanese**—But then they're going to vote against the legislation.

**Mr OAKESHOTT**—No. I am sure that when dealing with amendments to this legislation you have seen me at different times sitting either with members of the opposition or with members of the government. Mine will be a consistent 'yes' position. I will be supporting the amendments from the Senate. I think they did some good, meaty work last night. I actually think they justified their existence—

*Honourable members interjecting—*

**Mr OAKESHOTT**—I would not go quite that far. They earned their keep last night in going through the details of a fairly substantive change through a lot of different amendments to the Fair Work Bill. So I will be consistently sitting on that side saying: 'Let us pass this legislation. Let us bring it together. Let us have a workplace for the future that recognises the traditions of where everyone has come from in this chamber and let us have a country that has a business community that is working and working well.'

**The DEPUTY SPEAKER**—The question is that Senate amendments (1) to (30), (35) to (93), (95) to (135) and (137) to (231) be agreed to.

Question agreed to.

**Ms GILLARD** (Lalor—Minister for Education, Minister for Employment and Workplace Relations and Minister for Social Inclusion) (1.44 pm)—I move:

That amendments (31) to (34), (94) and (136) be disagreed to.

The Leader of the Opposition calls me stubborn. Stubborn in pursuit of an election mandate; stubborn in pursuit of delivering a promise—well, I'll take that. I cannot wait to see the bumper stickers from the Liberal Party at the next election: 'Don't vote Labor, they're too stubborn in delivering what they promise to you.' I cannot wait to see those on the back of every Liberal members' car at the next election.

Yes, we are stubborn in doing what we said we would do because we believe in telling the Australian people the truth. I understand that the concept of telling the Australian people the truth does not resonate with members of the Liberal Party. I understand that they struggle with that, because they did not tell the Australian people the truth about Work Choices. As recently as 13 December last year, the Leader of the Opposition was saying:

Labor took a proposal to change the unfair dismissal laws to the election and won. So we must respect that.

Clearly, if that had been a statement of truth then we would not be having the debate that we are about to have now about Labor's unfair dismissal laws. So this is the side of the House that is stubborn in telling the truth and stubborn in delivering its election promises, and over there we have promises given and not delivered personally by the Leader of the Opposition as recently as 13 December 2008.

Compared with the carry-on that we have seen from the other side, let us be clear about what the amendments are. We went to the last election and we said that we would bring unfair dismissal laws back to this country so that good workers, if they were unfairly dismissed, had recourse and remedy—something Work Choices basically stripped away for Australian workers. We said we understood that there should be special arrangements for small business and small business should be defined as fewer than 15 employees. Why? Because that is the known definition under the workplace relations law for redundancy and we wanted the system to be simple and the same—special arrangements for small businesses on redundancy and unfair dismissal, same definition. We took that to the election and we are seeking

to deliver it, stubborn in pursuit of delivering what we said we would to the Australian people.

The reason the argument has boiled down to this is not that the Liberal Party sees some great magic in the number 15 versus the number 20. Indeed, last night in the Senate they were advocating 25. Their position in government was that workers should not have any entitlement to contest their dismissal. The only reason we are debating this here today is that they had to comb through for something that they could get the support of the Independent senators on so that they had something over which to keep twisting and turning and opposing the Fair Work Bill, so that they could stand another day, another 24 hours, in defence of Work Choices. That is all it is about.

Then the Liberal Party moved two other very silly amendments in the Senate as part of this twisting and turning in defence of Work Choices. It made a nonsensical change to the objects of the act. In a bill that talks about enterprise level bargaining throughout, for whatever reason they thought they would change it to 'enterprise level or workplace'—a change that does not make any sense, and we are rejecting it. And then, in their desperation in the Senate, unbelievably, the Liberal Party moved to strip out of this bill protections for independent contractors from being discriminated against because they are not members of unions. This is what the Liberal Party moved to take out of this bill, to strip the words 'independent contractor' out so that all freedom of association provisions for independent contractors would be gone. We will not stand for those kinds of silly amendments and we are rejecting one of their independent contractor amendments through this motion.

All this is about, all it has ever been about and all it ever will be about is that this side of the House believes in fairness and decency at work and the Liberal Party does not. This side of the House fought Work Choices and we always will. The Liberal Party is the party of Work Choices and always will be.

**Mr TURNBULL** (Wentworth—Leader of the Opposition) (1.49 pm)—This is all about jobs. Right across Australia today there are thousands of small businesses struggling with a slowing economy and rising unemployment. They are concerned about how they will be able to maintain people on their payroll. They are focused on jobs. Thousands of those small businesses are in the state of Queensland, and they are weighing up the rising risk of a Rudd recession. They are looking at all of the policies of this government, each and every one of them, and measuring their effect against the results. We know what the results have been: they have been slowing economic growth and growth going into reverse, with the likelihood that the March quarter will be negative too and we will in every sense be in a recession with rising unemployment. That is what Australia's small businesses are about, and nowhere more so than in Queensland, because nowhere more so than in Queensland do we have small businesses built around the hospitality industry.

Let's look to see what industry is actually saying. What are the retailers saying? The Australian Retailers Association welcomed the vote last night because they recognise the change that was made to the definition of 'small business' for this purpose to 20 full-time equivalents was good for jobs. They made the point that:

> Without this redefinition of small business, unfair dismissal laws in the Government's Fair Work Bill will destroy small business confidence to employ staff and we cannot afford this in the current economic climate.

We can look at the Australian Chamber of Commerce and Industry. ACCI has been

quoted extensively by the government lately, so I am sure that they will be very interested to listen to what ACCI has had to say about jobs, which is the real issue. They have said about the change that we supported in the Senate early this morning:

> The change is necessary because the employment mix in small business has changed over the years, and past unfair dismissal laws dented the confidence of small businesses to employ permanent staff. Especially now, business confidence is crucial to jobs, and small business is the jobs engine of the economy.

So these two representative organisations, both representing small businesses, both representing businesses that are particularly vulnerable to these laws, are calling for the government to be reasonable and to do what we did all the time in government and accept Senate amendments. We recognised that this is a parliament of two houses, and we recognised changes imposed on many occasions by the Senate.

*Government members interjecting—*

**The DEPUTY SPEAKER (Ms AE Burke)**—Order! I am sure everyone wants to be here for the vote.

**Mr TURNBULL**—The government benches are having a very merry time, but these are very hollow laughs, because they know the intransigence of their deputy leader has got them into the position where the industrial relations project that so many of those on the government benches poured so many tens of millions of dollars of their members' funds into is about to be driven into a brick wall—because Work Choices is dead. We voted to kill it at 2.30 this morning, and it is the government, the Deputy Prime Minister in particular, so deluded, so vain, so obstinate, that is going to bring it back to life. Just remember this scene in Dr Frankenstein's laboratory: Dr Frankenstein and his offsider 'Dr Gillard' are there recharging the corpse, bringing it back to life. All of their supporters and all of their donors in the union movement will be saying, 'Julia, we're paying a very heavy price for your vanity, a very heavy price indeed.'

**The DEPUTY SPEAKER**—Order! I ask that the Leader of the Opposition use people's appropriate titles. The question is that amendments (31) to (34), (94) and (136) be disagreed to.

Question put.

The House divided. [1.58 pm]

(The Deputy Speaker—Ms AE Burke)

| | |
|---|---|
| Ayes…… | 64 |
| Noes…… | 47 |
| Majority…… | 17 |

AYES

| | |
|---|---|
| Adams, D.G.H. | Albanese, A.N. |
| Bevis, A.R. | Bidgood, J. |
| Bird, S. | Bowen, C. |
| Bradbury, D.J. | Butler, M.C. |
| Byrne, A.M. | Campbell, J. |
| Champion, N. | Cheeseman, D.L. |
| Clare, J.D. | Collins, J.M. |
| Combet, G. | D'Ath, Y.M. |
| Debus, B. | Dreyfus, M.A. |
| Elliot, J. | Ellis, A.L. |
| Ellis, K. | Ferguson, M.J. |
| Fitzgibbon, J.A. | Garrett, P. |
| Georganas, S. | George, J. |
| Gibbons, S.W. | Gillard, J.E. |
| Grierson, S.J. | Griffin, A.P. |
| Hayes, C.P. * | Irwin, J. |
| Jackson, S.M. | Kelly, M.J. |
| Kerr, D.J.C. | Macklin, J.L. |
| Marles, R.D. | McClelland, R.B. |
| McKew, M. | McMullan, R.F. |
| Melham, D. | Murphy, J. |
| Neumann, S.K. | O'Connor, B.P. |
| Owens, J. | Parke, M. |
| Perrett, G.D. | Plibersek, T. |
| Price, L.R.S. * | Rea, K.M. |
| Ripoll, B.F. | Rishworth, A.L. |
| Rudd, K.M. | Saffin, J.A. |
| Shorten, W.R. | Snowdon, W.E. |
| Sullivan, J. | Swan, W.M. |
| Symon, M. | Thomson, C. |

| | |
|---|---|
| Thomson, K.J. | Trevor, C. |
| Vamvakinou, M. | Zappia, A. |

NOES

| | |
|---|---|
| Andrews, K.J. | Baldwin, R.C. |
| Billson, B.F. | Briggs, J.E. |
| Broadbent, R. | Chester, D. |
| Ciobo, S.M. | Coulton, M. |
| Farmer, P.F. | Forrest, J.A. |
| Gash, J. | Georgiou, P. |
| Haase, B.W. | Hartsuyker, L. |
| Hawke, A. | Hawker, D.P.M. |
| Hockey, J.B. | Hull, K.E. * |
| Hunt, G.A. | Irons, S.J. |
| Jensen, D. | Johnson, M.A. * |
| Keenan, M. | Ley, S.P. |
| Marino, N.B. | Markus, L.E. |
| Mirabella, S. | Morrison, S.J. |
| Moylan, J.E. | Nelson, B.J. |
| Neville, P.C. | Oakeshott, R.J.M. |
| Pyne, C. | Ramsey, R. |
| Robb, A. | Robert, S.R. |
| Ruddock, P.M. | Schultz, A. |
| Secker, P.D. | Smith, A.D.H. |
| Somlyay, A.M. | Southcott, A.J. |
| Stone, S.N. | Truss, W.E. |
| Turnbull, M. | Vale, D.S. |
| Wood, J. | |

* denotes teller

Question agreed to.

**Ms GILLARD** (Lalor—Minister for Education, Minister for Employment and Workplace Relations and Minister for Social Inclusion) (2.06 pm)—I present the reasons for the House disagreeing to Senate amendments Nos 31 to 34, 94 and 136 and I move:

That the reasons be adopted.

Question agreed to.

**The DEPUTY SPEAKER**—Order! The chair will be resumed at the ringing of the bells.

**Sitting suspended from 2.06 pm to 5.35 pm**

**Mr RUDD** (Griffith—Prime Minister) (5.35 pm)—This is a great outcome for working Australians.

**House adjourned at 5.35 pm (Friday)**

## NOTICES

**Ms Rishworth** to move—

That the House:

(1) recognises the importance of sound urban planning for the long term future of our towns and cities;

(2) acknowledges that:

(a) planning new communities and regenerating older communities must maximise the 'liveability' of these communities;

(b) local planning should ensure that:

(i) local employment is available close to the local communities;

(ii) transport options are well connected and integrated, including the availability of public transport and bike paths to reduce car dependency and promote healthy alternatives such as walking and cycling;

(iii) housing and local infrastructure are designed to minimise the environmental footprint, including options to promote water and energy conservation;

community services are available; and

(v) local infrastructure facilitates a sense of community and place; and

(c) urban planing of our communities must maximise the social, economic and environmental outcomes for local residents; and

(3) urges all levels of government, industry, associated professions and the community to work together to ensure that we have healthy, happy, safe and sustainable communities.

*Thursday, 19 March 2009*

**The DEPUTY SPEAKER (Ms AE Burke)** took the chair at 9.37 am.

## CONSTITUENCY STATEMENTS

### Petition: Pensioners

**Mr NEVILLE** (Hinkler) (9.37 am)—I have received a petition from the Bundaberg Pensioners League to the Speaker and members of the House of Representatives. The petition draws the attention of the House to the following motion—moved by Mr K Keeley, seconded and passed by financial members undersigned—that 'a petition be circulated for the amount of the single pension to be increased to 75 per cent of married couples' allowance immediately and also that the pension rate be increased before 1 July 2009'. It was seconded by J. Glanville and carried unanimously. The principal petitioner was Grace Johnson, who has written to me, 'I certify that there were 570 petitioners.'

These are members of our local pensioner organisation. They do a good job; they are very dedicated to their members. It comes as no surprise to honourable members, especially those who are close to their communities, that the matter of the increase of the pension has been left to one side for too long. Notwithstanding the fact that the previous government introduced the MTAWE factor, which gave pensioners a two per cent increase; notwithstanding the fact that there was a utilities allowance; and notwithstanding the fact that there was a bonus, pensioners really do need an increase. We went through the business of the drought, where fruit and vegetable prices increased; the increase in the price of petrol, which in areas where there is not a lot of public transport is a big problem; and, on top of that, pensioners, as a result of the real estate boom of two or three years ago, saw increases in rents without an appropriate adjustment through the rent allowance. So, all in all, pensioners have had a pretty tough time.

I fully support this move. I think single pensioners are suffering quite dramatically. I have a church organisation in Hervey Bay that runs one of those supermarkets with out-of-date lines and bulk commodities and so on, and they tell me they are seeing 1,400 people a week. Fourteen hundred people in a fairly affluent town like Hervey Bay just says how hard the economic conditions are biting, and I think they fall very heavily on pensioners. I will be forwarding this petition to the House of Representatives Standing Committee on Petitions and I hope honourable members will take into account in future debates the call from the pensioners league.

### Capricornia Electorate: Electronic Funds Transfer

**Ms LIVERMORE** (Capricornia) (9.40 am)—I want to raise an issue that has come to my attention in my electorate concerning a constituent called Cheryl Daly. On 18 February this year, Cheryl went to a Rock Building Society ATM on the Capricorn coast to withdraw $360 from her Commonwealth Bank account. As it turned out, the ATM did not dispense her any cash. The customers following Cheryl in line to use the ATM were told that it was empty. Cheryl immediately went to another ATM to check her account balance and found that, indeed, the $360 had gone from her account—but of course she was not holding the cash. She phoned the Commonwealth Bank about the matter and the bank told her that she had to register a dispute to say that the money was missing. Cheryl also called the Rock Building Society,

who informed her that they had to wait for the Commonwealth Bank to call them once the dispute was registered.

This went on and on; we are talking about a chain of events which started on 18 February. Cheryl called the ATM disputes hotline five times during work hours and was getting no answers at all. She was repeatedly given different answers from the Commonwealth Bank on the time frame in which she should expect to receive her money—one week, two weeks, four weeks, six weeks. Finally, the ATM manager at the Rock Building Society did receive word from the Commonwealth Bank and released the $360 to Cheryl. This happened only a matter of days ago.

The money was then transferred to the company that runs the ATM, which is Cashcard. We have two banks and a middle organisation in this story. The money sat in Cashcard's hands for one week before further calls to the Commonwealth Bank led to Cheryl receiving the money yesterday. Cheryl feels that it is very unfair that this procedure took so long. I am sure all of us listening to this story here today are scratching our heads and wondering, in this day and age, when we have split-second electronic transfers and information technology at our fingertips, how this could take so long.

I am told by ASIC that, in fact, there is a review going on at the moment into the Electronic Funds Transfer Code of Conduct, which all banks and financial institutions are supposed to abide by. That code of conduct has time limits for banks to observe in addressing these problems. They have 21 days in which to complete an investigation or advise of the need for more time to complete an investigation. Unless there are exceptional circumstances, an investigation is supposed to be complete within 45 days of receipt of the complaint. These periods of time are clearly too lengthy. This is a problem that ASIC recognises. There is a review into the EFT Code of Conduct, which I imagine all members of this House would support. I will certainly be writing a submission to that review telling them about what Cheryl suffered and asking them to review those time periods as a matter of urgency. *(Time expired)*

## Gilmore Electorate: Slice of Life Australia

**Mrs GASH** (Gilmore) (9.43 am)—Slice of Life Australia is a Shoalhaven based not-for-profit organisation whose purpose is to provide supported employment in hospitality for people with disabilities. I would like to read their story into the record, and to add how privileged I am to have been with them through their journey.

Their story started in 2006 and took 18 months of difficult lobbying and several meetings with ministers and senators to obtain seed funding. Former senator Kay Patterson and I firmly believed in their proposal and went strongly into bat for the group. They were granted $25,000 and a two-year pilot project which allowed them to employ eight supported employees. Flagstaff Shoalhaven were given funding to guide them through all aspects of the establishment process. The pilot project was completed on 30 June 2008 and they were given a 12-month stand-alone contract to prove their viability to deliver on their own. Just recently, they have been awarded their compliance certificate and they expect a decision on their status this month. I can only wish them well as they wait.

Supported enthusiastically by Shoalhaven City Council, Slice of Life started their activities in the Reflections Cafe at the Shoalhaven Memorial Gardens Cemetery at Worrigee. Catering on-site for wakes, they also provide cafe facilities for visitors to the cemetery as well as off-

site catering within the Shoalhaven and surrounding areas to local businesses, individuals and community organisations. They continue to grow and expand their premises, moving to new and expanded premises and opening a general store, which added to their range of services.

Slice of Life is presently working within the local community to establish a community style garden to provide disadvantaged people with an opportunity to connect with the earth and produce fresh vegetables in support of their commercial activities. In 2007, they were awarded the area consultative committee Stars of the Shoalhaven chairman's award for community contribution, which was presented by the Governor General. Karen Anstiss, founder and managing director of Slice of Life, was awarded the Shoalhaven community boss of the year award in 2008.

SOLA currently employs 17 local people, 14 of whom have a disability. Eight employees are supported by FaHCSIA under the disability enterprise scheme and nine others are supported by profit-making enterprises. SOLA have seven longstanding volunteers, who are invaluable to the organisation. They provide work experience opportunities for schools and for local disability support organisations. SOLA's turnover for the 2007-08 financial year was in excess of $250,000.

This is an example of an enterprise that delivers on a number of fronts and one that is worthy of continued support to assist more disabled people who want to participate and contribute in her own right. I congratulate all who have been involved in the evolution of Slice of Life Australia. The community of Gilmore is very proud of Karen and her group of wonderful, special workers.

**Shortland Electorate: Prostate Research Centre**

**Ms HALL** (Shortland) (9.45 am)—Last Friday, I attended the official opening of the Hunter prostate research centre. As we all know, prostate cancer is a cancer that affects men. One in 1,000 men in their 40s will be diagnosed with prostate cancer, 12 in 1,000 in their 50s, 45 in 1,000 in their 60s, and 80 in 1,000 in their 70s. Prostate cancer is a disease that is more prevalent if one male in the family has had it. If a father has had it, his son's chance of getting it is much greater.

