COMMONWEALTH OF AUSTRALIA

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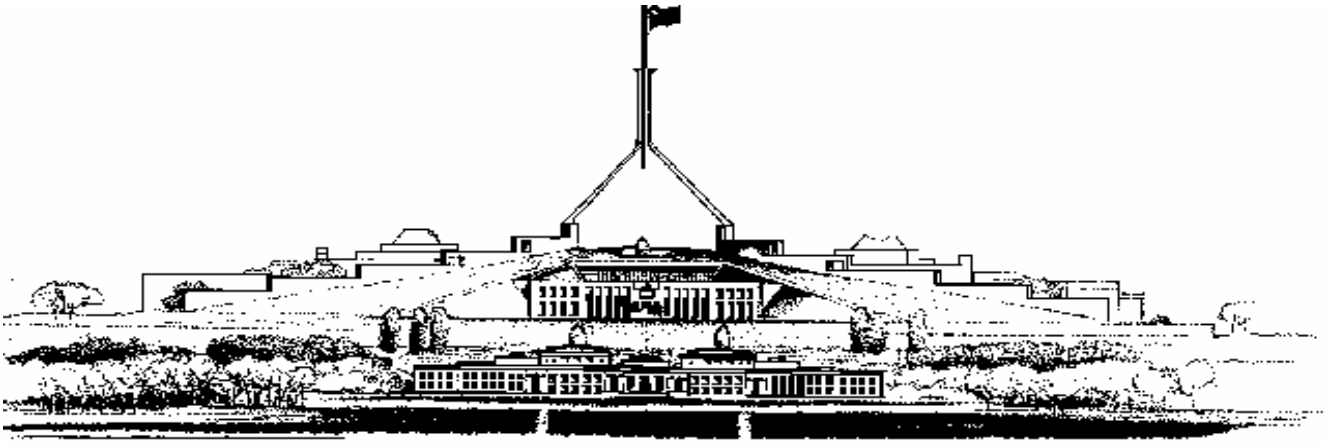

House of Representatives

Official Hansard

No. 18, 2008

Wednesday, 3 December 2008

FORTY-SECOND PARLIAMENT
FIRST SESSION—THIRD PERIOD

BY AUTHORITY OF THE HOUSE OF REPRESENTATIVES

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SITTING DAYS—2008

Month	Date
February	12, 13, 14, 18, 19, 20, 21, 22
March	11, 12, 13, 17, 18, 19, 20
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ADELAIDE	972 AM
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FORTY-SECOND PARLIAMENT
FIRST SESSION—THIRD PERIOD

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

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Second Deputy Speaker—Hon. Bruce Craig Scott MP

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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

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The Nationals

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Chief Whip—Mrs Kay Elizabeth Hull MP

Whip—Mr Paul Christopher Neville MP

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Baldwin, Hon. Robert Charles	Paterson, NSW	LP
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Billson, Hon. Bruce Fredrick	Dunkley, Vic	LP
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Bishop, Hon. Julie Isabel	Curtin, WA	LP
Bowen, Hon. Christopher Eyles	Prospect, NSW	ALP
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Briggs, Jamie Edward	Mayo SA	LP
Broadbent, Russell Evan	McMillan, Vic	LP
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Burke, Hon. Anthony Stephen	Watson, NSW	ALP
Butler, Mark Christopher	Port Adelaide, SA	ALP
Byrne, Hon. Anthony Michael	Holt, Vic	ALP
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Dreyfus, Mark Alfred, QC	Isaacs, Vic	ALP
Dutton, Hon. Peter Craig	Dickson, Qld	LP
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Ellis, Annette Louise	Canberra, ACT	ALP
Ellis, Hon. Katherine Margaret	Adelaide, SA	ALP
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Ferguson, Hon. Laurie Donald Thomas	Reid, NSW	ALP
Ferguson, Hon. Martin John, AM	Batman, Vic	ALP
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Forrest, John Alexander	Mallee, Vic	Nats
Garrett, Hon. Peter Robert, AM	Kingsford Smith, NSW	ALP
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Members of the House of Representatives

Members	Division	Party
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Hayes, Christhopher Patrick	Werriwa, NSW	ALP
Hockey, Hon. Joseph Benedict	North Sydney, NSW	LP
Hull, Kay Elizabeth	Riverina, NSW	Nats
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Irons, Stephen James	Swan, WA	LP
Irwin, Julia Claire	Fowler, NSW	ALP
Jackson, Sharryn Maree	Hasluck, WA	ALP
Jenkins, Henry Alfred	Scullin, Vic	ALP
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Johnson, Michael Andrew	Ryan, Qld	LP
Katter, Hon. Robert Carl	Kennedy, Qld	Ind
Keenan, Michael Fayat	Stirling, WA	LP
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King, Catherine Fiona	Ballarat, Vic	ALP
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Ley, Hon. Sussan Penelope	Farrer, NSW	LP
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McMullan, Hon. Robert Francis	Fraser, ACT	ALP
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Markus, Louise Elizabeth	Greenway, NSW	LP
Marles, Richard Donald	Corio, Vic	ALP
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Neal, Belinda Jane	Robertson, NSW	ALP
Nelson, Hon. Brendan John	Bradfield, NSW	LP

Members of the House of Representatives

Members	Division	Party
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Owens, Julie Ann	Parramatta, NSW	ALP
Parke, Melissa	Fremantle, WA	ALP
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Perrett, Graham Douglas	Moreton, Qld	ALP
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Pyne, Hon. Christopher Maurice	Sturt, SA	LP
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Ramsey, Rowan Eric	Grey, SA	LP
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Rea, Kerry Marie	Bonner, Qld	ALP
Ripoll, Bernard Fernand	Oxley, Qld	ALP
Rishworth, Amanda Louise	Kingston, SA	ALP
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Roxon, Hon. Nicola Louise	Gellibrand, Vic	ALP
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Ruddock, Hon. Philip Maxwell	Berowra, NSW	LP
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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
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Tanner, Hon. Lindsay James	Melbourne, Vic	ALP
Thomson, Craig Robert	Dobell, NSW	ALP
Thomson, Kelvin John	Wills, Vic	ALP
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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 Defence Procurement	Hon. Greg Combet AM, MP
Parliamentary Secretary for Defence Support	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	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	Hon. Anthony Byrne MP
Parliamentary Secretary for Social Inclusion and the Voluntary Sector and Parliamentary Secretary Assisting the Prime Minister for Social Inclusion	Senator Hon. Ursula Stephens
Parliamentary Secretary to the Minister for Trade	Hon. John Murphy MP
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

SHADOW MINISTRY

Leader of the Opposition	The Hon Malcolm Turnbull MP
Shadow Treasurer 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 Minister for Infrastructure and COAG and Shadow Minister Assisting the Leader on Emissions Trading Design	The Hon Andrew Robb AO, MP
Shadow Minister for Foreign Affairs and Manager of Opposition Business in the Senate	Senator the Hon Helen Coonan
Shadow Minister for Finance, Competition Policy and Deregulation and Manager of Opposition Business in the House	The Hon Joe Hockey MP
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 Human Services and Deputy Leader of The Nationals	Senator the Hon Nigel Scullion
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 Minister for Education, Apprenticeships and Training	The Hon Christopher Pyne MP
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 Cory Bernardi
Shadow Parliamentary Secretary for Water Resources and Conservation	Senator Fiona Nash
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

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WEDNESDAY, 3 DECEMBER

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Wednesday, 3 December 2008

The SPEAKER (Mr Harry Jenkins) took the chair at 9 am and read prayers.

AVIATION LEGISLATION AMENDMENT (2008 MEASURES No. 2) BILL 2008

First Reading

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

Bill read a first time.

Second Reading

Mr ALBANESE (Grayndler—Minister for Infrastructure, Transport, Regional Development and Local Government) (9.01 am)—I move:

That this bill be now read a second time.

Aviation security and safety are the highest priorities for aviation for the government. Our arrangements in these areas are under constant review to ensure the regulatory frameworks are responsive to changes in the industry covering security threats and safety needs.

This Aviation Legislation Amendment (2008 Measures No. 1) Bill 2008 contains a number of enhancements to the Aviation Transport Security Act 2004, the Civil Aviation Act 1988 and the Transport Safety Investigation Act 2003. The amendments will further strengthen Australia's aviation security and safety.

There are four significant amendments in this bill.

Firstly, the Aviation Transport Security Act 2004 is amended to enable the secretary of my department to require aviation industry participants to provide aviation security information, if the secretary believes, on reasonable grounds, that a participant has such information.

The secretary is already empowered under the Aviation Transport Security Act to collect security compliance information, which is information that relates to compliance or failure to comply with the act.

The kinds of information that may be requested by the secretary would be prescribed under the regulations and would include, for example, information relating to the screening of passengers and baggage and information relating to the management and control of airport areas and zones.

It is envisaged that this power would be particularly useful for the Office of Transport Security to obtain the necessary information on screening statistics, should the need arise, particularly in assessing whether new security measures are required, or existing measures need to be modified, as threats to aviation security change.

The measure is unlikely to have financial implications for industry.

Secondly, the bill extends the secretary's delegation powers under the Aviation Transport Security Act 2004 to allow the delegation of their functions and responsibilities under the act to another agency head or an agency with national security responsibilities.

This is a necessary amendment to address the vulnerability of the secretary being unable to delegate certain powers within the act, especially when there is a time critical element to the action. An example might be the use of the power to direct a plane to land at a certain place.

The delegation is limited to a small number of other secretaries whose departments are responsible for national security. Certain conditions are placed on the delegation—in particular, that the other agency head must agree to the secretary's delegation in order for the delegation to have effect.

Thirdly, the Civil Aviation Act 1988 is to be amended to clarify the position with respect to allowing the copying and disclosure of cockpit voice recorder information for testing and maintenance.

Presently, strict confidentiality requirements are imposed by the act to seek to ensure the continued availability of cockpit voice recorder information in the future for serious accident and incident investigations by the Australian Transport Safety Bureau (ATSB). However, the current confidentiality provisions could be, and often are, interpreted as preventing copying and disclosure for legitimate maintenance and testing purposes.

The proposed amendments would clarify the situation while requiring that certain conditions must be met before the cockpit voice recorder is copied or disclosed such as the person doing so being authorised under the regulations.

The need for these amendments is derived from a recommendation made by the ATSB during the investigation of the fatal accident at Lockhart River in Queensland on 7 May 2005 in which all 15 people on board tragically died.

Fourthly, the Transport Safety Investigation Act 2003 is to be amended to change the penalties for failing to report transport safety matters in accordance with part 3 of the act.

The act is also amended to allow the executive director of Transport Safety Investigation—who is the executive director of the ATSB—to require further information from the industry in relation to transport safety matters after receiving an initial report.

The ability of the executive director to require additional information is necessary and desirable in order to be able to ensure that the information in the ATSB's accident and incident database is adequate and correct with respect to each transport safety matter. Importantly, this additional information will assist with future research and analysis of accidents and incidents, including trend analysis and safety issue identification. This is consistent with chapter 8 of annex 13 to the Chicago convention, a safety annex which includes international civil aviation standards and recommended practices agreed by member states of the International Civil Aviation Organisation.

The bill amends the act to introduce more suitable limitation periods for bringing a prosecution and to ensure the penalties are appropriately weighted to the seriousness of the offence. In a number of cases the ATSB has only 12 months to bring a prosecution, which in the majority of circumstances is too short, as it can be several years before the offence is discovered. The more serious offences, attracting a penalty of more than six months imprisonment for failing to report, will have an unlimited period to bring a prosecution, which is consistent with the Crimes Act 1914. For the smaller offences, there will be a limitation period of six years for bringing a prosecution which would allow a suitable time for discovery of the offence and its investigation. I commend this bill to the House.

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

EMPLOYMENT AND WORKPLACE RELATIONS AMENDMENT BILL 2008

First Reading

Bill and explanatory memorandum presented by **Mr O'Connor**, for **Ms Gillard**.

Bill read a first time.

Second Reading

Mr BRENDAN O'CONNOR (Gorton—Minister for Employment Participation) (9.08 am)—I move:

That this bill be now read a second time.

Workers compensation—increasing death benefits

The government will amend the Safety, Rehabilitation and Compensation Act 1988 to increase the amount of death benefits payable under the Australian government's workers compensation scheme.

One-off lump sum death benefits will increase from $225,594 to $400,000 and weekly periodic payments for dependent children will increase from $75.10 to $110.00. Both payments will be indexed by the wage price index issued by the Australian Bureau of Statistics.

The increases will bring death benefits more closely into line with those provided under state workers compensation schemes. This will make it fairer for families of employees, particularly for those whose employers have joined Comcare from state schemes.

The estimated increase in death benefits of $6.1 million over four years will be met from Comcare's existing premium pool. As agencies continue to improve their occupational health and safety practices, it is expected that there will be no net impact on the fiscal balance.

Social Security—expanding the Assurance of Support qualification provisions

The bill will amend the Social Security Act 1991 to extend to sickness allowance and parenting payment (single) the provision which prevents a person from receiving payment while there is an assurance of support in force and the assurer is willing to support the person.

As a result, a person who is subject to an assurance of support will not qualify for sickness allowance or parenting payment (single) where their assurer is willing and able to provide them with an adequate level of support and it would be reasonable for them to accept that support.

This will bring the qualification provisions for sickness allowance and parenting payment (single) into line with those for most other income support payments which are not payable to a person who is subject to an assurance of support.

These changes will protect social security outlays by ensuring that migrants who are subject to an assurance of support, and who become the single parent of a young child or become unable to work due to a temporary illness or injury, seek support from their assurer in the first instance rather than turning to the social security system for assistance.

Migrants will still be able to qualify for sickness allowance or parenting payment (single) if their assurer is unwilling or unable to provide them with an adequate level of support or it would be unreasonable for them to accept that support. This will ensure that migrants and their families are not placed in financial hardship if they are unable to receive support from their assurer.

The extension of the assurance of support qualification provisions to sickness allowance and parenting payment (single) is consistent with the January 2008 reforms to the Assurance of Support Scheme, which, among other things, added sickness allowance and parenting payment (single) to the list of payments that are recoverable under the assurance of support program.

Social Security—Rent Assistance

The government will also make minor technical amendments to the Social Security Act 1991 to ensure that rent assistance received by the partners of recipients of Austudy is taken into account in the calculation of the recipients' own rent assistance.

The amendment will limit an entitlement to the partnered rate in circumstances where

the partner already receives rent assistance in their own right and will align the calculation of rent assistance for Austudy recipients with the calculation of rent assistance for other income support recipients.

The amendment also clarifies that a partner with a rent increased benefit includes a partner who is in receipt of a payment under the Abstudy scheme, which includes an amount of living allowance which is increased to take account of rent.

There is no impact to the funding for rent assistance, which was costed at $87 million over four years from 1 January 2008.

Other amendments

The bill will also make other minor technical amendments to the Social Security Act 1991 and the Social Security (Administration) Act 1991 to rectify incorrect, redundant or omitted references, including consequential amendments which were inadvertently omitted from the social security law. Minor technical amendments will also be made to the Social Security (International Agreements) Act 1999.

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

DEFENCE LEGISLATION (MISCELLANEOUS AMENDMENTS) BILL 2008

First Reading

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

Bill read a first time.

Second Reading

Mr FITZGIBBON (Hunter—Minister for Defence) (9.14 am)—I move:

That this bill be now read a second time.

The purpose of the Defence Legislation (Miscellaneous Amendments) Bill 2008 (the bill) is to make amendments for three separate measures.

The first of the three measures will amend the Geneva Conventions Act 1957 and the Criminal Code Act 1995 to implement the third protocol to the Geneva Conventions in Australian legislation.

Despite the Red Cross and Red Crescent emblems being exclusively used as universal humanitarian symbols, they have at times been wrongly perceived as having religious, cultural and political connotations. This has affected the respect for the emblems and has diminished the protection they offer to persons requiring it and to the humanitarian aid providers operating in areas of conflict.

On 8 March 2006 Australia signed the Protocol Additional to the Geneva Conventions of 12 August 1949, which established a third universal and distinctive emblem called a 'Red Crystal' for the Red Cross/Red Crescent Movement, which has no religious, ethnic, racial, regional or political connotations.

This protocol entered into force generally on 14 January 2007 and, as at February 2008, 86 states have signed or ratified the protocol.

The amendments to the Geneva Conventions Act 1957 will specifically incorporate a reference to, and a description of, the Red Crystal emblem and reference the protocol in part IV of the act, and the protocol will be set out as a schedule in the act.

This measure also amends the Criminal Code Act 1995 to specifically incorporate the Protocol III and the Red Crystal in the Dictionary of the Criminal Code and ensure that the improper use of the Red Crystal is caught by the offences of 'improper use of the emblems of the Geneva Conventions'.

As with the other emblems, the new emblem will be used only with the consent of the Minister for Defence. The new emblem is unlikely to be used in Australia for either indicative or protective purposes given the longstanding recognition accorded to the Red

Cross emblem. The new emblem may, however, be used by the Australian Defence Force in certain regions overseas.

Incorporation would further demonstrate and enhance Australia's credentials in international humanitarian law. It would also enable Australia to encourage states not yet a party to the protocol to ratify it, both within our region and beyond.

The second measure will amend section 124 of the Defence Act 1903 to explicitly enable the making of regulations to cover the provision of medical and dental treatment including pharmaceuticals to an ADF member or cadet or a member of the family of an ADF member.

At present, the Defence Force Regulations contain a limited provision that merely recognises the provision of medical and dental treatment to members of the Australian Defence Force so that they are healthy for the purpose of discharging their duties as well as cost recovery in specified circumstances.

The amendments to section 124 enable a more comprehensive regime in the Defence Force Regulations. The amendments will broaden the regulation-making power to enable the making of regulations to cover the provision of medical and dental treatment, including pharmaceuticals, to an ADF member or cadet or a member of the family of an ADF member.

In relation to pharmaceuticals, it is intended that the regulations will cover the possession, storage, supply, dispensing and administration of scheduled pharmaceuticals by ADF pharmacists, ADF medics, ADF nurses and civilian health professionals engaged by the ADF. The effect of the amendments would be to create a regime that would ensure that the ADF and its members are not hindered in the uniform application of their duties, here and overseas, by competing state and territory laws.

The third measure amends the Defence (Special Undertakings) Act 1952 to insert a new part to provide specific arrangements for the Joint Defence Facility at Pine Gap.

The Joint Defence Facility at Pine Gap makes an important contribution to the security interests of both Australia and the United States of America, through the collection of intelligence by technical means and the provision of ballistic missile early warning information.

The methods used for collecting intelligence at the facility are sensitive and their public exposure could threaten their effectiveness and thereby diminish their contribution to national security. It is therefore important that the Joint Defence Facility Pine Gap is protected with effective legislation to deter unauthorised access to the facility.

This measure will strengthen the Commonwealth's ability to successfully prosecute the existing offences under the Defence (Special Undertakings) Act 1952 in relation to the Joint Defence Facility Pine Gap, by:

(a) specifically declaring in the act that the Joint Defence Facility Pine Gap is a special defence undertaking and prohibited area for the purpose of the act; and

(b) inserting a purposive clause to make it clear that the parliament's power to legislate with respect to the defence of the Commonwealth is not the only constitutional basis relied upon for the act.

Specifically declaring the facility a special defence undertaking and prohibited area directly under the act rather than by the existing process that requires a ministerial declaration will provide a firmer basis for any future prosecutions by removing the opportunity for argument about the validity of a declaration. These protections are essential to a facility of such sensitivity and importance to Australia's defence and external relations to

deter mischief makers and those with more sinister intent.

I commend the bill and the explanatory memorandum to the House.

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

DISABILITY DISCRIMINATION AND OTHER HUMAN RIGHTS LEGISLATION AMENDMENT BILL 2008

First Reading

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

Bill read a first time.

Second Reading

Mr McCLELLAND (Barton—Attorney-General) (9.21 am)—I move:

That this bill be now read a second time.

The Disability Discrimination and Other Human Rights Legislation Amendment Bill 2008 will implement a package of amendments to improve the operation and effectiveness of our antidiscrimination legislation.

Disability Discrimination Act 1992

On this, the International Day of People with Disability, I am pleased to announce that the bill will implement key recommendations made by the Productivity Commission in 2004 for improving the operation and effectiveness of the Disability Discrimination Act 1992.

This reaffirms the Rudd government's commitment to upholding and strengthening the rights of people with disability—a commitment demonstrated earlier this year with the ratification of the United Nations Convention on the Rights of Persons with Disabilities.

The key amendments to the Disability Discrimination Act will introduce an explicit and positive duty to make reasonable adjustments for people with disability.

The original intention of the act was to recognise that positive action may be required to avoid disability discrimination.

Comments of the High Court in the 2003 decision of Purvis cast doubt on this. The proposed amendments implement the Productivity Commission's recommendation to remove this uncertainty.

This duty to make such adjustments is balanced by limiting it to measures that would not impose unjustifiable hardship. The general unjustifiable hardship defence is also being extended to all areas in which discrimination is unlawful under the act—an amendment also recommended by the Productivity Commission.

The amendments also implement the recommendation to extend the 'inherent requirements' defence to most employment contexts. This extension is only implemented to the extent that it is appropriate for the defence to apply. It will not apply, for example, when making available promotion opportunities.

The bill also proposes to rectify discrepancies in the operation of the Disability Discrimination Act highlighted by the Federal Court in the case of Forest. The amendments provide that discrimination on the grounds of a person having a carer, assistant, assistant animal or disability aid is equivalent to discrimination on the ground of disability.

The amendments clarify obligations regarding assistance animals, including making it easier to determine what is an assistance animal. The amended act will recognise animals accredited under either a state or territory law, or by a relevant organisation.

The amendments also extend the scope to make standards to cover all areas of unlawful discrimination, simplify requirements for demonstrating indirect discrimination and place the burden of proving the reasonable-

ness of a requirement or condition on the person who has imposed it.

These changes will make the Disability Discrimination Act clearer, more comprehensive and more effective. They will modernise the operation of the act and further achieve the objects of the act to eliminate, as far as possible, discrimination against people with disability.

Age Discrimination Act 2004

The bill also proposes to amend the Age Discrimination Act 2004 to remove the 'dominant reason' test. The amendment will provide that, if a person's age is one of the reasons for taking discriminatory action that disadvantages them, then this will be sufficient to be considered discrimination. It will no longer be necessary for a person to prove that age was the dominant reason.

This will give effect to the 2007 bipartisan recommendation of the House Standing Committee on Legal and Constitutional Affairs in the report titled *Older people and the law*. It will harmonise the act with other federal antidiscrimination laws, better align it with state and territory laws and provide a better level of protection from unlawful discrimination for people of any age. In particular, it will ensure that older Australians will be better protected from age discrimination.

Human Rights and Equal Opportunity Commission Act 1986 and other acts

The bill also proposes amendments to the Human Rights and Equal Opportunity Commission Act 1986 to formally change the name of the Human Rights and Equal Opportunity Commission to the Australian Human Rights Commission.

Earlier this year, the commission changed its corporate identity to assist in ensuring that all Australians know that Australia has an independent national institution with the responsibility to protect and promote human rights in Australia.

The amendments will implement the government's agreement to a request by the commission to also change its legal name. Consequential amendments to other laws that refer to the act or the commission will also be made.

Another key amendment to that act is to extend from 28 to 60 days—that is, to more than double—the period in which a person can take a complaint to the Federal or Federal Magistrates Court after it is terminated by the commission. This gives effect to another recommendation from the Productivity Commission's report.

A number of amendments are also proposed to improve the efficiency and effectiveness of the commission's complaints-handling process, including allowing the president of the commission to finalise settled complaints and complaints for which the complainant expresses no intention to pursue the matter.

Other amendments

Finally, amendments of a minor and technical nature are proposed to the acts already mentioned, as well as the Sex Discrimination Act 1984 and the Racial Discrimination Act 1975. These amendments will remove redundant or unnecessary provisions, improve readability and apply modern drafting conventions.

Conclusion

This bill is another important step towards promoting greater equality for people with disability and enhancing the human rights and antidiscrimination framework in Australia. I acknowledge in the House the presence of the parliamentary secretary with responsibility for disabilities and also acknowledge the presence of the shadow minister.

On this, the International Day of People with Disability, I commend the bill to the House.

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

FEDERAL COURT OF AUSTRALIA AMENDMENT (CRIMINAL JURISDICTION) BILL 2008

First Reading

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

Bill read a first time.

Second Reading

Mr McCLELLAND (Barton—Attorney-General) (9.28 am)—I move:

That this bill be now read a second time.

Introduction

The Federal Court of Australia Amendment (Criminal Jurisdiction) Bill 2008 is introduced at the same time as the Trade Practices Amendment (Cartel Conduct and Other Measures) Bill 2008.

That other bill will amend the Trade Practices Act 1974 to introduce new offences for serious cartel conduct. The amendments will also give the Federal Court jurisdiction to deal with the new offences.

The current bill sets up a procedural framework to allow the Federal Court to exercise this new jurisdiction.

The bill has been the subject of extensive consultation with the Law Council of Australia, the Federal Court, the Australian Competition and Consumer Commission, the Commonwealth Director of Public Prosecutions, the Australian Federal Police and the Office of the Privacy Commissioner.

Cartel conduct

Cartels undermine the operation of the market economy and that is why the Rudd Labor government is committed to criminalising that behaviour. The amendments to the Trade Practices Act will introduce new indictable offences with penalties of 10 years imprisonment for serious cartel conduct.

The Federal Court will be given jurisdiction to deal with the new offences because that court has extensive experience in dealing with cartel conduct as a result of hearing civil cases under the existing provisions of the Trade Practices Act.

The Federal Court is familiar with the concepts of cartel conduct and the impact it can have on the Australian community and economy. The court is well placed to deal with the new offences and to deal with cartel conduct in both the civil and the criminal contexts.

Federal Court

This will be the first time the Federal Court has been given indictable criminal jurisdiction and the first time the court will need to run jury trials.

It requires extensive amendments to the Federal Court Act and other legislation to allow the Federal Court to hear jury trials.

The bill includes provisions dealing with the form of indictments, entering pleas, pretrial proceedings, bail, the empanelling and management of juries, the conduct of trials, right through to sentencing and appeals.

The Federal Court will not be given exclusive jurisdiction for the new cartel offences. The state and territory supreme courts will also have jurisdiction to deal with them. That has been done to ensure there is flexibility if, for some reason, it is not possible or practical for a trial to be run in the Federal Court of Australia.

The government has no plans to give the Federal Court indictable criminal jurisdiction in other areas.

The procedures

The bill will give the Federal Court the full range of powers it will need to exercise this new and important jurisdiction.

The provisions have been modelled on existing provisions in state and territory law, but are not a direct copy of any single set of provisions.

The bill sets a single set of procedures that will apply in all trials before the Federal Court irrespective of where the trial is held. The Federal Court will apply the rules of evidence set out in the Commonwealth Evidence Act 1995.

The alternative of picking up state procedures and rules of evidence is not workable. It would mean that the Federal Court could be required to apply different procedures for the same conduct depending on where the trial was being held. As a result, it would require the Federal Court and its judges to become familiar with the procedures and rules of evidence of eight state and territory jurisdictions.

Section 80 of the Constitution will require that any trial held before the Federal Court for a Commonwealth offence committed in a state must be held in the state where the offence was committed.

Pre-trial hearings

The pre-trial provisions are particularly important to the effective working of the bill. Trials for the serious cartel offences are likely to be long and hard fought. It is therefore important that as much as possible is done at the pre-trial stages to determine what matters are in issue and narrow down the issues which need to be considered by the jury.

There are extensive provisions dealing with pre-trial hearings and pre-trial disclosure. The provisions will impose pre-trial obligations on both the prosecutor and also the accused person.

The court will be able to take control of the proceedings at an early stage and will have power to ensure that the accused knows the case against them and has access to any unused material which is potentially relevant to responding to that case.

An accused person will not be required to disclose their proposed defence, unless they intend to raise an alibi or rely on mental impairment. However, the accused must provide a statement setting out, for each fact, matter and circumstance outlined in the notice of the prosecution case, whether the accused agrees or takes issue with it.

The court will also have power to require an accused person to disclose copies of any expert report they intend to rely on at trial so that, as far as possible, any dispute between experts can be resolved at the pre-trial stage.

These provisions are modelled on section 6 of the Crimes (Criminal Trials) Act 1999 in Victoria and section 137 of the Criminal Procedure Act 1986 in New South Wales.

Commonwealth Director of Public Prosecutions

In terms of the role of the Commonwealth Director of Public Prosecutions, trials for the serious cartel offences will be run by the DPP in accordance with the normal procedure in Commonwealth cases.

Committal proceedings for the new offences will be run in the state and territory committal courts in the same way as for other Commonwealth offences. The practical effect of the bill is that, if an accused is committed for trial, the choice of venue will rest with the Director of Public Prosecutions.

The prosecutor has traditionally made the decision on venue where more than one court has jurisdiction to deal with a matter. It has

not been suggested that the Commonwealth DPP has misused this power in the past.

This bill will ensure that the Federal Court is properly equipped to deal with the important new jurisdiction that it will be given under the Trade Practices Amendment (Cartel Conduct and Other Measures) Bill 2008.

I commend the bill to the House.

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

FEDERAL JUSTICE SYSTEM AMENDMENT (EFFICIENCY MEASURES) BILL (No. 1) 2008

First Reading

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

Bill read a first time.

Second Reading

Mr McCLELLAND (Barton—Attorney-General) (9.36 am)—I move:

That this bill be now read a second time.

This bill contains a range of measures to improve the efficient operation of the federal courts.

Court efficiency is important if we are to ensure that the cost of justice remains proportionate to the relief being sought. In troubled economic times, it is also important that commercial disputes be resolved as expeditiously and economically as possible.

An important measure introduced by this bill is a power to refer all or part of a proceeding in the Federal Court to a referee for report. Such a power is regularly used by courts in other jurisdictions to assist them to determine issues that are before them. It will allow the Federal Court to appoint an appropriately qualified person to inquire into any aspect of a proceeding and provide a report to the court.

This is an important reform and will enable the court to more effectively and efficiently manage large litigation.

It will be particularly useful in many cases, such as those involving complex technical issues or where detailed examination of financial records is necessary to assess damages. It will also be of assistance in native title matters where a judge could be assisted by an inquiry into a particular aspect of the claim.

The procedural flexibility with which a referee can deal with a question—along with their technical expertise—will allow a referee to more quickly get to the core of technical issues and reduce the cost and length of trials for litigants.

The bill also amends the Federal Court Act to allow a single judge of the court to make interlocutory orders in proceedings that would otherwise be required to be heard by the full court. This will allow the court to more efficiently manage cases and avoid unnecessary delay for litigants and also unnecessary use of resources by the court at that interlocutory stage.

In addition, the bill amends the International Arbitration Act 1974 to give the Federal Court of Australia concurrent jurisdiction with state and territory supreme courts for matters arising under parts III and IV of that act. These parts adopt the UNCITRAL Model Law on International Commercial Arbitration 1985 and implement the Convention on the Settlement of Investment Disputes Between States and Nationals of Other States 1965.

The amendments also clarify the Federal Court's existing jurisdiction for matters arising under part II of the act which gives effect to the Convention on the Recognition and Enforcement of Foreign Arbitral Awards 1958.

These amendments will assist in ensuring that the Federal Court is well equipped to operate as a regional hub for commercial litigation.

The bill promotes the efficient administration and management of federal courts and tribunals by repealing existing legislative provisions that restrict the heads of the Federal Court, Family Court, Administrative Appeals Tribunal and Native Title Tribunal from acquiring interests in land for the purposes of the Lands Acquisition Act 1989.

These restrictions have impeded the efficient administration of these bodies by preventing them from negotiating and executing leases on their own behalf.

The existing restrictions were introduced in 1989 at a time when purchasing and building arrangements for federal courts and tribunals were the responsibility of the then Department of the Arts and Administrative Services. That department no longer exists. The courts are now self-administering, and it is consistent with this status that they be able to negotiate and execute their own leases. My approval is required for major purchases over $1 million.

The bill also amends part IIA of the Public Order (Protection of Persons and Property) Act 1971 which empowers authorised officers to exercise certain powers in relation to court premises if they believe this is necessary in the interests of court security.

These powers include the power to remove a person from court premises or to require information from a person or indeed to search a person if deemed necessary for the protection of persons and property.

These amendments make it clear that authorised officers have these same powers where the Federal Court is sitting on open land, as occurs in some native title cases, or in a building other than its usual premises, which happened recently with the Federal Court in Australia during the process of renovations.

The amendment gives court officers the power to make an order designating a particular area as 'court premises'. The bill ensures that appropriate notification is given to the public when such an order is made. These amendments will ensure it is clear to both court officers and the public the areas in which officers can exercise powers in the interests of court security.

Importantly, the bill responds to the decision of the full court of the Family Court of Australia in the matter of Black and Black.

In that case, the court found that a binding financial agreement (commonly known as a pre-nuptial agreement) made under the Family Law Act 1975 was invalid because it did not strictly comply with certain technical requirements set out in the Family Law Act.

The amendments are being made because the government is concerned about the possible consequences of that decision on the validity of existing binding financial agreements which may contain technical errors.

The bill amends the Family Law Act to ensure that people who have made an informed decision to enter into one of these agreements cannot later avoid or get out of the agreement on a mere technicality, resulting in court battles that the agreement was designed to prevent. These amendments will restore confidence and certainty in the binding nature and enforceability of financial and termination agreements under the Family Law Act.

I commend this bill.

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

FOREIGN EVIDENCE AMENDMENT BILL 2008

First Reading

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

Bill read a first time.

Second Reading

Mr McCLELLAND (Barton—Attorney-General) (9.44 am)—I move:

That this bill be now read a second time.

The main purpose of the Foreign Evidence Amendment Bill 2008 is to streamline the process for adducing business records as evidence in Australian court proceedings.

Part 3 of the Foreign Evidence Act 1994 provides a means of adducing foreign material, obtained in response to a mutual assistance request to a foreign country, as evidence in Australian criminal and related civil proceedings. The provisions are designed to facilitate the use of evidence obtained from foreign countries. However, the current provisions are not always adequate to meet the special evidentiary problems associated with obtaining and using evidence from foreign countries which have differing criminal laws and procedures.

Mutual assistance requests seeking business records from a foreign country are increasingly becoming one of the most common types of requests made by Australia. Globalisation and advances in information technology mean that this form of evidence is particularly important to Australia's efforts to fight white collar crimes such as fraud and money laundering.

Currently, the Foreign Evidence Act requires that business records must comply with the rules of evidence that apply in the jurisdiction in which the proceedings are being heard. However, the admissibility of business records is governed in Australia by technical evidentiary rules which vary between states and territories. Australian authorities have indicated they experience considerable difficulties in obtaining business records from foreign countries in a form that complies with these admissibility requirements. As a result, reliable evidence obtained through mutual assistance may not be able to be admitted into evidence in court in Australia.

The bill would amend the Foreign Evidence Act to provide that business records obtained through mutual assistance will be presumed to be admissible unless the court is satisfied the records are not reliable and probative, or are privileged. It is appropriate that the process for adducing business records be streamlined as this type of evidence is generally considered accurate and reliable. The court would retain a broad discretion to prevent foreign material being adduced if it is in the interests of justice to do so.

The bill would also provide greater flexibility to the requirements for the form of testimony obtained from foreign countries. Currently, testimony must be taken on oath or affirmation or under caution or admonition. Not all foreign countries, particularly those with a civil law system, provide for the taking of evidence on oath or affirmation, or under caution or admonition. The bill would extend the testimony provisions to provide for evidence to be taken in circumstances where the person is under a legal obligation to tell the truth, even though no formal oath or admonition has occurred.

Other amendments would update and improve the operation of the Foreign Evidence Act. For example, the bill would provide the court with an additional discretion to limit the use to be made of foreign material, where there is a danger that it could be unfairly prejudicial to a party to the proceedings. The bill would also clarify the application of part

3 of the act to non-conviction-based proceeds of crime proceedings.

Part 3 of the Foreign Evidence Act currently applies to criminal and related civil proceedings in states and territories, as well as Commonwealth proceedings. This bill will initially apply to Commonwealth proceedings, with provision to apply the amendments to states and territories through regulations. I will be liaising with the states and territories to determine if and when such regulations should be made.

It is necessary that amendments to facilitate the admission of business records be progressed promptly. However, I also recognise that the Foreign Evidence Act may need to be amended to ensure processes for adducing other types of foreign material are also appropriate. Further proposals for amending the Foreign Evidence Act are under consideration in the context of a review of extradition and mutual assistance laws being conducted by the Attorney-General's Department.

The Foreign Evidence Amendment Bill will ensure that reliable foreign evidence obtained through formal government-to-government processes is able to be used in Australian criminal and related civil proceedings, while retaining appropriate safeguards.

I commend the bill to the House.

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

TELECOMMUNICATIONS INTERCEPTION LEGISLATION AMENDMENT BILL (No. 2) 2008

First Reading

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

Bill read a first time.

Second Reading

Mr McCLELLAND (Barton—Attorney-General) (9.49 am)—I move:

That this bill be now read a second time.

The main purpose of this bill is to amend the Telecommunications (Interception and Access) Act 1979 (the T(IA) Act) to facilitate the introduction of Queensland law enforcement agencies into the telecommunications interception regime.

The inclusion of Queensland agencies will mean that the interception regime established by the T(IA) Act will become truly national. Queensland is currently the only jurisdiction whose law enforcement agencies do not have interception powers.

The bill also implements several minor technical amendments.

Interception powers for Queensland

Currently Queensland law enforcement agencies cannot seek or execute an interception warrant. This is because Queensland has not, to date, enacted legislation that satisfies the T(IA) Act's recordkeeping, reporting and inspection obligations.

These obligations are a key component of the interception regime as they establish the minimum standards interception agencies must comply with to ensure accountability under the T(IA) Act.

Without such provisions there is limited recourse to check whether an agency is meeting its accountability obligations under the T(IA) Act—an unacceptable outcome given the invasive nature of telecommunications interception.

The importance of these requirements is reflected in section 35 of the T(IA) Act. This provides that a state law enforcement agency cannot be declared by the Commonwealth minister to be an interception agency where state law does not reflect the accountability framework established in the T(IA) Act.

The Queensland government has announced its intention to introduce legislation that will comply with this requirement.

That state legislation will also include an oversight role for the Queensland Public Interest Monitor (the PIM) in the pre-application and application processes for an interception warrant sought by a Queensland agency.

Amendments are also included in this bill which will recognise the request by the Queensland government for the inclusion of the PIM's role.

Without specific reference to the PIM in the T(IA) Act, there would be a real risk that the Queensland legislation would be inoperative under section 109 of the Constitution on the basis of inconsistency with the other provisions of the T(IA) Act.

While the T(IA) Act establishes a national regime, a role for the PIM can be accommodated within the T(IA) Act that recognises the important place the PIM has in law enforcement matters in Queensland.

The PIM is unique to Queensland and was introduced in 1997 as part of a package of measures aimed at reforming police powers and creating relevant safeguards following the state's long history, starting with the Fitzgerald report in the 1980s, of review into police activities.

This is not the first time the Commonwealth government has recognised the role of the PIM: the PIM has an oversight role in relation to applications for control orders under the Criminal Code, and for applications for surveillance device warrants.

This bill will amend the T(IA) Act to allow the Public Interest Monitor to make submissions to an eligible judge or member of the Administrative Appeals Tribunal considering an application by a Queensland agency for an interception warrant and to question the agency applying for the warrant.

The PIM will also be able to question any third party called on by the decision maker to provide additional information about the application.

The proposed role for the Public Interest Monitor in the interception regime only applies to interception applications made by Queensland state interception agencies. The Public Interest Monitor will not have a role in relation to applications made by other interception agencies.

The Telecommunications (Interception and Access) Act will also be amended to require a decision maker to consider any view put forward by the Public Interest Monitor in deciding whether or not to issue an interception warrant. The Public Interest Monitor will not be compelled to make a submission on an application nor will the Public Interest Monitor's view determine the outcome.

The T(IA) Act already requires decision makers to consider a number of matters before issuing an interception warrant, including the public interest in protecting people's privacy from excessive or unnecessary intrusion.

A submission by the PIM will be an additional consideration a decision maker must take into account in forming their view and can be outweighed by the decision maker's consideration of the factors currently listed under the T(IA) Act.

Finally, it is important to note that this bill does not of itself give Queensland law enforcement agencies access to interception powers.

In addition to enacting accountability provisions, the requesting state must enter into an agreement to pay all expenses connected with the issue of a warrant before I can declare, under section 34 of the T(IA) Act, a

state agency to be an interception agency for the purposes of the T(IA) Act.

However, given the section 109 issue in relation to the Public Interest Monitor to which I have referred, Queensland cannot enact legislation implementing comparable accountability requirements until the T(IA) Act is amended to recognise a role for the Public Interest Monitor.

Other amendments

The bill will make other minor and technical amendments that will ensure the ongoing relevance and effectiveness of the telecommunications and surveillance regimes.

The bill will amend the T(IA) Act to correct an error introduced by the Telecommunications Interception Legislation Amendment Act 2008 (the amendment act). The effect of section 5AC(4) of the T(IA) Act, as inserted by the amendment act, is that the commissioner of a state police force can only authorise a senior executive Australian Federal Police employee who is a member of the AFP to be a 'certifying officer' for the purpose of the act.

This bill clarifies that the intention of the provision is that a commissioner can delegate the power to act as a 'certifying officer' to a state police force officer whose rank is equivalent to that of a senior executive AFP employee who is a member of the AFP but clearly within the state jurisdiction.

This amendment will remove any doubt about the validity of actions taken by persons purportedly authorised to act under the current provision.

The bill also amends the definition of 'certifying officer' in the T(IA) Act and the definition of 'appropriate authorising officer' in the Surveillance Devices Act to reflect recent changes to the structure of the Queensland Crime and Misconduct Commission.

In conclusion, this bill is an important milestone in the history of telecommunication interception in this country.

By laying the foundation for Queensland's entry into the interception regime established by the T(IA) Act, this bill marks a significant step forward in the creation of a national approach that extends beyond state boundaries to equip all law enforcement agencies with the appropriate tools necessary to protect the safety and security of Australians.

I commend the bill to the House and I indicate my appreciation that the shadow minister has stayed in the House for the presentation of these bills.

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

URANIUM ROYALTY (NORTHERN TERRITORY) BILL 2008

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) (9.59 am)—I move:

That this bill be now read a second time.

Australia has over one-third of the world's medium-cost reserves of uranium, which have the potential to make a major contribution to reducing global greenhouse gas emissions. As the world is moving to a low-carbon future, the uranium industry in Australia is forecast to grow rapidly and could add an additional $14 billion to $17 billion to Australia's GDP over the period to 2030.

The Australian government's policy is to allow the development of uranium mines, subject to world's best practice environmental, health and safety practices. Exports of uranium are only allowed under very

stringent conditions and only to countries which are members of the nuclear non-proliferation treaty.

The uranium industry framework is one way the Australian government is working closely with state and territory governments, Indigenous and other stakeholders and the uranium industry to ensure the sustainable development of the uranium industry in Australia. Indeed, the Australian government has committed $10.6 million over four years from 2008-09 to meeting this objective.

One of the impediments identified under the uranium industry framework was the uncertainty surrounding fiscal arrangements applying to uranium developments in the Northern Territory. The Commonwealth retained ownership of uranium and other prescribed substances such as thorium, as defined in the Atomic Energy Act 1953, when it granted self-government to the Northern Territory in 1978.

However, royalty arrangements for the current and previous uranium projects were made by the Australian government on a project-by-project basis. This has led to different royalty rates being applied to different projects and a lack of certainty for companies looking to develop new deposits when calculating their costs.

The Uranium Royalty (Northern Territory) Bill 2008 will, for the first time, apply a uniform royalty regime to all new projects in the Northern Territory containing uranium and other designated substances. I note that work is currently underway to develop several uranium deposits in the Northern Territory.

The bill will do this by essentially mirroring the existing profits-based mineral royalty regime under the Northern Territory's Mineral Royalty Act 1982 and applying it as a Commonwealth law.

This means that for the first time there will be a consistent regime between uranium and other minerals in the Northern Territory. This is particularly important in the case of polymetallic mines which contain both uranium and other minerals and could potentially have come under two different regimes.

The royalty regime will apply equally to projects on Aboriginal land, as defined by the Aboriginal Land Rights (Northern Territory) Act 1976, and non-Aboriginal land in the Northern Territory. Importantly, it will protect the existing rights on Aboriginal land such that royalty payments made by the mine operator will be passed to the Northern Territory and an equivalent amount will be paid into the Aboriginals Benefit Account which assists Aboriginal people in the Northern Territory.

The mining industry is an important part of the Northern Territory economy and is one of the few opportunities for employment of Indigenous Territorians, particularly those living in remote areas. The performance of mining companies in the area of Aboriginal employment and training is improving and this is something the government is working hard to address.

There is one exception to the new royalty regime and that is the Ranger mine. This is because it is the only currently operating uranium mine in the Northern Territory and the royalty determination for that mine has been in place since it began operating in the 1980s.

A uniform royalty regime for designated substances will provide considerable certainty for industry at a time when expansion is expected to occur in response to the world's demand for low-emission energy sources. In particular, this regime will provide administrative benefits to proposed polymetallic projects containing designated substances as the royalty regime for all products produced at such mines will be consis-

tent. This means where a mine is producing both copper and uranium it will come under one regime instead of two.

Importantly, the Northern Territory is the only Australian state or territory which has a profit based regime for mineral royalties. The Commonwealth's position is that profit based royalty regimes are superior in that they are the most economically efficient form of tax. Profit taxes ensure that all publicly owned minerals are recovered where economical and minimises the possibility of project shut-ins during periods of low prices. This is one of the reasons we are seeking to apply a profit based regime to the Commonwealth owned mineral.

To provide further consistency with the existing royalty regime for other minerals, the Northern Territory Treasury will administer the royalty regime on the Commonwealth's behalf. The bill provides the authority for the Northern Territory Treasury to collect, retain and make payments of Commonwealth money for the purposes of administering the royalty regime.

In addition, the Northern Territory's judicial system and procedures will be used if prosecution is required. As such, the bill also provides for other Northern Territory laws related to the administration of the royalty regime to be applied as Commonwealth laws.

Administrative arrangements will underpin the operation of the royalty regime and will outline a number of important processes including, but not limited to, how often the Northern Territory Treasury will report to the Commonwealth on the amount of royalties collected on the Commonwealth's behalf, dispute resolution processes for disputes between the Commonwealth and Northern Territory on administrative matters and apportionment principles for polymetallic mines. I will be negotiating these arrangements with the Northern Territory Treasurer prior to this bill coming into effect. To ensure transparency of the regime, the administrative arrangements will be published in the *Gazette*.

As the bill will automatically remain consistent with the Mineral Royalty Act 1982 (NT), the bill provides for the Governor-General to make regulations as necessary. This is included to maintain and protect the operation of the Commonwealth law from any unintended consequences arising from any amendment or repeal of the Mineral Royalty Act 1982 (NT).

The proposal was developed in consultation with representatives from relevant Commonwealth and Northern Territory government agencies; the two largest Aboriginal land councils in the Northern Territory, the Northern Land Council and the Central Land Council; and the uranium industry under the auspices of the Uranium Industry Framework. The passage of the bill will be a major milestone arising from the large amount of work undertaken over the last two years.

In conclusion, I commend the bill to the House and express my appreciation to all those involved in the consultation leading up to the presentation of this important bill to the House.

Debate (on motion by **Mrs May**) adjourned.

LAW AND JUSTICE LEGISLATION AMENDMENT (IDENTITY CRIMES AND OTHER MEASURES) BILL 2008

First Reading

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

Bill read a first time.

Second Reading

Mr DEBUS (Macquarie—Minister for Home Affairs) (10.08 am)—I move:

That this bill be now read a second time.

I am pleased to introduce the Law and Justice Legislation Amendment (Identity Crimes and Other Measures) Bill 2008, which implements the identity crime offences recommended in the Model Criminal Law Officers' Committee *Final report—identity crime*. The report was released by the Standing Committee of Attorneys-General in March 2008.

The bill inserts three new identity crime offences into new part 9.5 of the Criminal Code Act 1995. With the exception of South Australia and Queensland, it is not at present an offence in Australia to assume or steal another person's identity, except in limited circumstances. Existing offences in the Criminal Code, such as theft, forgery, fraud and credit card skimming, do not adequately cover the varied and evolving types of identity crime such as phishing and malicious software.

The offences can be implemented by the Commonwealth within the Commonwealth's constitutional powers by linking them with an intention to commit a Commonwealth indictable offence, and by confining the 'victims' provision to victims of Commonwealth identity crime offences.

The proposed offences are framed in general and technology-neutral language to ensure that, as new forms of identity crime emerge, the offences will continue to be applicable.

The offences include:

- dealing in identification information with the intention of committing, or facilitating the commission of, a Commonwealth indictable offence, punishable by up to five years imprisonment (the dealing offence);
- possession of identification information with the intention of committing, or facilitating the commission of, conduct that constitutes the dealing offence, punishable by up to three years imprisonment; and
- possession of equipment to create identification documentation with the intention of committing, or facilitating the commission of, conduct that constitutes the dealing offence, punishable by up to three years imprisonment.

The identity crime provisions also contain measures to assist victims of identity crime. Identity crime can cause damage to a person's credit rating, create a criminal record in the person's name and result in tremendous expenditure of time and effort in the restoration of records of transactions or credit history. A person's identity can be falsely used for citizenship, Centrelink payments, medical services and to gain professional qualifications.

It has been reported that individual victims spend, on average, two or more years attempting to restore their credit ratings. That is why the amendments will allow a person who has been the victim of identity crime to approach a magistrate for a certificate to show that they have had their identity information misused. The certificate may assist victims of identity crime in negotiating with financial institutions to re-establish their credit ratings and with other organisations, such as Australia Post, to clear up residual problems with identity theft.

Some departures from the Model Criminal Law Officers' Committee recommendations have been necessary because of constitutional limits on the Commonwealth's power. However, the spirit and intention of the offences recommended by that committee are maintained in this bill.

I look forward to my state and territory counterparts, with the exception of Queensland and South Australia, who already have legislated such offences, implementing iden-

tity crime laws so that we can have uniform national coverage.

AFP and DPP amendments

The bill also contains amendments to the Australian Federal Police Act 1979 to streamline the processes for alcohol and other drug testing under the act and to expand the range of conduct for which the commissioner may make awards.

The amendments to the Director of Public Prosecutions Act 1983 will, firstly, put beyond doubt that the Director of Public Prosecutions can delegate both functions and powers under the act. That position was previously unclear on the face of the legislation. Secondly, the amendments ensure that the director can delegate functions and powers relevant to the conduct of joint trials with his or her state and territory counterparts.

While the DPP Act allows the director to authorise a person to sign indictments on his or her behalf, this authorisation is very limited in its scope. For example, the authorisation does not extend to summary offences, committal proceedings or appeals.

Finally, the amendments provide immunity from civil proceedings to individuals, such as the director or a member of the staff of the office, and to the Australian Government Solicitor, in carrying out or supporting functions, duties or powers under the act.

The immunity will only apply if the acts or omissions were done in good faith and in the performance or exercise of the person's functions, powers or duties under, or in relation to, the act.

As well as providing certainty to the CDPP in carrying out its functions and duties under the DPP Act, the immunity provision will give legislative protection to state and territory prosecutors who conduct Commonwealth matters, for example, under joint trial arrangements.

This amendment will bring the DPP Act into line with most state and territory offices of public prosecution, as well as section 222 of the Law Enforcement Integrity Commissioner Act 2006 and section 59B of the Australian Crime Commission Act 2002.

Anti-Money Laundering and Counter-Terrorism Financing Act 2006

The Anti-Money Laundering and Counter-Terrorism Financing Act establishes a robust regime for detecting and deterring money laundering and terrorism financing.

Schedule 4 to the bill contains several amendments which will:

- establish a more consistent approach to the restrictions placed upon the disclosure of sensitive AUSTRAC information, and
- strengthen safeguards to protect against the disclosure of sensitive AUSTRAC information.

AUSTRAC, as Australia's financial intelligence unit, processes and analyses information obtained under suspicious matter or suspicious transaction reporting provisions, and passes on intelligence information to investigative and law enforcement agencies to assist them in their operational activities.

As information held by AUSTRAC relating to suspicious matters and suspect transactions is sensitive, the act prescribes who can access this information and imposes a number of stringent restrictions as to what they can do with the information once it has been accessed. A person who breaches these requirements commits an offence.

Administration of justice amendments

The amendments ensure that these requirements are now stipulated under both the AMLCTF Act and the Financial Transaction Reporting Act. The bill also increases the penalties for the offences of perverting the course of justice and conspiracy to pervert

the course of justice from five years to 10 years imprisonment. This change reflects the government's view that defendants who seek to obstruct or pervert the course of justice should be subject to strong criminal sanction. The amendment will bring these penalties into closer alignment with the penalties for similar offences in other jurisdictions.

In addition, each administration of justice offence contained in part III of the Crimes Act 1914 has been updated to bring it in line with settled principles about framing Commonwealth criminal offences.

First, the offences have been reframed to bring them into line with chapter 2 of the Criminal Code, which requires the physical elements of an offence to be separated. This promotes consistency between the drafting of Commonwealth offences.

Second, the amendments apply absolute liability to the jurisdictional elements of each administration of justice offence. A jurisdictional element of an offence is an element that links the offence to the legislative power of the Commonwealth.

The amendments overcome uncertainty about the operation of the existing offences. For example, because absolute liability does not apply to the jurisdictional element of the section 46 offence of aiding a prisoner to escape, a defendant may be able to avoid conviction because he or she did not know that the prisoner they assisted was in custody for an offence against Commonwealth or Territory law.

Privacy Act amendment

The bill amends the definition of 'enforcement body' in subsection 6(1) of the Privacy Act 1988 to include the Office of Police Integrity (OPI) in Victoria.

This provides OPI with the same status that similar law enforcement bodies have under the Privacy Act, such as the Police Integrity Commission of New South Wales and the Crime and Misconduct Commission of Queensland.

The bill also contains several minor amendments to:

- correct a drafting error in the Criminal Code Act 1995, and
- repeal a provision in the Judiciary Act 1903 which is no longer necessary.

In summary, this bill contains important measures to rectify deficiencies in current legislation relating to identity crime offences. The bill also contains measures designed to improve the administration of justice and the effective operation of the Australian Federal Police and Commonwealth Director of Public Prosecutions.

I therefore commend the bill to the House.

Debate (on motion by **Mrs May**) adjourned.

CUSTOMS AMENDMENT (ENHANCED BORDER CONTROLS AND OTHER MEASURES) BILL 2008

First Reading

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

Bill read a first time.

Second Reading

Mr DEBUS (Macquarie—Minister for Home Affairs) (10.19 am)—I move:

That this bill be now read a second time.

I am pleased to introduce the Customs Amendment (Enhanced Border Controls and Other Measures) Bill 2008.

Customs plays a vital role in preventing the illegal movement of people and harmful goods across Australia's border. The border extends to Australia's Exclusive Economic Zone where Customs has a key role in addressing threats to the maritime environment through its contribution to the Border Protection Command.

In performing its role, Customs works closely with a number of agencies and with industry, and is our trusted agent for border protection.

The measures contained in this bill, which have been developed in consultation with other Commonwealth agencies and industry, are designed to ensure that Customs can continue to effectively perform its law enforcement and regulatory roles and functions.

The bill will amend the Customs Act 1901 to:

- clarify the current powers to patrol areas and moor Customs vessels;
- provide that the present power to board ships without nationality can be exercised in any area outside of the territorial sea of another country;
- clarify that the present power to board vessels in the safety zones surrounding Australia's offshore facilities relates to offences committed within those zones;
- clarify that the present power to use reasonable force as a means to enable the boarding of a pursued ship encompasses the use of devices designed to stop or impede a ship;
- require infringement notices issued by Customs to state the legal effect of the notice;
- modernise the language relating to the requirement for a ship or aircraft to only be brought to a proclaimed port or airport.

To strengthen Customs ability to effectively operate in the offshore maritime and sea port environments, the bill will:

- align the requirements of Customs boarding powers with other Commonwealth legislation and the United Nations Convention on the Law of the Sea;
- place a requirement on the master of a vessel that is to be boarded at sea to facilitate the boarding;
- introduce a new requirement for port and port facility operators to facilitate the boarding of a vessel that is located in a port;
- modernise Customs arrest and warrant powers to ensure consistency with the Crimes Act 1914;
- create a new offence for intentionally obstructing or interfering with the operation of Commonwealth equipment located at Customs places; and
- remove the requirement for copies of warrants to be marked with the seal of the relevant court.

In recognition of some practical constraints in providing reports to Customs, the bill will also provide more flexibility for reporting arrivals of vessels, pleasure craft and cargo.

In line with community expectations, the bill will:

- strengthen Customs' ability to request an aircraft to land to include circumstances where it is suspected that the aircraft is carrying goods that are related to a terrorist act or are likely to prejudice Australia's defence or security;
- protect the Australian community from goods which, if imported, would be prohibited goods, and that will be achieved in two ways. First, Customs officers will be able to seize, without warrant, goods that are located onboard a ship or aircraft and are not listed in part of the cargo report, or not claimed as baggage belonging to the crew or passengers or otherwise accounted for. This may include items such as certain types of pornography or weapons located by Customs officers during a ship search but not

claimed by the crew. Second, all items onboard a ship or aircraft that has arrived in Australia that are either stores or personal effects of the crew, and would be considered a prohibited import if imported into Australia, will now be required to either be locked onboard the ship or aircraft or taken into custody by Customs until the ship or aircraft departs Australia.

- Create a new offence of failing to keep goods which are subject to the control of Customs safely or failing to account for such goods if required to do so.

In conclusion, this bill allows Customs to perform its roles more efficiently and effectively to protect the community at the same time as it continues to give every support to legitimate trade and travel.

I commend the bill to the House.

Debate (on motion by **Mrs May**) adjourned.

TAX LAWS AMENDMENT (2008 MEASURES No. 6) BILL 2008

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) (10.25 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 modifies the capital gains tax provisions in the Income Tax Assessment Act 1997 for corporate restructures. Companies will be prevented from obtaining a market value cost base for shares and certain other interests acquired in another entity following a scrip for scrip CGT rollover under an arrangement that is taken to be a restructure.

An arrangement will be taken to be a restructure if, broadly, the market value of the shares and certain other interests issued by the acquiring entity under the arrangement in exchange for similar interests in the original entity is more than 80 per cent of the market value of all the shares and other interests issued by the acquiring entity.