The Hunter prostate research centre will provide a holistic service to sufferers of prostate cancer and, in addition, will be an excellent research base. It is supported by the University of Newcastle and by the Hunter Medical Research Institute. I pay credit to Professor James Denham, a leading oncologist in this field, who has done a considerable amount of work.

Forums were held in my electorate in 2005 and last year. The Treasurer attended the first of those forums and he and Professor Denham made presentations to well over 300 men who came to the sessions. Professor Denham's vision was for this centre to be built in the Hunter, and he was able to achieve that because of the work of a number of people in the Hunter. I would particularly like to acknowledge Geoff Fryer, a survivor of prostate cancer, who donated $1 million of his own money towards the establishment of the centre. The Minister for Defence, the member for Hunter, Joel Fitzgibbon, is patron of the centre. On the day of the official opening, Geoff Fryer and John Sakoff cut the ribbon. Leigh Maughan, who has added an extra dimension to the centre and to the profile of prostate cancer in the Hunter, was the emcee. I congratulate everybody that was associated with the day. I know that the centre will grow and thrive.

### Petition: Fernlea House

**Mr WOOD** (La Trobe) (9.48 am)—I rise to present a petition, as approved by the House of Representatives Standing Committee on Petitions.

*The petition read as follows—*

TO THE HONOURABLE THE SPEAKER AND MEMBERS OF THE HOUSE OF REPRESENTATIVES

This petition of certain citizens of Australia draws to the attention of the House the plight of Fernlea House which provides palliative care and support for people with a life limiting illness and their carers and, since opening in September 2005 has demonstrated the need for a service of this nature in the local area.

Fernlea House Day Hospice has had more than 1600 attendances. This equates to more than 130 carer families having benefited from the support given to them. The service is supported by 88 trained Volunteers, recruited from the local community.

We, members of the community, support this Project and want to ensure that Femlea House remains open.

We therefore ask the House to support us in requesting that the Federal Government guarantee ongoing funding for Fernlea House.

from 1,021 citizens

Petition received.

I would first of all like to say a large thankyou to Carl Robins from the Belgrave Rotary Club, who sponsored the petition, along with the Fernlea House Committee. Fernlea House came into being after Jan Lancaster donated a house to this great cause. In the 2004 election, as one of my election promises I gave a core promise to provide $800,000, simply because we had no local palliative care hospice. Sadly, in the Rudd government's 2008-09 budget there was no additional funding for Fernlea House—and, believe it or not, they gave it only six weeks to close down, which is an absolute disgrace.

We had an outcry from the volunteers, and media identities such as Derryn Hinch got behind the plight of Fernlea House. The Minister for Ageing, Justine Elliot, gave Fernlea House another 12 months. Sadly, that funding will run out in June this year. I am glad that the shadow minister for ageing, Margaret May, is sitting beside me; she has given her full support and I thank her. It is a shame that the government will not be looking after Fernlea House. Remember that these are dying and sick people in their final days. This government needs to show some compassion. I thank all those people who signed this petition. They realise how vital this issue is to the electorate of La Trobe and how vital it is to make sure that people who are in their final moments have quality of life, staying at Fernlea House, where we have fantastic volunteers doing an amazing job. I plead with the government to overturn its decision and make money available in this year's budget.

### Mr Les Wilson

**Mr GRAY** (Brand—Parliamentary Secretary for Regional Development and Northern Australia) (9.52 am)—I rise today to talk about the hardworking Mayor of the Shire of Carpentaria, in the Gulf Country of North Queensland, Councillor Les Wilson, who sadly lost his nine-month battle with cancer earlier this month. Councillor Wilson was born on 9 November 1953 in Aramac to Jim and Phillis Wilson. He stayed in Aramac until he was 15, when he left

school and went up to Karumba in the hope of catching barramundi. Barramundi was not the only thing that hooked him in Karumba. He built his life around the people in that community, whom he would later go on to serve with great distinction in local government.

Over a period of 23 years, Councillor Wilson served in public office and as the Mayor of Carpentaria Shire Council for seven years, and as the deputy mayor for another seven years. Councillor Wilson held the position of mayor until his death earlier this month. Councillor Wilson will be remembered for his time on the Carpentaria Shire Council as being a strong advocate for the gulf region—one of those self-reliant, grumpy people who stand up for their community in all circumstances, as an advocate, a builder and a defender of their community. They are wonderful people and Councillor Wilson was one of them and their leader.

He worked closely with neighbouring shires and lobbied tirelessly for better services and infrastructure. That is how I met him, on a visit to Normanton, where Les showed his true nature both as a wonderful host and as a tough advocate for his shire and community. One of the things all successful sustainable regional communities have in common is that sense of self-motivation. Sustainable communities are made up of people with a can-do attitude and a visible, proactive response to change and challenges. Councillor Wilson demonstrated that he was always prepared to stand up and be counted. He was genuinely interested in sustainable solutions to providing employment and to keeping his community growing and vibrant.

He played a significant role in the success of the local regional development agenda. He was always striving to develop innovative ways to reduce ratepayer costs and deliver superior services. He cared deeply about his community and often volunteered behind the scenes at community events and organisations. At the event I attended he was the host, the barman and in charge of the barbecue. He cared so deeply about his community. He volunteered for his rural fire brigade service, his SES and his volunteer marine rescue—he was a person who walked the walk and talked the talk. Councillor Wilson cared deeply for his family and is survived by his partner, Donna; his sons, Ian and Brian; and his grandchildren, Tara, Ella and James.

## Petition: Pensioners

**Mrs MAY** (McPherson) (9.55 am)—Today I would like to present a petition to this House in support of older Australians. This petition, which I have with me this morning, has been signed by 7,090 older Australians. It is in support of those older Australians that I bring this petition to the House. The petition was brought about by the principal petitioner, Janice Elizabeth Holmes, who is the President of the Coolangatta Senior Citizens Centre in my electorate on the Gold Coast. The senior citizens group has hundreds of members and they were very concerned last year at the plight of senior Australians in this country. They are calling on the government to ensure, in the light of the released Harmer report, that senior Australians maintain a reasonable standard of living through the pension system. We hope that in this year's budget senior Australians on pensions will see some increase in that pension.

I would like to make special mention of a number of colleagues who have also had this petition running in their own electorates throughout Australia—the Hon. Bruce Scott, from the electorate of Maranoa; Steve Irons, from the electorate of Swan in Western Australia; Senator Judith Adams from Western Australia; Nola Marino from Western Australia; David Hawker; Senator Stephen Parry; Senator Simon Birmingham; and the Hon. Greg Hunt. I think every

one of my colleagues found in their own electorates and indeed in their states that there was a lot of support for senior Australians right throughout this country.

I think everybody in this House knows just how tough it is out there at the moment. We do know we have a global financial crisis and we do know that senior Australians are having a difficult time. There is the rising cost of groceries and petrol—they are doing it tough. All of us in this House would want to ensure that senior Australians have the means by which they can take care of themselves, keep their wellbeing and their health in check and maintain a reasonably modest standard of living. These people are not asking for a lot, but they are certainly asking for a helping hand at the moment. I hope the Harmer report, which I know has been handed to the minister, will see some support through the budget process in May this year. I commend all those who have supported the petition—my colleagues and those senior Australians throughout Australia. I present that petition to the House today.

*The petition read as follows—*

To the Honourable the Speaker and Members of the House of Representatives

This petition of older Australians draws to the attention of the House:

- the Rudd Government has overlooked senior Australians in the Budget
- pensioners are not able to maintain a reasonable standard of living because of the rising cost of living
- hundreds of thousands of pensioners are struggling to make ends meet which is impacting on their health and wellbeing.

We therefore ask the House to:

- ensure that seniors have a reasonable standard of living
- recognise that they are struggling to make ends meet with the recent cost of groceries and petrol
- acknowledge and address their situation immediately.

from 7,090 citizens

Petition received.

## Neighbourhood Centres

**Ms SAFFIN** (Page) (9.57 am)—I raise an issue of importance to local neighbourhood centres, which provide vital social welfare services in my electorate and indeed in communities around Australia. I should point out that neighbourhood centres—or neighbourhood houses and learning centres, as they are known in other states—provide a range of community development activities and social welfare support in response to their communities. In Page there are neighbourhood centres in Lismore, Casino, Evans Head and South Grafton. Each centre runs a broad range of programs addressing local community needs including those for young people, Aboriginal youth, aged care, disabilities, child sexual assault, early intervention, child care and much more.

Neighbourhood centres are non-profit organisations managed by voluntary committees and operated by part-time staff and volunteers. Most rely on a mix of government funding and fundraising or fee-for-service programs. Unfortunately, most neighbourhood centres are restricted in their access to other possible streams of income because they are not eligible for deductible gift recipient status under the tax legislation. To be eligible for DGR status a welfare agency needs to correctly fit the definition of a public benevolent institution, although

that status does not guarantee that they will get DGR. The definition of a 'public benevolent institution' is that it exists for the relief of poverty, sickness, suffering, distress, misfortune, destitution or helplessness, but this does not allow for activities which are preventative in nature—that is, which prevent people from becoming destitute or which give them more weight than the public benevolent institution definition.

I wish to speak in support of the proposal put forward by the Association of Neighbourhood Houses and Learning Centres, ANHLC, that the charity tax laws recognise preventative approaches to addressing disadvantage. The main advantage of DGR status for neighbourhood centres is that some corporate and philanthropic donors will only provide funding to organisations that have DGR status. At present only seven per cent of neighbourhood centres qualify for this.

I believe strongly in the old adage that an ounce of prevention is worth a pound of cure; so it is with neighbourhood centres. Their services include programs that build resilient communities and help people avoid social exclusion. I commend the work of the neighbourhood centres in my electorate and their dedicated local managers: Noeline Olive at Casino, Paul Cruickshank at Lismore, Gretchen Young at the Mid Richmond Neighbourhood Centre and Skye Sears at the South Grafton neighbourhood house. Although I cannot mention them all by name, I also want to acknowledge the work of the employees, volunteers and voluntary board members who keep these vibrant and vital community service centres operating and help to build resilient communities.

## Casey Electorate: Victorian Bushfires

**Mr ANTHONY SMITH** (Casey) (10.00 am)—In the horror of the recent bushfires in outer suburban Melbourne and regional Victoria, we have seen a wonderful community spirit and great volunteerism. We have seen it at so many levels, most particularly with our emergency services and at the relief centres at Yarra Glen and Healesville, right on the edge of my electorate of Casey. We have seen a volunteer spirit and determination to get in and help people affected at so many levels, and it has really been a touching example that has answered the question that many commentators have been asking for the last 10 or 20 years about whether community spirit is still alive in Australia in the way it was in the decades after the war. It is refreshing that that has been answered emphatically. We should not have been surprised, because Australians always pull together in times of difficulty.

The fires have touched communities at so many levels. In the midst of a horror like the one around Melbourne—as you, Madam Deputy Speaker Burke, would know, representing an electorate not far from mine—people naturally reach out for some good news. One of the most touching photos that appeared was of a CFA worker giving an injured kangaroo some water—

**Mr Sullivan**—A koala.

**Mr ANTHONY SMITH**—Sorry, it was a koala. You are right. You saw it from Queensland—very good! I am sure one of them did give a kangaroo some water as well, but you are right—the photo was of a koala. Numbers of people have spent countless hours and dollars trying to help the wildlife. I want to mention a group in Coldstream that joined together to get donations of blankets and linen from all over Victoria to make pouches for injured joeys and much other injured wildlife. The group, Sewing for Wildlife, is based in Coldstream—

Coldstream itself was under threat from fires for much of the time—and they collected and bought blankets and sheets to help distressed wildlife. The group was led by the irrepressible Carolyn Rogers. Some of the other great contributors are Jenny Chatfield, Lorraine Smith, Fay Prendergast, Margaret Haberle, Katrina Jennings and Britney Jennings. They have done a great job and have made literally hundreds and hundreds of pouches for injured animals, which are being dispersed right across Victoria. It is a touching story at the end of what has been a very terrible time for the Yarra Valley and the outer east.

**Deakin Electorate: Prue Ward**

**Mr SYMON** (Deakin) (10.03 am)—I rise today to tell an inspirational story about a woman I met a few weeks ago, when the Minister for Employment Participation, Brendan O'Connor, came to visit my electorate to hold a disability roundtable. This focused on workplace experiences for people with chronic illnesses, carers and employers in my electorate of Deakin and of course beyond those boundaries as well. It was held at the Nerve Centre in Blackburn, which is also home to groups such as MS Australia and BrainLink. In particular, BrainLink assists those people who have an acquired brain injury.

Prue Ward was 27 years old in 2005 and working full time as a veterinary nurse when she was involved in a car accident whilst on her way to work. Prue suffered a fractured skull, bruising and swelling of the brain and a fractured collarbone and pelvis. As a result of the car crash, Prue also acquired a brain injury.

After quite a long period of time, when Prue was ready to return to work, her boss, Dr Bill Harkins, and practice manager Natalie Burns welcomed her back and told her they were focused on her strengths rather than what she was unable to do. And there are some things that Prue can no longer do, such as lift heavy animals. That is quite a common occurrence of course in a vet's practice. But Bill assures us that she is their best outpatient nurse and her skills are in working with clients one on one. Again, that is a very important part of any veterinary practice.

The practice clients were certainly very supportive and happy to see her back, but it has been trial and error finding the right balance for Prue. When she first returned to work she was able to contribute four hours per week, but then went up to 22 hours. She found that was too much and is now stable on 15 hours. Although sometimes she feels she should be putting in more and doing more tasks than she does, it is an agreed outcome whereby everyone benefits, both Prue and the employer. Her colleagues also make sure that she does not work too hard and suffer from that.

Prue told Minister O'Connor and I that her return to work gave her a feeling of normality and a sense of purpose. She says that it is great to be able to do some of the things that she used to. I congratulate Dr Bill Harkins, practice manager Natalie Burns and all the staff at Blackburn Animal Hospital for their approach to Prue's return to work. And I commend the courage and determination shown by Prue Ward in returning to the profession that she loves. I also commend the great work that BrainLink does for so many other people who have suffered an acquired brain injury.

**The DEPUTY SPEAKER (Ms AE Burke)**—I associate myself with your remarks also, Member for Deakin, having known BrainLink's great work and their terrific CEO. In accordance with standing order 193 the time for constituency statements has concluded.

## DELEGATION REPORTS

### Australian Parliamentary Delegation to Egypt and Israel

Debate resumed from 16 March, on motion by **Ms Annette Ellis**:

That the House take note of the document.

**Mr SLIPPER** (Fisher) (10.07 am)—I was privileged to be a member of the parliamentary delegation that visited Israel, Egypt and also the West Bank. The delegation was ably led by the honourable member for Canberra, Ms Ellis, and also included, as deputy leader, the honourable member for Maranoa, Mr Scott, Senator the Hon. Richard Colbeck, Senator Gavin Marshall and Senator Glenn Sterle. The delegation secretary was Ms Lyn Witheridge of the Department of the House of Representatives. As so often happens on delegations, political differences are set apart because we have been selected by the parliament to represent the parliament and Australia abroad. I would like to compliment the missions which were responsible for organising our visit: the Australian embassy in Cairo, the Australian embassy in Tel Aviv and also the representative office in Ramallah.

The program was a very full and busy program, and we were in that part of the world in the run-up to the Israeli elections. Israel and Egypt are two geographically close countries but they have quite different political systems. Through the visit to the two countries, as the delegation travelled, we were able to ascertain the challenges confronting the government and the people of Egypt, particularly given the fact that President Mubarak is not as young as he once was. It was also fascinating to be in Israel prior to the recent elections. I often believe that Israel is judged by First World standards, yet actions by some people in other countries around Israel are judged by Third World standards. The world is sometimes particularly harsh on Israel because we sometimes expect it to have higher standards than the standards of people who seek to undermine that country.

Israel is a vigorous and robust multiparty democracy. It was refreshing to be there and to talk to people. We were privileged, through the meetings that were organised, to get an insight into the likely outcome of the election, and a number of people predicted what actually happened on polling day.

We were there before Israel's action in Gaza. It is easy to understand how a civilised nation simply cannot permit rockets to pour down from the sky onto its population, threatening life and property. Numerous people have been killed in Israel as a result of rockets, particularly those launched from the Gaza Strip, an area which is controlled by the Hamas terrorist organisation.

I believe that it really is important for discussion to take place—and I have to say that I found the work of the Peres Centre for Peace quite inspirational. It seeks to bring together Arabs and Israelis and to make sure that there can be a positive prognosis for the future, because, geography being what it is, the Arab population and the Israeli Jewish population will continue to live side by side.

There are enormous difficulties. There have been discussions in relation to the so-called barrier fence. That construction, while inconveniencing Arabs on many occasions, has been built by the Israelis as a means of reducing the incidence of suicide bombing. I have been in Israel before, and I heard some chilling stories of how suicide bombing occurs. Everyone tells

us, though, that the barrier, while inconveniencing many Arabs, in fact has been successful in dramatically reducing the number of people who are murdered by suicide bombings.

We were in one town, Ashkelon, on the same day as rockets rained down from the Gaza Strip. It is very close to Gaza. We did not know at the time that that had happened. It is very difficult for people to go about their everyday lives living under the threat of rocket attack. It is unfortunate that Hamas controls the Gaza Strip. If Fatah were in charge there, as it is on the West Bank, I am sure that the difficulties we have seen in recent times would not have occurred.

I believe that Egypt has played a very constructive and worthwhile role in the Middle East. The fact that Egypt entered into diplomatic relations a very long time ago with Israel has meant that those two countries have been able to talk through their differences, and they have a relatively healthy relationship.

The problem of Palestinian refugees is ongoing, and I suppose the indoctrination of young Arabs is a major difficulty as well. We spoke to a person who was responsible for Palestinian Media Watch. The idea of this program is to monitor what is being shown to Palestinians by Palestinian media. Some of the material that is broadcast amounts to indoctrination or brainwashing and encourages young Palestinians to hate the Israelis. This is a very negative start to life, and it is unfortunate.

We visited the Dheisheh refugee camp with the United Nations Relief and Works Agency, and we had a briefing by Mr Thomas White, the deputy director of operations for the West Bank. We had a tour and people were certainly friendly, but I must say that as we were walking around I was quite shocked when two very small boys—they may have been five or six—who had machine guns made out of wood pretended to mow us down. What worried me was the fact that young Palestinians at that age have that degree of hatred for people from the West. Is it any wonder that a number of them, when they grow up, in fact go on to carry out some of the terrorist activities which have appalled us all?