If an arrangement is taken to be a restructure, then the cost base of the shares and other interests that the acquiring entity acquires in the original entity will reflect the tax costs of the underlying net assets of the original entity, rather than its market value.

This is an important integrity measure which the former government announced its intention to deal with in October 2007. However, the former government's proposal was poorly targeted and effectively stopped scrip for scrip arrangements, causing disruptions in the market.

The government's measure has been refined through extensive consultation and will effectively target the mischief.

The amendments, which apply to arrangements entered into after 7.30 pm Australian Eastern Standard Time on 13 May 2008, will prevent companies from gaining significant unintended tax benefits by restructuring.

Schedule 2 amends the Taxation Administration Act 1953 to address a number of issues with the assistance in collection provisions. Specifically, these provisions enable the Commissioner of Taxation to take action to collect or conserve tax debts owed in another country where the debtor is resident in Australia or has assets in Australia.

These amendments provide for a new mechanism by which a debtor's liability is

reduced in certain circumstances, expands the type of payments that the commissioner can make to a foreign country with which Australia has an international agreement and clarifies the role of the Foreign Claims Register, which records all the foreign tax debts that the commissioner collects on behalf of foreign countries. Together, these amendments will enable the assistance in collection provisions to more effectively be administered.

Schedule 3 amends the Superannuation Guarantee (Administration) Act 1992 with regard to the late payment offset. The offset allows an employer who makes a late superannuation guarantee contribution for an employee to use that contribution to offset against part of their superannuation guarantee charge liability. There is currently no specified time limit in which the employer is required to make the contribution.

These amendments specify that an employer will be able to use the offset if they make the contribution before they are assessed with the superannuation guarantee charge liability. This will encourage employers to make their contributions in a more timely manner whilst still having the benefit of using the offset to reduce their superannuation guarantee charge liability.

Schedule 3 also amends the calculation of the general interest charge on an unpaid superannuation guarantee liability where the offset is used. The calculation of the general interest charge will be amended so that it accrues on the remaining amount of the unpaid liability after the offset has been applied. This reduces the amount of the general interest charge and acknowledges the fact that the employer has made a contribution for their employee.

These amendments commence from the date this bill receives royal assent.

Finally, the bill implements various minor amendments to the law and also some general improvements of a minor nature. These amendments reflect the government's commitment to the care and maintenance of the tax system.

Full details of the measures contained in the bill are in the explanatory memorandum.

I commend the bill to the House

Debate (on motion by **Dr Stone**) adjourned.

TRADE PRACTICES AMENDMENT (CARTEL CONDUCT AND OTHER MEASURES) BILL 2008

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) (10.30 am)—I move:

That this bill be now read a second time.

Introduction

Today I introduce the government's bill to criminalise serious cartel conduct.

Competition is the primary means of ensuring that consumers get the best product or service for the lowest price possible. Competition enhances Australia's welfare generally, because the efficiencies it creates lead to improved productivity and ultimately increased standards of living.

Cartels are widely condemned as the most egregious forms of anticompetitive behaviour. At its heart, a cartel is an agreement between competitors not to compete. Cartel conduct harms consumers, businesses and the economy by increasing prices, reducing choice and distorting innovation processes.

The total annual cost of such conduct is difficult to quantify because the effects are dispersed and it is by its nature secretive, but it is likely to exceed many millions of dollars to the Australian economy each year, and many billions worldwide.

This bill makes much needed changes to the Trade Practices Act 1974 and will operate to deter cartel conduct by widening the range of regulatory responses available. Furthermore, it will bring Australia into line with its major trading partners and developed nations. In the international context, 15 OECD members, including the United States, Canada and the United Kingdom, have criminal sanctions for cartel conduct.

Background

The bill has its origin in the 2003 Review of the Competition Provisions of the Trade Practices Act, chaired by Sir Daryl Dawson. The Dawson review recognised growing international experience showing that criminal sanctions are effective in deterring serious cartel conduct. It recommended the introduction of criminal penalties in Australia.

However, the Dawson review also considered that a number of issues needed to be resolved before such penalties could be introduced. Principally, these issues concerned the definition of a criminal offence, and the implementation of an effective leniency or immunity policy in the Australian context.

In the lead-up to the 2007 federal election, Labor committed to introducing legislation to implement the Dawson review's recommendation. The former Treasurer, the member for Higgins, had committed to introducing this important reform but later reneged on his promise. In fact, the former government ignored 15 separate warnings from the ACCC on the need for reforms that would see jail terms introduced for company executives who are involved in cartel conduct. On the other hand, we were strongly supportive of the need for this legislation while in opposition, and remain so in government.

Although the Dawson review presented a strong case for the introduction of criminal sanctions, I considered that such a significant reform warranted close engagement with stakeholders. As a result, over the last 12 months the government has undertaken extensive consultation.

On 11 January this year, I released an exposure draft bill for consultation, as well as a discussion paper and a draft memorandum of understanding between the Australian Competition and Consumer Commission and the Commonwealth Director of Public Prosecutions. The discussion paper sought views on the proposed criminal and civil prohibitions, and on investigative tools such as telephone interception applicable to the proposed offences.

Further, following that period of public consultation, I held a number of consultations with trade practices and criminal law experts.

I wish to thank all those who gave their advice during the consultation process in written submissions or direct involvement in roundtable discussions.

I particularly thank Professor Bob Baxt, Brent Fisse, Russell Miller, Roger Featherston, Ross Ray, David Martino, Norman O'Bryan, Philip Williams, David Neal and Mark Dreyfus QC MP and, of course, the ACCC and Treasury.

Special thanks to Phil Warren from the Antitrust Division of the US Department of Justice and Phil Collins from the United Kingdom's Office of Fair Trading for their insights into dealing with cartels in their own jurisdictions and their discussions with me.

The government has also considered the results of that consultation, and today intro-

duces legislation to deliver on its election commitment.

Key amendments in the bill

I turn now to the key amendments in the bill.

Cartel provisions

The bill provides a definition of the term 'cartel provision' that will apply under the new criminal and civil prohibitions. In summary, a provision of a contract, arrangement or understanding can be a cartel provision if it concerns: price fixing, sharing or allocating a customer base, restricting supply or rigging a tender process. If at least two parties involved are or are likely to be in competition with each other then there may be a breach of the new provisions.

This definition of cartel provision is drawn from the OECD's 1998 Recommendation of the Council concerning Effective Action Against Hard Core Cartels. The recommendation condemned hardcorecartels as the most serious violations of competition law. The recommendation called on OECD members to ensure that their laws adequately prohibit such cartels, and for them to provide effective sanctions, enforcement procedures and investigative tools to combat cartels.

Offences and civil penalties

The bill provides that a corporation commits an indictable offence if it makes, or gives effect to, an agreement that contains a cartel provision. The prosecution will be required to prove that the corporation knew or believed that the agreement contained a cartel provision.

Individuals can be liable for a contravention of the new offence in one of two ways. They can be an accessory to the commission of an offence, under the accessorial liability framework in the Trade Practices Act. They can also be held directly liable for the offences, as provided for in the schedule to this act. These scheduled offences mirror those in the act, and are applied as the law of each state and territory through application legislation in those jurisdictions.

The ACCC will be responsible for investigating suspected breaches of the criminal cartel offences, while the Commonwealth Director of Public Prosecutions will be responsible for their prosecution. A memorandum of understanding between the ACCC and the DPP will detail the responsibilities of each agency in the criminal investigation and prosecution of serious cartel conduct cases.

The bill also provides parallel civil penalties for cartel conduct. This will enable cartel enforcement to be carried out in a targeted way, with more serious and egregious examples of cartel conduct warranting consideration for criminal prosecution. In addition, the prohibitions enable actions for damages by private parties, under the existing mechanisms provided for under the Trade Practices Act that apply to other breaches of part IV of the act.

To address concerns regarding double jeopardy arising from the parallel criminal and civil schemes, a number of statutory bars to proceedings have been included. This has been done by extending the existing provisions in section 76B of the act to encompass the new cartel provisions. For example, where substantially the same conduct comprises a civil contravention and an offence, the court will be prevented from making a pecuniary penalty order if the person has already been convicted of an offence.

Penalties—jail term, fines and pecuniary penalties

The maximum penalties that will apply for a breach of the government's provisions will be substantial. This reflects the government's view of the serious harm caused to Australian consumers, businesses and markets by hardcore cartel conduct.

Individuals face a maximum jail term on conviction of 10 years, and a fine of 2,000 penalty units—or $220,000. For corporations, the maximum fine will be the greater of $10 million, or three times the value of the benefit obtained as a result of committing the offence. Where that benefit cannot be determined, the maximum fine will be 10 per cent of the corporation's annual turnover.

The government gave extensive consideration to the appropriate jail term. The maximum jail term in the draft exposure bill released in January was five years. However, a 10-year jail term better reflects the seriousness of the crime. A maximum 10-year prison sentence already exists for directors who wilfully defraud or deceive a body corporate, or for directors who fraudulently appropriate the property of a body corporate. The proposed 10-year jail term will also put Australia on par with the United States as having the world's longest jail terms for this serious crime.

Under the civil penalty provisions, there will be a maximum $500,000 penalty for individuals, and a penalty consistent with the maximum criminal fine for corporations.

Exceptions

The Trade Practices Act currently provides a number of exemptions and defences to the prohibitions against anticompetitive behaviour.

Similarly, the bill provides for specific exceptions to the new prohibitions. These fall into six categories:

- conduct notified under the collective bargaining regime in the act;
- contracts containing cartel provisions subject to the notification provisions or a grant of authorisation;
- contracts, arrangements or understandings between related bodies corporate;
- joint ventures contained in contracts;
- anti-overlap exceptions; and
- the price of goods or services collectively acquired, and the joint advertising of the price for resupply.

The exceptions are intended to ensure that the prohibitions do not prevent legitimate business activities that are beneficial to the economy or in the public interest.

Enforcement

One issue the government consulted widely on was the application of telecommunications interception regimes to the new offences. Cartels pose particular problems for enforcement agencies, because they often involve multiple parties operating in secret, with limited documentary evidence and enhanced reliance on oral communication. In these circumstances the discovery and proof of a cartel can be difficult, with regulators often taking on proceedings without the benefit of direct evidence of cartel conduct.

After consideration of the issues involved, the government decided that applying the telecommunications interception regime was appropriate. In addition to the benefits this will provide for the detection and prosecution of illegal cartel conduct, the use of telecommunications interception powers can be a means of finding evidence of the 'directing minds' behind corporate criminal behaviour.

Accordingly, the bill makes amendments to the Telecommunications (Interception and Access) Act 1979 to enable the ACCC to seek to use intercepted material in relation to cartel investigations. The bill will also provide that a breach of the proposed cartel offences will fall under the Commonwealth legislation dealing with the proceeds of crime.

Further, the bill makes amendments to ensure that the search, seizure and information gathering powers of the Trade Practices Act

are better aligned with equivalent provisions in the Crimes Act.

Additional measures

Other arrangements supplement the cartel conduct measures contained in this bill. These include giving the Federal Court jurisdiction, together with the state and territory supreme courts, to deal with the new offences. This will be the first time the Federal Court has been given indictable criminal jurisdiction, recognising the expertise the Federal Court has developed in dealing with cartel conduct as a result of hearing civil cases under the existing provisions of the Trade Practices Act. I note that the proposed amendments to the Federal Court of Australia Act 1976 and other legislation will provide the necessary processes and practices for the Federal Court to hear jury trials for the indictable offences established by this bill.

As previously mentioned, the Director of Public Prosecutions and the ACCC will enter into a formal, publicly available memorandum of understanding to establish procedures for the investigation of the cartel offence, and the circumstances in which the ACCC will refer a case to the DPP for prosecution.

Existing leniency arrangements will be updated. The ACCC's immunity policy will govern leniency for the civil prohibitions. An annexure to the prosecution policy of the Commonwealth will provide that immunity from criminal prosecution can be granted to cartel whistleblowers at an early stage in the investigation, in accordance with the criteria in the ACCC's immunity policy.

Conclusion

The introduction of this bill fulfils a key election commitment for the government's first year in office. Cartel conduct is theft from consumers, and the government will not tolerate it.

The prospect of a jail term for committing a cartel offence sends a clear message. Such a penalty has an immediate deterrent effect for businesses, which might otherwise dismiss fines imposed for a breach of competition law as a mere cost of doing business.

In troubling economic times, as competitors may contemplate engaging in risky behaviour in order to score a financial gain, the need for tough sanctions is even more important.

This legislation brings Australia in line with the strong anticartel stance taken by our major trading partners. The government is committed to keeping Australia's competition laws relevant, effective and responsive to the need of Australian business and consumers. To meet this commitment, the government will continue to examine issues as they arise, to ensure that the new laws operate in an effective manner within the Australian context, and will do so in the same consultative and open manner as we have done so up until now.

I commend this very important significant bill to the House.

Debate (on motion by **Mrs May**) adjourned.

COMMITTEES

Public Works Committee

Approval of Work

Dr KELLY (Eden-Monaro—Parliamentary Secretary for Defence Support) (10.45 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: Australian War Memorial Eastern Precinct Development and National Service Memorial, Canberra, ACT.

The Australian War Memorial is a unique national institution. In the last decade, the

memorial precinct has been extensively transformed, including the development of the western precinct, sculpture garden, ANZAC Hall, the parade ground and the CEW Bean Building. The current proposal to develop the eastern precinct represents the next stage in a program of planned site development and will deliver a new formal memorial courtyard, much improved and safer coach and car parking, improved outdoor areas and toilet facilities and replacement of the existing cafe with an accessible facility more suited to the requirements and significance of the site.

The development is necessary to improve visitor safety, access and amenity in the eastern precinct and to bring the substandard eastern precinct up to the high standard of the remainder of the site. The new memorial courtyard also provides a site for the National Service Memorial. The estimated cost of the eastern precinct development, inclusive of escalation in costs, contingencies, GST and all professional fees and disbursements is $19.54 million. The cost of the National Service Memorial will be funded by the National Servicemen's Association of Australia. In its report, the Public Works Committee has recommended that these works proceed. Subject to parliamentary approval, construction is expected to commence after Anzac Day 2009, with scheduled completion prior to Anzac Day 2010. On behalf of the government, I thank the committee for its support and 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) (10.47 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: Fit-out for the Australian Federal Police of the Edmund Barton Building, Barton, ACT.

The Australian Federal Police is the major instrument of Commonwealth law enforcement. Its role is to enforce Commonwealth criminal law and protect Commonwealth and national interests from crime in Australia and overseas. The AFP has established a strategy to integrate all of its headquarters functions in a single site within the Australian Capital Territory to achieve business efficiencies and optimise its security and risk management requirements. The AFP currently holds leases across 16 sites in the Australian Capital Territory to perform its national role in what are essentially commercial leases. This is not suitable for the AFP's long-term operational requirements. The majority of the headquarters functions are located in six sites that will be relinquished as part of the collocation to the Edmund Barton Building. Under current planning, there are some other headquarter elements in the remaining building that will also collocate to the Edmund Barton Building.

The Edmund Barton Building consists of 40,000 square metres of office space, including public and support spaces, which is sufficient occupancy space for approximately 2,200 staff, and accommodates the AFP workforce complement of headquarters personnel. The Edmund Barton Building fully meets the AFP requirements. It will be fully refurbished to an A-grade building, with new engineering services to enable the environmental target to be achieved. The fit-out will include office space, core storage, a conference centre, forecourt cafe facility, basement storage and, subject to review by the AFP, childcare facilities. The proposed fit-out is estimated to cost $115 million plus GST. In

its report, the Public Works Committee has recommended that these works proceed. Subject to parliamentary approval, construction will commence in April 2009 and be completed ready for occupancy progressively from late 2009. On behalf of the government, I thank the committee for its support and 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) (10.50 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: Australian SKA Pathfinder radio telescope in Geraldton-Greenough and Murchison Shire, WA.

The Australian government has provided funding to CSIRO for the design, construction and operation of the Australian Square Kilometre Array Pathfinder, or ASKAP, radiotelescope. ASKAP will be the fastest survey radiotelescope in the world. The ASKAP telescope will deliver world-leading performance in applications including cosmology, understanding transient phenomena in the universe and obtaining a deep understanding of the galaxy in which we live. It is proposed that ASKAP be constructed on the Murchison Radio-Astronomy Observatory in the midwest of Western Australia, a site identified internationally as the world's best site for radioastronomy. The ASKAP telescope has confirmed Commonwealth funding of $111 million. In addition to the Commonwealth funding, the Western Australian government has allocated $4.08 million to support the radioastronomy projects in the midwest of Western Australia.

The Australian government, in collaboration with the government of Western Australia, has determined that CSIRO's construction and operation of ASKAP is an essential component of Australia's positioning to host the international Square Kilometre Array radiotelescope project. The SKA is a proposed $1.8 billion international project under development by scientists from 50 institutions across 19 countries, including Australia, New Zealand and countries across Europe, Asia, Africa and the Americas. The SKA will be one of the largest scientific projects ever undertaken anywhere in the world. In 2005, in response to a call for proposals by the International SKA Steering Committee, Australia, Argentina, China and South Africa submitted proposals to host the SKA. In September 2006, Australia and South Africa were shortlisted as being acceptable sites. A final decision on the site of the full SKA is expected in 2011-12. Construction of the antennas and infrastructure for the ASKAP needs to commence in mid-2009 in order to meet project milestones to influence SKA technology and site selection decisions and to maintain Australia's current world-leading position in radioastronomy. In its report, the Parliamentary Standing Committee on Public Works has recommended that these works proceed subject to the recommendations of the committee. The CSIRO accepts and will implement those recommendations. 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.

Public Works Committee

Approval of Work

Dr KELLY (Eden-Monaro—Parliamentary Secretary for Defence Support) (10.53 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: Puckapunyal redevelopment, Victoria.

The Department of Defence proposes the redevelopment of the Puckapunyal Army base in Victoria. The project will address shortcomings in existing training facilities and base support facilities within the Puckapunyal area. The new facilities to be provided include a new headquarters building, a multidenominational chapel, an expanded entry precinct, a 120-person lecture facility and a 40-person briefing room. In addition, a 2.2-kilometre extension to the existing safe driving training area will be constructed. The estimated out-turned cost of the proposal is $41.65 million plus GST. In its report, the Parliamentary Standing Committee on Public Works has recommended that these works proceed. Subject to parliamentary approval, construction will commence in mid-2009 and be completed in late 2010. 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.

CONDOLENCES

Lieutenant Michael Kenneth Housdan Fussell

Report from Main Committee

Order of the day returned from Main Committee for further consideration; certified copy of the motion presented.

Ordered that the order of the day be considered immediately.

The DEPUTY SPEAKER (Dr MJ Washer)—The question is:

That the House record its deep regret at the death on 27 November 2008, of Lieutenant Michael Kenneth Housdan Fussell, killed while on combat operations in Afghanistan, and place on record its appreciation of his service to his country, and tender its profound sympathy to his family in their bereavement.

I ask all honourable members to signify their approval by rising in their places.

Question agreed to, honourable members standing in their places.

The DEPUTY SPEAKER—I thank the House.

COMMITTEES

Parliamentary Joint Committee on Intelligence and Security

Membership

The DEPUTY SPEAKER (Dr MJ Washer)—Mr Speaker has received advice from the honourable the Prime Minister nominating a member to be a member of the Parliamentary Joint Committee on Intelligence and Security.

Mr MARTIN FERGUSON (Batman—Minister for Resources and Energy and Minister for Tourism) (10.56 am)—by leave—I move:

That, in accordance with the provisions of the *Intelligence Services Act 2001*, Mrs Hull be appointed a member of the Parliamentary Joint Committee on Intelligence and Security.

Question agreed to.

MIGRATION LEGISLATION AMENDMENT (WORKER PROTECTION) BILL 2008

Consideration resumed from 1 December.

Second Reading

Mr LAURIE FERGUSON (Reid—Parliamentary Secretary for Multicultural Affairs and Settlement Services) (10.56 am)—I present the explanatory memorandum to the bill and move:

That this bill be now read a second time.

From day one, the Rudd Government has been focused on ensuring we have the policy

settings right to facilitate the entry of temporary workers in a way that is responsive to the needs of employers, while at the same time retaining the integrity of the subclass 457 visa program.

The manifest failure of the previous government to invest in the education and training of our own people has contributed to endemic skills shortages across the country. There is not a member of this House who has not had localised instances of and complaints about this reality.

In addressing these very serious skills shortages, the first priority of the Rudd Government is equipping our own workforce, our own people, to meet the skills requirements of industry.

In the 2008 budget the Treasurer announced that the Rudd government is making a $19.3 billion investment in education and training to ensure we continue to provide employment and training opportunities for Australians.

However, while investing in the education and training of Australians is crucial, it will not deliver the skills employers need now, when they are already necessary.

Over the last five years Australian employers have increasingly turned to the temporary skilled migration program to access the skilled workers they need.

The sudden growth of the scheme in recent years, coupled with its expansion into lower-skilled occupations, has placed new pressures on the integrity of the subclass 457 visa program.

Community confidence in the scheme suffered under the previous government following a series of well-publicised abuses of workers on subclass 457 visas. That is why the Rudd government is placing such a heavy priority on restoring integrity to this program.

On 17 February this year we announced a package of migration measures including:

- the appointment of an external reference group to advise how temporary work visas could contribute to the supply of skilled labour.

This reference group made 16 recommendations, 15 of which either have been implemented or are being implemented. The other one is the subject of ongoing consideration.

In April this year the Deputy Prime Minister and the Minister for Immigration and Citizenship appointed industrial relations expert Ms Barbara Deegan to conduct a broad review into the integrity of the temporary skilled migration program. Ms Deegan reported making 68 recommendations which will inform an agenda of long-term reforms to the 457 visa program that will be brought forward in the 2009-10 budget.

The bill that I am introducing today complements action that the Rudd government has already taken to boost the integrity of the 457 visa program.

The bill will strengthen the integrity of temporary working visa arrangements by introducing a new framework for the sponsorship of noncitizens seeking entry to Australia.

This will be achieved through four main measures:

- providing the structure for better defined sponsorship obligations for employers and other sponsors;
- allowing for improved information sharing across all levels of government;
- expanded monitoring and investigative powers to identify instances of possible noncompliance by sponsors; and
- the introduction of meaningful penalties for sponsors found in breach of their obligations.

The government recognises that temporary skilled migration is a complex issue with many stakeholders.

That is why the government has established a Skilled Migration Consultative Panel comprising representatives from state and territory governments, the business community and other industrial and union stakeholders.

The panel will provide ongoing advice and informed feedback on reform proposals based on a sound appreciation of the issues and the impacts these issues have on business, the Australian workforce and the broader community. The minister has also said that any proposed regulations will be referred to the panel for consideration before being made.

In summary, the legislation will strike an appropriate balance between:

- facilitating the entry of overseas workers to meet genuine skills shortages,
- preserving the integrity of the Australian labour market, and
- protecting overseas workers from exploitation.

The sponsorship obligations that will be defined in the regulations will deliver greater clarity to both sponsors and overseas workers.

Improved information sharing and expanded investigative powers will better equip government to identify noncompliance without unduly imposing on business.

Civil sanctions will give the department another tool for effectively managing noncompliance and preventing the exploitation of workers from overseas.

The bill deserves the support of all members of this parliament.

I commend the bill to the chamber.

Dr STONE (Murray) (11.02 am)—I too rise to speak on the Migration Legislation Amendment (Worker Protection) Bill 2008 The coalition do not oppose this bill, because it is a further evolution of the skilled temporary worker program we introduced in 1998. We will always strongly support improved worker protection. Whether it is one person poorly treated or endangered in the workplace or many, the coalition are strongly supportive of any measure aimed at ensuring that no worker in Australia suffers. However, we have some major concerns about the process and lack of information and clarity in relation to this bill—in particular its impacts on those industries trying to locate and sponsor skilled labour offshore. In a sense, there is an unusual situation in Australia at the moment. As Labor mismanages the global problems in our country and we see growing unemployment across the board, there are still industry sectors experiencing extreme shortages of essential skilled labour—for example, in the health sector, in parts of the mining sector, in accountancy and with IT specialists, to name a few.

The coalition is very concerned about the fact that it is being asked to support a framework in this legislation which will guide the formation of detailed regulations. The regulations will be the flesh and blood of the new sponsor obligation regime, but we are in effect being asked to buy a pig in a poke because these regulations are not going to be identified or made available even for comment until some time next year. While employers wish to continue sponsoring their skilled temporary workers, they are doing so with little information about the future sponsorship obligation regime, which will apply to them when those regulations come into practice even if the sponsorship took place some months or even years before.

This is a very difficult situation for us. We have a government that is relying more and

more on regulation to manage its legislative regime. The department says: 'This is fine. This gives us flexibility; this is really great.' It might give the government flexibility—indeed it does—but the idea of legislation is that new bills that are to become laws should be given proper scrutiny by this place and by the Senate. The legislation must be examined carefully by committee inquiry and the like. When you simply fall back on regulations again and again, you are, I believe, watering down the process of parliamentary scrutiny. Certainly, this bill will leave the employer sponsors with a great deal of uncertainty and a great deal of concern about whether it is actually worth the risk of seeking—it takes a while and is quite costly—these overseas potential employees once they have searched the local market and have not been able to find a worker to suit their needs in Australia.

I appeal to the government: do not keep reaching for regulation because the department has not quite got the job done in time or because you are not sure of your own program or ultimate policy direction—you really need to legislate, not just regulate. In this case, as I say, we support the framework within this bill but, as you can imagine, when the regulations are finally made known to us we will subject them to very close scrutiny indeed.

The coalition commenced the process of bringing into this country a whole new type of worker: the skilled temporary visa holder. We did it in order to try and keep the right level of skills in our economy when from 1996 we were rebuilding our workforce. We inherited a nearly eight per cent unemployment rate from Labor in 1996, but we introduced these 457 visas to fill skills gaps.

We understood that, given these visas had become so very popular, additional resources were needed by the department of immigration to process all the applicants. So the then Minister for Immigration and Citizenship, the Hon. Kevin Andrews, allocated additional resources to try to ensure more streamlined implementation and processing of the 457 visa applicants. That was through the Migration Amendment (Sponsorship Obligations) Bill 2007. But the coalition very much shared the concerns of the majority of those who presented submissions to the inquiry by the Senate Standing Committee on Legal and Constitutional Affairs, whose report I will simply refer to as the Senate committee report. We wanted a longer inquiry. Sadly, we were only given in effect a few days. There were two main areas of concern expressed by employers. Firstly, employers were very concerned about the additional costs and red tape that might go along with the new obligations for sponsors. Indeed, additional costs and red tape have been signalled or signposted both by DIAC's own paper and by the Barbara Deegan report, which I will come back to.

Sponsors very much want to be able to fill their skilled jobs which they cannot recruit for locally. But, at the same time, small business people especially are constrained by how much additional cost may be associated with the imported temporary skilled worker and how much extra time the bureaucracy, the red tape, the compliance, the monitoring and the reporting will take as they move this new worker into their workplace. The coalition has always looked very seriously at reducing red tape, particularly for small business, the engine room of our economy. It seems that in relation to this bill we might be looking at a significant blow-out again of administrative costs and impositions on small business. I think it is no surprise that the vast majority of 457 visa category sponsorships have been undertaken by large enterprises or businesses with more than 20 employees. Smaller businesses have just be-

gun to walk away, sighing about the red tape and costs associated with this visa category.

We also had people making submissions to the Senate committee inquiry saying that they were being asked to buy a pig in a poke. This is the issue I mentioned at the outset. They were asked to comment on a bill without any evidence of what the regulations might contain and so were denied a real opportunity for comprehensive debate. This was the case even though the Barbara Deegan report had been passed to the minister. It was there on his desk while the Senate committee inquiry was underway, but those people did not have the advantage or the opportunity of having a look at what was, I think, a very good report by Barbara Deegan. You have to wonder why it would not have been made available to the Senate inquiry. Perhaps the minister had not noticed it on his desk; there were so many other files sitting there awaiting attention, including those relating to the families of 457 visa holders who had Down syndrome dependants, who were being blocked from becoming permanent residents despite their skills being urgently needed by the communities where they were working. So the coalition is very disappointed that the Barbara Deegan report was not available. It is, of course, a real problem for us not knowing what the regulations will hold, but we will subject them to very close scrutiny when they finally do appear. The government has made much of the consultation process. It is very proud of the fact that it is suggesting that next year there will be a lot of toing and froing. The problem is that the bill is with us today and we have no information behind the framework.

Let me also talk about the specifics of the bill. The objective of the bill is to amend the Migration Act 1958 to strengthen the framework for employer sponsorship with a view to ensuring that the working conditions meet Australian standards, particularly wages and conditions, and that sponsorship costs are more fully identified and met by the employer sponsors themselves. Visa holders are currently sponsored by employers who must meet a series of 'undertakings'. These 'undertakings' will now be respecified in what are to be called the new regulations—as I said, we will possibly see these regulations in 2009—and all currently engaged sponsors will be transferred to that new regulatory regime.