Delegations these days work very hard, and this delegation was no exception. The report is a comprehensive report of what we achieved. My own understanding of Egypt, Israel and the West Bank has been substantially enhanced by the fact that I was privileged to represent the parliament as a member of this delegation. In particular, I would like to thank the ambassadors, Her Excellency Ms Stephanie Shwabsky in Cairo and His Excellency Mr James Larsen in Tel Aviv. Coincidentally, the ambassador's wife, Mrs Larsen, is the daughter of a former Australian ambassador to Israel. In fact, she is living in the house that she lived in when she was a small child. The support staff from the two embassies were quite outstanding as well and it made our visit so much more worth while and productive to have people on the ground who put together a particularly good program.

I thoroughly enjoyed the visit and I hope it enhanced the already good relationships between Australia and Egypt and Australia and Israel. I would like to see more delegations to that part of the world because we as a country need to understand the challenges confronting the Middle East. It is a place where people from different ethnic origins have lived together in a hostile environment for a very long time.

Debate (on motion by **Mr Hayes**) adjourned.

## COMMITTEES

### Electoral Matters Committee

#### Report

Debate resumed from 16 March, on motion by **Mr Melham**:

That the House take note of the report.

**Mr SULLIVAN** (Longman) (10.18 am)—In standing to speak briefly on matters relating to the committee's report, I offer the chamber the apologies of my colleague, Mr Danby, the member for Melbourne Ports. He would have liked to have spoken on this report, being a member of the committee, but, as we all know, from time to time there are conflicting responsibilities and so he is not able to be with us here today.

It is now fairly common knowledge that the Joint Standing Committee on Electoral Matters has not supported the continuation of the trial of electronic voting that was introduced as a consequence of the report of the committee in response to matters raised after the 2004 federal election. That does not mean that the idea of electronic voting for either ADF personnel or vision impaired people is a bad idea. What it really means is that this was not the method that is going to be the solution to the main problem. The main problem I believe was the rate at which people in those two groups have been able to exercise their franchise to vote. Put very simply: this system was too clunky and too expensive.

At the outset I acknowledge the disappointment of the vision impaired community. For the first time, some of them were able to exercise a secret vote if they had access to the polling booths where this trial was conducted. The electronic-voting provisions for vision impaired people could not be extended to all vision impaired people in the country and, as both the chairman and the deputy chairman indicated when the report was introduced into the House of Representatives chamber, the cost was somewhat prohibitive, at $2,500 per vote cast.

It is important to note that this report has not been able to recommend an alternative method of voting for vision impaired people beyond that which existed prior to this trial. Despite the committee's rejection of the trial for ADF personnel, we were able to make a recommendation for a change to the electoral act and a recommendation relating to an administrative matter within the military to establish a process for voting that satisfies both the needs and the situational circumstances that ADF personnel sometimes find themselves in as well as the needs of the AEC. That system should ensure a greater participation rate of ADF personnel in voting. At this time we have not been able to make similar recommendations in regard to voting for vision impaired people.

Anybody who has been following the public hearings of the Joint Standing Committee on Electoral Matters will have noticed that quite a deal of attention has been paid to electronic voting in general, and we discussed a number of issues at our most recent hearings. Electronic voting is not new. It has been used quite recently in relation to the primary voting for the US presidential election. There are many systems available. We are moving towards a situation where the community can trust that new systems are able to deliver a proper result, as is the case with the transparent methods of voting we currently use. Despite the claim that was made by the deputy chair of the committee, Mr Morrison, I am not necessarily conservative in these matters. I believe that we can move quite quickly with electronic transactions in relation to our franchise to vote simply by adopting a model similar to that used by banks.

I jealously guard my right to vote and my right to vote for my chosen candidate on every occasion—and my chosen candidate on every occasion would be no secret to most people. Some people like to be a little bit coy about who they vote for, but I am quite happy to admit it. I also guard my finances, yet I trust my finances to electronic banking. One of the reasons I do that is that it is very difficult to find the time in this job to go down to a bank to conduct transactions. I believe that over time we will gradually be able to move to a fully electronic voting system, similar to the system used for electronic banking. The system I use with my bank—and I will not give them an ad—is called NetBank. They provide me with an electronic account number that is attached to my bank account. I determine a password and I have to provide them with the answers to two questions as a further check that I or somebody to whom I have entrusted my information are the only people accessing the account. I think a similar system could work with the AEC.

Hopefully we as a committee will move to make some recommendations with regard to one of the issues that confront us generally with people and their voting franchise, and that is making a change of address to your enrolment details. Apparently anybody who makes even a very small change to their enrolment details has to fill out the entire form, which is in itself a daunting form. If it can be done online we could ultimately arrive through that to a system whereby people can make an application for a postal ballot online. From that, we can arrange to arrive at a situation where that ballot paper will be issued online. I think ultimately we will be able to arrive at a situation where the electronic system is trusted to an extent that people will be able to vote online. I think that will enhance people's access to their voting rights even more.

The number of articles that have been appearing over recent years in newspapers, in magazines or on those television shows that follow the news—I cannot give them any title other than that, to be honest—about the uptake of the internet by elderly Australians is simply because their grandchildren are teaching them how to use it as a means to keep in contact. I think we are moving to a situation in this country where computer literacy is growing in all areas, particularly amongst the young, who are the least likely to be involved in the electoral process at the moment. My understanding from some evidence we were given in public hearings a few days ago is that only four in every five people aged between 18 and 24 are on the roll. Twenty per cent of young, new voters are not engaging with the system at this point. I believe that is the case.

I also know that people with vision impairment are able to use and access their own computers using audio, voice technology and special keys. I think that if we can develop electronic transactioning with the Australian Electoral Commission along the lines of developing and building trust in that system amongst voters then we can get to a situation where a great deal of what we do in the process of conducting elections can happen online. For those of us who are considered to be practitioners, that does raise a particularly interesting point: how do we communicate with people who are going to vote? How do we place in the hands of a voter the information that we would like them to have before they make that decision? In the same way that those who seek to break the law seem to get hold of technology a lot quicker than those who seek to uphold the law, once technology changes are taking place in relation to people's interaction with the electoral system, my political party and the political party of those sitting opposite will move very quickly to ensure that we are able to have those interac-

tions that we believe we need with voters in order to have them exercise their vote in a way that we would like them to. They may not particularly be able to be encouraged to do that, but we have changes of government in this country and that clearly points to the fact that people are able to respond to the arguments that we make from time to time.

As a member of the committee, it is unfortunate that as a consequence of the practical trial that was run in the 2007 election it has been determined that a recommendation will be made to government that that trial not be continued. That does not rule out trials of another nature at another time or that the government will pick up the recommendation. The government, in making its decision, will be mindful of what the committee has said about the trial.

The report also encourages a continuous effort by the AEC to look at better ways to provide these opportunities, particularly for people with vision impairment. While we have made recommendations about the way in which the electronic-voting trial went for Australian Defence Force personnel serving overseas and have recommended some changes based on advice given to us by the AEC and the ADF, we have not had any advice from military personnel who availed themselves of the system as to how they felt it worked. Essentially, it was again too expensive and too clunky, particularly for the military, to operate.

In closing, I thank all the members that I served with on the committee—the senators as well as the members of the House of Representatives. I particularly acknowledge the work of the committee staff, the secretary, Stephen Boyd; the inquiry secretary, Kai Swoboda; Terry Rushton, who is a great help with information of a technical nature; and administrative officers Renee Van Der Hoek and Natasha Petrovic. These people have served our committee well in the course of this inquiry and with the couple of small interim reports that we have released. I am sure that they will continue to provide us with excellent service as we move towards developing the principal report, which is not that far away.

Debate (on motion by **Mr Broadbent**) adjourned.

## ADJOURNMENT

**Ms OWENS** (Parramatta) (10.32 am)—I move:

That the Main Committee do now adjourn.

### South Australian State Aquatic Centre

**Dr SOUTHCOTT** (Boothby) (10.32 am)—I have spoken previously about the poor quality of road infrastructure in Adelaide. I would like to speak today about the poor quality of sporting infrastructure in Adelaide. It is one of the frustrations of residents in Adelaide that we lack so many topnotch sporting facilities. In recent times, Sydney has hosted an Olympic Games and Melbourne has hosted the Commonwealth Games. Both Perth and Melbourne have hosted world swimming championships, and yet Adelaide has not had a FINA standard swimming pool since the early 1990s. The notion of a having a FINA standard pool has been around for a long time—at least since 1998. This project has stalled several times. I was very pleased, together with the former sports minister Senator Rod Kemp and the former finance minister Senator Nick Minchin, to work very hard to get $15 million for a FINA standard pool to be built on land owned by the City of Marion. That $15 million has been sitting in the City of Marion's account since 2006. It is now worth some $18 million. I am pleased to welcome the announcement made last month by the South Australian government that they will be proceeding with the design and construction of the South Australian State Aquatic Centre.

One of the issues was that Macquarie Leisure was a partner of this project and pulled out of this project in January. That was disappointing news. But I do welcome the announcement by the South Australian government that they will be taking over the design and construction of the South Australian State Aquatic Centre. They have said that construction of the centre will commence within the next few months, and is likely to be completed by mid-2010. When this facility is built it will cater to elite swimmers, club swimmers, and people who swim for exercise, leisure, or rehabilitation. It will cater to people with disabilities, the general community and people learning to swim.

Swimming SA has announced that it will host the 2011 Australian Age Championships at the Marion venue and will also be bidding to host the 2012 Australian Swimming Championships that will be the trials for the London Olympics. This week the Australian Swimming Championships are being held but, unfortunately, Adelaide has not been able to host this event since the early 1990s due to the lack of a FINA standard pool. The South Australian State Aquatic Centre will be an $80 million project and will also be constructed with a $27 million GP Plus Health Care Centre in Marion. The City of Marion has contributed $5 million to the project, as well as land for the site which is valued at about $10 million.

There are a number of design improvements in the new South Australian State Aquatic Centre. The depth of the main swimming pool will be increased to three metres. The seating capacity will be increased to 4,500. And there will be an installation of a depth-adjustable pool floor for leisure water and learn-to-swim activities.

This is a very exciting development for the south-western suburbs. It does open up the possibility of South Australia bidding for a whole range of things, including national swimming championships, school games and, potentially, some FINA events as well. It is something that I welcome. It has been welcomed by South Australian swimmers, including dual Olympic medallist Hayden Stoeckel, and also world record holder and multiple Paralympic gold medallist, Matt Cowdrey.

**Kingston Electorate: Fleurieu Peninsula**

**Ms RISHWORTH** (Kingston) (10.37 am)—I rise today to speak on an issue of great importance, and also a key primary production sector in the electorate of Kingston, and that is the growing olives and olive oil. This is not often given much attention. However, many of us around the country use olive oil on a daily basis. The production of olive oil on the Fleurieu Peninsula is incredibly important to enrich our local area, both economically and culturally.

This has been fostered in the Fiesta! food festival on the Fleurieu Peninsula. The Fleurieu Peninsula is well known for its great wines, through McLaren Vale and other areas, but what is not as well known is the great food that is produced there. Fiesta! is a festival that does focus on the food, and the wine that complements that food. And as part of Fiesta! there are olive awards which really focus on great olive oil. I have been lucky enough to taste it. It was a unique experience to be able to taste olive oil—usually you taste wine—but it was great. You could really start to taste some of the great flavours in the olive oil that comes from the Fleurieu Peninsula. Olive oils, and the growing of olives, are incredibly to my electorate. However, the production of olive oil in the region is not without its challenges. One of those challenges is water, as with many things in South Australia.

But another challenge that faces the industry is the lack of transparency in terms of labelling, and that is what I will focus on today. Australian olive oil generally, and certainly the oil produced on the Fleurieu Peninsula, is of world best standard. I believe we need to consider advocating a standard for olive oil here in Australia. One concern that has been raised by olive growers is that sometimes there can be fruit other than olives put into olive oil but that fact is not labelled. It is very important that there be a clear standard in Australia that olive oil is exactly that and is made from olive fruit. In addition, the terms 'virgin olive oil' and 'extra virgin olive oil' are often talked about. Most Australian families understand that, for health reasons, extra virgin olive oil is the best sort of oil to be using. Often we see oil coming into our country which is called extra virgin olive oil but is in fact not refined or extra refined and does not have the same ingredients that extra virgin olive oil has.

This is of great concern to the olive oil producers of Australia because they are competing in an international market with oils that are not of as high a standard but are labelled in exactly the same way. However, I recognise the efforts of the Department of Agriculture, Fisheries and Forestry. They recently went to Malaysia to try to get these international standards that are so important for olive oil. Unfortunately, they were not able to achieve that. However, they are going to continue to work with their international partners to ensure that these standards are met.

This is an issue not only for the olive oil industry but also for many consumers. Certainly, consumers are very concerned about what they put into their mouths and they want to know that what they are eating and cooking with is what they believe they have bought. In addition, the olive oil industry has other concerns and they are certainly concerns that I share. It is important that consumers understand the difference between different types of oil. Before I looked into this area, I would often go and grab whatever olive oil was on the shelf because I felt that it had good properties. But getting Australian consumers to understand the different types of oil and the effect that they have on one's cooking and one's health is also very important. I certainly support information being made available to consumers to help them make the choice about which olive oil is best for their family. In conclusion, I congratulate the olive oil industry in Australia but also the olive industry in the Fleurieu Peninsula which do a great job.

## Mr Ronald Conway

**Mr ABBOTT** (Warringah) (10.42 am)—I rise to pay tribute to a great Australian, Ronald Conway, who died this week in Melbourne and who wrote Australia's best-selling work of serious social criticism after Donald Horne's *Lucky Country*. While Donald Horne's title has become part of Australia's self-description, that book is now a period piece. By contrast, there is a timeless quality to Ronald Conway's *Psycho-studies of Australian Society*, especially his accounts of the dysfunctional Australian male.

Conway described himself as a conservative and was a frequent strident critic of much that was associated with the modern world—consumerism, materialism, feminism and especially the post-Vatican Council disarray of institutional Catholicism. Yet he was far too aware of the complexity of the human condition, and especially of the power and ambiguity of human sexuality, ever to be a straightforward barracker for conventional thinking.

In turn, Conway was a school teacher, a practising clinical psychologist, a university lecturer and, for 40 years, an advisor on priestly vocations for the Archdiocese of Melbourne. He appeared regularly on 1970s ABC TV programs such as *Any Questions* and hosted commer-

cial radio programs in the 1980s. He wrote and produced plays and musicals, mostly for 1950s and 1960s Catholic festivals in Victoria. From the 1970s, until about five years ago, he was a regular contributor to newspapers such as the *Australian* and magazines such as *Quadrant*.

His six books, though, are his most enduring contribution to Australians' self-understanding. *The Great Australian Stupor*, published in 1971, was followed by two companion volumes: *The Land of the Long Weekend*, in 1978, and *The End of Stupor*, in 1985. *Being Male* was published in 1986 and *The Rage for Utopia* in 1992. In 1988, he published a slim but elegant autobiography.

His work has not always been as well promoted as it deserved, because he was rarely entirely on any side. Much of his work has the capacity to surprise, dismay or exhilarate a wide range of readers. Instead of cementing his position in the first rank of Australian public intellectuals, however, many thought that this made him not quite trustworthy. The danger is that his insights will be forgotten because they are not sufficiently partisan, even though he stands to the analysis of social behaviour in Australia as much as Edmund Burke does to conservative political thinking.

Long before it was fashionable to feel people's pain, Conway was quick to discern inner need, and for thousands of students, clients and friends he opened the doors of the emotional prisons that they had conducted for themselves. He had a strong sense of vocation to help people to look unflinchingly at what they really are and to make the best of it. Conway was almost addicted to making judgments but he was never judgmental. Long before the men's movement, Conway was drawing Australian males out of the sterile macho ghetto of too little deep thought, too much manic activity, and emotional intimacy only with fellow drinkers. His particular gift was to help young men to understand that masculine love did not mean they would become sooks. As a university student, I had been much struck by a passage in *The Land of the Long Weekend* quoting a soldier of the First AIF's letter home:

> When Jim died last week I took him in my arms, kissed him and cried like a baby. I loved that stupid big cow with my guts. I suppose June will think I've turned queer or something but she knows me better than that. They say the old Spartan fighters used to take men lovers into battle. I know we used to laugh ourselves silly when we read about it at school … men cuddling up to one another and all that sort of stuff. But I used to sleep very close to Jim more than once in the trenches … It felt good, decent, even grand to be close … Why didn't Dad or someone tell me that when I was home? Why did I have to come over here to this dirty butcher's shop of guns and broken bodies to find out?

Where is Conway when so many feckless young gods are in such obvious need of a mentor? This philosopher of human frailty was a great Australian. He was indeed a prophet and he should be honoured in his own country.

**Robertson Electorate: Central Coast Mariners**

**Ms NEAL** (Robertson) (10.47 am)—I rise with pleasure this morning to pay tribute to the Central Coast Mariners, a team I certainly strongly support on the Central Coast and a team that has become very much a community icon. Only four years ago the Hyundai A-League was established, and I congratulate Frank Lowy for his foresight and his commercial commitment in getting such a wonderful competition off the ground. It has certainly been something that has really played a great hand in defining the Central Coast and giving it an identity, something we have been seeking for some time.

The Central Coast is located between Sydney and Newcastle and is often overlooked. People who see a reference to the Central Coast often consider that it is somewhere near Coffs Harbour, halfway between Sydney and Brisbane, but that is not the case. What has happened with the Central Coast Mariners is a clear statement to the rest of the world that we do exist and we do have an identity, and that team has been very much embraced by the community. The Central Coast Mariners have been there only for four short years but they have met with success, both in terms of the games they have played and the wins they have had. They have been in the final series in every one of those four years, and in two of those years they have been in the grand final. Unfortunately, we have yet to secure the great success of winning a grand final, but I am sure that that is not too far away.

We had the great pleasure of being selected, because of our success last season, for the Asian Football Cup, and we have had the pleasure not only of seeing the Central Coast Mariners playing in China and other Asian countries, but also of seeing Asian countries come to play here in Australia—in fact, at our own Bluetongue stadium in Gosford. It is a stadium that I always say has the best view in Australia. I do not know whether it is the best use of land to have a stadium that has water views, but you can either watch the football and enjoy that or look across the water and enjoy that view at the same time, so it is certainly a fantastic venue.

The Central Coast Mariners are in the Asian Football Cup. They had a fantastic game against Tianjin last night in China. Unfortunately, it was a two-all draw. There were some expectations during the game that they would win it by two to one, but unfortunately that did not take place. But I am certainly confident that they will continue to have success and hopefully they will play in the finals of the H group, where they are placed.

I would also like to say that it is my great pleasure to see the commencement this season of the W-League as an adjunct to the Hyundai A-League. It really is a great thing to see women soccer players able to play professionally. They are not yet paid in the same way as men, and I hope to see as an aspiration in the future that they will have equal pay, but it is certainly great to see at least that professional players are supported by the men's Hyundai A-League. I was thrilled to see that the Central Coast Mariners W-League team did very well, though unfortunately they did not achieve a place in the finals. I want to congratulate them, and I hope that all of them will continue to play and show the commitment that they have shown to date, because certainly I was thrilled to see them.

A special thankyou to Lawrie McKinna, the coach—the whole team relies extremely heavily on him, and he certainly guides the team extremely well—and also to Lyall Gorman and John McKay, the executive chairman and the CEO, who have both been extremely hard workers and play a great role in keeping the team on its feet. Also, a special thankyou to both the New South Wales government and the Gosford City Council, who also provide the team with keen support, not only financially. But most of all I would like to thank the Mariners.

## Sturt Electorate: Jobs Forum

**Mr PYNE** (Sturt) (10.52 am)—Today I wish to speak about the jobs forum that was held in my electorate on Friday, 6 March. We held it at St John's Lutheran Church hall, at Dernancourt, in the north-east of my electorate. I was delighted that the Leader of the Opposition, Malcolm Turnbull, was able to make the trip to Adelaide to be there himself, as was my colleague the member for Boothby and shadow minister for vocational education and traineeships. It was quite appropriate for him to be there. The jobs forum primarily consisted of

small business people and also students. We were fortunate to have students there from St Paul's College at Gilles Plains and St Peters Girls school from Stonyfell and about 80 or so small business people who came to tell Malcolm Turnbull, Andrew Southcott and me, as the local member, some of the things that government could do to get out of their way and give them the opportunity to make profits and, by continuing in business, employ Australians. At the moment, that is the highest priority of anybody in government.

Some of the issues that they raised with us were obviously state issues. The primary concern amongst small business in South Australia from the state point of view is land tax. Land tax in South Australia has skyrocketed since the Rann government was elected. Land tax revenue has increased by a massive 265 per cent during the period of the Rann government. South Australia has the highest land tax for properties of $1 million or more of any state in the country, which of course is a tremendous disadvantage for business in South Australia. To put that in perspective, on a commercial property worth, say, $3 million—and many commercial properties would be about that price—South Australia's land tax is $85,420; in New South Wales, it is $42,356; in Victoria, it is $24,975; in Queensland, $37,500; in Western Australia, $17,100; and, in Tasmania, $66,088. It is a major impediment to business in South Australia.

Many people would ask: why has the tax suddenly increased so gigantically in South Australia? The reason is that so-called antiavoidance provisions were added to the Land Tax Act by the Rann government. That has led to a massive increase in land tax being paid by business—it is the great cash grab of the Rann government. On the one hand we have the Rudd cash splash here in Canberra but in South Australia we have the Rann cash grab, which takes the money out of the hands of the taxpayers of South Australia and puts it into the hands of Mike Rann. So on the one hand Kevin gives and on the other Mike grabs.

Other issues were raised at the jobs forum, issues such as payroll tax, which has been a constant bugbear of small business throughout the ages, and, from a Commonwealth perspective, issues such as the award modernisation for hospitality, which is causing tremendous trouble and concern for those people with restaurants, cafes, bars et cetera. We heard stories this week and last week in Canberra about the effect on small business of the new award modernisation for the hospitality sector, and there is concern about the ageing population and the debt that future generations are going to have to pay back from, potentially, a lower revenue base. It took the Howard government 10 years to pay back $96 billion of debt in a growing economy. It is unbelievable to think how long it will take to pay back, in the shrinking economy that they have given us the $226 billion at least of debt that Labor have racked up.

People were obviously also concerned about the bureaucratic processing time for the no disadvantage test. A huge backlog of agreements have been delayed and are unable to be processed by the Rudd government. They were also concerned that the government should pay its bills within 30 days to assist with small business cash flows. Unbelievably, that does not happen under the Rudd government. Not once did any of these businesses ask for a handout. They simply asked for efficiency, for government to get out of the way to make it easier for them to employ their employees and to stay in business. It was a very successful jobs forum.

**Kokoda Trail**

**Mr CLARE** (Blaxland) (10.57 am)—Prime Minister John Curtin told this place in 1942:

Today as in 1915 men are dying so that the nation may live.

There will come a new dawn, bringing with it peace and freedom for the peoples of the world, but we can reach it only by striving bravely through the storm and the blood and the grief of war.

This was our darkest hour, the time of our greatest peril and our greatest generation. The first among them were the men who stood tall in the mountains of the Owen Stanley Range, the men of Kokoda. Success came at an enormous price: 625 were killed, more than 1,600 were wounded, 4,000 died of sickness. It is hard for us who were born in luckier times to truly understand what those men endured or what was at stake. That is why it is important that we go back to Kokoda.

On Anzac Day this year I will do just that, along with my friend and sparring partner the member for Cook, Scott Morrison, and eight young people from our electorates—four from the beaches of Cronulla and four from the streets of Bankstown; four young men and four young women; four young Anglo-Australians and four young Lebanese Muslim Australians; young people who have clashed in the past but young people who have more in common than they realise. If politicians from different political parties can be mates then so can people from different cultures and different communities. That is why we are calling it the 'mateship trek'.

We are not doing this on our own. Our patron is Her Excellency Professor Marie Bashir, the Governor of New South Wales. She will launch our campaign at the Kokoda Track Memorial Walkway in Concord on 18 April. Dr Jamal Rifi, the president of the Lakemba Sports Club, the man who led a number of community initiatives after the Cronulla riots, is coming with us. Rusty Priest, the former president of the New South Wales branch of the RSL, is helping as well.

Big Australian companies and small local community organisations are all lending a helping hand. We are especially grateful to Qantas, which is getting us there. Leighton, Servcorp, the NRL, the AHA, Clubs Australia and the Australian Federal Police have all got behind the trek. The Bankstown Sports Club, Bankstown RSL and Canterbury Bulldogs have also put up their hands. So has the motorway that connects our two communities—the M5. We would not get there without them. But to get from one end of the track to the other, 100 kilometres, we are going to have to get fit and we are not leaving this to chance. Scott and I are about to undertake a unique form of training, something that is offered as a privilege to members of this place. In 10 days time we join the Army for five days of basic training at Kapooka in Wagga Wagga, all part of the Australian Defence Force Parliamentary Program. It is a chance to spend a week with our service men and women to get a better appreciation of the work that they do for us and to get a step closer to understanding the service and the sacrifice of those who fought and died on the Owen Stanley Range. It was their sacrifice that made possible the new dawn that Prime Minister Curtin talked about, and made possible things that many of us today just take for granted.

After six days on the steep and rugged trail we will arrive at a place called Isurava. There stand four granite tablets each inscribed with a word that captures the spirit of those soldiers—courage, endurance, sacrifice and mateship. That is why we are going to Kokoda—to help to heal the wounds of the events of three years ago, to help to build a generation that un-

derstands that being an Australian is not about where you come from but where you are going and to understand what a privileged and fortunate life we lead. Kokoda is the place to realise this. It is a place where character was forged and friendships were formed, where lives were lost but something very special was gained, a place that explains who we all are, who we are as a nation, and what Prime Minister John Curtin called 'forever the home of the Anzac people'.

**Gippsland Lakes**

**Mr CHESTER** (Gippsland) (11.02 am)—I commend the member for Blaxland for his courage and wish him well on his journey. I rise to highlight community concerns in relation to the environmental health of the Gippsland Lakes and catchment. Gippsland Lakes are a tourism icon for my region and are highly valued by the local community. They are the largest inland waterway in the Southern Hemisphere and a quite magnificent network of lakes and rivers. The Ramsar listed wetlands are a feature of the Gippsland Lakes system. However, the environmental characteristics of the Gippsland Lakes have changed dramatically since European settlement about 150 years ago. For example, the installation of an artificial entrance has meant that a mainly freshwater system is now predominantly saltwater and this has had an impact on the vegetation and the environment of the lakes. Activities in the catchment with industrialisation of major towns and agricultural impacts have also flowed through to what is quite an extensive coastal lagoon system but, in the context of the size of the catchment, quite a small area of lake systems to manage the impacts that are flowing through from the catchment.

The lakes are under stress as was pointed out by leading CSIRO researcher Graham Harris as long as eight years ago at a forum in Sale when he said that the lakes were at a tipping point and they could go either way. Signs of stress are evident in recent algal blooms. Over the past 10 years we have had quite a few and they have a major impact on people's capacity to enjoy the lake system and also an economic impact in terms of the tourism industry.

I am an optimist by nature and I believe that with the resourcefulness of the people, good science and the goodwill of so many volunteers on the ground in their practical environment at work we can in fact save the Gippsland Lakes. I am confident that the lakes can recover but it will take a willingness from governments at both levels to work faster and provide more resources to the community. The Gippsland Lakes task force has a target of reducing the nutrient load flowing into the lake system by 40 per cent and work has already begun in that regard.

Currently the state government is considering its next round of funding for the lakes. There is normally a two- to three-year time frame. I believe the state government should allocate at least $10 million over the next three years to maintain and improve the environment of the Gippsland Lakes and catchment. The environmental challenges facing the Gippsland Lakes and catchment require ongoing and concerted efforts on the ground along with additional funding for the research required to overcome some of the knowledge gaps we currently have. The health of the lakes and catchment is critical to the social, economic and cultural life of our region and I will be continuing to fight to make sure we receive our fair share of state and federal government funding in that regard.

My figure of $10 million is based on the original funding commitment from 2002 to 2006 of the former Bracks government, which saw $3.2 million per year provided for the task force

activities, which are primarily aimed at, as I said, reducing the nutrient flow into the system. Unfortunately, the former Deputy Premier, John Thwaites, cut that funding in half in 2006. Last year a public meeting attended by more than 200 people in Bairnsdale unanimously supported my position that both the state and federal governments' funding commitments must be increased for the long-term health of the Gippsland Lakes and catchment. I believe that both the task force and the Gippsland Coastal Board have done a good job with the limited resources they have at their disposal. But if we really want to make a difference to the environmental health of the Gippsland Lakes it is going to take a lot more than the funding currently provided from the state and federal governments.

Keep in mind the environmental challenges which the recent bushfires have also presented in the west of the catchment area. The burnt hillsides are going to be a threat to the water quality if we experience heavy rain before there is any chance for the vegetation to re-establish itself. There is an enormous amount of work required in the catchment area to minimise the impact of those fires in addition to the ongoing projects on private land to reduce the flow of nutrients. I understand the Minister for Agriculture, Fisheries and Forestry has indicated that the Caring for our Country funding will be increased to assist in the bushfire affected communities, and I take him at his word that that will happen.

From the Rudd government's perspective, the contribution to the environmental health of the catchment has been 16 months of promises and unfortunately not a cent has made it onto the ground at this stage. That is not a record to be proud of. The Labor Party promised $3 million over three years during the 2007 campaign and to date not a single project has been funded. It is my understanding that the federal government has just finalised contracts for the money to be provided to the local catchment management authorities, but nothing has actually flowed yet to projects on the ground. The Gippsland Lakes will need our help now and into the future, and the community expects us to do better.

Finally, in the time I have left, I would like to highlight the questions that are arising now in terms of Australia meeting its obligations to the Ramsar listed wetlands. As I mentioned, the Gippsland Lakes is a Ramsar listed wetland. Australia was one of the first five founding nations to sign the Ramsar convention in 1971 and now, with 65 wetlands of significance, there is a concern that Australia—and this is not a criticism of the current government; it has been governments over many years—has failed to live up to the treaty. It is very easy to sign these treaties but we need to meet our obligations to these international conventions. It is something I will be pursuing further with the government.

## Petition: Asylum Seekers

**Ms BURKE** (Chisholm) (11.07 am)—Today I rise to present a petition that has been accepted by the Petitions Committee. It gives me great pleasure to do so. The petition was orchestrated by the Uniting Church in Australia Synod of Victoria and Tasmania and the principal petitioner is Mark Zirnsak, who works in their social justice unit. Mark is an amazing fellow. I have worked with him for many years and it is a pleasure to be involved in his many social justice issues and pursuits.

Two thousand and sixty-four individuals have signed this petition. I know many within my electorate are very involved in the cause of asylum seekers within the community. It gives me enormous pleasure to be able to say that at least one of the requests in this petition will come

to fruition. We will be seeing legislation soon in respect of repealing the provisions to be able to collect bills from asylum seekers who have been held in detention.

This has been an appalling situation for too long. We have actually presented to people who have been found to be refugees a bill for their detention within a detention centre. It has been an abomination. I have had many individuals come to my office who have subsequently been found to be refugees who have been presented with these bills. Their lives cannot go on with this huge liability hanging over their heads—they do not know where to go. Some of them have been involved in other legal action but have not been able to get assistance through measures such as legal aid because of this liability hanging over their heads.

I know that the Uniting Church community and many churches within my electorate have been supporting these individuals. Mark Zirnsak and I, and many of my church communities, have been working tirelessly with a group of refugees under what is known as a bridging visa E situation. They are released into the community, but under the terms of their visa they are not allowed to work. Literally, we allow these people into the community and leave them to starve because they have no work rights, no access to social security benefits and no access to Medicare. Many individuals in my community are housing, feeding, clothing and supporting these individuals. Some of these individuals have then found and been granted work rights, and they have these enormous bills hanging over their heads. I have also had individuals who have chosen to return to their country of origin and have still been presented with this enormous bill for their detention.

It has been unjust and I am applauding the government, particularly Senator Chris Evans, for moving on these issues. It has been part of Labor Party policy for some time to move in respect of these issues, and it is through the great work of church organisations and other concerned citizens within our community that we have reflected on the plight of these people who have come from horrendous situations—from war-torn conflict and from things we cannot begin to imagine.

In this House the other day we were honoured to have Paris Aristotle from the Victorian Foundation for Torture and Trauma Survivors. He gav us a brief outline of the circumstances of some of the individuals they deal with who have come into our community—particularly those who have come recently from the African communities. What they have witnessed in their short lives has been appalling. Most of us would never expect that to happen to women and children in particular, and they are then dealing with migrating and making their home in Australia with all these other pressures around them. It is no wonder that sometimes these people find it very difficult to comprehend that we actually do want to make them welcome, when the government has treated them in some cases fairly appallingly.

I want to thank the many petitioners who have signed it, and present the petition to the parliament.

*The petition read as follows—*

**Mandatory detention of asylum seekers**

To the Honourable the Speaker and Members of the House of Representatives assembled in Parliament

The petition of certain citizens of Australia draws to the attention of the House:

The Australian Government currently has in place a system of mandatory detention of asylum seekers who arrive on-shore seeking asylum in Australia. Some of these Asylum Seekers, who after presenting

their case and going through the long process of assessment, are officially recognised as a refugee and given permanent protection under the Humanitarian Program, are still found to be liable for their costs of detention.

Furthermore, cases where the Australian Government has initially refused to grant refugee status to someone - who a court later determines is a refugee and undergoes prolonged detention as a result of the initial refusal - appear to be billed for a larger amount, as a result of the prolonged detention resulting from the Government's error.

Your petitioners therefore ask the House to:

- Review the policy of the mandatory detention of asylum seekers, as it currently operates in Australia with a view to make any detention the minimum necessary to ensure the asylum seeker is not a threat to the health or safety of the community.
- Abolish by law any billing of asylum seekers found to be refugees or assessed as needing protection in Australia for the cost of any detention they have been subjected to.

From 2,064 citizens

Petition received.

**Mitchell Electorate: Hills Community Aid and Information Service**

**Mr HAWKE** (Mitchell) (11.12 am)—I rise today to praise the ongoing work of the Hills Community Aid and Information Service, based within my electorate of Mitchell. The Hills Community Aid and Information Service is a not-for-profit, non-government and non-sectarian community organisation based at Baulkham Hills, near our local Centrelink office. It is responsible for what I regard as some of the most important work in our community—looking after those who, in an ostensibly well-off and well-managed community, often get missed by government and its programs because of the social demographic breakdown of many government programs. This kind of service brings out the best in so much of our community and our people because it is largely a voluntary organisation. Of course, it receives so many generous donations from benefactors in our community and people who are willing to give their money to look after others who are not as well off as them.

I would like to recognise and praise the patron, Alan Overton AM—recently the President of the Parramatta Leagues Club—the inaugural ambassador, Sonya Phillips and the directors—Geoff Green, Gloria Antonio, David Barnett, Bill Dixon, Emma McPherson, Jim Taggart and Ray Whiteman. These people make an enormous contribution to this community foundation that has been set up in north-west Sydney to make a big difference to people's lives.

We have some wonderful donors who have come on board to ensure that this community foundation of north-west Sydney is a great success. They include Heartland Suzuki, the National Australia Bank, the Hills Shire Council, DonorTec, Mitronics, the Hills Club, Elkie Photography, Office National, Coffee Club Rouse Hill and Donato Holdings. Of course the federal government has made a significant contribution by ensuring that this worthy foundation is a deductible gift recipient; therefore all money raised through fundraising events which are to the declared mission in the foundation's articles receive a generous taxation treatment.

Residents in Baulkham Hills and in my electorate know the importance and worth of this foundation. However, I would like to specifically acknowledge the efforts of a long-standing pillar of our Hills district community. While he is a resident of the neighbouring federal electorate of Berowra, he has been a part of the Mitchell community through his voluntary work

and capacity to care for others across many different levels. Bill Dixon has tirelessly served the Hills and Hornsby shires for more than a quarter of a century. He has served in a variety of roles with distinction, including in the Hills Community Aid and Information Service, with which he initiated the home and community services program in 1983. He provided transport to the isolated and the disabled, long day care and respite to the elderly, and home modifications and maintenance for the frail.

In our tough economic times today, the Hills Community Aid and Information Centre also assists families in need, and it is seeing an increased demand. It is also seeing a more challenging time in raising money to meet that demand, and I believe government will have to take another look at and seriously consider ways of ensuring that charity and voluntary organisations are equipped to meet the needs of this upcoming challenge that we will face. The Hills Community Aid and Information Service offers no-interest loan facilities to cover expenses for these families, and also provides many other vital services.

While the centre has been operated by the Hills Shire Council and has received federal government funding, Bill has held the office of president for six years and served as its treasurer for 18 years. During this time, he was able to grow the operation to include counselling support and a community bus. He has pioneered a spirit in the Hills and a wonderful community organisation that has delivered so much to so many. He still volunteers at Hills Community Aid and Information Service four days a week, in spite of advancing years, and provides support for emergency relief. He is most active in visiting our local representatives and ensuring that this vital organisation and foundation has the footing to continue. He is motivated by caring for others and he has made a wonderful contribution to our community. He has also served as a volunteer firefighter.