In 1996 the coalition introduced the new visa categories, the 457s and related 400 series, to allow employers to sponsor skilled workers on a temporary basis, for between three months and four years, to help ease skilled labour shortages. The Howard government's 457 program was a huge success. It continues to be a huge success in satisfying the demand for skilled workers and helping to ensure that Australia maintains its international competitiveness. One of the underlying objectives of the program was not just to introduce temporary skilled workers and their families but also, we hoped very much, that where the sponsorship was successful the workers and their families might contemplate permanent residency and ultimately citizenship in our country. It is hard to get the statistics on this, but between 40 and 50 per cent of 457 visa holders are applying for permanent residency in this country. I want to know why half of them do not apply and instead walk away from our country. It is important for us to understand if it is an issue of employer sponsors failing to meet obligations or if wages are not competitive with international alternatives or if it is simply that those families always intended only a temporary stay in Australia. Certainly the coalition will be looking much harder at how we can make sure these temporary, skilled workers are welcomed in this country and are more likely to stay.

One of our issues, which I just alluded to—and the member for Mallee, who is at my side, is only too familiar with this problem—has been that this government and in particular the Minister for Immigration and Citizenship, Senator Evans, have refused to work earnestly and quickly on issues of intervention or ministerial discretionary decision making. Right at the beginning of his period as minister he stated that he was concerned about interventions, which are a responsibility of the minister for immigration, and he commissioned the Elizabeth Proust report, which was put on his desk at the end of January. We have seen neither hide nor hair of this Proust report since then, but the minister has talked about how he would prefer that the department handled all individual cases where a person has had their permanency or their visa application rejected by a tribunal. Under our current system that rejection can then go to the minister for his final decision, according to his discretion. This minister does not like that; he has a problem with that. Therefore, when there have been cases on his desk of 457 visa holders, families—in one case Dr Moeller, who was working in a hospital in a small town in the electorate of Mallee—

Mr Shorten—Mr Deputy Speaker, I rise on a point of order. The member for Mallee is making imputations about the Minister for Immigration and Citizenship by saying that he has not been working earnestly. She is quoting the case of Dr Moeller. The Minister for Immigration and Citizenship handled that matter within a matter of hours, to the credit of him, the government and everyone involved.

Dr STONE—I would like to make a correction. I am not the member for Mallee.

Mr Shorten—Sorry, I meant the member for Murray.

Mr Forrest—The record has been corrected. The parliamentary secretary meant the member for Murray, not the member for Mallee.

Dr STONE—I would like to make the point that it was only after a great deal of media focus on Dr Moeller's case that there was movement, given that—

Mr Shorten—Mr Deputy Speaker, I rise on a point of order. Again, the member for Murray is making imputations that the Minister for Immigration and Citizenship has not been dealing with matters in a professional, earnest way. She reinforced that imputation by saying he only acted because of the media. He acted when the tribunal had made the ruling.

Mr Pyne interjecting—

Mr Shorten—I have been watching the member for Sturt and learning a bit.

The DEPUTY SPEAKER (Dr MJ Washer)—The member for Murray will continue her remarks.

Dr STONE—I will now explain to the member opposite why I made that statement. Dr Moeller's case was finally acted on after a great deal of media attention. However, the Robinson family in Perth was also very fortunate in being dealt with after their case was on the minister's desk for seven months.

Mr Shorten—Look at the detail!

Dr STONE—Yes, it is detail—exactly, and that is what I am giving.

Mr Shorten—Your detail on Dr Moeller is wrong.

Dr STONE—It is not wrong. There are a number of families of skilled worker backgrounds who have dependants with conditions like Down syndrome, and I have those families' names in my office. I include another family who recently communicated with the minister. They have been waiting for a decision for more than 12 months in rela-

tion to entering the country on a skilled worker visa, but they, too, have a Down syndrome son.

The problem is that our skilled worker program does depend on the department and the minister acting decisively, efficiently and quickly in all cases. We are losing competitiveness when more than 50 per cent of our skilled worker 457 visa category families are leaving the country. I suggest that a lot of that may be where cases did not receive careful and efficient attention as soon as the matters were put on the table.

In 1996 we introduced the 457 visa category and this was, indeed, a great success. The annual intake for the 457 visa program has steadily increased from 16,550 in 1997-98 to 22,370 in 2003-04 to 58,050 in 2007-08. The Senate report sets out these statistics. In this 11-year period, 304,400 section 457 visas were granted. In addition these visas allow secondary visas for interdependent partners, dependent children or other relatives of the section 457 visa holder. This brought the total number of visas granted under this umbrella to 550,600.

There are currently nearly 19,000 employers using the 457 visas. Nearly 30 per cent of 457s are employed in New South Wales. The New South Wales government and state governments generally are some of the most prolific users of 457 visas—in particular in the health sector. It is interesting that the Labor opposition at the time, now the Rudd Labor government, regularly opposed the 457 visa system and mounted scare campaigns about this being a backdoor way to bring in cheaper workers who would drive down Australian labour wages and conditions.

We had a very interesting situation with the Barbara Deegan report, which was reviewing the integrity of the actual operation of the 457 visa program. I have already said that I thought it was a very good report that Barbara Deegan delivered. Interestingly, she does not identify in any place in that report how many breaches of obligation actually occurred with these 457 employees. She suggests that there is probably an underrepresentation of breaches of obligations, and I am quite sure that is probably true, but we do have to make sure that we do not place very punitive and high-cost new obligations on the employer sponsors when in fact the vast majority do the right thing. Instead, what we need to be doing is focusing on the category of 457 visa holders who, it would seem, are more likely to be exploited or have other problems. These are the 457 visa holders who have lower pay and tend to work in hospitality, tourism or sometimes in other industry sectors which appear more likely to employ non-English-speaking background labour. As Barbara Deegan suggests, for the sake of DIAC's efficiency, we have to look at streaming future 457 visa holders into two categories: those above, say, $100,000 in wages and those below, with more scrutiny and monitoring of the lower paid category to make sure they are not vulnerable and in no way exploited.

I am also concerned that at the moment some people who have already spent two or three years on a 457 visa are experiencing some difficulty asking for and receiving the support of their sponsors to obtain permanency in Australia. It is a problem. The sponsor understands that, in supporting their 457 worker for permanency, they may lose that worker as that worker may relocate into other employment. I think Barbara Deegan was right in identifying that there should be other pathways for 457 visa holders to move from sponsorship under 457 visas to permanency.

I also strongly support her recommendation that there be 90 days allowed if a 457 visa holder wishes to be re-engaged by another sponsor. This will empower the worker

and their family so that, if they have some problems with the current employer or simply find where they are working not to be to their absolute satisfaction and they have a better offer somewhere else in Australia, they can shift to another employer without having imposed on them any penalties or any threat of having their visa status changed, discounted or in some way removed because their current employer does not want to lose them.

I think Barbara Deegan's recommendation that talked about the importance of the families, or secondary visa holders, being supported to learn English was also very sound. I am aware of the case of some meatworkers in South Australia. They came out as Chinese speakers and their families have enjoyed very much the regional community where they are located, but when they go to apply for permanency their lack of English will be an impediment. As well, the families know that they could be better integrated and enjoy more of the opportunities Australia offers if they could learn English while the breadwinner of the family worked at the local meatworks. So I certainly do support Barbara Deegan's recommendation in relation to English language teaching for families as well as for the workers themselves, who for safety purposes, of course, need to be able to understand and respond to instructions in English.

This year DIAC released a discussion paper which describes all of the options, as they put it, for the regulations associated with 457 visas. I will run through some of the options because the employer sponsor community has raised some alarm and had concerns about the additional costs and the red tape they would incur if these options were to come through as regulations. I referred earlier in my remarks to the issues with the cost and red tape. The proposed new obligations described in the DIAC discussion paper released in April 2008 include the sponsor meeting all of the education costs of minors accompanying the worker; covering all medical costs, either through insurance or direct payment, including covering medical costs where the insurance company refuses to pay; paying any migration agent's fees or other costs of recruitment up to a maximum specified; paying all travel costs to Australia, where before only travel from Australia was required; and paying any licence or registration fees associated with the worker taking up employment in Australia. Those are just some of the options outlined in the DIAC paper.

You can understand the employer sponsors focusing rather intently on those proposals. Along with Barbara Deegan, I am concerned at the growing trend of offshore agents engaged in identifying skilled temporary visa respondents for job vacancies in Australia who charge a substantial amount for their spotting services and who sometimes give misinformation or incorrect information. It is important that we take all measures to ensure that offshore agents, or even onshore agents, giving misinformation are not encouraged and supported and rather that we have direct relationships between the department and the employer sponsors. Part of this could be that any agents' fees charged for the future employee are met by the employer. In that way there would be greater transparency and any unfortunate developments in this area would be curtailed.

The Australian Chamber of Commerce and Industry submitted that some of these proposed DIAC regulations would have a detrimental effect on Australian business, especially on small to medium enterprises, and that the cost of some of these measures would indeed be prohibitive for many businesses. They were also concerned that in the growing period of uncertainty in our Australian economy—where business confidence is

at an all-time low, where orders are contracting and where the non-mining sector is doing it tough—Australian employers might decide to walk away from importing the skilled labour needs of their business, even though that will put further nails in their coffin because they cannot find the local workers to do the job that has to be done.

The Senate committee report found that about 89 per cent of the 457 visas granted were in the top three ASCO major groups of nominated occupations—namely, managers and administrators, professionals and associated professionals—but by 2007-08 this figure had dropped down to 80 per cent. In other words, there is a growing trend for slightly less skilled workers to be coming in on 457 visas and for these less skilled workers to go to smaller companies. I emphasise the importance of making sure that all of these workers are adequately protected under legislation, or in this case regulation, and that the costs of employing those people and the red tape are not overwhelming.

The section 140Q penalty for failure to satisfy sponsorship obligations enables the minister to apply to the Federal Court or the Federal Magistrates Court for a pecuniary penalty order against the person, resulting in a maximum penalty for an individual per offence of $6,600 and for a body corporate of $33,000. That does not seem unreasonable to me, but we have to make sure that there is full clarity about whether and how an element of fault will be required to be proved or what will categorise a breach and how that will properly be determined. There are no statutory defence options and there is no ministerial discretion apparent in this legislation.

We support the framework as identified in this bill. It was the coalition that introduced 457 temporary skilled worker visas in an effort to make sure that we could meet the demands of our industry and service sectors, which could not find adequate employees to grow their businesses. We have seen this 457 visa category grow exponentially. We have seen it evolve, with more people in the lower salary categories coming in of late. We absolutely agree that worker protection is paramount. There must not be one of these workers subjected to unsafe Australian workplaces. Exploitation of them in any way is to be abhorred. So we welcome the better codifying and defining of the sponsor obligations in relation to their workers' protection.

What we are concerned about, though, as I said at the beginning, is that we do not know what the regulations will contain. We have been given a paper with a whole range of options. I have been told by departmental officials that perhaps that paper was too broad. I do not quite know what that means. Has there already been a decision or some decisions made about options in that paper, putting some to one side? If that is the case, let us have the debate about what is in the government's mind. This is a very important issue. We want to get it right. The coalition will support this bill. But we will certainly be subjecting the regulations to very tight examination. *(Time expired)*

Debate (on motion by **Dr Emerson**) adjourned.

SCHOOLS ASSISTANCE BILL 2008

Consideration of Senate Message

Bill returned from the Senate with amendments.

Ordered that the amendments be considered immediately.

Senate's amendments—

(1) Clause 15, page 19 (line 20), before "The Minister may", insert "(1)".

(2) Clause 15, page 20 (lines 4 and 5), omit "if a law of the Commonwealth or a State requires the body or authority to be audited—

", substitute "a law of the Commonwealth or a State requires the body or authority to be audited, and the Minister determines that this paragraph applies because".

(3) Clause 15, page 20 (after line 8), at the end of the clause, add:

(2) A determination made under paragraph (1)(c) is not a legislative instrument, but is a disallowable instrument for the purposes of section 46B of the *Acts Interpretation Act 1901*.

(4) Clause 22, page 25 (lines 3 to 11), omit the clause.

(5) Clause 24, page 26 (line 16), after subclause (1), insert:

(1A) A funding agreement must not require a report mentioned in subsection (1) to include any information that would identify a particular donor as a funding source of any non-government school or non-government body.

(6) Clause 66, page 57 (line 6), omit "the amount worked out under subsection 67(1)", substitute "the amounts worked out under subsections 67(1) and 67(1A)".

(7) Clause 67, page 57 (after line 23), after subclause 67(1), insert:

(1A) The regulations may specify, by reference to an amount or a formula for calculating an amount:

(a) an additional amount of assistance for each Indigenous student from a remote area receiving primary education at a non-remote campus;

(b) an additional amount of assistance for each Indigenous student from a very remote area receiving primary education at a non-remote campus.

(8) Clause 68, page 59 (line 3), omit "the amount worked out under subsection 69(1)", substitute "the amounts worked out under subsections 69(1) and 69(1A)".

(9) Clause 69, page 59 (after line 20), after subclause 69(1), insert:

(1A) The regulations may specify, by reference to an amount or a formula for calculating an amount:

(a) an additional amount of assistance for each Indigenous student from a remote area receiving secondary education at a non-remote campus;

(b) an additional amount of assistance for each Indigenous student from a very remote area receiving secondary education at a non-remote campus.

Ms GILLARD (Lalor—Minister for Education, Minister for Employment and Workplace Relations and Minister for Social Inclusion) (11.33 am)—I indicate to the House that the government proposes that amendments (1) to (3) and (5) to (9) be agreed to and that amendment (4) be disagreed to. I suggest therefore that it may suit the convenience of the House to first consider amendments (1) to (3) and (5) to (9) and, when those amendments have been disposed of, to consider amendment (4). I move:

That Senate amendments Nos. 1 to 3 and 5 to 9 be agreed to.

Amendments (1) to (3) are government amendments. The government has been in constructive discussions with Senator Nick Xenophon. I would also like to acknowledge that Senator Christine Milne and the Australian Greens have also taken a very constructive approach to the Schools Assistance Bill 2008, and I thank both Senator Xenophon and Senator Milne for the approach that they have taken.

Government amendments (1) to (3) deal with the question of the powers of a minister when a school has a qualified audit. Obviously, to withhold or delay funding to a school is a very major thing to do. It was never the intention of the government that such a power would be used in any but the most serious of circumstances. It was proposed by Senator Xenophon that it may be

convenient to make this a disallowable instrument so that, should this quite serious step ever be taken, the matter would be brought before the parliament. The government is very happy to agree with that. Obviously, our intention was never to use these powers lightly. Having a disallowable instrument will ensure that the parliament can exercise oversight should payments to a school ever be stopped or delayed because of a qualified audit.

Amendment (5) is also a government amendment. The government has been very clear that among other election commitments one of the things that it is seeking to achieve through this bill is a new era of transparency in schooling. We have also made it abundantly clear that there is not one obligation we will put on non-government schools that we will not also put on government schools. That will require transparency in relation to characteristics and needs of the school population, the teaching resources of the school, the academic results of students—including on national testing and attainment to year 12 and equivalent—and also the resources available to the school.

There developed a concern that making available matters associated with resources may require the identification of a particular donor to a school. It was never the government's intention to seek to have the identity of individual donors disclosed. We were obviously talking about, and continue to talk about, categories of funding. Consequently, the government is more than happy to respond to these concerns by clarifying in the legislation that there is nothing about the government's transparency measures which requires the identification of a particular donor. That was never sought by the government.

Amendments (6) to (9) were moved by Senator Mason in the Senate last night. These amendments relate to the Indigenous funding guarantee. The government maintains that the amendments moved by Senator Mason are not necessary given that the Indigenous funding guarantee ensures that non-government school authorities will receive funding levels at least comparable to their 2008 entitlement, and most schools will become immediately better off through the new arrangements. Obviously we are very keen to get money through to assist Indigenous students. Whilst we view these amendments as not being strictly necessary, the government is very happy to include them in the bill, because I believe we are all on the same page on this: we want to make sure that funding for Indigenous students reaches Indigenous students. Senator Mason had a concern about that and we are happy to respond to his concern by including these amendments in the bill. *(Extension of time granted)*

I thank the House for facilitating a further contribution, which will be very short. With these amendments the bill delivers what the government promised. It promised non-government schools before the election that we would deliver to them on the SES funding formula. This bill delivers on that promise, making available $28 billion in resources. We promised the Australian people before the last election that we would introduce new school performance reporting. This is a matter we have worked on all year. This is a new era of transparency. We have just had Joel Klein, the New York City schools chancellor, in the country speaking about this matter. In this bill, with these amendments included, we deliver a new era of transparency. Once again, every obligation that this bill puts on non-government schools is an obligation that has already been agreed to for government schools by premiers and chief ministers when they met at COAG on the weekend.

This bill also delivers on the government's election commitment for a national curriculum. That matter is still the subject of disputation and that will be dealt with when I speak to amendment (4), with which the government disagrees. I recommend to the House that Senate amendments (1) to (3) and (5) to (9) be agreed to, for the reasons that I have outlined.

Mr PYNE (Sturt) (11.40 am)—The Schools Assistance Bill 2008, which we debated in this House in October, was opposed by the opposition as it stood, without amendment, for very strong and very important reasons. We are glad that the government, although they have been dragged kicking and screaming to this position, have backed down in two out of the three areas of the opposition's concerns. They are yet to do so in the area of the national curriculum, which we will debate later on this morning. In two out of the three areas that I outlined in my speech on the second reading and that I have repeated, some would say ad nauseam, since 16 October when we had that debate, the government have finally seen reason and common sense has prevailed. While they are hiding behind the fig leaf of Senator Xenophon on these amendments, these are essentially the amendments that we proposed for the qualified audit and funding disclosure. I do not mind if the government feel that they cannot own up to the fact that they have adopted the opposition's amendments. I am sure Senator Xenophon does not mind being used as a fig leaf if the outcome is better for schools.

We said in October that the powers that the bill gave the Minister for Education over audit provisions were too broad. We said that when an audit of a school was returned that was qualified for financial viability reasons then the minister should have the power to delay or stop funding to that school. That has always been the situation; it was in the previous government and we believed it should continue. The bill said that, for any reason, any qualified audit could give the minister that power to delay or end funding. We took the view that that meant that, if, for example, an auditor was unfamiliar with the set-up of a governing council of a school and said in their audit that while the school was financially viable they had concerns that perhaps the governing council was too large or too small or whatever, that would in effect be a qualified audit—and our advice was that that was the case—and, for non-financial reasons, the minister would have the power to delay or end funding. I am quite sure that the minister would not do that for any nefarious reasons. The government certainly would not. We did not think it was a good idea to have that in the bill and we moved to amend it in the House of Representatives. The government defeated our amendments in October and the amendments then went to the Senate. Yesterday, hiding behind Senator Xenophon, the government backed down on their opposition to our amendments, which we are debating today. The opposition will definitely agree to those—it would be a bit unusual for us to oppose our own amendments.

The second area that the government has backed down on, which is even more important—certainly very important for the schools sector—is the whole issue of funding disclosure. The opposition have no difficulty with transparency; we never have. The financial records that the previous government collected from schools as part of their report to the government about their financial affairs were always collected by the government and held by the government and used for useful reasons. But they were never to be published.

The previous government's view was that non-government schools, and government schools—but we are debating non-government schools in this bill—had a right

to be able to receive funds and revenue from sources and that those sources should not be made public. The fact that they receive federal government resources, or taxpayers' money, means that there is a certain level of necessity to justify what they are doing. An individual taxpayer provides their information to the Australian Taxation Office and hence the government, and they are of course prepared to do so, but they would not expect to see that information published on the front page of the newspaper or broadcast on the nightly television news—and neither should the non-government school sector, or for that matter the government school sector, have to do so.

Therefore in October we moved amendments to the bill that would not allow that information to be published. The amendments would allow the information to be collected but we did not believe that it should be possible for that to be disclosed. The government said at that time that they would essentially fight us on the beaches with respect to the funding disclosure aspects of this bill. *(Extension of time granted)* We sought to amend the funding disclosure aspects of the bill in October. The government opposed those amendments in the House of Representatives. Again they went to the Senate. Again, the intervention of Senator Xenophon assured the opposition that these amendments would be adopted because the government simply did not have the numbers if it did not adopt Senator Xenophon's proposals, which essentially are amendments. We will not be opposing them.

The minister said that it was always the intention of the government not to publish the individual sources of funding to the non-government school sector. It is unusual, because what the minister has said in this place is on the record in *Hansard*. During the debate on 21 October, when I interjected across the House, I said to her that when we were in government they were not to be disclosed. I asked, 'Are they going to be disclosed?' The minister responded:

> The shadow minister for education is inquiring of me by way of interjection whether we will commit to not publishing it. The government is committed to transparency. We believe that transparency is important.

How on earth could anybody take those comments to mean anything other than the fact that this information was going to be published? If it was not going to be published, why didn't the minister say, 'I will commit to not publishing it'? She could have said that instead of:

> The shadow minister for education is inquiring of me by way of interjection whether we will commit to not publishing it.

Dr Southcott—She was just going to keep it in her top drawer.

Mr PYNE—She was just going to keep it in the top drawer, as the member for Boothby says. She could have said on 21 October, 'I will commit to not publishing it.' Instead she said:

> The government is committed to transparency.

So every person in the school sector and everybody in the House—not that it was packed on that day; I think it was the minister, me and maybe one other in the House—would have taken from that comment that the government were going to publish it. Yet the minister now says, hand on heart, over and over again, that it was always their intention to not publish it. It is not important to us whether the minister can admit to backing down. That is not important to us. What is important is that the school sector has certainty that their sources of funding are not going to be on the front pages of the newspaper or on the television news at night. It is important to them, and I am glad that the government has adopted the opposition's

amendments in relation to funding disclosure. I welcome it.

We are delighted, and we do not mind at all that the minister cannot admit that she has adopted the opposition's position and that, again, she has to hide behind the fig leaf of Senator Xenophon in her embarrassment. But we will support those amendments because, as I said, they are our amendments. We will get to the debate, of course, about the issue of the national curriculum shortly—after these debates are concluded. I thank the House.

Mr BRIGGS (Mayo) (11.49 am)—In this debate on the Schools Assistance Bill 2008 I wish to speak about the great Gillard backdown, the great Deputy Prime Minister backdown. I pay tribute to the shadow minister for education, the member for Sturt, who has done a fantastic job on this bill. It started in October, in this House—and I spoke on this bill—when we opposed the requirement that funding be made public, which is what the minister intended to do. Make no mistake: this is part of a long-term agenda that the Deputy Prime Minister has. It is about the school hit list. This is what this is all about.

If we go back to 2004 to look at the history of this matter we find that the Deputy Prime Minister's then favourite member of parliament was the member for Werriwa—the Leader of the Opposition at that time, Mr Latham—whom we all remember. There were three great policy issues that dominated the campaign in that year.

Dr Southcott—Medicare Gold.

Mr BRIGGS—The first one, of course, was the forestry issue, which was so well handled by those on the other side! The second one, as the member for Boothby so rightly identifies, was Medicare Gold, which will hang like an albatross around the Deputy Prime Minister's neck for ever. She does not mention it anymore. It is the policy that dare not speak its name. But it was her idea. She pursued it. It was her great idea to win the election, but of course we know what happened. The third issue was the school hit list, which I do not think she was involved in at that point.

Dr Emerson—How are you going on the Work Choices?

Mr BRIGGS—Well, I noticed that there are some interesting changes to that bill too, Minister. What we have seen here today is the Deputy Prime Minister arrogantly refusing to acknowledge that the reason they have changed this bill is the opposition. She arrogantly refuses; it is part of the tactics. She is an extraordinarily clever lawyer; there is no question about that. She is an extraordinarily clever debater. She gets up in this place and answers questions through omission. That is what she does. She does not answer the question; she leaves out what she does not want to answer. The Deputy Prime Minister did that yesterday in question time. She is very clever; there is no question about that. But on this matter it is quite clear that these amendments were pushed by the opposition and pursued by the opposition. And credit should go to the opposition. It is to our credit that we pushed this. This was of great concern to private schools in my electorate, to independent schools who were very concerned about this information appearing on the front page of the *Advertiser*.

And, make no mistake, that is what the Labor Party do. That is what they do at the state level and that is what they will do at the federal level. What they do is build a case on their ideological agenda, put it through the newspapers and say: 'Well, you know, they do have a lot of money; they do have a lot of resources. We should take a lot of resources off them.' That is exactly what their intention was with that amendment. It was the school

hit list writ large on its way back, the Deputy Prime Minister pursuing an ideological agenda. She arrogantly dismisses our role in this. She uses Senator Xenophon as a fig leaf, as the member for Sturt rightly identifies—an interesting fig leaf. She arrogantly refuses to accept our role in this because, of course, it is the greatest spin-run government in the history of the Commonwealth. Yesterday I mentioned the 'decisive-o-meter'. We have not heard 'decisive' on this. This, of course, is a decisive decision to backflip on this.

Mr Forrest—A decisive backflip.

Mr BRIGGS—It is. Hopefully it will add to the six mentions of 'decisive' so far in December. We had 156 in October and 111 in November. We had one in January. We were not decisive in January, but we were decisive in October and we were decisive in November. We have started strongly being decisive in December and this could be a 'decisive' day today—a decisive backdown. The other piece of information that has come to me overnight, interestingly, on the decisive-o-meter is the decisive-o-meter versus business confidence. You will see the comparison: decisive is up, business confidence is down.

I come back to the point, which is that the Deputy Prime Minister arrogantly refuses to accept the work of the member for Sturt, the work of the opposition, who stood up for independent schools on this and protected independent schools from the hit list. Because, make no mistake, the hit list is back—back with this minister, back with this Deputy Prime Minister. I commend the member for Sturt.

Mr PYNE (Sturt) (11.54 am)—There are just two other items I want to add. One is that the opposition will support amendments (6) to (9), which will ensure that Indigenous students from very remote areas who are boarding at schools in towns and cities will not be disadvantaged by the bill. These amendments improve the funding arrangements. It was particularly called for by the Queensland Catholic Education Commission and arose out of evidence that the commission gave to the Senate inquiry. I thank the Senate for raising those amendments yesterday at the behest of the opposition and I thank the government for adopting those. Like the minister, I am not sure they are absolutely necessary, but they do make certain and clear the intention of the bill.

The last thing I say on these matters that we are agreeing to is that the real reason, of course, for the funding disclosure part of the bill, which I have not touched on yet, is that it was part of the hidden agenda in this schools bill. The hidden agenda in this schools bill was, 'Let's publish all the information we can about funding sources for non-government schools and build the case over the next two years to undo the SES funding model.' The objective: to undo the SES funding model that the previous government introduced that the Labor Party has always hated. The hidden agenda in this bill was, 'If we give the Australian Education Union—and others in the community who do not like the SES funding model—the tools they need we can tear it down in 2010 when the review of the model is slated to begin.' That is one of the reasons the opposition was so strong in opposing that part of the bill and in moving its amendments. I am not sure that they were the reasons that motivated other senators, but it was certainly one reason that motivated us in the Senate.

One of the key people, of course, who hates the SES funding model is the Deputy Prime Minister and Minister for Education. In the *Hansard* of 16 October I quoted what she said in September 2000:

> The last objection to the SES model is more philosophical, that the model makes no allowance for the amassed resources of any particular school.

As we are all aware, over the years many prestige schools have amassed wealth—wealth in terms of buildings and facilities, wealth in terms of the equipment available, wealth in terms of alumni funding raising, trust funds, endowment funds and the like.

… … …

… it must follow as a matter of logic that the economic capacity of a school is affected by both its income generation potential—from the current class of parents whose kids are enrolled in the school—and the assets of the school. The SES funding system makes some attempt to measure the income generation potential of the parents of the kids in the school but absolutely no attempt to measure the latter, the assets of the school. This is a gaping flaw …

She was joined by the Assistant Treasurer and the new member for Eden-Monaro in publicly condemning the SES funding model over the years. Of course, the member for Fowler, as recently as the debate on this bill in October, criticised the SES funding model. So we know that on the other side of the House there is a deep wound about the introduction of the SES funding model and the removal of the hated education resource index. In 2004, the Minister for Education, then the opposition spokesman, supported the then Leader of the Opposition's schools hit list, but also particularly—

Mr Briggs—She was Latham's numbers man.

Mr PYNE—In fact, the Deputy Prime Minister was the numbers man for the member for Werriwa—the numbers woman in this case or the numbers person. She supported the return of what they called the national resources index. They changed one word. It was the return of the hated ERI system and the dismantling of the SES funding model. The hidden agenda in this bill, the funding disclosure aspects, was of course to undo the SES funding model. So at least the school sector has some comfort, because of the adoption of our amendments, that the day that the SES funding model goes to the guillotine has been put off for a little while yet.

The DEPUTY SPEAKER (Hon. Peter Slipper)—The question is that Senate amendments Nos (1) to (3) and (5) to (9) be agreed to.

Question agreed to.

Ms GILLARD (Lalor—Minister for Education, Minister for Employment and Workplace Relations and Minister for Social Inclusion) (11.58 am)—I move:

That Senate amendment No. 4 be disagreed to.

We have just seen, even on the amendments that were agreed to, the perspective that the Liberal Party are bringing to this debate. It is about them, the Liberal Party, and it is about political credit for the shadow minister for education. It is about fear campaigns, and it is about misrepresentation. The only thing that it is not about, according to Liberal Party, is the education of Australian children. From the point of view of the government this is all about the education of Australian children and particularly Australian children in non-government schools.

The government went to the 2007 election saying that we would deliver funding on the SES formula—that has been done in this bill and is no longer contested by those opposite. We said we would deliver new transparency measures—that has been done in this bill and is no longer contested. We said we would deliver a national curriculum, and we are determined to deliver that national curriculum because it would be better for Australian children—better for Australian children in non-government schools, better for Australian children in government schools and, most particularly, better for those 80,000 children who move interstate each year and go into a school with a different curriculum.

This amendment deletes section 22 of the Schools Assistance Bill 2008, which requires as a condition of funding the implementation of a national curriculum in all non-government schools by 31 January 2012—that is, this amendment that I am asking the House to disagree to deletes the section that delivers on the government's election commitment for a national curriculum. This amendment—which was moved by Senator Fielding and supported by the opposition in the Senate—would destroy the national curriculum. We are determined to deliver on our election promise of an improvement for Australian children. Already government schools have signed up through the premiers and chief ministers. This is a curriculum that is being worked on through a collaborative process—a curriculum board, which includes amongst its number representatives of independent schools and Catholic schools. So we are determined to deliver our election commitment and determined to have the same arrangements for non-government schools as those that apply to government schools.

Most importantly of all, we are determined to get money to non-government schools. Shortly before I came into the chamber I stood with Mr Bill Daniels, who is the executive director of the Independent Schools Council of Australia, and with Dr Bill Griffiths, who is the Chief Executive Officer of the National Catholic Education Commission, at a press conference. At that press conference those national representatives of independent and Catholic schools in this country said to the people of Australia, and most particularly to members of this parliament, that they are supportive of the national curriculum process, they are engaged in the national curriculum process—they are part of it and they are on the national curriculum board—and they do not seek the amendment that the Liberal Party supported and that Senator Fielding moved. They are content for the national curriculum to be part of this bill and they called most urgently and strenuously on all members of this parliament—both the House of Representatives and the Senate—to pass this bill with the national curriculum provisions in it and to pass it to give funding certainty to non-government schools.

The shadow minister therefore is not representing in this place the schools this bill is about. The schools this bill is about—the non-government schools who are going to get money—have said loud and clear through their national representatives that they support the national curriculum and that they want this bill passed with the national curriculum clause in it. The shadow minister is not representing them. The schools that will actually benefit from this bill want this bill passed as the government is proposing it. This is very serious. They want this bill passed as the government is proposing it.

The shadow minister has said in support of his arguments—and I say 'his arguments' because they are not the arguments *(Extension of time granted)* of the national independent schools sector or the national Catholic school sector—that people should not be required to sign up to a curriculum that they have not seen. But this is hypocrisy by the Liberal Party—rank hypocrisy of the worst order. When an education funding bill was last before this parliament for schools and the Howard government was in office, and the shadow minister was a member of it, the Liberal Party presented to this place a bill that tied funding to statements of learning that at that stage had not been developed. So the Liberal Party is now seeking to lecture the government about something that it did it itself when in government. This is hypocrisy—nothing more; nothing less.

Finally I want to lay before the House very clearly the consequences of the Liberal

Party staying on this erroneous path and defeating or holding up the Schools Assistance Bill. Let us make no mistake about it—what this will mean is that non-government schools will struggle to open next year without the benefit of government funds that they are relying on. The shadow minister for education knows that. He is seeking to avoid the political responsibility for it by muttering that the government must have a contingency plan.

I want to say in this parliament very clearly that there is no contingency plan. To appropriate money for non-government schools requires the passage of this legislation—that is what it is for; it is for the delivery of $28 billion into the hands of non-government schools. If the opposition insist on this course then they must also take political responsibility for its consequences. You cannot act in politics without owning the consequences. Let us be very clear, and everybody in this parliament and members of the public should be very clear about this: the consequence of the opposition sticking to this course and this bill not passing the parliament whilst it sits in 2008 is that non-government schools will struggle to open next year because they will not have the benefit of government funds.

Now, I cannot tell you precisely what is going to happen, Mr Deputy Speaker Slipper, because we have never been in this position before. Maybe some of them will not open at all. Maybe some of them will open underresourced. Maybe some of them will open having stood teachers down because they cannot afford their salaries. I do not know precisely what will happen, but imagine you were a principal of a non-government school and a large percentage of your income—maybe 50, 60 or 70 per cent—was contingent on this bill passing. If it does not pass, how then do you run your school in the opening weeks of the school year next year?

This is not about the kind of politics that the Liberal Party is seeking to play with it. In this parliament, we get up here and, sure, we do the sorts of things that the member for Mayo just did—talking about other members, referring to things about them, seeking to make political advantage, political capital. That does happen in this place; it happens on all sides of this parliament. I acknowledge that. But this is more important than that. This is not the grievance debate, this is not a statement in the Main Committee; this is making a decision about whether or not students in this country who attend non-government schools go to schools next year that have the benefit of $28 billion of resources. The school sector has spoken. They stood alongside me at a press conference: Mr Bill Daniels to one side for independent schools; Mr Bill Griffiths on the other side for Catholic schools. They said they support the national curriculum. They support the national curriculum clause being in this bill, and they are asking this parliament to make sure that this bill passes the House and passes the Senate. On their behalf, I am asking the Liberal Party to do the same thing and to not play destructive politics which would harm non-government schools in this nation. They say they care about the non-government school sector. There is one way to prove it: vote for this bill with the national curriculum in it.

Mr PYNE (Sturt) (12.09 pm)—I will begin where the Deputy Prime Minister finished—that is, this is a very important debate. We understand that, absolutely. I am not sure that the Deputy Prime Minister understands it as clearly as she makes out, because in fact this bill has been amended by the Senate. The national curriculum aspect of the bill is no longer linked to the funding aspect of the bill. The national curriculum has been removed from this bill by the Senate, and that is why the government is mov-

ing the motion that the amendment be disagreed to, because they—not the opposition—are making the decision to put the national curriculum part back into the funding part of the bill. So the government could agree right now to pass the bill, and the funding would flow to the schools as of tomorrow. They could do it if they wished to. They could do if they made that decision. There is no reason at all why the national curriculum has to be part of this funding bill. It is the new Labor way, of course, to link all things together—parts that the opposition does not wish to support with parts that it does. But we do not have to play the government's game, and I do not intend to.

The national curriculum does not have to be part of this bill. It is not slated to begin until 2012. It is 2008. The government has all the time in the world to get the national curriculum right. It has all the time in the world to clarify the position for Steiner schools, Montessori schools, schools that teach the International Baccalaureate, schools that teach the Cambridge International Examinations method of schooling, schools that teach the Amelia Reggio method of schooling, schools that look after students with special needs and disabilities—all of which are at risk under the way the national curriculum is being described in this bill. Now why is that? Because the way the government has described the national curriculum is not the way that the previous government did. The government has removed a critically important phrase from the way we described the national curriculum. We used to say—it was actually our idea—that we would have a national curriculum or its equivalent accredited by appropriate authorities. The government has removed 'or its equivalent' and is simply mandating an inflexible, centrally controlled national curriculum that each school must sign up to or it will not get its money.

The coalition have no difficulties with diversity and choice in education. We stand for diversity and choice in education and always have. We were the party that decided to fund the independent and Catholic school sector in the Menzies government. That was our decision. On this side of the House we have always been in favour of supporting diversity and choice; both the non-government and government sector are important to us. This is an important debate. This is the debate on this bill, because if the national curriculum is linked to funding from 1 January, if every school is required to sign up to it, they are signing up to an unfinished, inflexible, mandated and centrally controlled national curriculum and they have not even seen the fine print, let alone the final national curriculum document.

The Minister for Education was a lawyer before she came into this place. The Minister for Education would not sign a contract for which she had not seen the fine print. The Minister for Education would not advise a client to sign a contract which they had not even seen the terms of. It is the most absurd notion that in December 2008 apparently the sky will fall in if a national curriculum is not part of this bill—it is not slated to begin for four years. It is an absurd notion. The Minister for Education knows full well that she could support the opposition in removing that part from the bill and the money will flow to the non-government schools from the moment the bill is passed. We are committed to supporting that. We supported it in the House of Representatives, we supported it in the Senate, and we will support it again today. We will support the funds flowing. So if the funds do not flow, there is only one side of the House that will be responsible for that, and that is the government side. It is the government's decision. It is the cabinet's decision. It is the Prime Minister's and the Dep-

uty Prime Minister's decision. *(Extension of time granted)*

The Deputy Prime Minister talked about the sector. She had a show press conference today where she brought out representatives of the sector. One of those representatives from the Independent Schools Council of Australia wrote to me on 10 October, before this bill was debated in the House and before I gave my speech. In that letter, the Executive Director of the Independent Schools Council of Australia, Mr Bill Daniels, said:

> There are also reservations about several provisions of the *Bill*.
>
> … … …
>
> The sector has yet to see the draft regulations or guidelines and consequently it is not clear precisely what the Government intends to require of schools under this provision.

He is talking about the national curriculum. He continued:

> There is also considerable uncertainty about the final form of the national curriculum given that it is in its formative stage of development. The *Bill* in effect will require independent schools to agree to have their funding contingent on undefined curricula, subject to undefined arrangements.
>
> Many independent schools offer curricula such as the International Baccalaureate, the University of Cambridge International Examinations, Montessori and Steiner programs and will wish to continue to do so in the future. There are also independent schools that offer high quality teaching and learning programs for students with special needs and ISCA considers that it is important for the autonomy of independent schools that they have the freedom to offer these curricula. It is not at all clear that this will be permissible under this legislation.

The Executive Director of ISCA, Mr Bill Daniels, wrote to me on 10 October 2008 in those terms. It could not be clearer that in October the Independent Schools Council of Australia was urging and supporting the opposition to amend this bill and to remove the national curriculum so that we could have that debate and make it clear in the months ahead. What has changed is that obviously we know the government has held a gun to the head of the independent schools sector, to the non-government sector, and is bullying the sector, as they tried to hold a gun to the head of the Senate last night. All credit to Senator Fielding from Victoria and the opposition for standing by their principles on the issue of the national curriculum.

I am disappointed that today ISCA has done a public press conference with the minister and said what they have said, but I understand it because it would be a very courageous peak body indeed that, faced with the prospect of the government cutting off their money on 1 January, decided to continue to press their concerns. We know that they have concerns; we have it in black and white. It would be very courageous—it would be Sir Humphrey Appleby level courage—for the independent schools' peak body to today come out and attack the government. They have $28 billion on the table and they know that the election is not for two years. If I were advising them, even though I have a different view on this issue, I would say, 'You are between a rock and a hard place.' But the opposition is not between a rock and a hard place, because the opposition believes fervently that this bill can be split—it has been split—that the national curriculum can be taken out of the bill and that we can have the debate about how it affects Steiner schools, Montessori schools, IB schools, Cambridge International Examinations schools, Reggio Emilia schools and other schools of that kind. We support diversity and choice.

The power is in the hands of the government to make the money flow, and all they have to do is insert 'or its accredited equivalent'—four words, two of them small and two of them long—in the bill and we will pass it. All we need to know is that an ac-

credited equivalent will be acceptable. Why will the government not do that? Why will the government not insert those four words in the bill? Why would the government be so intransigent about it? They were happy to do so to clear up the issue for Indigenous students. They were happy to do so in the face of Senator Xenophon's amendments that we supported that were our amendments. But, for some reason which I cannot fathom, apparently to insert 'or its accredited equivalent' would bring the government to a standstill.

Our view in the opposition is that if the government inserts 'or its accredited equivalent' in the bill we will pass it. There is an offer for the minister to consider. We are obviously going to vote against the government's motion and it will go back to the Senate and the Senate will then have to decide what to do. We will support the bill if you insert those four words. *(Time expired)*

Mr BRIGGS (Mayo) (12.19 pm)—I rise to support the shadow minister, the member for Sturt, and to support amendment (4) passed by the Senate last evening. What we saw before was typical of the Deputy Prime Minister where she puts words into people's mouths—she verbals people. She made the claim that we do not support education. That was the claim she made when she stood up and spoke. That is completely untrue. I spoke very clearly in this House on this bill because I do support education. I support education because I understand the importance of educating our young people. As a father with two young children, I understand how important education is. I have a conflict of interest: I intend to send my children to an independent school. I know that might be offensive to those on the other side, but I do. In fact, my eldest will be in her primary year of school in 2012 when this national curriculum starts—three years away. So why is the Deputy Prime Minister threatening the independent schools sector in December 2008 with something that will not begin until 2012, and we have not even seen it yet? We in this place are expected to sign a blank cheque for the Deputy Prime Minister on a national curriculum that my children will learn under.

You sit there and tell us we do not care about education. Let me tell you, Deputy Prime Minister, that we do care about education—we care deeply about education—and we will not be told by a bullying Deputy Prime Minister that we do not. We know that is your tactic. We know the arrogant tactic to come in here and be virtuous on everything. We dare speak out. Can you imagine an opposition speaking out? Can you imagine an opposition actually standing in this place, in a democracy, and raising issues with the government of the day, particularly when we might be right? I know it hurts to make mistakes. We have all made mistakes. The previous government made mistakes, this government has made mistakes; and you have made a mistake. So you should change your mind on this bill and accept the amendment.

Yet again the Deputy Prime Minister refuses to identify the shadow minister's and the opposition's role in this. That is part of the political tactic—the opposition is irrelevant. We have seen it with the global financial crisis where a big mistake was made on the bank deposits guarantee, a mistake they would not have made had they listened to the Leader of the Opposition. We have seen it with this bill—she has backed down on two provisions, the schools hit list being the main one—and we have seen it with this mistake. There is no need for the national curriculum to be moved until 2012. It has not been written yet. We know who is going to be writing it—close friends and people from backgrounds not dissimilar to that of the Deputy Prime Minister.

Ms Gillard—That is disgusting.

Mr BRIGGS—We know what their backgrounds are. I am not commenting on their backgrounds but we know what the backgrounds of some of these people are. The member for Sturt, the shadow minister for education, referred to the view of some in the sector on this bill. I would like to reflect on one of the submissions to the Senate inquiry—one from Geelong College, which is an independent school, so I know that the Deputy Prime Minister does not like it. It is probably quite a well-resourced school, in fact. This is what they said to the Senate inquiry:

> What is of particular concern, however, is that, through the introduction of the legislation in its current form, we are being required to accept the national curriculum even though it is yet to be written.

So, it is a blank cheque for the Deputy Prime Minister to push her ideological agenda. This is what it is all about—it always is with the Deputy Prime Minister. She is a very clever lawyer; she argues her way through things. She is very good at it. I accept that she is extraordinarily good on her feet. The problem is—

Mr Craig Thomson—Not tricky and mean. Work Choices—that was your legislation.

Mr BRIGGS—Here we go again! The typical tactic—bullying the opposition. Go ahead. You can try to bully us all you like. It might work in the Labor Party, it might be part of the Labor Party's tactics, but it does not work with us. We are happy to stand up and argue our point because we are right. One thing I imagine will be included in the national curriculum is the word 'decisive'. Let us see how many more 'decisives' we get on the decisive-o-metre today. We are up to six in December; let us see what we get up to today. There were 156 in October and 111 in November. We are off to a flyer in December. What the Deputy Prime Minister can do today to give assurance to the independent school sector is accept the amendment and move on.

Ms GILLARD (Lalor—Minister for Education, Minister for Employment and Workplace Relations and Minister for Social Inclusion) (12.22 pm)—Can I clarify what is under consideration here and respond to some very false claims made during this debate on the Schools Assistance Bill 2008. The amendment that the Senate moved was to delete clause 22 of the bill—that is, to delete the whole section that refers to national curriculum. The shadow minister, apparently, says he is now arguing for something else. But what is before this parliament is the motion that I have moved that amendment No. 4 be disagreed to. Voting against that means that people are voting against the entire national curriculum clause. The shadow minister ought not to try to confuse people. Voting against that is voting for the deletion of the whole clause which deals with national curriculum.

Secondly, there has been a misrepresentation in this debate of the way that our national curriculum proposal works in relation to Steiner, Montessori, International Baccalaureate and other schools. The government have made it perfectly clear publicly—I have done it in speeches and we have spoken to these schools—that the national curriculum will be about content and achievement standards. There will continue to be flexibility. There will continue to be room for innovation and creativity and for the development and delivery of curriculum methods at the local level in schools. We have made it abundantly clear that we will ask the National Curriculum Board to advise on the best way of acknowledging the internationally recognised curricula of Steiner, Montessori, International Baccalaureate and other

such schools. I spoke about this publicly in a speech quite some time back. We have made it clear to those schools.

Thirdly—and I think this really does need to be said and I want to correct the record in relation to it—I am not writing the national curriculum. The government appointed the chair and deputy chair of the National Curriculum Board. They are internationally recognised educationalists. Representatives on that board come from states and territories and the independent and non-government school systems. I think it is highly offensive to the individuals involved to suggest, as the member for Mayo just did, that in some way they are party political.

The member for Mayo has laid bare what this debate is about. It is about the Liberal Party and it is about credit for the shadow minister. It is all about them. It has nothing to do with the educational standards of Australian children. The people who speak on behalf of non-government schools, those who represent at a national level the Catholic and independent schools system, have spoken loudly today and they have spoken clearly. They have said to this parliament: pass this bill. They have said to this parliament: pass this bill with clause 22 in it. The government hears their voices. The government wants to make sure that non-government schools open next year with the benefit of $28 billion of resources. With those words, we are going to continue to work to get those schools the resources they need and to deliver on our election commitments of transparency and national accountability. I move:

That the question be now put.

Question put.

The House divided. [12.33 pm]

(The Deputy Speaker—Hon. Peter Slipper)

Ayes……	71
Noes……	51
Majority……	20

AYES

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.
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.
Grierson, S.J.	Griffin, A.P.
Hale, D.F.	Hall, J.G. *
Hayes, C.P. *	Irwin, J.
Kelly, M.J.	Kerr, D.J.C.
King, C.F.	Livermore, K.F.
Marles, R.D.	McClelland, R.B.
McKew, M.	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.	Sidebottom, S.
Snowdon, W.E.	Sullivan, J.
Symon, M.	Tanner, L.
Thomson, C.	Thomson, K.J.
Trevor, C.	Turnour, J.P.
Zappia, A.	

NOES

Andrews, K.J.	Baldwin, R.C.
Billson, B.F.	Bishop, J.I.
Briggs, J.E.	Broadbent, R.
Chester, D.	Coulton, M.

Dutton, P.C.	Farmer, P.F.
Forrest, J.A.	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.
Markus, L.E.	May, M.A.
Mirabella, S. (*proxy*)	Morrison, S.J.
Nelson, B.J.	Pearce, C.J.
Pyne, C.	Ramsey, R.
Randall, D.J.	Robb, A.
Robert, S.R.	Ruddock, P.M.
Scott, B.C.	Secker, P.D.
Simpkins, L.	Somlyay, A.M.
Southcott, A.J.	Stone, S.N.
Truss, W.E.	Tuckey, C.W.
Vale, D.S.	Washer, M.J.
Wood, J.	

PAIRS

McMullan, R.F.	Gash, J.
Vamvakinou, M.	Smith, A.D.H.
Smith, S.F.	Costello, P.H.
Jackson, S.M.	Moylan, J.E.

* denotes teller

Question agreed to.

Original question put:

That amendment No. 4 be disagreed to.

The House divided. [12.40 pm]

(The Deputy Speaker—Hon. Peter Slipper)

Ayes……	71
Noes……	51
Majority……	20

AYES

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.
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.
Grierson, S.J.	Griffin, A.P.
Hale, D.F.	Hall, J.G. *
Hayes, C.P. *	Irwin, J.
Kelly, M.J.	Kerr, D.J.C.
King, C.F.	Livermore, K.F.
Marles, R.D.	McClelland, R.B.
McKew, M.	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.	Sidebottom, S.
Snowdon, W.E.	Sullivan, J.
Symon, M.	Tanner, L.
Thomson, C.	Thomson, K.J.
Trevor, C.	Turnour, J.P.
Zappia, A.	

NOES

Andrews, K.J.	Baldwin, R.C.
Billson, B.F.	Bishop, J.I.
Briggs, J.E.	Broadbent, R.
Chester, D.	Coulton, M.
Dutton, P.C.	Farmer, P.F.
Forrest, J.A.	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.
Markus, L.E.	May, M.A.
Mirabella, S. (*proxy*)	Morrison, S.J.
Nelson, B.J.	Pearce, C.J.
Pyne, C.	Ramsey, R.
Randall, D.J.	Robb, A.
Robert, S.R.	Ruddock, P.M.
Scott, B.C.	Secker, P.D.
Simpkins, L.	Somlyay, A.M.

Southcott, A.J.	Stone, S.N.
Truss, W.E.	Tuckey, C.W.
Vale, D.S.	Washer, M.J.
Wood, J.	

PAIRS

McMullan, R.F.	Gash, J.
Vamvakinou, M.	Smith, A.D.H.
Smith, S.F.	Costello, P.H.
Jackson, S.M.	Moylan, J.E.

* denotes teller

Question agreed to.

Ms GILLARD (Lalor—Minister for Education, Minister for Employment and Workplace Relations and Minister for Social Inclusion) (12.42 pm)—I present the reasons for the House disagreeing to Senate amendment (4) and I move:

That the reasons be adopted.

Question put.

The House divided. [12.44 pm]

(The Deputy Speaker—Hon. Peter Slipper)

Ayes……	72
Noes……	51
Majority……	21

AYES

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.
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.
Grierson, S.J.	Griffin, A.P.
Hale, D.F.	Hall, J.G. *
Hayes, C.P. *	Irwin, J.
Kelly, M.J.	Kerr, D.J.C.
King, C.F.	Livermore, K.F.
Marles, R.D.	McClelland, R.B.
McKew, M.	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.	Sidebottom, S.
Snowdon, W.E.	Sullivan, J.
Swan, W.M.	Symon, M.
Tanner, L.	Thomson, C.
Thomson, K.J.	Trevor, C.
Turnour, J.P.	Zappia, A.

NOES

Andrews, K.J.	Baldwin, R.C.
Billson, B.F.	Bishop, J.I.
Briggs, J.E.	Broadbent, R.
Chester, D.	Coulton, M.
Dutton, P.C.	Farmer, P.F.
Forrest, J.A.	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.
Markus, L.E.	May, M.A.
Mirabella, S.	Morrison, S.J.
Nelson, B.J.	Pearce, C.J.
Pyne, C.	Ramsey, R.
Randall, D.J.	Robb, A.
Robert, S.R.	Ruddock, P.M.
Scott, B.C.	Secker, P.D.
Simpkins, L.	Somlyay, A.M.
Southcott, A.J.	Stone, S.N.
Truss, W.E.	Tuckey, C.W.
Vale, D.S.	Washer, M.J.
Wood, J.	

PAIRS

McMullan, R.F.	Gash, J.
Vamvakinou, M.	Smith, A.D.H.
Smith, S.F.	Costello, P.H.
Jackson, S.M.	Moylan, J.E.

* denotes teller

Question agreed to.

MIGRATION LEGISLATION AMENDMENT (WORKER PROTECTION) BILL 2008

Debate resumed.

Mr KELVIN THOMSON (Wills) (12.47 pm)—The Migration Legislation Amendment (Worker Protection) Bill 2008 concerns the temporary migrant worker program, referred to as the section 457 visa system. Let me make it clear right from the outset that I am not a fan of this program. There have been at least seven problems with this program. First, the migrant workers have been paid much less than the rate which would be paid to a permanent Australian resident doing the same job. This means that not only are the migrant workers themselves exploited and underpaid but downward pressure is applied to the wages and conditions of Australian workers. Section 457 visa tradespersons, for example, on average are being paid more than $10,000 per year less than the average Australian tradesperson. Evidence given to the Deegan inquiry—which I will refer to later—points to 80 per cent of section 457 visa tradespersons being paid the minimum rate.

Second, the Howard government did away with labour market testing. That is to say, there is now no requirement to show that there is a shortage of Australians capable of doing the job that the section 457 visa entrant is being brought in to do. This means that people get brought in on a section 457 visa and end up being unemployed. It also means that Australians who might otherwise enter the workforce continue to remain outside it. Third, the skilled migration program in general and the section 457 visa program in particular have become a business, spawning migration agents and labour hire firms who make money—much of it out of the temporary workers—and who have little incentive to enforce the various rules surrounding the 457 visa program and plenty of incentive to rort the whole system. Fourth, the requirement that only employers who have a demonstrated track record of training Australians should be able to access the scheme has not been properly enforced or monitored and has broken down.

Fifth, there are clear weaknesses of the temporary worker scheme compared with permanent skilled migration. For starters, there is no testing or proper accreditation arrangement to ensure that temporary entry workers are properly qualified. In addition, they are not required to have English language skills. It means that such workers are often inadequately qualified and find themselves unemployed. English language skills are ultimately an essential requirement of Australian workplaces. There is no reason, in my view, that these differences between the permanent and temporary skilled migration scheme should continue.

Sixth, the scheme puts enormous power in the hands of employers and is open to abuse. The requirement for a 457 visa applicant to have an employer sponsor is accompanied by a provision that, if a worker loses their sponsor, they have 28 days to find another one or they will be required to leave the country. This enables employers to exploit and abuse migrant workers and to trample on their rights, through the all-too-simple device of threatening to withdraw their sponsorship.

Seventh, there has been a lack of transparency surrounding section 457 visas. The Howard government refused to release appropriate details about who is employing 457 visa holders, and what they are being paid. There are some clear reforms which would improve the integrity of the section 457 visa and address some of the rorts—for example, introduction of labour market testing, a system requiring the payment of market rates

and greater transparency. I believe that employers who want governments to bring in cheap, vulnerable temporary migrant labour are trying to avoid basic responsibilities. One is to offer wages and conditions sufficient to attract workers to work for them, and the second is to contribute to an apprenticeship and training system which ensures that Australia has a skilled, modern workforce.

I commend to the House the statement by the Australian Manufacturing Workers Union, the CFMEU and the Australian Nursing Federation concerning temporary migrant labour, which notes that the 457 temporary migrant worker program 'has become notorious for the abuse and rip-off of migrant workers' and that government data shows that 457 tradespersons earn much less than the average Australian tradesperson and are exploited through exorbitant fees and charges which further reduce wages.

The sign-on statement produced by these unions notes that, under the current 457 visa system, employers can pay less than the rate they would pay a permanent Australian resident in the same job, use 457 visa workers on weekends and shifts to avoid the penalty rates they would have to pay the rest of the workforce and threaten workers with the sack and deportation if they question the boss or seek work with another employer. I note that yesterday the *Australian* reported:

> The number of warnings given and penalties levied on employers for breaching the controversial 457 visa program has exploded in the past three years ...

The report in the *Australian* notes that the number of formal warnings issued to employers for breaching aspects of the scheme leapt from 99 in the year 2005-06 to 1,353 in 2007-08 and that the number of employers who were actually sanctioned for violating the terms of the program also spiked, going from just three in the year 2005-06 to 19 in 2007-08. It is worth observing that the changing nature of the 457 program has contributed to a rise in abuses. The number of people in the high risk group for exploitation—that is, tradespeople and below—has exploded in the last three years, and compounding this effect is the fact that the program has increasingly drawn people from low-wage countries such as the Philippines, China and India. Mr Bob Kinnaird, who is an expert in this area, says that these two things are related. The increase in 457 visas for tradespeople and below has mainly been from low-wage countries. It is also noted in the report that the number of 457 applicants has been increasing very substantially. The number of 457 applicants jumped from around 46,000 in 2006-07 to 58,000 in 2007-08, an increase of 24 per cent, and a total of 110,000 temporary work visas were issued to workers and their dependents, a rise of 27 per cent. Clearly the 457 visa scheme has been skyrocketing.

I want to support the Migration Legislation Amendment (Worker Protection) Bill 2008 before the House, because it amends the Migration Act: to create a new sponsorship framework with heightened enforcement mechanisms that will give the department new and greater legislative authority for providing a better structure for sponsorship obligations for employers and other sponsors; to improve information-sharing across all levels of government; to expand powers to monitor and investigate possible non-compliance by sponsors, with punitive penalties for non-compliance; to introduce meaningful penalties for sponsors found in breach of their obligations; and to give the power to create significantly broader regulations to define the scope of the newly expanded sponsorship framework.

The bill maintains the sanctions of barring and cancelling where there is a breach of a sponsorship obligation while providing for

two new sanctions: civil penalty proceedings and infringement notices in lieu of civil penalty proceedings. The bill provides that, if an approved sponsor fails to satisfy a sponsorship obligation, the minister may seek an order in the Federal Court or the Federal Magistrates Court that they pay a civil penalty of up to $6,600 for an individual or $33,000 for a body corporate. The department will retain the ability to cancel an employer's approval as a sponsor or bar them from making applications for approval as a sponsor for a period of time. The bill introduces new inspector powers, which can be exercised for the purpose of monitoring compliance with sponsorship obligations and for other purposes prescribed in the regulations. The new laws will enable specially trained officers with investigative powers to monitor workplaces and conduct site visits to determine whether employers are complying with redefined sponsorship obligations.

There is also an amendment to the Taxation Administration Act, which will enable the disclosure of tax information to the department, allowing confirmation with the tax office to ensure the correct taxable salary is being paid to visa holders. The existing provisions for the disclosure of information have proved insufficient and ineffective in ensuring that overseas workers are being paid minimum salary levels and that Australian wages and conditions are not undermined. The bill provides that the regulations may prescribe obligations that an approved sponsor must satisfy. The prescribed obligations will clearly set out the period of time in which an obligation must be satisfied and the manner in which the obligation is to be satisfied. As a result, the obligations will for the first time be enforceable by law.