Bill Dixon is someone who I regard as one of those fine Australians who has served in so many capacities and adds so much to the fabric of our society. He has also been associated with Meals on Wheels. He became its founding president in 1987. He successfully lobbied the government of the day for seed funding, and was granted $287,000. He went on to assist Meals on Wheels with setting up its organisational systems and structures. He has a fine history in voluntary work and making a great contribution in our community. I want to specifically acknowledge him here today. However, with the time I have remaining, I also want to thank and congratulate all of the directors and the inaugural ambassador of the community foundation in north-west Sydney, praise the work they are doing for our community and assure them that I will be working to help them in any way I can. *(Time expired)*

## Economy

**Mr BRADBURY** (Lindsay) (11.17 am)—Right around the world we face the worst economic upheaval since the Great Depression. What started as a problem with the subprime market in the US soon became a credit crisis infecting international financial markets and is now impacting on the real economy right around the globe. The latest economic data is a reminder that Australia cannot escape the effects of the current global economic slowdown. The rapid downward revisions of growth and deep recessions affecting our major trading partners—China, Japan, the US and the UK—mean we will feel these effects for some time to come.

But while we cannot completely shield Australia from the global recession, we can help to cushion the impact. That is why the Rudd government took early and decisive action to pro-

vide necessary stimulus to the Australian economy. We have done this with the singular focus of supporting jobs. This stimulus is designed to keep money flowing through our economy to support jobs against this bleak global economic backdrop. The stimulus will find its expression in continued expenditure and capital works in local communities right around this country. In my own electorate, there are 45 primary schools who will receive up to $3 million each in capital works and a total of 60 primary and secondary schools that will each receive up to $200,000 for works and maintenance as part of the largest school modernisation program in Australia's history. In addition to this, the Rudd government is also investing $13 million in two trades training centres in my local community, involving the construction and upgrade of facilities in 11 schools.

As part of the stimulus package, builders will be able to link up with community housing providers to help deliver 20,000 units of new social housing and community organisations will be able to access funds for infrastructure and natural heritage programs to assist the unemployed and disadvantaged. Every household without ceiling insulation will be eligible for that insulation to be installed free of charge, and every household will be able to claim up to $1,600 for a solar hot water system. Many of those same households will be receiving at least one of the stimulus payments that are being made to families and working people throughout March and April, who will then go and spend this money on goods and services.

The government is also investing $1.7 million in almost 30 local Penrith City Council projects, $5.2 million over the next five years for local road maintenance and $1.4 million for five local black spot projects, on top of the $800,000 for black spots already allocated last year by the Rudd government. Supporting jobs in our communities is the government's No. 1 priority. I want to ensure that local tradespeople are helping to build and repair our local schools, that local insulation installers are putting pink batts in local houses and that local retailers and services are capitalising on the cash bonuses that are flowing into the local economy.

To this end, I created a steering group of local business and community leaders, involving Mayor Jim Aitken and Alan Stoneham of Penrith City Council, Jill Woods of the Penrith Valley Chamber of Commerce, John Todd of the Penrith Valley Business Enterprise Centre, Paul Brennan of the Penrith Valley Economic Development Corporation, Gladys Reed of the Penrith City Centre Association, Peter Jackson-Calway of the St Marys Town Centre Management committee and Ian Palmer of the Schools Industry Partnership. This steering group will develop a local strategy to encourage local businesses and community organisations to take advantage of the funding opportunities in the stimulus package. The steering group agreed to embark upon such a campaign under the banner of 'Keep Penrith Working'.

In this regard, I will be hosting a special 'Keep Penrith Working' event next Wednesday, 25 March to give local retailers, tradespeople, service providers and community organisations some practical advice on how to tap into the money flowing into the economy. Already, we have over 120 people indicating that they will attend—a very strong response that demonstrates that people are embracing the opportunities in the stimulus package. The Parliamentary Secretary for Government Service Delivery and the Minister for Employment Participation will be in attendance. The event will provide an opportunity to bring together the different sectors of the local economy and give them a chance to develop important partnerships that will help to support jobs over the coming year. This initiative is a great example of how a lo-

cal community has decided to roll up its sleeves and pull together to do what it can to keep Penrith working.

## Civil Liberties

**Dr JENSEN** (Tangney) (11.22 am)—We Australians are an easygoing people, and that is both a blessing and a curse—a blessing for the relaxed manner this engenders and a curse for the apathy which results. It is that apathy which is our greatest enemy. Forget the Taliban; forget North Korea. Our indifference has led us down a dangerous path to a point where we are sacrificing the very freedoms which made our nation so great. About 20 years ago, Australians protested en masse against the proposed Australia card, arguing it amounted to a gross invasion of privacy. Today we have already meekly surrendered far more of our privacy than proponents of that card ever envisaged, and we continue to do so with barely a murmur of discontent, naively accepting assurances from authorities that the erosion of our freedoms is in our own best interests.

Consider the rapid expansion of surveillance powers granted to our law enforcement and intelligence-gathering agencies. Australia, with just over 20 million people, is tapping the phones and intercepting the email accounts of more citizens than the entire United States, with its population of 280 million. On a per capita basis, these Australian agencies conduct more than 10 times as many such intrusions into our freedoms as those in the US. Requirements for these and related attacks on our liberty, such as accessing phone company records, have been relaxed to the extent that a simple request from a ranking police officer is sometimes sufficient. No court order is required. The proliferation of CCTV cameras across the country also intrudes and will do so to an even greater extent if the government succeeds in linking all the cameras so individuals can be tracked, as well as watched and listened to, wherever they go.

Perhaps even more disturbing is the widespread acceptance of the government's proposed internet filtering system. More than 15 years ago internet use went mainstream in Australia with the promise of unfettered information flow around the country and around the world. The government is now trying to put the brakes on the information superhighway. The plan was initially billed as a way to combat child pornography, but the list of banned sites has now reportedly expanded to 10,000 containing 'inappropriate content'. Faceless and largely unaccountable civil servants will determine what material is appropriate for our citizens to access. And the list of banned sites—which would reportedly include those linked to terrorism, abortion and euthanasia—is to be a secret. We will not even be told what information we are being denied. Backers of the plan—including the Minister for Broadband, Communications and the Digital Economy himself—have suggested their opponents are in favour of child porn. This outrageous claim is a red herring based on the hackneyed line that you have nothing to fear if you have done nothing wrong. I am afraid we all have something to fear when it comes to attacks on our civil liberties.

While I share the Prime Minister's respect for China's stellar economic performance, and many other aspects of that society, I do not share his apparent admiration for Beijing's authoritarian control over its people. The proposed internet filter mirrors the 'great firewall of China' and would also put Australia in a very small and not particularly respected club of nations which control internet access in this manner. Saudi Arabia should not be the model for the way in which our government treats its citizens. Furthermore, senior internet industry figures say the plan simply will not work, will dramatically slow access speeds and could ham-

per both the public and private sectors by denying them information freely available to most of the world.

Some here—possibly on both sides of this House—will smirk and say this speech is alarmist. But history is littered with examples of rulers who abused their authority. Once granted new powers, governments rarely relinquish them. The key is not to surrender in the first place. Do not accept the infringement of your rights, do not tolerate incursions into your privacy and do not allow our easygoing manner to manifest itself as thoughtless acceptance that authorities will always act in our interests. To do anything else is to court disaster.

**Police Force**

**Mr HAYES** (Werriwa) (11.27 am)—Many times in this House I have stood to acknowledge the pivotal role the police play in our communities and to offer my sincere support for the difficult and often dangerous jobs that they perform. In fact, I would like to take this opportunity to congratulate Detective Steve Quinn from the Camden Local Area Command, who last week was awarded the Combined Rotary Clubs of Macarthur Police Officer of the Year Award 2009. It is indeed a great honour and a tribute to his commitment to what is often a difficult, dangerous and unrewarding job.

As you know, policing comes with a degree of risk that, thankfully, many of us will never have to face. I have stood in this parliament, along with colleagues from all sides, to honour the lives and memories of many fine men and women who, in serving their communities and in the execution of their official duties, regrettably have had their lives tragically cut short. When a police officer dies in the line of duty, it is a tragedy and one that affects all of us. It is certainly a heartbreaking loss for their families and friends and also for our entire community.

From my close dealings with the police over many years, I have come to understand that it takes a special kind of person and a special kind of courage and commitment to wear the uniform of a police officer, and we are truly indebted to the men and women who choose to do so. Police cannot be expected to protect the community if they themselves are not properly protected.

Thousands of police officers and supporters, including ambulance officers, nurses, prison officers, and indeed many concerned members of the Western Australian public, met at a rally on Wednesday last outside parliament house in Perth to show their outrage regarding the number of assaults occurring on police officers that are going unpunished. This rally, the biggest that parliament house has seen in more than a decade, comes just days after a not guilty verdict on the assault of Constable Matthew Butcher that outraged the Western Australian community. This case is simply the last straw. Western Australians are incensed that an assault, which has paralysed a police officer while exercising his duty and protecting the community, can go unpunished and are now legitimately asking: 'Who protects those who protect our community?' I trust that is a sentiment that is shared by every member in this House. In an interview in Perth, on 13 March, the Prime Minister said:

> … our police including here in WA put themselves in the front line every day in very difficult and dangerous circumstances, most of which are never reported. I think it's high time the community just got absolutely behind the police in everything they do.

He went on to say:

… it's time we had a new attitude of respect for the police because they are dealing with problems of violence, of domestic violence, of alcohol-induced violence, of binge drinking.

… … …

They are doing a first class job in the community, and I think it is absolutely important that we … use this event to, as a focal point to rally behind our police.

Since the not guilty verdict one week ago there has been a massive outpouring of community support for Constable Butcher and the WA police in general. The community has justifiably described the outcome of the assault on Constable Butcher as outrageous and unbelievable and are demanding action against criminals who assault police. Police and the community feel abandoned by the justice system which, in this instance, has produced what many of the community would see as a travesty of justice.

However, police in WA and across the nation have continued to carry out their sworn duties, as professional officers, of protecting the life and property of citizens, although currently they are hugely dismayed at this WA court decision. This week I spoke to Vince Kelly, the President of the Police Federation of Australia, about the case, and he said that it was of critical importance that those people who assault police should be convicted and punished appropriately.

I am concerned that this Western Australian court decision will send the message that it is okay to assault police—in other words, that our cops are now fair game. The protection of the community is the basis of our law and order system, and this verdict in WA shows that there is a deplorable deficiency in the protection of those who protect our community. It is essential that we now gain a realistic scheme of protection and indeed respect for those people who we put on the front line to protect the community. It is now an urgent priority.

**Electorate of Cowper: Television Reception**

**Mr HARTSUYKER** (Cowper) (11.32 am)—I rise today to speak on the very important issue of television reception. It seems incredible that, in the 21st century, the TV reception in many areas in my electorate is just not up to scratch. Moonee resident Joanne Beresford recently contacted my office to confirm a problem which exists in the area of Moonee, only 10 kilometres from the major regional centre of Coffs Harbour but where the reception is grossly inadequate. It seems incomprehensible that, with a major regional centre, we can have places just on the outskirts of that centre that are unable to access quality TV reception.

I wrote to the Minister for Broadband, Communications and the Digital Economy back in 2008 about this black spot. The minister advised that the only realistic option for the residents was to apply for satellite television through Southern Cross Central or Imparja. Installing satellite television would require an initial outlay of well over $1,000 and that installation can take months. As well as a broadbrush satellite approach to television people also want local content. They want to be able to watch their local news. They want to watch local programs that reflect local communities. Services that are more focused on a national level or on larger regional levels do not meet that local need. So it is vital that we have a response that caters for local needs of local communities.

When in government the coalition initiated the $35 million Black Spot Program, which provided quality TV reception where it was unavailable in local areas. In addition to that program was a program for some $13.3 million, which was a flexible program providing alterna-

tive technical solutions, such as digital retransmission, direct home-to-satellite solutions and various cabling solutions, in black spot areas.

I think it is important in the 21st century that people have access, as I said, to quality TV reception. It is important that the government focus on finding ways to deliver local content to people no matter where they live. We believe in equity of access to a whole range of services. We believe in equity of access to health and education. In the 21st century, which is an information century and a century in which it is vital that people be kept up to date, quality TV reception needs to be part of that. This government need to focus on developing solutions to meet local needs in local areas where television reception is currently not up to standard.

We have seen with regard to broadband that the government have left people in rural and regional areas in the lurch. They cancelled the OPEL contract with the rollout of broadband but to date have put nothing in its place. The National Broadband Network is languishing. It will be years behind by the time that network is delivered. What are people in rural and regional areas to do in the meantime? They are to wait with inadequate broadband services. People should not be abandoned by the government. The government must take up the cause of television reception and provide quality television reception to people no matter where they live.

## Corangamite Electorate: Spring Creek Development

**Mr CHEESEMAN** (Corangamite) (11.36 am)—I rise to speak in this adjournment debate on a very pressing issue of concern to my electorate—particularly the community in which I live, the coastal town of Torquay. Late last year the Surf Coast Shire Council released a planning document which indicated that a strip of land that is undeveloped at the moment, a place called Spring Creek, would over the next 15 or 20 years be a likely place for future development of the coastal town that I live in, Torquay. The size of this coastal development would lead to Torquay being tripled in size. As a consequence of those planning documents which have yet to be developed by the council, the community engaged in a planned and coordinated campaign to ensure that every resident within Torquay and Jan Juc was aware of some of the thinking that the council was doing. This led about six weeks ago to a protest rally of around 2,000 to 3,000 local Torquay citizens coming together and demonstrating to the council that this development was excessive.

I rise in this adjournment debate to talk about the broader phenomena—that is, when some 80-plus per cent of Australians live on or near the coastline, how do we keep the character of our coastal towns and protect those environments? These are some very significant decisions that need to be made. How do we provide ongoing employment to thousands of local tradies who actually built these towns that we live in? How do we make these towns sustainable and livable? As a relative newcomer to Torquay who chose to move my young family there because of the character of that community and the environment, I would hate to see those aspects of the community change were we to move down this path of effectively tripling the size of the population. I am going through the normal processes at the moment of securing a block of land and I hope to be able to build there in the short term and enjoy the very fabulous coastal environment.

I think that, of any of the states, Victoria is doing an outstanding job in managing the very valuable and, of course, unique landscapes of our coastline. In the Victorian government's latest strategy, the Victorian Coastal Spaces strategy, they are developing a broad policy

framework as a shining example, I think, not only to Victorians but also to other states in responding to the challenges of protecting our coastlines, protecting the communities and the character of those towns and responding to the great challenges that come from climate change and a rising sea level.

The Spring Creek plan currently proposed by the Surf Coast Shire Council, in my view, is excessive. It is inappropriate to develop Torquay to such a substantial size. I know that the councillors, the mayor and the senior officers of the Surf Coast Shire are actively considering the various submissions that have been put forward by the community, and I look forward to the council making a decision on this development in the not-too-distant future. I certainly encourage them to abandon their current thinking.

## Anzac Day

**Mr ROBERT** (Fadden) (11.41 am)—I am cognisant that this may well be the last sitting day, short of sitting again tomorrow, prior to the budget of 12 May, and therefore the last sitting day before we as a nation commemorate Anzac Day, the day when so many of our finest men stormed the beaches of Gallipoli at 4 am on 25 April 1915. It is fitting that we speak about Anzac Day and commemorating it, especially in the wake of the ninth Australian warrior slain on the battlefield fighting for freedoms that we take so easily for granted.

Anzac Day, so many years ago, in many ways defined us as a nation. It defined our values; it defined who we are. It certainly portrayed us with strength and authority on the world stage. It defined us as a nation of men, women, boys and girls of courage who understand mateship and who support it—a nation that knows what it is to endure, as Dorothea Mackellar so eloquently reminds us, a land 'of drought and flooding rains' and indeed, as Victoria has taught us, of tempests and fires and, as the North has shown us, of dramatic floods. Anzac Day showed us that we as a nation know how to stand up and be counted. I well remember the story of Billy Hughes at the end of World War I working through the various treaties to conclude the war. When the US politely asked him how many soldiers he spoke for, he shot back that he spoke for 60,000 dead and asked the US how many dead they spoke for. Australia knows what it is to serve; we know what it is to contribute. Something like one in 10 families were impacted through the death of loved ones in World War I; so many more were injured.

As we look to the modern commemoration of Anzac Day, I encourage all Australians to take time out of busy lives to stop and reflect, to join a service, to be in a march or even to stand and wave an Australian flag—to be involved when the nation commemorates Anzac Day. I look forward to being at the dawn service with the Oxenford-Coomera RSL at the crack of dawn on the 25th. I look forward to joining the Highway Christian Church for breakfast soon afterwards, taking the salute and speaking at the march put on by the Runaway Bay RSL club, moving to a tribute and wreath laying at the Paradise Point Bowls Club and then moving to a tribute at the Riverside community, all before lunchtime.

Considering our busy schedules, I encourage us all to remember that Anzac Day is a core part of who we are, especially as we have warriors right now, men and women, fighting on foreign battlefields across the world—fighting in wars not of our choosing but fighting for freedom that we intend to stand up for and defend. Take time out on this great day, Anzac Day. Take time to remember those who have fallen, those who have served and those who currently serve. Take time to reflect on the great values that have been forged out of our service and to think of how each of us can continue to contribute to our community.

**Nation Building and Jobs Plan**

**Mr PERRETT** (Moreton) (11.44 am)—The Rudd government's Nation Building and Jobs Plan will deliver the biggest investment in schools Australia has ever seen. Building the Education Revolution is about ensuring schools have modern facilities to ready students for the modern world. This includes multipurpose halls to meet the diverse needs of students and obviously to serve community needs as well, which is our great initiative; modern libraries worthy of the digital age rather than the Dark Ages; science labs and language learning centres to help students get the edge they need; and new modern classrooms. It is also about ensuring that schools have the resources to complete minor capital works and maintenance.

In all, the Rudd government's Nation Building and Jobs Plan is pumping $14.7 billion into our schools —public and private. I remind those opposite that our funding is designed for all schools irrespective of the sign over the gate. It will be delivered in just two years and it will go a long way to make up for 12 years of neglect by the Howard government, especially of public schools. I say that as a former organiser in the Independent Education Union, which spent a lot of time in private schools.

One of the state school principals in my electorate told me that they have spent their weekends painting classrooms at their school because they simply do not have the budget for a fresh coat of paint. It is sad when you think of a principal having to spend time painting classrooms. This funding will ensure schools like this one can now carry out the urgent maintenance that is required and deliver the kinds of facilities they had resigned to the never-never under the coalition. It also means principals, teachers and parents can focus on their core business, which is about educating our students.

I simply cannot describe how thrilled schools in my electorate are to be receiving this funding. I will leave that to a local principal who described it this way:

This is exactly the kind of investment our primary schools have been crying out for, for years!

This is not just in my electorate. It is in every single school, all 9,540 of them—in every community, in every town, in every electorate across the country be it Labor or Liberal or even National. This would not be the case if the opposition had their way. As a former schoolteacher, I simply cannot understand why anyone would stand in the way of better resources and better facilities for our school kids. But not only does the opposition not care about education, in the face of a worsening global financial crisis the coalition is not prepared to make the tough decisions required to protect jobs, support small business and stimulate growth in the Australian economy.