By establishing a new sponsorship framework, the bill will strengthen the integrity of temporary working visa arrangements. These arrangements have been eroded primarily due to a lack of compliance with the existing scheme. The integrity of the 457 visa framework has been undermined by its rapid growth and changing role, and it is time that these problems were addressed. The subclass 457 visa was set up with a particular set of economic conditions and labour demands in mind. It was originally designed to be used by a small number of highly skilled—professional—temporary migrants but over time the operation of the scheme has changed. The scheme has begun pulling in a larger proportion of people in trades level occupations as well as increasing numbers of workers from non-English-speaking countries, particularly the Philippines, China and India. It is absolutely clear that workers in occupations below the professional level, and particularly from non-English-speaking backgrounds, are at much higher risk of exploitation.

The Howard government aggressively promoted the subclass 457 visa as a response to Australia's growing skills shortage, but this approach has been a failure. Between 2003-04 and 2006-07, the department's 457 employer paper-based monitoring fell from 100 per cent to 65 per cent of employers, and site visits fell from 22 per cent to 14 per cent of employers. The former minister for immigration, Senator Vanstone, denied that problems with the subclass 457 visa existed at all and even defended the fact that her department did not have the powers to properly monitor visa holders. When questioned by Senator Evans in question time after a number of horror stories came to light about the abuse of subclass 457 visa holders, she claimed that the system was working. As the stories of exploitation grew in 2006, Senator Vanstone ordered the department to stop releasing information about the program to the public.

Meanwhile, high-profile media stories began to emerge of overseas workers being

exploited. We started to hear about cases where local wages and conditions were being undermined by employers bringing in workers under the subclass 457 visa scheme. It is worth mentioning some of these stories to the House. They illustrate the vulnerability to exploitation of these workers and the imperative of legislative change to ensure workers are adequately protected. Mohammad Nayeem's boss sacked him when he asked for overtime pay, threatening Mohammed that he would send him back to India. Mr Nayeem was working 50 hours for only 38 hours pay, with an additional deduction of $100 per week for 'accommodation' in an overcrowded two-bedroom office shared with five other workers.

Just as troubling is the case of Filipino born Rico Mavotas, who contracted chicken pox in September 2007 and was forced to return to work by his Darwin employer, Mawpump, despite his medical certificate stating he was unfit. Mr Mavotas was forced to work in extremely muddy conditions without any protective clothing, which led to him contracting a life-threatening case of meliodosis caused by bacteria present in tropical soils. At least nine migrants on the visa scheme have died in work related accidents in the past two years, almost double the workplace mortality rate of the general working population. Lian Ron Xia, a welder from China, died in September from a head injury sustained in an industrial accident at Byrne Trailers in Wagga Wagga. This occurred after two attempts by union officials before the accident to meet with him and other 457 visa workers employed by the company. Those union officials had been denied access to the work site.

The Director of the Centre for Population and Urban Research at Monash University, Bob Birrell, has commented that such deaths would appear to be the consequence of the changing nature of the program, where workers are drawn from developing nations. They often lack English skills and have debts to migration agents back home. Mr Birrell has said that migrants were also working for sponsors who were not mainstream corporate entities and in rural areas and higher risk industries such as construction. Bob Kinnaird, the migration analyst I mentioned before, has said many workers on 457 visas speak little English, are hired in high-risk industries and feel compelled to accept harsh conditions. He said:

> These people are desperate for Australian wages. Even where wages are undercutting local wages, they're much higher than they get back home.

He also said:

> They're over a barrel in the Australian workplace because if they complain, they would be on the plane home within 28 days.

No less an organisation than the International Labour Organisation has emphasised the increased vulnerability of migrant workers to occupational health and safety risks. In the paper from the ACTU responding to paper No. 2 of the Deegan inquiry, this was highlighted:

> … in order to ensure OHS for workers on 457 visas, it is imperative that trade unions have access to workplaces at which these workers are employed.
>
> … … …
>
> Research demonstrates that unionised workplaces are safer ones. Australian Government research shows unionised workplaces in Australia are three times as likely to have a health and safety committee and twice as likely to have undergone a management occupational health and safety audit in the previous 12 months.

The safety of guest workers and locals is jeopardised due to exploitation, lack of skills and a failure to provide OHS induction. Looking forward, I think the government should consider facilitating easier access to work sites for unions, along with benchmarking wages and conditions to the relevant in-

dustry collective agreement, to ensure that local wages and conditions are not being undermined. The differential in wages, conditions and safety concerns reduces workplace cohesion. Being paid lower wages than domestic workers for the same work increases exploitation of overseas workers with temporary entry. These workers are also more vulnerable than domestic workers in relation to unfair dismissal or unilateral termination of their employment.

The available evidence, according to Bob Kinnaird, justifies the concern that a very substantial percentage of 457 visa holders are not being paid Australian market rates. In 2006-07, 40 per cent of all 457 sponsor sanctions were for breach of the minimum salary level. As an interim measure, the Labor government on 1 August this year indexed the minimum salary levels for 457 workers for the first time in two years. Furthermore, we applied that increase to existing visa holders. Since February 2008, labour agreements covering business visas have been subject to a more transparent consultation process. Employers seeking labour agreements are now required to consult with relevant industrial stakeholders, including peak bodies, professional associations and unions, about the proposed agreement and to forward their views to the Department of Immigration and Citizenship. While no group has a veto right to block the approval of a labour agreement, the department now takes into account the views of stakeholders when considering the approval of a proposed agreement.

It is also worth noting that the 2008-09 budget allocated $19.6 million to improve the processing of and compliance with the temporary skilled migration program. In April this year the minister appointed an industrial relations commissioner, Barbara Deegan, to examine the integrity issues of the temporary skilled migration program. She has since been consulting with overseas workers, union and industry representatives, as well as the relevant Commonwealth, state and territory agencies, and has published three discussion papers. Her recommendations will inform the development of longer-term reforms to the 457 visa program, and the government has indicated that these reforms will be brought forward in the 2009 budget. Barbara Deegan's work is informing the Skilled Migration Consultative Panel. That panel was appointed to advise the government on the development of a longer-term reform package to improve the transparency, accountability and integrity of the temporary skilled migration program.

The government is committed to ensuring the subclass 457 visa scheme operates as effectively as possible, and the Migration Legislation Amendment (Worker Protection) Bill 2008 is a step towards addressing the legitimate and important integrity concerns about the program. I commend the bill to the House.

Mr RANDALL (Canning) (1.06 pm)—I am very pleased to speak on the Migration Legislation Amendment (Worker Protection) Bill 2008. I rise to speak on this bill today because the making of changes to Australia's popular non-citizen temporary workers scheme is something that I have a deep interest in. As the former chair of the Joint Standing Committee on Migration I have a strong interest in this field, and I have some personal experience with temporary working visas. While I was chair of the committee, I had declared an interest: my wife owns a bakery, and we employ temporary workers on the 457 visa scheme. We are very lucky that one of them is actually a baker from the Hanoi Hilton, and a magnificent baker he is. He has added very much to our business, and we are very proud of him.

Ms McKew interjecting—

Mr RANDALL—Yes, they have their French way of doing croissants and cooking in Vietnam. So it can be an excellent scheme. As I said, I was the chair of the joint standing committee that did an inquiry into this. As a Western Australian member, I clearly see the importance and effectiveness of this scheme. We know that these visas have gone a long way to helping to fill skills shortages in Australia in recent years. For example, as we know, in Western Australia at the moment unemployment levels are at 2.2 per cent, which is below any level of unemployment—in fact, it is negative—and that is why we seek skilled employees through this scheme for a whole range of industries, from hairdressers to anaesthetists and other most professional people. Yet we still have shortages in all the ASCO codes in Western Australia—and, I suspect, in other states of Australia. Certainly New South Wales would not be in the same position. However, New South Wales is one of the biggest users of 457 visas. We know that the New South Wales government, particularly in the area of health, is the largest employer of 457 visa holders.

In February of this year there were 67,000 primary 457 visa holders, with 57,000 family members. There are currently nearly 19,000 employers using 457 visas. Western Australia is, as I said, second only to New South Wales in its use of 457 visas, with around 12,000 migrants on the 457 visa subclass. The coalition introduced this new visa category to allow employers to sponsor skilled workers on a temporary basis for between three months and four years to help ease the chronic labour shortages that I explained just a moment ago. After two years, a visa holder can generally make a permanent residency application, and around half of them do so. One reason we provided this visa in the form that we did was that we as a government believed that, unlike the situation with guest workers in places like Italy, there should be a migration outcome as part of the visa itself. We know that many people, as I said, apply to become permanent residents, and then after four years they have an opportunity to apply for citizenship. As I said, many of these people are making great citizens and adding to Australia's colourful fabric and skilled workforce.

The bill amends the Migration Act 1958 to create a new sponsorship framework and to strengthen enforcement provisions and investigatory powers. It also amends the Taxation Administration Act to enable the sharing of information with the Department of Immigration and Citizenship. In September last year, the Joint Standing Committee on Migration—which, as I said, I chaired—tabled its report into the temporary business visas. The report was entitled *Temporary visas … permanent benefits: ensuring the effectiveness, fairness and integrity of the temporary business visa program*. Months of hearings revealed that there was overarching support for tougher compliance mechanisms to reduce exploitation of 457 visa holders as well as to ensure that the system continued to benefit employers and the broader community. I add that it was a unanimous bipartisan report. The members on the committee included the former member for Fremantle Carmen Lawrence, the member for Reid and the member for Fowler. So we had a number of people who were strident in their views on migration, and to come up with a unanimous report was something that I and, I think, all members of the committee were very proud of. The committee came up with some excellent recommendations. I have some reason to believe that Barbara Deegan might have had a sneaky little look at that report, because many of her recommendations are in line with those of that report as well.

As I and previous speakers have said, that was to guarantee the integrity of this subclass

of visa and the migration system generally. There were some examples of exploitation. However, the committee found that DIAC lacked the enforcement provisions to fine sponsors for breaches of obligations and recover unpaid wages and that it had to refer certain matters to other agencies for investigation. The bottom line was that the department essentially lacked the power and resources for adequate monitoring. Much of this legislation before us was put forward by the coalition government. It was introduced into the House as the Migration Amendment (Sponsorship Obligations) Bill in June 2007 last year. However, it was not debated prior to the election last year. Many of the committee's recommendations have been adopted in the legislation before us today.

Those before me have detailed the current legislation, so I will not dwell too much on the individual provisions. Suffice it to say that this bill details a new system of statutory regulations for sponsorship obligations, widens the sanctions for support breaches and includes new monitoring, compliance and information-sharing powers. The significant amendments include sponsors being required to satisfy sponsorship obligations automatically, as opposed to when the visa has been granted. In addition, DIAC can disclose personal information about the visa holder and the sponsor to both parties and other government departments without the need for written notice. Inspectors will have the power to compel document production. The introduction of new civil penalties may apply to sponsors for breaches, including fines of up to $6,600 for individuals and $33,000 for a body corporate. The primary difference between the bill being debated here today and its predecessor is that this bill does not seek to bring these obligations directly into the Migration Act. These all-important obligations will be made by regulations to be drawn up in the coming months, and the government can be sure that it will be carefully scrutinised by the coalition.

It is a bit disappointing that the coalition do not know the detail of this bill. In essence what the government and the minister are saying is, 'Trust us, we will give you the detail later.' It is a blank piece of paper, a blank cheque. They are saying, 'Trust us, we're politicians. We'll make sure we get it right some time later on.' We are very concerned that the regulations that are going to be in force are not available now so that they can be scrutinised as we talk to this bill before this House today.

This delay is for reasons of responsiveness and flexibility—or so the government tells us. It could be a reflection on the underresourced department, the lack of consultation with stakeholders and a government with its immigration credentials in tatters. Without a strongly regulated migration system, we have already seen Indonesian people smugglers back in business. The front page of the *Australian* today states that the ALP says that arrivals are not a result of its policy. Also, when referring to the integrity of the immigration system, the *Australian* exposes the fact that in Kabul in Afghanistan it appears that the Indonesian embassy is selling visas to Indonesia for a couple of thousand dollars so that people get to Indonesia and can use it as a springboard to reach Australia. It sends a very bad signal.

In Western Australia just the other day we had a shipload of people believed to be Tamils swimming ashore at Shark Bay. What is happening to the system now? There is a green light out there that says, 'If you can get here, you can stay here.' That is not the integrity that we want in our visa system. We have been very proud over the last number of years of sending strong signals to people smugglers that they should not arrive here unlawfully. There is another story in the *Aus-*

tralian today of Kurds being stranded in Indonesia because their boat sank. Thank goodness they did not drown. That is the signal—the green-light signal—that a softening of the migration system sends to would-be people smugglers and those who see Australia as a green-light destination.

On 28 November the *Financial Review* reiterated the coalition's concerns that not all of the obligations to be imposed on employers are spelt out in the legislation before us. It said:

> Business is being told to use the 457 scheme without clarity on what precise obligations it will have to fulfil in a few months time. … In securing integrity, business should not be dissuaded from using the scheme to maintain growth in a time of economic uncertainty.

The department's April discussion paper on business long stay subclass 457 and related temporary visa reforms leading to this bill has been met cautiously by employer sponsors and small businesses. The overwhelming majority of these people do the right thing by their skilled migrant employees.

It is vital that there be a balance between employees and employers. We cannot afford to deter businesses from using the system and we must protect employees from abuse. Some indication of the associated costs that employer sponsors will have to incur—which will, I understand, be in the regulations—can be drawn from DIAC's discussion paper. They include education costs of minors accompanying the worker, medical costs through insurance or direct payment, migration agents' fees, travel costs to Australia as well as from Australia, and licence and registration fees associated with employment.

As I said, because we are signing on to this blank piece of paper, there is great concern in the industry about whether this is to be retrospective. Will a line be drawn in the sand for those who arrive after this date? What proportion of the costs will be met by the migrant themselves or the sponsor when they transfer to another sponsor? What is the obligation on the next sponsor or the previous sponsor in terms of retrieving large amounts of money spent to get the 457 visa holder here? There are so many uncertainties in this that I am concerned about, and they do need to be clarified, but we are told 'Wait, we'll fix them up later.' There is concern that these new obligations and costs could impose a much greater burden and result in greater red tape for employer sponsors to cut through.

The department's 2006-07 annual report indicated that only 1.67 per cent of sponsors of temporary entrants were found to have breached their sponsorship obligations. This is what we found in our report in the previous parliament. There were only a very small number of people doing the wrong thing. Any percentage is too much. I agree with that and that is why there has to be greater support for compliance, monitoring and surveillance so that they can be dealt with expeditiously and with a strong message that this is not to happen.

The fact that so few employers have in the past breached their visa conditions, particularly in the light of the tremendous increase in the number of visas issued, indicates that much of the concern about the creation of an underclass of foreign workers has been exaggerated, particularly by the unions looking to their own personal interest. On this point—my previous committee members will reinforce this and the deputy chair, Senator Polley, would also, I am sure, reinforce this—the only people coming to give evidence to the inquiry that had a negative view of the 457 visas were the unions. I remember one case in Sydney where the visas were painted as being the most draconian thing. This smacked to me of the fact that the

union movement wanted to control the flow of workers into jobs.

One of the concerns with this legislation is that it is going to be a de facto method for the unions to be the sponsor and the surveillant of these workers, and their track record is not too holy on this. The fact is that most 457 visa holders are not members of unions and they want to unionise those coming in. If they place the unions in charge of the workers on these sites—and it has already been mooted that they will get to vet any of the workers before they commence work—it really means the unionisation of the 457 visa scheme. We will be watching that very carefully in the regulations that come forward. I know there are certain people in this House that might applaud that. We know they have a vested interest. However in saying that, any exploitation is too much. It should be investigated and it does need action.

Small business and recruitment agencies for franchises in Australia are rightly concerned about the impact these changes will have on their ability to use the 457 visa program. On that note, I will mention that the discussion paper and the discussion in the media and from the minister generally is that market rates of pay should be looked at in terms of these visas. Our inquiry also endorsed market rates of pay as the ideal that we should move towards. It is wrong that somebody on a 457 visa should go into a workforce and be paid less than an Australian in the same job. However, there are a lot of issues surrounding market rates of pay, and an example I will use again is that of the bakery where the 457 visa holder was on more money than the Australian baker on the award. That actually did have a benefit for the Australian worker because, obviously, we had to bring him up to the same rate of pay as the 457 visa holder.

The Australian Chamber of Commerce and Industry submission suggests:

> Far from increasing confidence in the 457 visa, it is ACCI's concern that the proposed changes will in fact discourage a large number of Australian businesses from using the 457 visa at all. This will place increasing pressure on the (already over-stretched) resident skilled workforce, drive up wages (through artificial market interference), and ultimately reduce the ability of Australian businesses to compete in a global market.

Whilst additional monitoring and oversight measures would enhance the integrity of the visa program, the possible additional financial burden on sponsors may be too great for some businesses. Will Aldous of Targeted Staffing Solutions in Melbourne has raised these concerns both with me and with the Minister for Immigration and Citizenship, as has one of his clients, Stainless Tube Mills. Mr Aldous noted that the changes could make it harder for their business to get staff rather than easier. Presently, Stainless has many skilled migrant workers and looks after them, including finding them accommodation, helping them learn English and providing them with transport. Both organisations echo the sentiments of many industry stakeholders that they are concerned about the compliance costs associated with the obligations set out in the paper. Mr Aldous says that the proposed additional costs are seen by many in the industry to be an additional penalty on those already under pressure because they cannot source local labour.

I asked to table a letter and have been told I may not—so I will not, the government member at the table may be happy to know. But I will raise the case to illustrate where abuse can sometimes get out of hand. This is the case of Mr Tony Cummins, who has written a 12-page letter to me. He was in Australia and applied for a 457 visa position. He has explained to me extensively the problems he was having with his sponsors. Mr

Cummins is presently in Malaysia following the cancellation of his visa. A multitude of events which I do not have time to go into in full has led to the current situation, but Mr Cummins's case is a classic example of one that has slipped through the cracks. On occasion Mr Cummins was not paid overtime after sometimes having worked more than 60 hours a week. As we know, you work 38 hours a week and then you are paid the hourly rate afterwards, but he was working 60 hours a week. He was generally treated poorly by his previous employer, who was quite ill-tempered and often violent and endeavoured to manipulate his salary in many different ways, which I intend to notify the Taxation Office about in my role as a member of parliament. He was forced to look for an alternative sponsor. His previous employer made allegations about Mr Cummins's work ethic and essentially conducted a character assassination of him to the department. His migration agent failed to notify Mr Cummins that his visa was in jeopardy—he did not pass on the mail, in other words—and Mr Cummins did not realise his visa had been cancelled until his new application was lodged. He was paying this migration agent thousands of dollars, by the way, to do the work for him. Mr Cummins is a highly experienced horse trainer from Ireland. He now has an employer willing to sponsor him. He will be an asset to an industry, and I think he would be particularly needed in the Perth racing industry. I trust a decision will be made on his case very shortly.

The coalition supports the basis of this legislation because it does strengthen the integrity of the system. However, the failure of the government to produce the regulations leaves us in doubt about where this is going. I endorse the bill. *(Time expired)*

Mr COMBET (Charlton—Parliamentary Secretary for Defence Procurement) (1.27 pm)—The Migration Legislation Amendment (Worker Protection) Bill 2008 is an important piece of legislation that will strengthen the skilled migration system and increase the protection for temporary migrant workers. The issue of temporary skilled migration has received significant attention over the last three years, and the previous speaker referred to some cases. In my previous role before entering parliament I interfaced with this system quite frequently in representing working people. To make it clear in that context, I and the ACTU were always very strong supporters of the migrant worker system in order to meet the skill shortages and labour shortages that of course have been present in the economy for some time, but it was always apparent that there were deficiencies in the safety net available to those workers and that they were not afforded rights equal to Australian participants in the labour force. It also needs to be emphasised that the overwhelming majority of employers worked well with this system and treated people decently when they were here working under these visa arrangements, but of course there were some notorious cases of exploitation and abuse. That is what needs to be addressed and is being addressed with this legislation.

The flawed administration of the temporary migration system by the previous government was symptomatic of the short-sighted approach to skills development and productivity by that government, the Howard government, in general as well. Viewed in conjunction with, for example, the Work Choices legislation and a decade of neglect in investment in skills policy, it highlights the short-termism of the Howard government and its failure in these areas of regulation. Instead of looking at long-term policy solutions to increase skills formation and productivity, the Howard government was content fundamentally to ride on the commodities boom. The result, as we have seen, was stag-

nating productivity and significant deficits in infrastructure investment.

By contrast, the Rudd Labor government is committed to significant investment in education and skills formation and a strong emphasis on productivity growth. And it is in that context, too, that we should view the temporary migration system and the policy changes implemented to strengthen its integrity. Some industries undoubtedly need access to temporary skilled migrants while they increase their Australian skilled workforce. However, that access is only sustainable in the longer term if the community is confident that the section 457 visa arrangements are not able to be exploited or to be used to undermine prevailing pay and employment conditions in the Australian labour market. The changes contained in this bill will help improve the community's confidence in the system of temporary skilled migration.

Other changes the government has announced to help alleviate the skills shortage include adding 6,000 places to the permanent skilled migration program, expanding the reciprocal working holiday visa program for young workers and expanding the provisions of the working holiday visa. Importantly, the government has also increased the minimum salary level by 3.8 per cent for 457 visa workers. The last government froze the minimum salary level for well over two years. I submit that was one of the elements that undermined public confidence in the system, as temporary skilled migrant workers' wages were frozen at the same time as wages—especially in the skilled employment category—were rising. This gave weight to claims that some of the temporary skilled workers were potentially being used in a way that was discriminatory for wages generally in the sectors of the economy in which they worked.

Another important part of the increase in the minimum salary level is that the wage increase will apply not just to new 457 visa entrants but also to existing temporary skilled migrants. This will rectify the inequitable situation in the past when, on the rare occasions that the last government did increase the minimum salary level, you could have one migrant enjoying the new salary whereas another migrant doing exactly the same job, who happened to enter the country a week earlier, could be paid less.

Furthermore, in relation to the government's action in this area, it is pleasing to see the appointment of Commissioner Barbara Deegan to conduct a review into the temporary skilled migration system. The review's terms of reference include six measures: firstly, the strengthening of the integrity of the temporary skilled migration program; secondly, the employment conditions that apply to workers employed under the temporary skilled migration program; thirdly, the adequacy of measures to protect 457 visa holders from exploitation; fourthly, the health and safety protection and training requirements that apply in relation to temporary skilled workers; fifthly, the English language requirements for the granting of temporary skilled migration worker visas; and, finally, the opportunity for labour agreements to contribute to the integrity of the temporary skilled migration program. To support the review and to provide advice to the government, the minister established the Skilled Migration Consultative Panel. Membership of the consultative panel includes representatives from state governments, industry and the labour movement. It is in this context that the details of this bill need to be considered.

Between 2004 and 2007 we witnessed a series of cases of exploitation of people under the section 457 visa program. Those cases, which usually came to light through

welfare organisations or trade unions, highlighted flaws in the system. In June 2007, in response to a significant decline in public confidence in the temporary migration system, the previous government introduced a bill that included provisions to—amongst other things—tighten the monitoring and sanction provisions that applied to 457 visa holders, allow for information sharing between the Department of Immigration and Citizenship and the Australian Taxation Office on 457 visa holders and their sponsors and clarify the obligations of 457 sponsors. Unfortunately, that bill was never debated and was not passed prior to the 2007 election, and therefore lapsed.

The Rudd Labor government, as part of its long-term commitment to education, training and productivity, has taken those elements of the bill and enhanced the scope of the protections. They are contained in and adopted by the Migration Amendment (Workers Protection) Bill 2008. Some of the additional provisions include that the bill now applies to all temporary worker visas—for example, occupation trainees—to stop employers from simply moving to other visa classes to avoid the bill's provisions, and applies to visas issued under labour agreements, again to stop some employers from moving into labour agreements to avoid the bill's provisions. The bill also contains important provisions which increase flexibility for employers. The bill adds two new sanctions where there is a breach of a sponsorship obligation. The new sanctions allow for fines of up to $33,000 for companies who fail to satisfy a sponsorship obligation.

The improvements in government oversight are, in my opinion, the most important provisions in the bill. The new powers are modelled on the workplace inspector powers in the Workplace Relations Act 1996, which will be carried over into the Fair Work Bill when it is enacted. These facilitate the carrying out of inspector functions by officers of the Department of Education, Employment and Workplace Relations. Under these provisions, inspectors will have the power to inspect the premises; interview any person; require the production of documents; and copy such documents. These are fundamental principles that the last government failed to implement—that is, temporary migrants should be granted the same level of protection from exploitation through adequate inspection powers as Australian workers. The previous government manifestly and deliberately failed to ensure that those inspection powers were available in relation to temporary migrants, who are often the most vulnerable people in workplaces and who apparently were considered as deserving of lesser rights than other workers. That attitude led to some notorious examples of abuse and exploitation.

As I mentioned, the bill also provides for improved flexibility for employers. Increasing the integrity of the temporary migration system is vital to continued confidence. Maximising the flexibility for employers who have a genuine temporary skills shortage is extremely important, and it is recognised in the legislation. The bill establishes a process to vary a sponsorship approval without going through the entire sponsorship approval process once more. This streamlining will create efficiencies for employers and for the department.

The changes contained in the bill will improve the operation of the temporary skilled migration system, which will help address short-term skill shortages. This is part of the Labor government's wider skills agenda. The highest priority of the Rudd government is to equip our own workforce to meet the skills needs of the economy. That is why in the 2008 budget the Treasurer announced a $19.3 billion investment in education and training, with $1.9 billion of that to be spent

to fund 630,000 new training places. This is a key initiative to address the long-term skill shortages. In addition, the Prime Minister announced this month that an additional 56,000 training places will be provided this year, and that represents the investment of a further $187 million.

It is important that, while the increased training of Australians takes place, industry has access to a functioning and effective temporary skilled migration scheme. To do this the community must have confidence in the system—most importantly, confidence that migrant workers are not being exploited and that their pay and employment conditions are equal to those of the employees with whom they are working in Australian workplaces. This bill will increase confidence in the system. It is on this basis that I commend it to the House.

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

Referred to Main Committee

Mr PRICE (Chifley) (1.38 pm)—by leave—I move:

That the bill be referred to the Main Committee for further consideration.

I inform all honourable members that this motion enjoys the support of the Chief Opposition Whip, the honourable member for Fairfax.

Question agreed to.

MAIN COMMITTEE

The DEPUTY SPEAKER (Hon. BC Scott)—I advise the House that 4 pm today has been fixed as the time for the next meeting of the Main Committee, unless an alternative day or hour is fixed.

EDUCATION LEGISLATION AMENDMENT BILL 2008

Returned from the Senate

Message received from the Senate returning the bill without amendment or request.

FAIR WORK BILL 2008

Second Reading

Debate resumed from 2 December, on motion by **Ms Gillard**:

That this bill be now read a second time.

Mr KELVIN THOMSON (Wills) (1.40 pm)—The Fair Work Bill 2008 seeks to create a national system, and it is in fulfilling this intention that I will comment on the Building and Construction Industry Improvement Act and the Australian Building and Construction Commission. A national industrial relations system should not have one standard for one industry workforce and another for the rest. The Building and Construction Industry Improvement Act takes workplace relations power away from those with a practical interest in a cooperative approach on construction projects—that is, unions, employers and others directly involved—and places it in the hands of an industry watchdog, the Australian Building and Construction Commission.

The Building and Construction Commission is an unnecessary concentration of executive influence with unwarranted investigatory powers for an industrial relations context. The absence of safeguards and oversight for the Building and Construction Commission has the potential to infringe and restrict the basic democratic rights of individuals, such as freedom of speech and freedom of association. It marginalises an industry and selectively denies construction workers basic and universally applicable labour standards. Workers and employers in the building and construction industry have their right to silence and the privilege against self-

incrimination denied or face the penalty of six months imprisonment for failing to cooperate with the Building and Construction Commission. Whole-of-employer arrangements take the reach of the ABCC into a wide variety of areas such as local government and therefore, bizarrely, to childcare workers and librarians.

The ABCC operates without the appropriate checks and balances or any sense of industrial fair play to ensure all stakeholders in the construction and building industry are scrutinised equally—a situation in need of reform to make the use of its investigatory powers more accountable. Action should be taken to address the misuse of power by the ABCC. It is a relic of an adversarial system and has no place in a modern economy. Creating a truly national workplace relations system should not mean subjecting one section of the workforce to separate laws. It is important that we fulfil our international obligations regarding our domestic industrial relations arrangements.

In conclusion, the Fair Work Bill is based on the important premise that economic prosperity and a decent standard of living do not have to come at the expense of one or the other, which was the reality of Work Choices. Labor's laws bring the workplace pendulum back to the middle, where it should be and where the electorate in 2007 voted strongly for it to be. The government's new workplace relations system will provide a strong safety net that workers can rely on in good times and in uncertain economic times. This bill consigns Work Choices to the dustbin of history. It had no place in the Australian workplace fabric and it still has no place in the Australian workplace fabric.

Mr HAASE (Kalgoorlie) (1.43 pm)—The Fair Work Bill 2008 was introduced into the House a week ago. This bill establishes Fair Work Australia, a body that will carry out arbitral, judicial and enforcement functions. This body will replace the Australian Industrial Relations Commission, the Australian Fair Pay Commission and the Workplace Authority. This bill also creates the Fair Work Ombudsman, a position that will replace the existing Workplace Ombudsman.

The Rudd government were elected after an extensive campaign that promised all manner of bells and whistles to the Australian people. After a very long and expensive campaign funded by the unions across Australia that tried to convince the people of Australia that hell was going to freeze over, they were elected. They have decided now that the people of Australia expect that there will be a new system of industrial law that will be more rosy than ever before and that will mean that we will all be able to walk on water and live the life of luxury for ever after. Some of my colleagues and I question the veracity of that belief and perception across Australia. In fact, some of us have even questioned whether the Fair Work Bill 2008 in all its highly questionable glory is quite the workplace relations change that the Australian people were led to believe would occur. I believe that it is exceedingly valid to question that. I will go into that in more detail later.

Colleagues before me have also mentioned that, as we all know, the economic conditions are vastly different now than they were in the lead-up to the election last year. We have already seen how the Rudd-Swan government is learning magic tricks, keeping the public distracted with patter and spin while performing the amazing $20 billion surplus disappearing act. We should all worry about the tricks that they will try to pull next.

Jobs are very important to the coalition. Jobs are our focus. We have a very strong record on jobs. During the coalition's term in

office, unemployment reached a 33-year low and more than two million Australian jobs were created, more than 400,000 of them after the introduction of the coalition's Work Choices legislation. There was also an increase of more than 20 per cent in real wages under the coalition, compared to a 1.8 per cent decrease under the Labor government that preceded us. Thanks to our legacy, we currently have a record high of more than 10.6 million Australians in work. By the current government's own forecast, they will put 134,000 people out of work. Therefore, I reiterate this point: conditions now are very different to the time when Labor was elected just over a year ago with its perceived or supposed mandate for workplace relations change.

These changes have been introduced at a difficult time for the national economy and consequently a difficult time for the government. I earnestly hope that the government will repay not just the coalition's trust but the trust of all Australian people that these changes have been very carefully considered and will not result in additional and unnecessary job losses.

The coalition has acknowledged that industry stakeholders support key elements of this bill. The coalition also believes that union accountability must be maintained and unlawful behaviour penalised. I will talk about union accountability in a moment. The coalition is not opposing the Fair Work Bill 2008 in the House of Representatives. But we reserve our right to propose amendments following the Senate committee process.

Members, to this point the Rudd-Swan government has been a triumph of spin over substance. But here we see the rare flipside, for Minister Gillard has provided far more substance in this bill than even in her own spin—also known as election promises. Prior to the election, Ms Gillard said that it was an untruth that Fair Work Australia would reintroduce compulsory arbitration. Just three months ago, Minister Gillard said to the National Press Club that compulsory arbitration will not be a feature of good faith bargaining. Surprise, surprise: compulsory arbitration is back in—just one of several features that have presumably been included in this legislation so that Labor can pay off its hefty election debt to the union movement.

Something else that the unions must be licking their lips about is pattern bargaining. Minister Gillard and colleagues have said on numerous occasions, both before and after the election, that pattern bargaining would not be part of Labor's Forward with Fairness plans and that they did not consider it legitimate or lawful. In this case, it seems that the spin was to try and detract attention from the substance, because pattern bargaining is in the legislation. Minister Gillard has tried to usher it in quietly with one hand while everyone else was watching the other hand.

That is not all. Prior to the election, Ms Gillard and Mr Rudd said that federal Labor would maintain existing right of entry provisions in workplace legislation. Earlier this year, Minister Gillard also told the Master Builders Association of Australia that Labor's promise to retain the current right of entry framework was a promise that would be kept. That is another sleight-of-hand approach by Labor—another promise that has not been kept. Unions can enter a vastly expanded number of workplaces. They can access the records of nonmembers. And they get a privileged seat at the bargaining table. This legislation is no tame white rabbit; it is a very feral bunny indeed that Minister Gillard has pulled out of this hat.

Let me now expand on the coalition's stance that union accountability must be maintained. Minister Gillard's explanatory memorandum—it is some memorandum in-

deed at 519 pages—states that the Fair Work Bill creates a national workplace relations system that is 'fair to working people, flexible for business and promotes productivity and economic growth'. Labor seem very keen indeed to spin their legislation—not just this piece but, for example, the nation-building legislation as well—as promoting or building productivity, or productive capacity at least. Labor do not have a great record in this area. In fact, they have an appalling record if the $96 billion debt—which we inherited back in 1996 when the Howard government came into office—means anything. Beyond the spin, we hope that they mean well. If union accountability is not maintained, productivity will not be promoted and the economy will not grow. Instead, we will have a return to the dim dark days of union domination and thuggery which impeded many industries from achieving their full capacity and productivity.

In the energy and resources sector in my electorate of Kalgoorlie we know something about productivity and economic growth. For example, the iron ore industry in the Pilbara contributed more than $20 billion to the state and national economy in the most recent financial year. It would be unacceptable if legislation were rammed down the throat of the nation's fiscal powerhouse that, amongst other things, would give unions a free hand, that allows random strikes under the phoney guise of safety standards, that allows walk-outs under the sham pretext of unsafe working conditions and that allows unions to practise their bullyboy standover tactics and flex their steroid enhanced muscle to no other end than to impede productivity and boost their self-importance.

I repeat: this legislation purports to be fair to working people and flexible for business and purports to promote productivity and economic growth. I happily hold up energy and resources as a shining example of a sector that is eminently fair and flexible whilst promoting productivity and economic growth. Companies in this sector lead the way and are innovators in workplace safety, equity and flexibility. They reap the rewards in their own increased productivity and economic growth, and those rewards are returned to shareholders. That is what big companies are about. They employ Australians and they return wealth to shareholders. As of June this year the mining sector alone directly employed more than 159,000 people. Last financial year mineral resource exports were worth $116 billion to the national economy. It is a lot of jobs and it is a lot of financial clout to potentially put at the mercy of the unions. And that is just one sector of the economy. For Australia to return to the dark days of union intimidation and standover would have much more significant ramifications now than in past years when the sector was smaller and employed fewer people.

The government has called its workplace legislation the Fair Work Bill—another piece of spin. Furthermore, in her second reading speech commending the legislation, Minister Gillard said:

> … Australians voted for a workplace relations system that delivers a fair go, the benefits of mateship at work, a decent safety net and a fair way of striking a bargain.

It is interesting the way they wove 'striking' into that statement. The definition of 'fair' in my *Macquarie Concise Dictionary* is 'free from bias, dishonesty or injustice'. Although its union bias is clear and quite well defined in the legislation, and Minister Gillard has been demonstrably dishonest in breaking her election promise about the content of this bill, we must hope and trust that the government is not doing the Australian people an injustice with this legislation. And I say we hope; there is no evidence that our hope is justified.

So much has been said by members of the government in addressing this particular piece of legislation. I have here five pages of examples of government members' speeches on this legislation that are absolutely outlandish in their claims of how hell would have frozen over if ever the Howard government had been re-elected at the last federal election and the evils of Work Choices had been implemented upon the people of Australia. In the time remaining to me, it is very difficult to determine which particular example I should select. The member for Throsby is one who knows something about industrial relations. She said that Work Choices was 'a radical manifesto never put to nor ever endorsed by the electorate in the 2004 election'—demonstrably hogwash.

The Australian electorate repeatedly elected a Howard-Costello government on the basis of making the workplace more flexible, providing opportunity for Australians in jobs to be secure in a manner of employment that they wanted to be secure in. So much has been said about there being so many part-time employees across Australia today. My straw polling indicates very, very clearly that part-time positions are held in Australia today because it is part-time positions that are wanted. Mothers, wives and individuals that do not want to devote their life to the corporation see—quite rightly, in my estimations—a higher order to serve, and that is their household, the future of their children, their pleasant life. They do not want a full-time position. They are very happy working part time. For this they are generally denigrated by members of the government today for not pulling their weight, for not getting out there and supporting corporate Australia by working hours and hours per week and then taking additional overtime as well. I know that the people that work part time in my electorate do so because those are the jobs that they want. That is the nature of flexibility that they desire, because their commitment is not to the corporate bosses and it is not to the shareholders; it is to their family, it is to their home and it is to their children. Flexibility in the workplace is something that that now-dead legislation that was generally referred to as Work Choices provided for.

The same bullyboy union bosses that funded that $20 million campaign so that members of the innocent Australian voting public would be convinced that Work Choices was some great ogre have now got the pocket of this government. They have got the pocket of the minister concerned and the minister is delivering. The minister is saying, 'Union bosses of Australia, put down your tools, sit on your arses—

Honourable members interjecting—

The SPEAKER—Order! The member might withdraw.

Mr HAASE—relax; we are about to repay you.' There has been a debt incurred of multimillions of dollars and this government through this minister will now deliver to the union bosses of Australia Valhalla: 'You will have entry where you have never had entry before.'

The SPEAKER—Order! The member might withdraw the remark that he made in a bit of a florid way.

Mr HAASE—I am sorry, Valhalla is a perfectly legitimate term.

The SPEAKER—No, earlier.

Mr HAASE—Are we talking about the arses of the union bosses? I am sorry—I am not referring to union bosses as being arses. If there is any belief that I was implying that, I apologise to the House and I withdraw.

The SPEAKER—I would say to the honourable member for Kalgoorlie that that was not the way to go about a withdrawal. I was

serious in endeavouring to have the honourable member withdraw.

Mr HAASE—I beg your pardon, Mr Speaker. I was unsure as to exactly what term was expected to be withdrawn.

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 will have leave to continue speaking when the debate is resumed.

MINISTERIAL ARRANGEMENTS

Mr RUDD (Griffith—Prime Minister) (2.01 pm)—Mr Speaker, I inform the House that the Minister for Trade will be absent from question time today. The Minister for Resources, Energy and Tourism will answer questions on his behalf. The Minister for Foreign Affairs remains absent from question time and the Attorney-General will answer questions on his behalf. The Minister for Defence will leave question time early today to attend the ramp ceremony for Lieutenant Fussell. The Attorney-General will answer questions on his behalf once he departs.

CONDOLENCES

Hon. Francis (Frank) Daniel Crean

Mr RUDD (Griffith—Prime Minister) (2.00 pm)—I move:

That the House record its deep regret at the death on 2 December 2008 of the Hon. Frank Crean, former federal Treasurer and Deputy Prime Minister of the Commonwealth of Australia, and place on record its appreciation for his long public service and tender its profound sympathy to his family in their bereavement.

It is with sadness today that we note the passing of Mr Frank Crean, former Deputy Prime Minister of Australia, who until his death held the distinction of being the oldest former member of the House of Representatives.

Frank Crean's story was, in many ways, the story of Australia itself in the 20th century. His life spanned the great and the good as well as the dark and grim days of what was an incredible century for our country. He was born in February 1916, a time when Anzacs were just being evacuated from Gallipoli and being sent to the killing fields of France. He was one of those tough Australians who lived through two world wars and a great depression. These great cataclysms could have torn the heart out of anybody else, but instead in the case of Frank Crean they only seemed to inspire him to work towards redressing the great social injustices and inequalities of those times. Like his hero Ben Chifley he never stopped pushing forward to reach that light on the hill which symbolises the fundamental Labor values for which he stood throughout his life.

Frank Crean was a genuine Labor legend and a man deeply committed to public service. He spent more than a quarter of a century in our federal parliament, from 1951 to 1977, and played a central role in Labor politics throughout this period. He helped build and rebuild the party in some of its darkest days. He brought a real depth of economic and financial knowledge to the successive roles that he performed in the parliament. He was one of the finest ministers of the Whitlam government.

Frank Crean was born, as I said before, on 28 February 1916 in Hamilton, Victoria, the son of a bicycle maker. He completed his leaving honours at Melbourne Boys High School in 1933, won a place at the University of Melbourne and earned degrees in arts and commerce, as well as a diploma in public administration, studying part-time while he worked at the tax department. He ran successfully for Albert Park in the Victorian Legislative Assembly in 1945 and later for Prahran.

I am told that his preselection at Albert Park was an interesting affair. When he went for preselection at Albert Park he was confronted by the local Labor luminaries with some doubts about how a man such as Frank Crean with a decidedly Catholic-sounding name, Francis Daniel Crean, could possibly run for what was seen to be a Protestant enclave of Albert Park. Frank, of course, was a Presbyterian. It is one of the great ironies of Australian life that we all end up with funny names. I say that as a Kevin, anyway. But the Labor historians tell us that the local party strongman, Pat Kennelly, was dispatched with the mission of rebaptising the prospective Labor candidate for Albert Park. Ross McMullen, our historian, records Kennelly saying: 'From now on you're Frank Crean. You've got to cut out this Francis bloody Daniel business if you're going to get yourself elected.' And he did. From then on he was known as Frank Crean. It is a little insight into the sectarianism of an earlier age, and I think we in this parliament are all pleased that that sectarianism is no longer part of Australian national political life.

Honourable members—Hear, hear!

Mr RUDD—In 1951 Frank was elected as the federal member for Melbourne Ports. His federal parliamentary career spanned almost the entire 23 years of Labor's period in opposition during the Menzies years. He joined the opposition benches just two years after Menzies had become Prime Minister and served under Chifley, Evatt, Calwell and Whitlam. He was a member of the executive of the federal parliamentary Labor Party from 1955 until his retirement in 1977. As one of the first Labor members with formal qualifications in economics, he became Labor's spokesman on economic matters. Frank served as Treasurer, as Minister for Overseas Trade—the position now occupied with distinction by his son, Simon—and then as Deputy Prime Minister of Australia. This was an extraordinary career.

It is less well known that Mr Crean held a special place in the extraordinary events of 11 November 1975. On that fateful day the parliament debated a censure motion. Frank Crean had arranged to speak on the motion after the lunch break at 2 pm. However, in the scramble following Sir John Kerr's removal of Prime Minister Gough Whitlam's commission, Gough had instructed Frank to go ahead with the speech and not even to mention the dismissal in order to give Gough time to prepare his tactical plans for a no confidence motion. Being a good party man, Frank of course cooperated.

As a result you can go to the *Hansard* of 11 November 1975 and find an extraordinary speech in which he staunchly defends the supremacy of the House of Representatives and completely ignores the fact that Sir John Kerr had just dismissed Gough Whitlam, except for this remark. 'What should happen, for argument's sake,' said Frank, 'if someone else were to come here in a few minutes and say he was now the Prime Minister of this country?' To which he answered himself, 'He would be voted out immediately in this House.'

How prescient of Frank. Perhaps he had a tip-off! Indeed, this was precisely the plan that was executed a few minutes later. After Malcolm Fraser had announced to the House that he had been commissioned to form an interim government, the Labor majority passed a no-confidence motion in Mr Fraser. However, when the Speaker, Gordon Scholes, went to see the Governor-General to inform him that the House had passed a no-confidence motion in the new Prime Minister, the Governor-General refused to see him. With the issuing of the writs, the parliament was dissolved. A day like that makes the tac-

tics committees on both sides of the House today look rather pedestrian.

Frank stayed in parliament for two more years before retiring in 1977, after 26 years in the parliament but just three years in government. Frank Crean was deeply admired, just as he was a deeply principled man. He served the parliament and the Australian Labor Party with great distinction. Even after representing the seat of Melbourne Ports for 26 years in parliament and with enough branch meetings to exhaust any mortal human being, he remained active in his local party branches. I understand he gave the current member for Melbourne Ports curry when due—which would be often, in my experience! That is all the more remarkable given the personal disappointments that Frank Crean experienced at different stages of his political career. Today's generation, of course, knows the name Frank Crean in part because of the achievements of his son Simon, our parliamentary colleague, our friend and Minister for Trade. As well, of course, Simon's brother David was formerly a Treasurer in the government of Tasmania.

On behalf of the government I offer condolences to his wife of 63 years, Mary, and their children Simon and David and their respective families. Tragically, their brother Stephen died in a skiing accident in 1985. With Frank Crean's passing, we mourn the passing of a great Australian, a great parliamentarian and a great son of the Australian Labor movement.

Mr TURNBULL (Wentworth—Leader of the Opposition) (2.09 pm)—It is with great sadness that I rise on behalf of the opposition to support this condolence motion. Mr Frank Crean was born on 28 February 1916 in Hamilton in Victoria. After a period in state politics, he was elected in 1951 to represent the people of Melbourne Ports, a seat he held for 26 years. He was one of the few members of the House in those days with formal qualifications in economics. He rose to become the first Labor Treasurer in 23 years, in the Whitlam government—a position he held from December 1972 until December 1974. Frank Crean was of course replaced as Treasurer by Jim Cairns—a decision that, with the benefit of hindsight, was probably not a very wise one.

From December 1974 until the end of the Whitlam government, Frank Crean was Minister for Overseas Trade, a portfolio his son Simon now holds. He served as Deputy Prime Minister for the last six months of the Whitlam government and retired at the 1977 election. As the Treasurer, Frank Crean faced difficult international and domestic conditions: rising inflation, slowing growth, growing unemployment and an international oil shock. Similarly, he faced internal party challenges. From early in the Whitlam government he warned against excessive spending and later remarked words that many other treasurers and finance ministers would feel some sympathy with:

> I had 23 ministers who each reckoned he could spend as much as the total budget was.

In 1946 Frank Crean married Mary Findlay, to whom he was married for over 60 years. In many ways it is in Frank Crean's family that we find his greatest legacy. His character is reflected in his sons who, despite our political differences, are recognised around this House as very decent and dedicated men. The Labor movement is very rightly proud of the record of public service of the Crean family and in particular our colleague Simon, to whom we extend our very deepest sympathy.

Frank Crean was a decent, loyal and faithful servant of his party. He was always motivated by the public interest and what he thought was good for Australia. He was not in politics for personal gain. He did not

speak ill of others and he saw good in his opponents. I note in particular the comments last night of the member for Berowra, the only remaining member of this House who served with Frank Crean. The member for Berowra said:

> He was an exemplar in the way in which he carried out his own role, but he encouraged people like me, even though I was of a different political persuasion.

Malcolm Fraser has described him as:

> One of the most decent and honourable members of parliament I have ever known.

Frank Crean died yesterday on the 36th anniversary of the election of the Whitlam government and was the oldest surviving member of that federal parliament. This year we have farewelled some of the greats of the Labor movement, John Button and Clyde Cameron. Frank Crean ranks in that same company. He is remembered for his modesty, his humility and his dedication to public service. He was in every sense a gentleman. On behalf of the coalition I offer our sincere condolences to his wife, his sons and the entire Crean family.

The SPEAKER (2.13 pm)—I hope that members will allow me to take the unusual step of adding to the remarks of the Prime Minister and the Leader of the Opposition. Frank Crean was a parliamentary colleague of my father. I have been a parliamentary colleague of his son Simon for 18 years. Some 38 years ago, I commenced studies at university with David Crean. We were students together for three years. The course was for six years. Fortunately, I did not distract him for long and he graduated as a doctor and carried out a career in medicine before politics. The one thing that struck me back in those days was that, as a mate of Dave, I was a great friend of the Crean family. I could perhaps self-identify as a ratbag mate, but Frank and Mrs Crean welcomed us to what was a very warm family home full of great love. Those are the memories that I have of Frank. As has been mentioned, he was basically a decent bloke, a great Australian and a fine family man. I join with the Prime Minister and the Leader of the Opposition in extending my deepest sympathies and condolences to Mrs Crean, David and Simon, their families and loved ones, and to the family of Stephen. As a mark of respect, I invite honourable members to rise in their places.

Honourable members having stood in their places—

The SPEAKER—I thank the House.

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

MAIN COMMITTEE

Condolence: Hon. Francis (Frank) Daniel Crean

Reference

Mr ALBANESE (Grayndler—Leader of the House) (2.15 pm)—I associate myself with the fine remarks of the Prime Minister, the Leader of the Opposition and you, Mr Speaker. I seek leave of the House to refer the matter to the Main Committee for debate.

Leave granted.

Mr ALBANESE—I move:

> That the resumption of debate on the Prime Minster's motion of condolence in connection with the death of the Honourable Francis (Frank) Daniel Crean be referred to the Main Committee.

Question agreed to.

QUESTIONS WITHOUT NOTICE

Economy

Mr TURNBULL (2.16 pm)—My question is to the Prime Minister. I refer the Prime Minister to the national accounts and the low economic growth of 0.1 per cent over the months of July, August and September. Does the Prime Minister now regret that,

up until 16 September, he and his ministers were talking up inflation as an out-of-control monster, apparently unaware that the impact of the global financial crisis was already being felt every day by Australians in a rapidly slowing real economy?

Mr RUDD—The challenges that the government faced upon its election in relation to inflation were the subject of some remarks by me in the chamber yesterday. Those inflationary pressures existed as a consequence of capacity constraints in the economy. These were detailed in successive Reserve Bank warnings to the previous government and not acted on. Secondly, when it comes to the challenge of the global financial crisis, all governments around the world have been acting as effectively as they can to respond to the difficulties presented by the crisis—firstly, in terms of the stabilisation of global financial markets and, secondly, by addressing the realities now confronting the global economy to embrace appropriate stimulus packages for the future. That is the government's policy. That is what we have been doing. There is a large challenge which lies ahead. I would say in response to the Leader of the Opposition that our policy on these matters is clear: stability for the financial system and, through fiscal stimulus, a continuation of support for growth in the Australian economy into the future and for families and jobs. In doing this, we will act in concert with the monetary policy actions of the Reserve Bank of Australia.

DISTINGUISHED VISITORS

The SPEAKER (2.18 pm)—I inform the House that we have present in the gallery this afternoon members of a parliamentary delegation from the Republic of Iraq. On behalf of the House I extend a very warm welcome to our visitors.

Honourable members—Hear, hear!

QUESTIONS WITHOUT NOTICE

Economy

Mr TREVOR (2.18 pm)—My question is to the Treasurer. Will the Treasurer update the House on the national accounts released today and the government's efforts to strengthen the economy and create jobs?

Mr SWAN—I thank the member for Flynn for his question. The September quarter national accounts released today show that GDP increased by 0.1 per cent in the September quarter, to be 1.9 per cent higher over the year. This is a positive outcome for Australia, particularly in the context of a global recession. I will put these figures into perspective for a moment. The US, the UK, Germany, Italy, Spain, Japan, Singapore and Hong Kong have all recorded negative growth in the three months to September. Two-thirds of OECD economies are expected to contract in 2009. So, while other countries are contracting, our economy continues to grow. Australian households are pulling back on their spending, in the face of the global financial crisis. Household consumption increased by just 0.1 per cent in the September quarter, as households continue to rebuild their savings. Businesses are continuing to invest in our economy. New business investment rose by a solid 1.8 per cent in the quarter and is 12.5 per cent higher over the year. This continued momentum in major infrastructure projects will help build economic capacity for the future.

Today's figures show that we cannot resist the pull of international economic forces but that our economy is better placed than other nations to face this global financial crisis. All arms of policy are directed towards buffering our nation and its people from the worst that the world can throw at us. The government has acted decisively to strengthen growth and to limit the impact of the global financial crisis on Australian jobs—firstly, through our

$10.4 billion Economic Security Strategy, the bulk of which kicks in from next week. That will certainly provide welcome relief to households and to business. And there is our $15.1 billion COAG package, which will help stimulate growth, create jobs and drive a continued national reform agenda, which is so important for strengthening our economy for the long term. Then there is the $300 million investment in local councils to build local community infrastructure. On top of that, the Reserve Bank has cut the official cash rate by 300 basis points. This means that fiscal policy and monetary policy are working in tandem to strengthen our households, to strengthen our economy and to protect jobs.

I think Australians can take heart from the fact that both the government and the Reserve Bank are taking every responsible step to strengthen the Australian economy, because the Australian economy has slowed considerably since the beginning of the global financial crisis. There is no doubt from these figures that we are not out of the woods yet; this will be a long and protracted global financial crisis. It has some way to run, but we on this side of the House will take every possible action that can be responsibly taken to strengthen our economy, to protect jobs and to protect Australian business.

Interest Rates

Mr TURNBULL (2.22 pm)—My question is to the Prime Minister. What does the Prime Minister say to working families who heeded his warnings of an inflation monster and locked in their mortgages at fixed rates well above the current variable home loan rates? Prime Minister, how can these working families shop around for lower interest rates when banks are charging them thousands of dollars to move from high fixed rates to lower variable rates?

Mr RUDD—The Leader of the Opposition asks a second question about inflation. I would draw the honourable Leader of the Opposition's attention to this fact: in the period that the Liberals were in office, inflationary pressures caused the Reserve Bank to increase interest rates 10 times in a row. Normally what you try to do with fiscal policy is to act in concert with those running monetary policy. What did they do in the course of 2007 and before? In a period of considerable expansion in the Australian economy coming off the back of a global resources boom, what you had instead was the government, through its fiscal policy, adding to demand in the economy. At the time at which this government took office we had government expenditures running at five per cent real in terms of their growth rate in the past—in other words, fiscal policy was adding to the pressures which exist in the economy. What, therefore, did the Reserve Bank do? They stuck up interest rates—not just once, not just twice but 10 times in a row. The responsible course of action by those opposite would have been to have adopted a more cautious approach to fiscal policy at the time. They failed to do so. That is why interest rates rose. I would suggest that the Leader of the Opposition reflect carefully on the economic circumstances which gave rise to those high interest rates in the past and the actions which should have been taken.

Economy

Ms REA (2.24 pm)—My question is to the Prime Minister. Will the Prime Minister please outline the government's continued response to the impact of the global financial crisis?

Mr RUDD—I thank the honourable member for Bonner for her question. It goes to the national accounts and it goes to important data for the future direction of the na-

tional economy. As the Treasurer outlined in his answer to the House before, the Australian economy grew by 0.1 per cent in the September quarter and 1.9 per cent through the year. It is important in the midst of a global financial crisis to place this performance in context. That is, if we look at that figure of 1.9 per cent growth across the year, it demonstrates that the Australian economy grew more rapidly than any of the G7 major economies. I draw the attention of honourable members to these facts: the US grew by 0.7 per cent through the year to September; Japan grew by zero per cent in the year to September; Germany grew by 0.8 per cent; France grew by 0.6 per cent; the UK grew by 0.3; Italy grew by minus 0.9; and Canada grew by 0.5.

If you also go to the current state of economies generally around the world, you find that, while this economy in difficult global circumstances has continued to generate positive growth despite the challenges, we have a large number of economies around the world which have already fallen into recession: the United States, Japan, Germany, Italy, Sweden, Singapore, Hong Kong and New Zealand. Beyond that again, if you were to add those economies which have generated negative growth in the September quarter, you would see that occurring not only in the US, the UK, Germany, Italy and Japan but also in other economies. In fact, a large number of economies in addition to those have had at least one-quarter of economic growth registering negative during the course of the most recent period, including the economies of France and Canada.

The reason I draw attention to these figures is to put in context the performance of the Australian economy at a difficult time. We have a huge contraction in global economic growth across the world on the back of an unfolding global economic recession and the Australian economy is still managing to generate positive economic growth. I would say, however, that the challenge which lies ahead will be difficult for the Australian economy, because the roll-on impact of contracting economic growth around the world on real growth and jobs growth in Australia will be very difficult in the year which lies ahead.

I would also draw the attention of honourable members to recent statements by the President of China, Hu Jintao, about the challenges that they are now facing with a slowing of growth within the Chinese economy. We have noted carefully in this House before the statement of economic stimulus delivered by the Chinese government a month or so ago, but it becomes plain that China will continue to do more by way of monetary policy and other measures to continue to support growth into the future.

The member for Bonner also asked the question: what is the government doing to respond to the challenges which arise from the most recent national accounts data? It is simply this: the government's strategy for the future will be to continue to rely on fiscal policy operating in harmony with monetary policy. Through fiscal policy we have delivered a $10.4 billion stimulus package, referred to by the Treasurer. But beyond that we have also delivered our support to local government, our support to the car industry and, through our $15.1 billion package, our support to the states—necessary for reform but also providing stimulus on the way through. If you aggregate these numbers, it is worth while considering the dimensions. That aggregates to about $32 billion. That equates to some three per cent of GDP.

Mr Hockey—Over how many years—20 years?

Mr RUDD—Plainly not all of that is delivered in one financial year but, for the period ahead, I would draw to the attention of

honourable members, including to the most voluminous interventions by the member for North Sydney, that for the year ahead we are looking at about $15 billion, or a figure approaching that, in terms of additional injection. If you take the Economic Security Strategy stimulus package announced in October, together with the one-year tranche of funding coming out of the COAG funding arrangements agreed last Saturday here in Canberra, this is necessary stimulus to be ahead of the curve for the challenges which we face for the period ahead.

I say to those opposite that the reason the government acted when it did—not just in providing guarantees to bank deposits and not just in delivering the economic stimulus strategy, which has been so robustly attacked by many members opposite, but also in continuing with our funding of reform programs with the states and territories—was to provide necessary stimulus in what will be a very difficult year, 2009. We did it to provide that additional one to 1.5 per cent of GDP injection into the economy—necessary action—on top of the now 300 basis point reduction in interest rates we have seen by the Reserve Bank over recent months. Of course, the bulk of those Reserve Bank interest rate cuts, together with the stimulus packages that we have announced, do not come into effect for some time, but we believe this is a necessary course of action to prepare for the difficulties which lie ahead.