We should have known. In government, the coalition ripped off public schools to the tune of $2.9 billion every year—do not get me started on universities—and refused to acknowledge the wider benefits of education, such as jobs growth and better productivity. Of course, public or private matters little. What really matters is the quality of education provided through schools, their physical assets and infrastructure, and the training of their teachers and other staff. I know this being the product of both systems, having attended a Catholic primary school and a state high school, and also having taught in both private and public systems as well.

These are the issues at the core of the Rudd government's education revolution. As I said, we do not care about the sign that is on the top of the school gate; all we care about is quality

education for the future. That is also why we are investing in computers and IT. It is why we are delivering record funding of $14.7 billion for schools across the board. It is why we introduced the education tax refund to reward all taxpayers who have school-age children. I hope they are collecting their dockets at the moment. It is why we are rewarding our best teachers and it is why we are improving accountability and community reporting in our schools so that we all understand what is going on in our schools.

We, on this side of the House, well understand the value of teaching. I see the member for Braddon, who is a former teacher, is present, and there are a lot of former teachers on this side of the House. I will continue to meet with schools in my electorate over the coming exciting months as we work together in Building the Education Revolution. I ask those on the other side of the House to also put aside some of the baggage and issues that they have with respect to education and to embrace the education revolution. Do not be hypocritical in engaging with schools as we saw from the member for Dickson the other day in the House.

**Cowan Electorate: Yellagonga Regional Park**

**Mr SIMPKINS** (Cowan) (11.49 am)—Yellagonga Regional Park is currently one of eight regional parks within the Perth metropolitan region. It is located about 20 kilometres north of Perth City and six kilometres from the Indian Ocean. It is approximately 13 kilometres long and varies in width from one to 1.5 kilometres wide. The park comprises 1,400 hectares and is primarily focused on a wetland system that includes Lake Joondalup, Beenyup and Walluburnup swamps, Lake Goollelal and surrounding lands. It is my view, and that of the Friends of Yellagonga environmental group and others, that Yellagonga park is of not only regional but also national importance. This is particularly because of its natural, historical and recreational standing in a rapidly growing suburban area.

The lakes and wetlands are the main and dominant features of the park. These lakes and wetlands are surface expressions of groundwater which are connected to the Gnangara Mound. As the management plan outlines, there is a wide range of recreational opportunities and facilities available to visitors. As well as the natural features, such as Lake Joondalup and Lake Goollelal, there is also the parkland setting at Neil Hawkins Park. The lakes and wetlands provide research and educational opportunities for better understanding of these wetlands, their ecosystems and groundwater interaction. The Yellagonga Regional Park lies between the cities of Joondalup and Wanneroo and adjoins the city centre of Joondalup, the regional focus of Perth's north-west corridor.

With regard to the national importance of this area, apart from a wide variety of ecosystems from upland forest, fringing wetland and aquatic vegetation to open water bodies, there is a rich diversity of ecosystems with great conservation value. The wetlands within the park are some of the last remaining freshwater wetland systems on the Swan coastal plain. The vegetation on the upland areas surrounding the wetlands was once jarrah-marri-banksia open forest and tuart-jarrah-marri open forest.

It is also important to note that the wetlands of the park serve as important breeding grounds for local birds and serve as a refuge in the hot Perth summers for a diverse bird population. I understand that some of the species are migratory from equatorial regions. Wetland and upland habitats comprise paperbarks and gum woodland, helping to provide a habitat for a variety of waterbirds and bush birds. Given this level of biodiversity Lake Joondalup is considered of national significance and is listed on the Register of the National Estate.

Yellagonga Regional Park provides significant landscape and amenity value to the region. The park's landscape provides strong visual connections both within and into surrounding areas. Many of the landscape character types contribute to the overall high visual quality of the park, ranging from mature woodland areas to extensive views of open water, along with its wildlife, to well-maintained areas of grassed parkland.

Within the regional park, Luisini Winery can be seen off Lakeway Drive, adjacent to Lake Goollelal. In 1924, Enzio Luisini, an Italian migrant who had arrived in Western Australia from Umbria in 1908, made his first purchase of 20 acres of land in Wanneroo for the purpose of planting a vineyard. Although Luisini's primary business was a drapery and supply store in William Street, Perth, he also sold wine to households around town as well as to the workers in the bush. The origins and operation of the winery and its role in the development of Wanneroo are closely tied to the life of the Italian community and their market garden industry between the 1920s and the 1980s. Once of the largest wineries in the Southern Hemisphere, it is now being restored by the National Trust. That project has my great support. There is an application in for federal grants to support that project.

On 6 March we were fortunate enough to have the Hon. Greg Hunt, shadow minister for climate change, environment and water, visit with me and the Friends of Yellagonga. I thank Kevin McLeod, Graham Sinclair and John and Heather Chester for that meeting at Lake Goollelal and the Luisini Winery. It was a great exchange of ideas and a good time to discuss issues facing this exquisite regional park. As a direct result of this visit, and after consultation with the Friends of Yellagonga and the chairman,Will Carstairs, I have proposed that this regional park, due to its significance not just to Western Australia but to all of Australia, be recognised as a national park. Today I have commenced the campaign to make Yellagonga Regional Park a national park, having previously corresponded with the state minister and other stakeholders. I will keep the House advised of progress.

**Braddon Electorate: Ten Days on the Island Project**

**Mr SIDEBOTTOM** (Braddon) (11.54 am)—On the weekend past I had the great privilege of being able to launch the beginning of Ten Days on the Island in Tasmania in a project called Trust, which essentially was a partnership between Ten Days on the Island, the Tasmanian School of Art, the University of Tasmania and the National Trust of Australia, Tasmania. This project highlights a number of prominent homes in Tasmania: Oak Lodge in Richmond, Clarendon in Evandale, Home Hill in Devonport, Runnymede in Hobart and Penghana in Queenstown. If anyone has the opportunity to visit Queenstown, an extraordinary mining town on the west coast, you will find perched up on a hill the home called Penghana—which is an Aboriginal term meaning 'where two rivers meet'. Robert Sticht, a mine manager specialising in smelting, came from the United States and lopped the top off a hill in Queenstown—he literally took the top off the hill—to put a house there which is Penghana today. He had a reign of 25 years as the mine manager at Queenstown. He used to survey the mine and the town from his hilltop fortress of Penghana.

On Saturday, I travelled to Queenstown with my wife to launch an exhibition by Martin Walch, a very fine artist from Hobart who specialises in digital art. Martin was able to make a digital presentation of a 30-kilometre radius from Penghana of the streets and major houses in Queenstown and beyond. I would invite everybody to go to visit Penghana and also to look at the digital art exhibition along with some other magnificent photography by Martin Walch.

On Sunday, I went to the home of the former Prime Minister Joe Lyons and his wife, Dame Enid Lyons. That home is called Home Hill and is in Devonport. It is quite a remarkable home, because it is completely original, furnished almost as a personal museum by Dame Enid Lyons herself to perpetuate the memory of Joe Lyons, our former Prime Minister from 1932 to 1939. The career of Joe Lyons is coming to fore more and more because of research into the history of his political contribution. I think that is a fine thing. He was Prime Minister at an extraordinary time in Australia's history. He literally died in the job; he died from overwork. He dedicated his life to politics.

Dame Enid was quite an extraordinary woman too. Their early romance, by the way, is an extraordinary story on its own. In between being Joe's wife and looking after their home, she managed to have 12 children, 11 of whom survived. She had 12 children in 17 years, looked after those children and supported Joe Lyons, who was a former Premier of Tasmania as well as our former Prime Minister. She then went on to become the first woman to be a member of the House of Representatives and the first female to be a cabinet member in the Commonwealth parliament. She was an extraordinary woman. She once said, famously, 'The foundation of a nation's greatness is in the homes of its people.' She shared those values not just through her own life to influence those around her but also in the political sphere; she shared home values and perpetuated them at the national level. I had the great privilege of attending the launches at Home Hill and Penghana, and I would thoroughly recommend that, if you visit my beautiful patch of the woods, you visit those homes. *(Time expired)*

**Employment**

**Mr BRIGGS** (Mayo) (11.59 am)—I rise with pleasure, following the member for Braddon, to speak today in this adjournment debate on a very serious issue affecting my electorate, my state of South Australia and our country—the impact of the Rudd recession on young people and their opportunities at work. We are 17 or 18 months into the Rudd government's first term and people are starting to say, 'They've had a fair go—it's time that they can be judged on their policies and their approach to government, and to jobs in particular.' It is my contention that the impacts of the government's policies—in particular on young people—are significant, and that they will damage our country's future for some time to come, especially this generation of young people who are finishing school and entering, or attempting to enter, the labour market.

The government will be judged on—their benchmark will be—their record on jobs. Of course, on this side of the House, we have recognised that. We have outlined several policies which talk about jobs, jobs, jobs. The Leader of the Opposition has been very clear that the main priority of the opposition is jobs. Unfortunately, on the other side of the House, they are moving a series of policies which are impacting on the ability of young people to get a chance at a job. In particular, and I refer to some examples of these policies, the award modernisation—the modern award, the system which was moved by this government last year on an instruction from the Deputy Prime Minister to the Australian Industrial Relations Commission—is going to have a real and genuine impact on the ability of young people to get a job. We have seen, in recent days, several industries which are major employers of young people in this country—the hospitality sector and the retail sector, and in particular the newsagents—outline just how damaging the award modernisation process has been for their industries and for their ability to create and support jobs.

It is very dangerous, I think, for young people in Australia at the moment, where the government is implementing policies which damage their opportunities to get a job. On this side of the House, we want to see policies which help young people get jobs, not damage their opportunities. That is why the amendment moved by the shadow minister for employment and workplace relations is a good one—that we amend the current Fair Work Bill in order that, to use the Deputy Prime Minister's own words from last year, the award modernisation does not increase costs to businesses or disadvantage employees. It is a suggestion that came from Senator Fisher and it is a suggestion that it would be well worth while for the government to take up, because the policies they are implementing are making it harder for young people—particularly those studying—to get an opportunity at a job. In the hospitality sector, which we know is a major employer of young people, part-time work helps them get through university. It makes it harder on these young people if they are at university and they cannot find the part-time work that would enable them to sustain their study in a reasonable fashion, and this impacts on their ability to do well at university for their future.

This is a bad development. Eighteen months in, the government are now judged on their record and on their policy implementation. In addition to moving policies which are damaging the opportunities for jobs, what we are seeing is a new tax on students. It is quite extraordinary that you would put a new tax on students at the same time as you are reducing their opportunities to get a job.

So what we are seeing now, after 18 months, is a series of policies—the award modernisation being one, the Fair Work Bill before the Senate being another and the new tax on students being another—indebting these young people for their future and making it more difficult for my generation and younger to get an opportunity to work, which we know is the key to their future success and to their future opportunities. I think this is a very negative reflection on the policies of the Rudd government. We know that this is the risk of the Rudd recession. The policies implemented by this government are reducing the opportunities for young people to get a job and they are damaging the future of our country, because long-term unemployment makes it harder to get back into the labour market in the future. I think that this is an issue that the government needs to consider in the break. I urge the government to do so, and to focus on jobs.

## Small Business

## Gold Coast

**Mr RAGUSE** (Forde) (12.04 pm)—While I understand the concerns of the member for Mayo, a lot of what small business needs in this country is encouragement. I want to talk about the encouragement which the government is putting forward through the stimulus package. The Rudd government is committed to supporting Australia's small businesses through the global recession. The government recognises that small businesses are often the first to feel the effects of an economic downturn. In my electorate of Forde, the small business community appreciates the federal government's support in this time of economic downturn.

Small business will benefit from the government's $42 billion Nation Building and Jobs Plan introduced to support jobs and to invest in Australia's long-term economic growth, and a $2.7 billion small business and general business tax break providing small businesses with a turnover of $2 million or less a year. Small business will benefit from a 30 per cent investment allowance in the form of an additional tax deduction equal to 10 per cent of the cost of

an eligible asset. This is a great incentive for small business to continue investing in their local businesses. A 20 per cent discount on the pay-as-you-go tax instalment, payable by 3 March 2009, will provide an immediate boost to cash flow. There is a share in the $12.2 billion stimulus package for low- and middle-income households and individuals. The government will make a direct investment in schools, housing, energy efficient homes, roads and other local infrastructure. There is a $4 billion Australian Business Investment Partnership to support the commercial property sector and the thousands of small businesses, independent contractors and tradespeople who service it. And there is a $46 million investment in small business advisory services.

This list of measures will ensure that small business is well supported into the future and, with the Nation Building and Jobs Plan, will help to support and bolster the economy in the short term. The groundwork in laying these foundations has been set in place for the Australian economy to grow stronger for when the nation emerges from the global recession. In fact, the Hon. Craig Emerson, Minister for Small Business, Independent Contractors and the Service Economy, on 6 March this year, convened a roundtable with small business organisations and bank representatives to discuss small business access to credit during the global financial crisis. The Minister for Small Business, Independent Contractors and the Service Economy has established a small business banking complaints clearing house in the minister's office to receive complaints about access to and the cost of bank finance to small business operators.

I would like to thank the minister for his support of small business in my community and encourage any small business operator who is having difficulty accessing credit to provide their details to the minister's office. On 6 March 2009, the small business roundtable undertook to seek to maintain the level of funds available to the small business sector and to continue to make loans to small businesses. It also undertook to pass on to small business customers, to the maximum extent possible while maintaining prudential standards, reductions in the cost of funds and, on a case by case basis with respect to customer's cash flows and their agreement, consider loan-restructuring options so that business can continue to trade. Those are the highlights of what we as a government have put forward in our support for small business.

In this chamber just last week I spoke about the Gold Coast region, my seat being in the Gold Coast hinterland. We have a lot of things happening on the Gold Coast which are problematic in terms of the downturn in the construction industry. As I said last week in this chamber, there is a view that the Gold Coast are doing okay. I am here today to say that they are not doing so well. They certainly would like me to pass on to this House the concerns and note their push to put in $100 million of their own to get things going again on the Gold Coast.

In the nature of the Gold Coast—the commercial interests and certainly the tourism market—in a downturn, particularly a global downturn, the tourism industry usually suffers very much. The Gold Coast also has a very large manufacturing base in the marine sector in the building of boats and other marine services. It is really feeling the pain right now. The government's measures which I have just outlined will help and encourage small business to continue. I must congratulate the Gold Coast City Council on putting forward their $100 million stimulus package in a number of areas, similar to what the federal government has done on a larger scale. Communities and larger local government agencies on the Gold Coast are com-

ing together, working within their regions, to understand the Rudd government stimulus package and how it can be of benefit to them. This is an endorsement of what the Rudd government has been able to do. I congratulate the Gold Coast for their efforts and offer every support we can give as a government.

## Petition: Redevelopment of Commonwealth Land

## Ryan Electorate: Traffic

**Mr JOHNSON** (Ryan) (12.09 pm)—I am pleased to speak in the House of Representatives as the member for Ryan and to raise a couple of important local issues from the Ryan electorate, because they are of deep concern to the constituents that I have the great honour of representing here in parliament. The first issue is in relation to the sale of the ABC site in Toowong in the Ryan electorate. It will be well known that the ABC site in Toowong has been the subject of some controversy because of the detection of breast cancer amongst many women staff who worked at that site. So the ABC has now decided to move to new premises, and I understand a new facility will be constructed at Southbank in Brisbane.

The people of Ryan will be interested to know that the ABC site is almost certainly going to receive considerable interest from potential purchasers and developers. Together with my friend and colleague in Brisbane who represents the council ward of Toowong, Councillor Peter Matic, I have been working very hard to draw this issue to the attention of the constituents that we both represent. We have put together a petition which has drawn enormous interest amongst the residents of Toowong and the surrounding suburbs. We have been absolutely overwhelmed by the support we have received for this petition. I would like to present the petition.

**The DEPUTY SPEAKER (Ms JA Saffin)**—The document will be forwarded to the Standing Committee on Petitions for consideration and will be accepted subject to confirmation by the committee that it conforms with standing orders.

**Mr JOHNSON**—Thank you, Madam Deputy Speaker. The petition talks about the significance of the site, a little bit about the history of the site, and about the issue of redevelopment of the site into parkland for the benefit of not just the people of Toowong and the surrounding suburbs but the wider community in Brisbane. It is one, as I say, that has drawn enormous interest, because this is riverside land. There is not much riverside land in Brisbane and I think that a beautiful site such as the Toowong parkland should really be something for the enjoyment and the pleasure of families. I can envisage all kinds of facilities on the river: barbecue facilities and family-friendly facilities for kids such as swings and slippery slides—that kind of infrastructure that brings families together, that brings communities together. As I said, I am absolutely overwhelmed by the number of people from throughout the streets of Toowong, the families of Toowong, that have really come together to express their deep concern that this Commonwealth land will potentially be sold to a developer who might construct something quite unfriendly to the local landscape.

Related to that is the issue of traffic congestion. People who live in the western suburbs of Brisbane, in the Ryan electorate, will know the streets of the western suburbs—Moggill Road, in particular, and Coronation Drive—are one giant car park in the mornings. I just want to flag the strong representation and leadership of Councillor Newman, the Lord Mayor of Brisbane. He is certainly doing all he can, along with the LNP opposition in Queensland. They are doing

all they can, in their respective roles, to flag the indecision, the lack of leadership, the lack of investment and the lack of funds from the state government and from the previous Labor council administration when it was in power.

An interesting common thread is that, prior to Lord Mayor Campbell Newman taking charge in Brisbane, the period of the Labor administration in Brisbane City Council was almost a decade, and that matches the time of the state Labor government. Bar two years of the Borbidge Nationals government, the Labor Party has been in power in Queensland for nearly two decades, yet very little has been done to address congestion or to address traffic problems. Peak hour is not one hour; peak hour is many hours. I am certainly against the governance of the current Queensland government. Hopefully the people of Queensland will rectify that on Saturday, when they go to the polls and bring to George Street a team with fresh ideas, with a new vision and with competent ministers that can actually represent the people. So on the issues of traffic congestion and the sale of the ABC site, which potentially has enormous consequences— *(Time expired)*

**Shortland Electorate: Telecommunications**

**Ms HALL** (Shortland) (12.14 pm)—I rise in the House to raise the issue of Mr and Mrs Hiles, constituents of mine who have become extremely frustrated by a telecommunications issue that has been running since August 2007; my staff and I are also extremely frustrated with this issue because we have been helping them over this period of time. It is an absolute disgrace that they cannot, and we cannot, get this problem resolved. Even after numerous attempts by my office contacting Telstra, Optus and the Telecommunications Ombudsman, this matter remains unresolved.

Mr and Mrs Hiles have a telephone account with Optus; however, they have had issues with their telephone line. That phone line is owned by Telstra but Telstra is refusing to do repairs to the line. Telstra went to the house of Mr and Mrs Hiles and put in a temporary line, which is hanging in a tree alongside the house. As you can imagine, this is both dangerous and unsatisfactory. Mr and Mrs Hiles are concerned that they might knock the line down or that someone might fall over it and injure themselves. It is a highly unsatisfactory solution. Telstra has not come back to fix the line and bury it, and Optus will not do anything because the line is owned by Telstra.

The bottom line is that, yes, the line is owned by Telstra, but Optus is willing to take money from Mr and Mrs Hiles each month and to keep their account but will not do anything to fix this line. Telstra are being very bloody-minded, as I am sure other members have found they are on a number of issues like this. This is not the only issue I have in relation to this type of problem. We have contacted the telecommunications ombudsman, who advised that he would seek to have the matter resolved. But his intervention has done absolutely nothing. The TIO advised that they would get a private contractor to come and bury the cable and that they would cover the cost. But, after numerous calls backwards and forwards to both Optus and Telstra, everything remains the same—nothing has happened.

The issue of burying the cable went on, with both the customer and my office contacting the TIO yet again, the customer contacting Telstra and my office contacting Telstra and with the customer contacting Optus and my office contacting Optus. So both parties have been constantly contacting Telstra, Optus and the TIO. We have had an absolutely and totally unsatisfactory solution to this phone line problem. It seems to me that the system set up by the pre-

vious government to resolve these issues does not work. From my perspective, it is totally unacceptable that Telstra will not take responsibility for the line and that Optus has the hide to keep billing my constituents for this service.

As I mentioned, this is not the only issue I have had with Telstra refusing to offer services to customers of other providers in relation to their lines. If Telstra are going to hold people in Australia to ransom like this there needs to be some action, and I put on the record in the House today that I will be fighting for action to be taken to resolve issues where Telstra are refusing to meet their obligations as set out in the legislation. This is not good enough and Mr and Mrs Hiles have suffered enough.

**Christmas Island Pipistrelle**

**Ms LEY** (Farrer) (12.19 pm)—I want to talk about the imminent extinction of a critically endangered animal species—that is, the Christmas Island pipistrelle, which is one of Australia's smallest bats. If we allow this small mammal to become extinct, it will be the first mammal extinction in Australia for about 50 years.

I have been contacted by a zoologist in the west of my electorate, Mr David Gee, who is part of a network, including the Australasian Bat Society and other conservationist and wildlife biologists, who are incredibly concerned about this. I have been touched and motivated by their concern, and I wish to try to use the House to bring this issue to the attention of the Minister for the Environment, Heritage and the Arts, Mr Garrett, because Mr Garrett has responded to the plight of the Christmas Island pipistrelle by referring the issue to a threatened species advisory panel. That is right—the imminent extinction of Australia's first mammal for 50 years has been referred to a panel.

The decline of this species has been staggeringly rapid, and the wild numbers are so low that now it is probably only months before the species will become extinct. The time that would be taken to deliberate on this animal's fate by a committee will use up all the valuable time we have left. What we are seeing is extinction by committee. In the media releases from Mr Garrett, claiming to be a hero regarding the imminent extinction of the pipistrelle, there is no mention of time frames. There is no indication of when the committee will report or of any other timelines determined by the minister. We do not have time to deliberate. If it takes three months or so for a decision to be made, that could well be too late. We need continued pressure to be applied to the Minister for the Environment, Heritage and the Arts, and in my capacity as shadow minister for territories I am trying to apply some pressure to the minister responsible for Christmas Island, the Hon. Bob Debus. It is the case that species do become extinct and a sad reality of our ever-changing environment, but it is even sadder when no effort is made to prevent the extinction, or the effort that is made does not do anything to assist, particularly in a country as environmentally enlightened as Australia

What the Australasian Bat Society is proposing is a three-stage program: an emergency rescue program aimed at catching the few remaining animals and establishing a captive colony; if sufficient individuals are caught and they survive being taken into captivity, a long-term captive breeding program in a purpose-built facility on Christmas Island with experienced staff to run it, which would need to be maintained for 10 years; and targeted research to determine the cause of the decline so that mitigation actions can be undertaken. The three-stage program would really be a last-ditch effort, because there are as few as 20 to 50 animals left. Any animals caught will of course affect the wild population, but we have no knowledge

of what is causing the extinction in the wild, so this is the only action we have left. If—and I agree with my constituent David Gee that it is a big if—a captive population can be established, it will buy time so that the environmental attributes that are causing the extinction can be identified and hopefully corrected so that captive-bred individuals can be released back on Christmas Island in order to re-establish a wild population.

I think it is appalling that a government with the purported green credentials of this government is standing by and letting this happen. This is a tiny mammal which weighs less than three grams. In the big picture, people may say, 'Who cares?' But we should care, because when a species becomes extinct there is no going back and, if action can be taken to prevent it, we would all be better human beings for having taken it. If we do not succeed we can say, 'We tried.' If you look at the economic arguments, they possible do not add up, but this is not about economics. Christmas Island needs something to give it a lift, to improve its tourism and to make it a place where people think not just of its detention centre—and I think this could be one such issue. I call on the environment minister to take action, sweep the Threatened Species Scientific Committee aside and do what the Australasian Bat Society recommends: capture the bats and breed them in captivity.

**North East Tasmanian Innovation and Investment Fund**

**Ms CAMPBELL** (Bass) (12.24 pm)—Last year when the Tonganah sawmill in Scottsdale in north-east Tasmania closed down, this government stood ready to respond—not in a way which would simply brush issues such as sustainability under the carpet, to be dealt with some time in the future, but rather in a manner which aims to support investment, generate employment and create a sustainable and vibrant region. With that in mind, Senator Kim Carr and I announced the creation of and substantial funding for the North East Tasmania Development Package. This was a joint initiative of the Australian and Tasmanian governments.

This package included the North East Tasmanian Innovation and Investment Fund—$3.7 million to support investment specifically aimed at generating sustainable new jobs. Key to its success and integral to the future of the region was the co-contribution component of this fund. For applicants to be successful they needed to be prepared and able to commit their own money to the projects proposed. And commit they did. The co-contribution to the federal government investment of $3.7 million was $3.3 million. This is an impressive sign of confidence in the region.

On Friday I announced that there were 19 successful applications to the North East Tasmanian Innovation and Investment Fund. They came from a diverse cross-section of industry and have the ability to create 63.5 full-time jobs—sustainable, long-term employment. I announced the successful applicants at Woodlea Nursery, one of the successful businesses. The nursery's owners, Doctors Tony and Anna Waites, run a specialist wholesale nursery which produces over seven million seedlings per year for a number of local forestry businesses. It is the only independent, accredited nursery for the Tasmanian wine sector and supplies around 30 vineyards. These are the stories that I am really proud to be able to tell. This young couple took over this nursery in 2007 after moving from Melbourne. They have invested heavily in the region and they have backed the region. As part of the grant there are three main areas of activity, providing enhanced and upgraded infrastructure to increase production of forestry seedlings and enabling the pursuit of large-scale plant contracts with major garden centres

throughout Tasmania and interstate. This is one example of the kind of commitment which exists in the north-east of Tasmania.

Also successful were: Allan Barnett Motor Yachts, funded to upgrade their equipment and factory to cater for manufacturing larger vessels; Anchor Organics, whose project is the north-east red soil boutique potato project; AW and KSA Carter, to expand their business to install a new milking and herd management automation system; Bicanic's Joinery, a business which, thanks to this grant, will expand into furniture making; and Branch Fabrication Pty Ltd, who have been funded for sand blasting and industrial painting services. A biologically controlled cool storeroom will be installed at Fernmania. Gilston Interiors' business will be expanded. KJ Padgett and Co. will be able to improve the quality of fine pinebark produced by the company. Onion growing and packaging facilities will be modernised and employee facilities upgraded at LD and NA Lette. Mechanised Logging Pty Ltd will expand their plantation timber harvesting services. Mount William Lodge and Holiday Park will expand their accommodation, catering and laundry services. The agricultural and forestry machinery supply, maintenance and spare parts business of North East Ag Sales will be expanded. A wellness centre will be developed at Barnbougle by RG Sattler Nominees. Samjack will expand their log trailer manufacturing. Scottsdale Art and Framing will use its grant to add to downstream processing in Tasmania through the manufacturing of local speciality timber picture framing attached to a retail-wholesale art and craft gallery showroom. Scottsdale Pork will expand its piggery. And Stronach Timber will fund an expansion to their green mill.

As you can see, these are a diverse range of businesses which stand to benefit from this funding. It was an exhaustive application process. There were some 60 applications—a high number which I believe also signals that there is much confidence in the future among businesses in the north-east of Tasmania, particularly in these hard global economic times. The applications were assessed by a panel of three, which included representatives from both the Tasmanian and Australian governments as well as a community representative. That representative was John Beattie and I would like to thank him for the commitment he made and his contribution to this process.

Throughout this period I have said often that we do not want to be going through this again in 18 months time or, for that matter, in two years time. I am hopeful that we have set in train the development of sustainable jobs which will in turn lead to a sustainable region. The north-east of Tasmania is a vibrant and wonderful place. It is a region which, yes, has suffered its share of setbacks and which, like the rest of the country, is not immune to the effects of the global financial crisis. Through the North East Tasmanian Innovation and Investment Fund, we are investing to create more than 63 jobs, and we are witnessing what happens when businesses across a community are given the opportunity to invest in themselves and in their region. *(Time expired)*

## Aged Care

**Mr IRONS** (Swan) (12.30 pm)—Members will be aware that I am a committed campaigner for the elderly in my electorate of Swan. I spend plenty of time in my electorate talking to older people and the organisations that represent them. One of the places that I visit regularly is the Bentley Park Retirement Village in the southern part of Swan. My latest visit was in February, when I held a Q&A session with the residents about the issues that concern them. One of the issues that concerned the residents the most was the plight of the aged-care

industry. I have spoken at length on this issue in the past but will do so again today, because the problem has not gone away; in fact, it appears to be getting worse.

In the last aged-care approval round between 2008 and 2009, Western Australian aged-care providers sought only 536 of the available 1,208 aged-care places allocated by the government. The reason for this, which the government does not seem to accept, is that aged-care providers are effectively losing money on every additional government aged-care place. Costs in the industry sector have been rising much faster than government funding has risen. This has a significant impact on aged-care providers, such as the not-for-profit SwanCare, which runs Bentley Park. Sadly, the government and the Minister for Ageing seem to be in denial on this issue. Remarkably, the Minister for Ageing described the 2008-09 round as healthy and competitive. My message today is clear: this crisis must be resolved sooner rather than later or the industry will collapse.

I want to demonstrate the importance of having a financially secure aged-care sector by referring to a project which was designed and formulated during a period of greater financial security under the previous government. Next week it will be my pleasure to return to Bentley Park for the opening of the new Kingia facility. I have had an initial glimpse of the new building and I can confirm that it is impressive. The centre contains 82 beds. The design of the building is uplifting and there are good outdoor and indoor spaces. The entry wing includes a cafe, a hairdresser, a gift shop and a pharmacy outlet. The dining, lounge and sitting areas encourage residents to enjoy companionship and shared activities.

I understand that SwanCare wants to complete the project with the further addition of a 78-bed wing and a community day therapy centre to provide aged-care services to the wider community. What is particularly impressive about the building, however, is that it caters for both residents requiring low care and residents requiring high care. I know from talking to residents that they do not like constantly having to move as they advance through the aged-care system in this country—from their home to residential, from residential to low care and from low care to high care. At this stage in life it is uncomfortable and difficult to adjust to unfamiliar surroundings. This has unfortunately been the norm in the aged-care sector for quite some time. This new innovative complex will alleviate this pressure. The cost of the construction of this facility has been met entirely by SwanCare. However, the ability of SwanCare and other aged-care providers across the country to invest in facilities such as Kingia will be severely constrained by their poor financial position.

Until the Minister for Ageing solves this aged-care crisis the industry cannot progress. This crisis is here now and there is no point pretending that it is not. Forty per cent of aged-care providers in Western Australia are under enormous stress. This government seems to show no interest in the aged-care industry. I understand that the Prime Minister was invited to open the Kingia facility. The Prime Minister is a busy man and I understand why he was not able to attend. However, I believe that Bentley Park did not receive any direct communication from his office whatsoever. I would have thought this government would be interested in such an innovative and unique project. This, I think, reveals the government's approach to the aged-care industry in Australia. I will continue to stand up for my constituents in this place until the aged-care crisis is understood and acted upon by the government and the minister. As this will be my last speech before the May budget, I would like to take the opportunity to remind the

government of its obligation to address the need to raise pensions for the elderly and the disabled.

**Australian Electoral Commission**

**Mr DANBY** (Melbourne Ports) (12.34 pm)—Yesterday at a public hearing the Joint Standing Committee on Electoral Matters heard dramatic information from the refreshing new head of the Australian Electoral Commission, Mr Killesteyn. His evidence was not about economic matters; it was about the democratic deficit in Australia. There are 1.2 million Australians not enrolled to vote. This is after all the years of activities of the previous government which, in my view, were deliberately designed to minimise the number of people on the electoral roll. The electoral participation rate at the last election stood at 92.3 per cent of the Australian population, and I repeat: 1.2 million Australians were not enrolled. This is after herculean efforts by the Electoral Commission at the last election, spending $30 million on advertising to enrol 200,000 Australians. We only got the number of people enrolled to 13.6 million after that vast expenditure of money, which financially affected the AEC's ability to operate and do its normal tasks.

Yesterday the committee asked Mr Killesteyn about a whole different methodology for the AEC's operations. How people could, with an electronic process for changing their address, without further cost to the Australian taxpayer, be able to get themselves on the electoral roll. All of us as parliamentarians know that there is a process that continually takes people off the roll, but we make it so difficult for our constituents, ordinary Australians, to get back on the roll. We really have to do something about this, and any democrat, whether they are in the opposition or the government, should be interested in this. It would take 300,000 extra people to be enrolled in Australia to get us back to 92.3 per cent, the participation rate we had at the last election. We have to enrol 300,000 people by 2010, and it took the AEC $30 million of advertising to get 200,000 people. What balance is this meant to reflect?

All through the last few years the previous government talked about the integrity of the electoral roll. Let me go through some of the figures that were revealed at the electoral matters committee hearing yesterday so members can understand the almost bogus nature of this issue. There were about 17,000 apparent multiple votes at the 2001 election, for instance. For 15,000 of those, or 88 per cent, there was an indication from responses that no further action was required. There were 920 people who the AEC got no responses from—letters were undelivered or people were not able to be found. There were 896 examples of multiple voting. People like Mr Pyne, the member for Sturt, have railed about the integrity of the electoral roll at previous elections. Of those 896 multiple votes, 739, or 82 per cent, were elderly people who, completely by a matter of confusion, innocently or because of poor comprehension, voted twice, at a mobile polling booth and then on the day. We know the kinds of circumstances where this can happen without any kind of malevolence by elderly voters. That was 82 per cent of cases of multiple voting.

So there were only 138 cases referred to the AFP, of which five were accepted for investigation. So we have 13.6 million Australians and only five proven cases of electoral fraud, which the DPP decided not to follow up. But we have 1.2 million Australians unenrolled. What does this say about the kind of balance that we have in this debate? It is a complete imbalance and the Electoral Commission, with its new Electoral Commissioner, will hopefully do the will of this new government and get more Australians on the electoral roll, increase

democracy in this country and not focus solely on a few bodgie votes—five at the 2001 election. This is a pattern, by the way, and I have been pointing out that this pattern has been happening for years.

Between 1990 and 2009, there were only 72 proven cases of electoral fraud. There were six electoral events and 72 million votes—one per million. When we have such a good electoral system, why are we focusing on disenfranchising Australians and, at the same time, allowing hundreds of thousands of our people to be disenfranchised? I hope the new Electoral Commission gets good advice from the electoral matters committee so that we go and enrol people, we stop taking people off the roll and we particularly stop forcing young people and provisional voters to lose their democratic rights at election time. It is a scandal and it has got to stop. *(Time expired)*

**Transport**

**Mr FARMER** (Macarthur) (12.39 pm)—Today I rise to speak on the need for an integrated transport system around this country. At the moment, and this is the way it has stood for such a long period of time, we have various forms of government—whether they be local councils, state governments or the federal government—doing their own hotchpotch deals from one place to another and things are not being integrated very well. Let me elaborate on that. I would like to start off with railway stations, and particularly railway stations in New South Wales. We see a great need for secure parking spots.

The state of New South Wales is running into debt as a result of poor attendance on the trains. When you ask people why they do not catch the trains in New South Wales, they tell you that it is because they are dirty, they are covered in graffiti, they do not run on time, their services are irregular and they are quite often cancelled with no notice whatsoever. My answer to all of this is that we need to make parking at railway stations available to everybody. This should be done by private enterprise rather than by the government.

The government in New South Wales are saying that they are broke, they have no money, they have spent all the taxpayers' money and they have nothing left to improve services. I say to them that they can make some money from selling the spaces above the railway stations to shopping centres. They could sell off these spaces to the 7-Eleven, Woolworths and Magic stores, or any number of other stores. Car parks at railway stations could provide facilities for people to get fuel for their motor vehicles and, as a result, the car parks would be secure and well lit.

If you have children, the first thing you think of when you get off a train is that you need a clean, safe toilet that they can go to. You also need somewhere that you can pick up a loaf of bread, a pint of milk or maybe a newspaper. These facilities could be made available at stations. You also need clean, safe and secure parking areas, and so you would need something like a boom gate, a security officer and the area to be well lit. All of this could be achieved if these areas were sold off to private enterprise and if the railway system in New South Wales were privatised. I would like to see an integrated approach to transport right across the board.

Another aspect that I would like to pick up on is 40 kilometre an hour speed zones around schools in New South Wales. Quite often, there are three or six lanes across the front entrances of those schools located near a main road. It is absolutely ridiculous that the entrances to these schools are located near the main road. In these areas fences with sound barriers

should be put up to prevent not only noise from entering the schools but also kids from kicking balls onto the road, which they might chase and run the risk of being hit by a car. When cars have to drop down to 40 kilometres an hour in these areas, the traffic is slowed down dramatically.

The school on Narellan Road in my electorate is a classic example. The school is one kilometre from the main road, yet it has a 40 kilometre an hour speed zone. There are other smaller roads and cul-de-sacs from which the school could be entered so that children could be picked up and dropped off. Instead, traffic is inconvenienced. It has to slow down to a ridiculous pace, and this creates an absolute nightmare every single morning and afternoon. I understand that we need safety measures in some areas where schools have only one entrance, but I am asking for some common sense to prevail in this instance.

I am asking for an integrated approach to transport where we look at not only the pedestrians but also the drivers, the buses, the trains and the parking at major facilities such as airports, schools and hospitals which we need to get to and from. We need to integrate these services much better. I am calling on the federal government to talk to its state counterparts so that we can get some dialogue going on all of this.

## Alcopops

**Ms GRIERSON** (Newcastle) (12.44 pm)—It is important for every member of parliament to put on the public record their position regarding our responsibility to give a very strong message to all communities across this country that we do not accept the pattern of binge drinking—a new sign of alcoholic dependence, particularly amongst our young people—that has emerged in this nation. The decision by the Liberal-National coalition and Senator Fielding not to support the legislation on alcohol that would see an impost on this drug of addiction that is so attractive in the form of alcopops and so affordable will cause huge harm and put our young people at risk.

I stand as the member for Newcastle, a city that has the second highest number of alcohol related assaults in the state of New South Wales, following on the heels of Wilcannia. That is how severe the problem is in my electorate. We have been assisted by this government. We have been assisted through the $53 million program that is in place. Newcastle City Council put in an excellent submission and received $250,000 to address this serious issue. I cannot believe that anyone would play politics with such an important message.

I also stand as the mother of two young adult daughters. Normal life experiences and observations would say to us that we have a responsibility to do all we can to undo the harm that is happening in our communities. For many years I watched my daughters' friends choose what was so well marketed and so available—alcopops. It is still occurring. My very good friends and neighbours, at the end of last year, hosted a party after their daughter's year 10 formal and were removing from other parents four-packs of alcopops. The parents were saying, 'Oh, I'll leave this with you.' The hosts' response was, 'There won't be any alcohol consumed by these 16-year-old girls tonight.' It is such a pervasive thing in our culture now.

I am not going into all of the different political arguments put forward in this debate. This was a chance to give a strong message, a united, bipartisan message, to the people of Australia that we care sufficiently about our youth to take any measure we can to protect them. There is no acceptance by the public that this government is being duplicitous by just trying to raise

revenue and not address the problem. With the COAG agreement of $872 million worth of funding and a prevention agenda looking at alcohol, tobacco and obesity, these problems will be tackled in earnest. But the cultural problem that we all face is such a huge moral issue that I think the public will be very disappointed at the actions of those who opposed the alcopops legislation.

I cannot say enough about the risky situations that young girls face. Having been a school principal, I have seen kids given a four-pack for their birthday at 12, at 13. I have counselled young girls who have been put in situations where they were at risk of sexual abuse, physical abuse and harm to themselves. I have counselled young boys who have been the victims of violence at the end of alcohol binge drinking by young people. I am absolutely disappointed and I say democracy has let down the people of Australia. It has definitely let down the young people in my electorate.

I am very concerned as well, as the chair of the Joint Standing Committee of Public Accounts and Audit, at that revenue now missing in the budget. This is not the time to play with a budget. The Audit Office's role is important and I do not ever want to see it compromised—that is, the role of the National Audit Office and the Auditor-General—and I guess every member will stand up and say what has been compromised by this decision in the budget. But I want to see us always accountable for what we do here. But the accountability the public will be looking at now is the fact that we have let them down and we have seriously let down our youth of Australia by not passing the legislation.

## Economy

### Dunkley Electorate: Transport

**Mr BILLSON** (Dunkley) (12.49 pm)—In my last opportunity before the May budget, I urge the Rudd government, in its search for savings, not to squib out of its responsibility to provide a pension increase for Australia's pensioners. My party's former leader, Brendan Nelson, and the Liberal-National Party have been very active in emphasising the need for a pension increase, and I urge the Rudd government to do the right thing and to provide that increase in the upcoming budget.

I also think there is a serious need to examine the plight of self-funded retirees. There is a lot of talk in these circles, in this building and by government representatives about urging banks to pass official cuts to interest rates announced by the Reserve Bank on to mortgage holders and the like, but there is also a need for the government to pass on those interest rate cuts more quickly by adjusting the deeming rate for self-funded retirees. If interest rate reductions are something that needs to be passed on quickly by banks, the government should act more decisively in passing on those very same interest rate reductions—and the impact on investments and on income streams—to self-funded retirees by a more rapid and responsive adjustment to deeming rates. The question of frozen assets facing many self-funded retirees still haunts many people in my community as they plan to access, say, the capital or the nest egg that they had invested for home improvements or for other requirements such as the payment of rates, which can be a very substantial impost on people and well outside their regular income stream. Self-funded retirees need to be taken into account.

From the jobs forums I have conducted in Dunkley, I hear the small business community are being done over by the banks. They have lines of credit that they may have secured on

reasonable terms on which they might not have exercised the overdraft that is available to them but, because of that, the banks are saying, 'Give it back. Give back those financing facilities.' They are made to give back the very thing that gives comfort to very anxious small businesses and self-employed and independent contractors. Those people do not become unemployed—they just do not have enough work. They need to have the comfort of these resources, which they were provided with and had planned for, under the terms and conditions which the banks offered them. They do not need to have some big bank heavy them into surrendering those attractive financing facilities and then tell them that they are unilaterally going to re-rate the risk of their business and have them pay one to 1.4 per cent more for small business financing. That is not what should be happening at the moment. With all the support that is being provided to the banking sector we deserve much better, much more thoughtful behaviour by banks towards those who are very exposed and very anxious at this time.

In the few minutes that are left I want to touch on some ongoing and compelling transport issues in the Dunkley community. I have spoken countless times about the need for the Frankston bypass and the bottleneck that has been created at the end of the Frankston Freeway with the opening at EastLink. Everybody could see this coming except VicRoads and the state Labor government, but now they are coming around. We need to get on with that process. The EES hearings are underway, panel submissions are being discussed and considered. The bandicoot has been considered. I am a friend of the bandicoot, and we have the area covered if a new colony of bandicoots can be established. The former government have invested in it. Let's get on with it.

If you want to add something to the project, add a public transport connection. Extend the Frankston rail line, electrify it down to Baxter, a perfect place for a park-and-ride facility to interconnect pavement or freeway based transport with rail based public transport and other bus opportunities. It is something that should happen. But, as if that frustration is not enough, we then have the sound barriers. So loud is the noise that people are hearing from the EastLink extra traffic on the Frankston Freeway, and so difficult is an opportunity for good sleep, that the noise must be affecting people at VicRoads. They cannot hear the cries of the local residents who want something done about the noise nuisance and the noise pollution in their neighbourhoods. We can put money into faux hotels as public art along freeways—that is terrific and we all get a giggle out of it—but let's pick up one of those artworks and park it on its side near the homes of these communities that would just like a decent night's sleep. It cannot be that hard.

Finally, if you thought it could not get any worse—I did not think it could but it has—we now have the P-turn proposition for Frankston where, to turn right off McMahons Road onto Cranbourne Road, you actually have to turn left. We are pretty good at hook turns in our city of Melbourne, but having a hook turn on steroids in Frankston is no answer to a serious traffic problem. The exit to Clarendon Street has then been closed to force people to drive down the back streets—Lawrey Street, Allenby Street and Melvin Street—onto Birdwood Street to get from Cranbourne Road to the medical clinics in Clarendon Street. Who thought of this idea? Who possibly thought of the traffic congestion in local streets? *(Time expired)*

## Alcopops

**Ms HALL** (Shortland) (12.54 pm)—by leave—In rising to speak again in this debate I would first like to compliment the member for Newcastle on her fine contribution to the de-

bate, raising the issue of alcopops and the enormous impact that the failure by the Senate to pass that legislation will have. I know that Newcastle is an electorate where there have been a number of problems with young people binge drinking, and that has created enormous issues in the electorate. The member for Newcastle has been out there fighting to see that programs are introduced in the electorate to ensure that this phenomenon is addressed.

It is an issue that is having an enormous impact on young people throughout Australia. I must say that I am very disappointed that the opposition failed to support the government's legislation when the AMA is supporting it and every leading health authority in the area is saying that this issue is of such great importance. Binge drinking is an issue that has the potential to basically wipe out a generation of young people. To think that the opposition would not pass this measure and would not seriously consider the enormous impact that alcopops are having! Alcopops are the vehicle for introducing young people, and particularly young girls, to alcohol. Any member of this House can visit areas in their electorate where young people congregate, and they will see young people drinking alcopops. They will see the effect that they have on young people. And, if they were to track the lives of some of those young people who have developed a dependency on alcohol through the introduction of alcopops, they would then have to live with the consequence of not supporting this legislation.

*Mr Billson interjecting—*

**Ms HALL**—The alcopops legislation was one attack on the issue. The member opposite commented on the seriousness of the approach. If it was not a measure that was worth supporting, why did all leading health experts support the legislation? Why did they—

*Mr Billson interjecting—*

**The DEPUTY SPEAKER (Ms AE Burke)**—The member for Dunkley has been given great latitude by the chair. He should remember that.

**Ms HALL**—almost unanimously say that this was good legislation and it was legislation that both sides of the parliament should support? Why was it that the opposition chose to ignore the voices of those health experts who see the long-term impact that alcohol has in our hospitals and who can see on a daily basis that the impact that alcohol has on young people is much greater than that of illicit drugs?

People on the other side of this House, the opposition, will argue until they are blue in the face against supplying illicit drugs, with a particular emphasis on young people. I would say to them: this is a drug that they have an ability to control. This is a drug that has far greater impact on the lives of young people. Because the opposition have failed to support this legislation, they have failed the young people of Australia, and the consequences will become apparent. I ask them to go back, think about it and make a decision to support the legislation. *(Time expired)*

**The DEPUTY SPEAKER**—I thank the member for her contribution to the Committee today.

Question agreed to.

**Main Committee adjourned at 12.59 pm**

## QUESTIONS IN WRITING

### Agriculture, Fisheries and Forestry: Program Funding
### (Question No. 465)

**Mr Hockey** asked the Minister for Agriculture, Fisheries and Forestry, in writing, on 1 December 2008:

(1) Which agencies and departments in the Minister's portfolio will return money to budget in the 2008-09 financial year as a result of underspends in the 2007-08 financial year; and what sum of money will be returned to budget from these programs.

(2) From 1 December 2007 to 30 June 2008, what sum of money has the Government committed to spending under Regulation 10 of the Financial Management and Accountability Act 1997 for applicable departments and agencies under the Minister's portfolio; and how much of this commitment was approved:

(a) at the department and agency level; and

(b) by the Minister for Finance and Deregulation.

(3) What sum of depreciation funding:

(a) is available for each department and agency in the Minister's portfolio as at 30 June 2008;

(b) was spent by each department and agency in the Minister's portfolio in the 2007-08 financial year; and

(c) was spent by each department and agency in the Minister's portfolio in the 2007-08 financial year to directly replace assets for which it was appropriated.

**Mr Burke**—The answer to the honourable member's question is as follows:

(1) (a) As a result of underspends for the 2007-08 financial year the department returned $381.846 million to the Budget.

(b) There were no program underspends involving the portfolio agencies.

(2) (a) $80, 582, 810.

(b) Nil.

(3) Agencies are appropriated at an overall level and not on the basis of individual expenses.

The depreciation expenses identified in each agency's financial statements in the Portfolio Budget Statements represent estimated expenses and not the amount of funding provided.

Depreciation expenses may also be met from a mix of direct appropriation revenue and independently sourced revenue. In the case of the portfolio's Commonwealth and Companies Act agencies these expenses are met exclusively from industry levies with the exception of Land and Water Australia (LWA) which is partly funded from direct appropriations.

The table below addresses the sub-paragraphs (a), (b) and (c) to Question 3 above.

| Agency | FMA/CAC | (a) Budgeted expenses taken from 2007-08 PBS $'000 | (b) Actual depn expenses for 2007-08 $'000 | (c) Spent to replace assets $'000 |
|---|---|---|---|---|
| DAFF | FMA | 10,854 | 13,600 | 58,799 |
| AFMA | FMA | 451 | 797 | 3,794 |
| APVMA | FMA | 646 | 527 | 436 |
| AWBC | CAC | 476 | 406 | 325 |

| Agency | FMA/CAC | (a) Budgeted expenses taken from 2007-08 PBS $'000 | (b) Actual depn expenses for 2007-08 $'000 | (c) Spent to replace assets $'000 |
|---|---|---|---|---|
| BA | FMA | 72 | 93 | 93 |
| CRDC | CAC | 62 | 53 | 53 |
| FRDC | CAC | 451 | 467 | 117 |
| GRDC | CAC | 691 | 610 | 115 |
| GWRDC | CAC | 48 | 56 | 30 |
| LWA | CAC | 302 | 389 | 140 |
| RIRDC | CAC | 145 | 203 | 307 |
| SRDC | CAC | 32 | 18 | 102 |
| WEA | FMA | 155 | 119 | 10 |
| TOTAL | | 14,385 | 17,338 | 64,321 |

## Employment Services

## (Question No. 471)

**Dr Southcott** asked the Minister for Finance and Deregulation, in writing, on 1 December 2008:

In respect of the Mid-Year Economic and Fiscal Outlook 2008 09 estimates for labour and employment affairs:

(a) what is the forecast expenditure on employment services for the 2009-10 to 2011 12 financial years; and

(b) what was this forecast expenditure in the 2008-09 Budget?

**Mr Tanner**—The answer to the honourable member's question is as follows:

(a) The forecast expenditure for the forward years for the labour market assistance to job seekers and industry was not published at the Mid-Year Economic and Fiscal Outlook 2008-09. This sub-function data will, however, be published in Budget Paper No. 1 for the 2009-10 Budget.

(b) The forecast expenditure for the labour market assistance to job seekers and industry at the 2008-09 Budget can be found in Budget Paper No. 1 on page 6-32.

## Child Care

## (Question No. 558)

**Mrs Mirabella** asked the Minister for Education, in writing, on 3 February 2009:

In respect of the Department of Education, Employment and Workplace Relations 2008 Survey of Child Care Services (Pre-Survey Information Sheet): (a) in Section A, why are children up to three years of age combined under one category when in the same survey in 2006, they were split across three separate categories by age group (ie, (i) one, (ii) one to two, and (iii) two to three, years of age); and (b) why has a similar re-categorisation also occurred for children in the age group of three to six years.

**Ms Gillard**—The answer to the honourable member's question is as follows:

With the introduction of the Child Care Management System (CCMS) in 2008/09, the majority of information previously sourced from the AGCCCS, including data on the ages of children, is available from administrative sources without imposing an administrative burden on services.

**Prime Minister**

**(Question No. 586)**

**Mr Briggs** asked the Prime Minister, in writing, on 10 February 2009:

(1) How many nights did he and his family spend at Kirribilli House in (a) December 2008, and (b) January 2009.

(2) Did he attend the Boxing Day Test Match in Melbourne in 2008; if so, did he use a Government VIP aircraft to travel to the match, if so, (a) from which airport did he depart, (b) did guests, family or otherwise, travel with him, and (c) what was the total cost (to the taxpayer) of the travel.

**Mr Rudd**—I am advised that the answer to the honourable member's question is as follows:

(1) (a) and (b) Detailed information on residency patterns cannot be provided for security and privacy reasons, however, in line with previous answers I am advised that I spent 95 nights at Kirribilli House between the 2007 election and the date of this question.

(2) (a) and (c) Detailed information on Special Purpose Aircraft flights is recorded by the Department of Defence and is tabled in parliament on a six-monthly basis.

**Veterans' Affairs: Moncrieff Electorate**

**(Question No. 597)**

**Mr Ciobo** asked the Minister for Veterans' Affairs, in writing, on 12 February 2009:

In respect of the Government's funding of organisations and projects between 3 December 2007 and 20 January 2009:

(a) which organisations and projects based in the Moncrieff electorate received funding from the Minister's department;

(b) what sum of funding did each organisation and project receive; and

(c) for what purpose was each funding commitment made.

**Mr Griffin**—The answer to the honourable member's question is as follows:

An identical question was placed on notice in the Senate on 5 February 2009 by Senator the Hon Brett Mason, Senate Question On Notice 1282.

The response to this question can be obtained from the Senate *Hansard*.

**Productivity Places Program**

**(Question No. 623)**

**Mr Oakeshott** asked the Minister for Education, in writing, on 26 February 2009:

In respect of the Productivity Places Program: (a) will a single training place be defined and funded as a whole qualification; and (b) will these places be fully funded by the Commonwealth or will the States or individual students need to pay some of the costs.

**Ms Gillard**—The answer to the honourable member's question is as follows:

(a) Under the program a single training place is defined as a quantum of funding which varies by qualification level and is available to a vocational training student on an annual basis.

(b) The Commonwealth funds 100 per cent of the cost of training for job seeker places. For existing worker places, the Commonwealth funds 50 per cent of the cost of training, the state or territory government funds 40 per cent of the cost of training, and the individual or their employer make a 10 per cent private contribution. The levying of fees is a state/territory responsibility.

**ABC Learning Centres**

**(Question No. 630)**

**Mr Robert** asked the Minister for Education, in writing, on 10 March 2009:

Is the Government willing to continue to fund certain former ABC Learning Centres during the purchaser take-over period, even if this transition extends beyond the funding cut-off of 31 March 2009.

**Ms Gillard**—The answer to the honourable member's question is as follows:

Since the Member lodged his question I have made an announcement on this issue.

Since ABC Learning's insolvency late last year the Australian Government has had the interests of parents, their children and ABC Learning employees front and centre.

The Government's approach throughout has been to seek an orderly, logical process for working through the problem with the primary focus on continuity of care for the children involved.

In December 2009 we supported the appointment of Court Appointed Receivers - PPB Corporate Recovery, whose task has been to run a process aimed at selling the 241 non-Defence centres that were judged to be unviable under the ABC business model.

We have funded the losses incurred by those centres and the Receivership costs, so that families can maintain existing child care arrangements while the process runs its course.

The Court Appointed Receivers have a big job on their hands. No one has ever previously tried to sell 241 'unviable' childcare centres.

PPB has made good progress and contracts are already being exchanged for 65 centres. However, the complexity of the Court Appointed Receivership is reflected in the fact that they are dealing with over 180 bidders whose bids relate to leases held by over 100 landlords.

Against this background, PPB has asked the Government to continue to support the receivership for a short, one-off additional period. PPB's request has been agreed and the Government will make the relevant application to the NSW Supreme Court.

The Government has also agreed to continue to fund the Court Appointed Receivership for a period of a further 6 weeks, on a once only basis, until 15 May 2009.

Costs incurred by the Commonwealth during the receivership of ABC have been lower than was originally projected based on ABC's records. We have therefore agreed that underspends accrued on the process to date may be drawn upon to fund the continuation of the Court Appointed Receivership for the 6 week period. No additional tax payer funds will be needed to support centres as part of the ABC insolvency.

PPB has advised that they will announce the outcome for each centre by 15 April 2009. This is expected to leave sufficient time for the sale process to be completed on or before 15 May 2009.