I say to the House and to the opposition that the government's strategy on stimulating the Australian economy and providing support for families and jobs ahead is clear cut. It is based on the national interest. I urge those opposite, rather than act consistently in their own political self-interest, to on a bipartisan basis get behind the measures which the government has embraced. It is the right course for the nation. It is what we need in what will be a very difficult year in 2009, when our growth numbers, employment growth and unemployment will be challenged and under severe duress.

Interest Rates

Ms JULIE BISHOP (2.30 pm)—My question is to the Prime Minister. I refer to the Prime Minister's failure to call on all banks to immediately pass on in full not only the recent interest rate cut but also the previous three interest rate cuts. Given the fact that Australians now owe almost $45 billion on their credit cards, how can the Prime Minister expect people to spend the upcoming stimulus rather than pay off their credit card debt when they are still paying interest to the major banks of around 19 per cent?

Mr RUDD—I thank the honourable member for Curtin for her question. It goes to the question of interest rates and pass-through to all categories of consumers. I have just come across, interestingly, an opinion piece written by the Leader of the Opposition back in January in the venerable national journal of repute the *Australian*—

Opposition members interjecting—

Mr RUDD—Have you got a problem with *Aus*, have you? I draw the member for Curtin's attention to this, and I quote the Leader of the Opposition. He said:

> Banks … will charge as much for every product they have … as the market will allow …

Here we have the free marketeer at work—the free marketeer on interest rates, the 'member for Goldman Sachs'—in full flight in January of this year, effectively saying that banks should charge as much as they can get away with. Yet today we have, in a highly coordinated attack from the other arm of the opposition, the Deputy Leader of the Opposition, a suggestion that governments should, in fact, dictate the reverse.

Our policy is clear cut and it has been throughout—namely, we call upon the banks,

and have done so from the beginning, to provide pass-through of interest rate cuts by the Reserve Bank as rapidly as possible, and we have maintained that position. I note the decisions yesterday by two of the banking majors to pass on 100 basis points of the cut. The other two are to pass on 80. For those who have not passed on the full amount, our call remains the same: to pass on the full amount as rapidly as possible.

Infrastructure

Mr SULLIVAN (2.33 pm)—My question is to the Minister for Finance and Deregulation. What is the government's response to proposals to alter the government's nation-building funds strategy? Do these proposals reflect sound understanding of infrastructure investment and economic management?

Mr TANNER—I thank the member for Longman for his question. Today's national account figures underline the importance of the government's strategy to push back against the very powerful negative pressures that are coming to bear on the Australian economy. Central to that, of course, is the government's strategy to strengthen our commitment to investing in infrastructure. A critical part of that, of course, is the establishment of the nation-building funds. That legislation is part way through this parliament and is before the Senate at the moment.

The Liberal opposition have moved a variety of misconceived amendments to the government's legislation which would seriously undermine the government's strategy, yet again appearing to try and walk both sides of the street and ostensibly support what the government is seeking to do while in practice drastically undermining the whole scheme. I cite just one example: the attempt by the opposition to give the Senate the power to disallow money going to the funds would seriously undermine the Future Fund's ability to manage the investment of these funds because it would reduce the prospective time spans in which it would know the amounts of money that it had at hand to invest. That would inevitably alter the investment strategy and would, over the longer term, undermine returns available to those funds. This is clearly something the opposition do not understand. It is something they did not do when they were establishing the Future Fund—which was set up on an equivalent basis and has proved to be the model on which these funds are being established—at least with respect to the investment processes. This demonstrates, along with a number of the other amendments, that the Liberals do not have a proper, sound understanding of economic management principles.

Mr Robb—Transparency's not undermining it!

Mr TANNER—I notice that the member for Goldstein is interjecting. I would like to highlight some of his observations on these matters on the *Insiders* program on Sunday. He stated, for example:

> Why are superannuation funds investing in infrastructure projects in other countries and not here?

The claim that investment by superannuation funds in infrastructure in Australia is not occurring will come as something of a surprise to the people running Southern Cross Station in Melbourne, to the people responsible for the Eastern Distributor in Sydney and to the people running numerous major airports around the country, because the fact is that infrastructure is being invested in by superannuation funds. More importantly, the member for Goldstein said:

> … 100 years of inconsistent regulations … They were all sitting there yesterday with an opportunity to address that …

By implication, they did not. 'They', of course, were the various governments around the country, state and federal, and what the

member was referring to was COAG. What he obviously failed to notice was that, in fact, those governments were precisely addressing the very important thing he did refer to—100 years of inconsistent regulation—which notably the previous government over 11 years did literally nothing about. To the absolute contrary of what the member for Goldstein said, these governments—state and federal—are addressing these problems.

The member for Goldstein unfortunately is not alone in this lack of understanding of the basic principles of economic management. We notice, for example, that the Leader of the Opposition describes the prospect of the international financial crisis pushing the budget into deficit as 'failure in economic management' and says it 'should be a last resort'. Yet he and his party have out there a lengthy list of very expensive, unfunded and uncosted promises to a variety of people that they have never walked away from. More recently—only two days ago—the shadow Treasurer, the member for Curtin, committed the opposition, on top of those other commitments, to introducing tax cuts as well—with, of course, not the slightest hint of any savings initiatives anywhere.

Mr Hockey—Mr Speaker, on a point of order: the minister for finance asked himself a question about the building funds. Now he is drifting into opposition policies on a whole range of different things. How is it in any way relevant to the question that he asked himself?

The SPEAKER—The Minister for Finance and Deregulation must clearly show where he is responding to the question, and I think that he would say it is the last part of the question that he is responding to.

Mr TANNER—That is exactly right, Mr Speaker. All of these things would, of course, by themselves, without any assistance from the very powerful negative pressures coming from the global financial crisis, drive the budget into deficit—the very thing that the Leader of the Opposition says should be a last resort. It is hardly surprising that we are seeing this degree of confusion on the part of the opposition given the protracted auditioning that is going on for the role of shadow Treasurer at the moment. They are all parading around the country trying to show their wares on who should be shadow Treasurer. The government is not going to be diverted—

Opposition members interjecting—

Mr TANNER—They're touchy—very touchy.

Mr Robb interjecting—

Mr TANNER—Anybody's rehearsal would be better than yours on Sunday, mate—that's all I can say. The confusion on the part of the opposition and the inability to establish a coherent position on economic management, on whether or not we should invest in infrastructure, on what spending position and what overall fiscal setting should apply and on what position should apply with respect to monetary policy, are undermining the ability of the government to tackle the global financial crisis and the consequences that apply for Australia. We will not be diverted by the misconceived amendments that are being put forward in the Senate seeking to wreck the government's nation-building funds legislation from within. The government proposes to vote against those amendments and will stand by its legislation, to continue to invest for the future of Australia and to continue to invest in battling and pushing back against the very powerful downward economic pressures.

Automotive Industry

Ms JULIE BISHOP (2.40 pm)—My question is to the Treasurer. I refer the Treasurer to the Prime Minister's failure to call on all banks to immediately pass on in full the

recent interest rate cuts. Given that the national accounts released today reveal that household expenditure on motor vehicles fell by 7.9 per cent in the September quarter, what is the government going to do now—not in five or 10 years time but now—to save jobs in the motor retail industry, which is facing not only a shortage of credit but high interest rates?

Mr SWAN—I thank the shadow Treasurer for her question. The Prime Minister, I think, accurately answered the question from the Deputy Leader of the Opposition before by saying that we call on the banks to pass through in full, as rapidly as possible, any Reserve Bank official rate cut. In the House yesterday, I noted that two of the majors did precisely that, and it was not just for mortgages; it was also for their business loans. That was good, and it was long overdue. The fact is that the banks do have more to do when it comes to business lending, and they certainly have more to do when it comes to credit cards, and we are the first government in a long time to put them under any pressure to so do. In 11 years, those on that side of the House could not even put in place a bank-switching package. They did nothing for 11 years. We are serious about ensuring that official rate cuts flow through to the economy and that the banks play their part when it comes to fiscal stimulus in this economy. We are very serious about it.

But I find the new position from the opposition quite remarkable. This is what the Leader of the Opposition wrote in an op-ed in the *Australian* on 21 January this year, when there was a debate about whether the banks should pass through in full—and, of course, that is precisely what I was calling on the banks to do at the time. Here is what the Leader of the Opposition wrote in the *Australian* at the end of January. Just listen to this. This is another example. Do not listen to what he writes; look at what he actually does. This is what he wrote:

> … banks are free to price their products as they wish. After all, they are in the business of making profits and, all things being equal, they will charge as much for every product they have on offer as the market will allow them.

That is a repudiation of my position at the time that there should be a full pass-through.

Afghanistan

Mr SIDEBOTTOM (2.44 pm)—My question is to the Minister for Defence. Minister, would you please provide for the House an update on Australian casualties in Afghanistan and the results of your most recent efforts to secure better progress in the international mission?

Mr FITZGIBBON—I thank the member for Braddon for his question and his ongoing interest in the welfare of the men and women of the Australian Defence Force. Indeed, he is interested in strategic policy issues more generally. At 5 pm this afternoon an RAAF C17 will touch down at Richmond air base. On board will be Lieutenant Michael Fussell, the fatally wounded special forces soldier who the House paid tribute to on Monday.

Lieutenant Fussell gave his life fighting to make Australia, and indeed the world, a safer place in which to live. It now falls on us in this place not only to honour and thank him and, indeed, to honour and thank the six who fell before him in Afghanistan but also to ensure that they did not give their lives in vain. That means doing all we can to ensure that the United States, NATO and the UN have a formula to succeed in Afghanistan with coherent, well-resourced and coordinated civil, political and military plans aimed at successfully denying terrorists a safe haven and a breeding ground in Central Asia.

The House will be aware that over the course of the past 12 months the Prime Minister, the Minister for Foreign Affairs and I

have been engaging with the US, NATO, the UN and all the partner nations pushing for more troops and more strategies. Over the course of the past two weeks I continued to pursue those objectives by visiting Canada, the US, Spain, Portugal and the UK. In Canada, defence ministers from the eight nation-states operating in Regional Command South spent a full day discussing Afghanistan, the challenges there and indeed the challenges in the immediate region.

I also had bilateral discussions with Secretary Gates and my counterparts from the UK, the Netherlands and Canada. In London, Minister Smith and I attended the second AUKMIN meeting—that is, the meeting between the defence ministers and the foreign ministers from our respective countries, Australia and the United Kingdom. We had good discussions with both Secretary Hutton and Secretary Miliband.

While I had other reasons to be in Spain and Portugal, I also took the opportunity to discuss Afghanistan with the defence and foreign ministers from those two countries. In all of these discussions, nothing gave me cause to believe that Afghanistan will be anything but a dangerous and challenging place for some years to come. It is very easy to be pessimistic about Afghanistan, but the reality is that the 38 partner nations there have no choice but to push on. Allowing Afghanistan to again descend into a place in which terrorists can resource and plan their acts around the globe is simply not an acceptable option.

There is good reason to believe that in working together the international community can achieve relative peace, stability and security both in Afghanistan and in the immediate region. On that point my meetings over the course of the past two weeks were encouraging. For example, Secretary Gates reaffirmed the determination of the United States to significantly enhance its troop numbers, well above the numbers President-elect Obama was talking about during the election campaign. They are now talking about up to five brigade combat teams or, to put it another way, 30,000 additional troops.

Secretary Gates also confirmed the determination to push on with the idea of establishing a trust fund from which money will flow into further capacity building in both the Afghan national army and the Afghan national police. That greater capacity is of course crucial to Afghanistan being able to hold the gains we make. Indeed, Secretary Gates is now talking about more personnel beyond the 80,000 aspiration determined at Bucharest in April of this year. He is now talking some 130,000 Afghan national army personnel.

Pakistan was very much a topic of conversation. There is no doubt that the partner nations and indeed the global community now fully understand that success will not come in Afghanistan unless we tackle the substantial challenges we have in Pakistan. No conversation I have these days is without significant reference to those challenges across the border. There was also a consensus amongst the people I spoke with that we do need to do more collectively. We agreed to do so to ensure that the UN special representative in Afghanistan is fully resourced so that he is in a position to do the work which has been asked of him, particularly with respect to better coordinating the military and civil effort in Afghanistan. In addition, I also sense the mood may be changing amongst European NATO nation partners. I really do sense that people are reconsidering their positions and we might see some further commitments from some of those European based NATO partners.

The government will continue to engage and to push for the further action that we

need to substantially progress our campaign in Afghanistan. Success in Afghanistan is important to global security, it is important to the Afghani people and it is important to our troops, who are making real sacrifices on the ground. Securing success in Afghanistan will be the best way that we can thank Andrew Russell, David 'Poppy' Pearce, Luke Worsley, Jason Marks, Matty Locke, Sean McCarthy and now Michael Fussell. It is the best way to thank them for what they have done for their country.

Interest Rates

Mr TRUSS (2.51 pm)—My question is to the Prime Minister and again refers to the national accounts and interest rates. Is the Prime Minister aware that the National Australia Bank is now charging a new liquidity margin of 0.3 per cent on market rate loans? Given that agriculture, forestry and fisheries is one of the few industries delivering economic growth, why won't the Prime Minister put pressure on banks to bring down the interest rates on farm loans and overdrafts rather than inventing new revenue-raising surcharges?

Mr RUDD—I thank the Leader of the National Party for his question. Presumably the bank in question listened carefully to what the Leader of the Opposition had to say in January when he said:

> But banks are free to price their products as they wish. After all, they are in the business of making profits …

That is the stated doctrine of the alternative Prime Minister of the country, the Leader of the Liberal Party, unless he chooses to disavow those remarks—and I would be happy to see him do so, if he wished to do so.

Our response to the banks is as reflected in my remarks earlier today to the parliament as well as by the Treasurer and others, and that applies not just to mortgage holders; it applies also to business loan holders, including those in our hard-pressed regional and rural areas including our farm producers. As the Treasurer indicated before, in the case of two of the banks there has been a decision to pass through the official rate cut of yesterday to their business lenders as well. That is welcome. I would join with the comment made yesterday by the Minister for Agriculture, Fisheries and Forestry and again today by the Treasurer, and that is for the banks to do everything possible to pass through official rate cuts to all Australian users of credit, whether they are in farm areas or in metropolitan areas, whether they are in small business in cities or running farms in the country. These are all part and parcel of the Australian economic story.

As the Leader of the National Party correctly pointed out in his remarks, the performance of the farm sector has been of critical importance to the national accounts performance of this entire Australian economy in the quarter just past. Therefore, this government will continue to work with the banks to ensure that we put maximum pressure on the banks to pass through official rate cuts to all users of credit as rapidly as possible. That was our policy in the past. That is our policy in the future. We certainly do not have a policy which says: 'Banks should be free to price their products as they wish. After all, they are simply in the business of making profits.' We have a wider view of the responsibility of government than reflected in the free-marketeering orthodoxy underlined by these remarks by the Leader of the Opposition in an opinion piece under his name and deliberately written in January this year.

Education

Mr GEORGANAS (2.54 pm)—My question is to the Minister for Education, Minister for Employment and Workplace Relations and Minister for Social Inclusion. Will the

Deputy Prime Minister update the House on the delivery of the government's education reforms, including the development of the national curriculum and the Schools Assistance Bill?

Ms GILLARD—I thank the member for Hindmarsh for his question and know that he is deeply concerned for all the schools in his electorate, both government and non-government. This government gave the Australian people three very important commitments in education. We said to the non-government schools around the country that, if elected, we would deliver funds to them on the SES formula and with the indexation arrangements applying at the time. We have a bill before the Senate, the Schools Assistance Bill, which does just that: $28 billion of resources for the next four years. That bill also delivers on our election commitment for transparency: transparency measures are in the bill for non-government schools, and identical transparency measures have been agreed to for government schools at the recent Council of Australian Governments meeting. Thirdly, that bill delivers on this government's commitment to the Australian people to deliver a national curriculum. The bill is currently being held up because the Liberal Party is opposing that section of the bill which delivers the national curriculum.

Mr Pyne interjecting—

The SPEAKER—Order! The member for Sturt!

Ms GILLARD—In doing so, of course, the Liberal Party has embarked on a course which means that non-government schools around this country could open in January and February next year without the benefit of government resources. I am sure all members in this House can imagine what chaos and what pressure that will bring non-government schools—on the principals, on the teachers, on the parents and, indeed, on the students themselves—given that for many of these non-government schools government funds are 40, 50, 60 or 70 per cent of the funds that they use.

Mr Pyne interjecting—

The SPEAKER—The member for Sturt will stop interjecting! That was not an invitation.

Ms GILLARD—Earlier today I conducted a media conference accompanied by Mr Bill Daniels, who is the head of the association of independent schools, the national voice of independent schools in this country. I was also accompanied at the media conference by Mr Bill Griffiths, who is from the National Catholic Education Office of this country, the national voice for Catholic schools. Both Mr Bill Daniels and Mr Bill Griffiths said at that media conference to this parliament and to the Australian people that they support the national curriculum, they do not seek the deletion of the clause dealing with the national curriculum in the Schools Assistance Bill and they ask this parliament to pass the bill. I thank Bill Griffiths and Bill Daniels for appearing at that media event. I also thank them for facilitating me sending, as this parliament sits, a letter to every non-government school in the country, and that will be received by email in the next few hours. That letter from me to the non-government schools communities around the country says in part:

> The Independent Schools Council of Australia and the National Catholic Education Commission have supported the bill. Unfortunately, the Senate has not passed the bill. In these circumstances the government will continue to urge the Senate to pass the bill. We will continue to do everything we can to give funding certainty and consistent accountability to non-government schools for the year ahead.

I table that letter. It may assist members of parliament, particularly members of the Liberal Party, who get phone calls from non-

government schools today asking them why it is that they are holding up funding to non-government schools.

Mr Pyne—Mr Speaker, I raise a point of order on relevance. The minister could pass the money to the schools right now if she wished to.

The SPEAKER—That is not a point of order on relevance.

Mr Pyne—We passed that aspect of the bill and she knows it.

The SPEAKER—The member for Sturt will resume his seat, and the member is warned!

Ms GILLARD—The shadow minister, in holding up funding to schools, does so in defiance of the nationally expressed view of the non-government representatives, both independent and Catholic. The shadow minister then says, though he acts in defiance of those representatives, that he is reflecting the concerns of schools like Montessori schools about the national curriculum. I have received a press release from Montessori Australia entitled 'The Montessori community supports passage of schools assistance bill', and it quotes spokesperson Christine Harrison:

> The Montessori community appreciates the need for robust debate, but what is really important to our parents, schools and the students we educate across the country is certainty of funding as the school year finishes.

Ms Harrison goes on:

> We support the introduction of a national curriculum—

that is the Montessori schools speaking—

> and see this as an opportunity to continue to work with the Government to allow endorsement of the internationally recognised Montessori curriculum and really only want to see the Bill passed.

She goes on:

> We are confident that Montessori schools will be able to offer the Montessori curriculum under the framework of the new national curriculum.

The shadow minister for education in this matter represents no-one. The non-government schools of this nation are calling on the Liberal Party to pass the bill, including the national curriculum. This is now a matter that has gone beyond the shadow minister for education and needs to be dealt with by the Leader of the Opposition. This is a serious matter about the delivery of $28 billion of funds to non-government schools. Non-government schools around the nation are asking the Liberal Party to pass the bill. They support the national curriculum. The Leader of the Opposition must act. If non-government schools do not get these funds because of Liberal obstruction and non-government schools cannot open at the end of January next year, if they are standing down teachers, if they are turning students away and if there is educational chaos, then that will be on the head of the Leader of the Liberal Party and the Liberal Party generally. It seems remarkable to me that the Liberal Party in this country today cannot see its way clear to support funding for non-government schools.

Binge Drinking

Mr DUTTON (3.02 pm)—My question is to the Minister for Health and Ageing. I refer the minister to the fact that the consumption of alcohol has had the largest growth of any household item in the last quarter of the national accounts and that consumption of alcohol had actually fallen from September 2007 to January 2008. However, since the announcement of the alcopops tax, consumption has actually grown. Minister, how goes the war on binge drinking?

Ms ROXON—I thank the shadow minister for the question. It is the first time he has shown any real interest in our strategy to

tackle binge drinking. What the shadow minister needs to look at, if he really wants to look at the impact of our alcopops measure, is the data for the sales of spirits—when you combine both alcopops and straight spirits—which shows a reduction of 9.3 per cent. The figures for the alcopops measure are very clear. Unfortunately, the shadow minister is determined only to side with the distillers when it comes to this argument. He is not interested in targeting the very products that are marketed to young kids and that are being increasingly consumed and will be consumed at increasing rates over Christmas—something that the shadow minister should be out there urging young people to take care with, not raising these silly points.

Mr Adams interjecting—

The SPEAKER—The member for Lyons does not have the call. It was different to his calls for naming and warning and things like that, but he should be careful.

Qantas

Mr TURNOUR (3.04 pm)—My question is to the Minister for Infrastructure, Transport, Regional Development and Local Government. What is the government's response to reports today regarding a possible merger between Qantas and British Airways?

Mr ALBANESE—I thank the member for Leichardt for his question and for his ongoing interest in aviation issues, particularly those related to Cairns Airport and the tourism industry in his electorate. The Australian government believes in an Australian based and a majority Australian owned Qantas. At no stage has the government indicated support for any other proposal, in principle or otherwise. Qantas has publicly stated that it is 'exploring a potential merger with British Airways PLC via a dual listed companies structure'. Whilst Qantas advised me of the discussions that have been taking place, there has been no proposal put to the government for approval of any Qantas-BA merger. Any merger would need to comply fully with Qantas's obligations under the Qantas Sale Act, the Foreign Acquisitions and Takeovers Act, the Trade Practices Act and Australia's international air services agreements.

The Qantas Sale Act 1992 requires that Qantas's main operational base and headquarters remain in Australia, the name of Qantas must be preserved for the company's scheduled international passenger services, the company must be incorporated in Australia, at least two-thirds of the board of Qantas must be Australian citizens and the chairman of the board must be an Australian citizen. Total foreign ownership must not exceed 49 per cent. At the moment, no single foreign interest can exceed 25 per cent and total foreign airline ownership cannot exceed 35 per cent.

These provisions ensure that Qantas remains Australian. Qantas must remain Australian based and majority Australian owned, and that will not change—something that I believe has the bipartisan support of the House. Indeed, all Australian international airlines must be no more than 49 per cent foreign owned. This applies to Jetstar, V Australia, Pacific Blue, SkyAirWorld, Airnorth, OzJet and three Australian international freight operators: HeavyLift Cargo, Tasman Cargo and Express Freighters.

The government's aviation green paper, which we released yesterday at the National Press Club, indicated that the government will consider reviewing the additional ownership restrictions that only apply to Qantas but do not apply to any other Australian international airline so that there can be a level playing field. The government has made it clear that no consideration is being given to changing any other section of the Qantas Sale Act.

Just this week we have been reminded why a national airline is important, not just for our economy but for national security. On Saturday evening I rang Alan Joyce, the new CEO of Qantas, to request on behalf of the government the assistance of Qantas and Jetstar in putting on extra flights so that Australian citizens could depart from Thailand safely given the conflict which was occurring there, particularly centred around Bangkok airport. As has always been the case with this fine Australian company, Mr Joyce indicated that he would do whatever was in the country's interest to assist Australian citizens. It was once again a reminder of the important role in our national security and in the interests of our national citizens that having Australian based carriers can have, which is why it is important that we build the Australian based aviation industry—something that was the theme of the green paper that the government launched yesterday and something that we look forward to building on in the lead-up to the national aviation strategy white paper, which we will be bringing down in the second half of 2009.

Employment

Mr KEENAN (3.10 pm)—My question without notice is to the Deputy Prime Minister and Minister for Employment and Workplace Relations. Minister, how many Australians will lose their jobs this Christmas?

Ms GILLARD—Can I say to the member who has asked the question: I really do not think in these difficult economic times after the global financial crisis, whilst we are seeing that touch upon the Australian real economy, that it is the time to play this kind of politics. Can I say to the member opposite that, as he would well know, the government has published its forecasts in the Mid-Year Economic and Fiscal Outlook. We have said up-front and clearly to the Australian community that, because we are not immune from the global financial crisis and the looming prospect of recession in many developed countries around the world, we are expecting an increase in unemployment. For every worker involved in that, for every family, that is obviously a dreadful circumstance, whether it happens at Christmas or whether it happens at any other time.

The approach that the government has taken is to act to keep this economy in front, to act to protect jobs. That is why we did the $10.4 billion Economic Security Strategy, estimated to have an equivalent effect of 75,000 jobs. That is one of the reasons we entered into a new historic partnership with states and territories around the country at COAG—because its employment consequences are viewed as being more than 130,000 jobs. That is why you have heard the Prime Minister talk about fast-tracking infrastructure—because that is about vitally needed services for the Australian community, but it is also about jobs.

That is why, when we did the Economic Security Strategy, we made available 56,000 new training places—training for work, training for jobs. We know in this economy, even after the global financial crisis, there are still some employers who are crying out for skilled labour, and we want any Australians who need that work to be able to get the skills which enable them to take up those work opportunities. This is a government that is, front and centre, committed to working with Australians to make sure that Australians have jobs and their jobs are protected. This is not the stuff of party politics. This is about keeping Australians in work, and that is why the government at every stage in responding to the global financial crisis has acted to keep this nation in front of the curve.

Workplace Relations

Mr PERRETT (3.13 pm)—My question is to the Minister for Employment and Workplace Relations. Would the Deputy Prime Minister advise the House how the Fair Work Bill will protect and benefit low-paid workers?

Ms GILLARD—I thank the member for Moreton for his question and for his interest in fairness in Australian workplaces. Of course, the Rudd Labor government went to the last election with our industrial relations policy, Forward with Fairness, which included in it a commitment to assist low-paid employees and their employers to access the benefits of collective bargaining. We have had 15 years of enterprise bargaining in this country, first brought to this country by Labor, and it has delivered significant economic benefits for employees, employers and the nation.

There have been gains in productivity and service delivery improvements. It has enabled employers to keep good staff and staff morale has improved. Through productivity gains, employees have been able to achieve better wages and conditions. But we also know that there are Australians who have not had the benefits of enterprise bargaining and the government wants to extend the benefits of enterprise bargaining to a greater category of Australian working people.

In particular, we are very concerned about those low-wage employees who are substantially reliant on the safety net. At this point, we should remind ourselves that the minimum wage in this country today is $14.31 an hour. We want to assist employees who are earning $14.31 an hour and employees who are substantially reliant on the safety net. These were the very employees who suffered the most under Work Choices, as they had basic pay and conditions ripped away.

I would like the House to just for a minute listen to the voices of some of these workers. They were interviewed for the Fair Pay Commission report published this year. There was a man called Sam who lives with his wife, one small child and two parents in a house in Perth. He is the sole income earner for that household of five people. He earns around $17 an hour, depending on his shifts as a security guard. He has watched the rent on this home go up from $120 per week to $375 per week. There is a great deal of pressure on that man. There were other low-paid workers who were interviewed for this who talked about not having enough money to leave their suburb to go and see another part of the city, because of their low wages.

We are introducing in the Fair Work Bill 2008 a special bargaining stream to assist these low-paid workers. We know that these low-paid workers and many of their employers lack the capacity to bargain. They have never bargained before. So we want Fair Work Australia to be able to assist them with that bargaining in a hands-on facilitative role

If bargaining facilitated by them cannot reach a conclusion, we will, through the Fair Work Bill 2008, be empowering Fair Work Australia to in very limited circumstances make a workplace determination. But in order to do that they have to be sure that the parties are unable to reach agreement, that the employees are substantially reliant on the safety net, that it would promote bargaining in the future, that it would promote productivity and efficiency in the enterprises and that it is in the public interest. This is a strictly limited category of workplace determinations for low-paid employees who have never had the benefits of a collective bargain.

When I look across this chamber, I see the Leader of the Opposition and members of the Liberal Party. The Leader of the Opposition has made a lot of money in his lifetime. I

certainly do not begrudge him that. No-one in this chamber is a low-paid worker. But what I say is wrong is for members of the Liberal Party to say to low-wage Australians that they will block that Fair Work Bill 2008 and stop these employees getting wage justice. On the incomes that they are on and with the resources that they have at their command, to say to these low-wage workers on $14-odd an hour that they will deny them wage justice is wrong. That is what blocking the Fair Work Bill 2008 would do; that is what the party of Work Choices looks like it is committing itself to.

The Leader of the Opposition said that Work Choices was dead. He is obviously in the process of being rolled by his colleagues. But let us just remind everyone what being the party of Work Choices means: it means that you believe in ripping off these low-wage workers and not assisting them to get the benefits of enterprise bargaining. Unfortunately, that is what the Liberal Party seems to stand for.

Banking

Mr TURNBULL (3.19 pm)—My question is to the Prime Minister. Can the Prime Minister confirm that the New South Wales government has complained that his mismanaged unlimited bank deposit guarantee has made it extremely difficult for the state of New South Wales to compete in the public funding markets? Is the Prime Minister planning to establish a national infrastructure bank which would see the Commonwealth government borrow billions of dollars to on-lend to state governments—all carefully structured in a way that would not impact on the level of the Commonwealth's final budget result? How will the Prime Minister assure the House that his new Labor bank will not go the same way as the catastrophic Labor banks in Victoria and South Australia?

Mr RUDD—On the first point which was raised by the Leader of the Opposition concerning representations by the state government of New South Wales—I think that is what he asked—I am unaware of any such representations. It would be normal entirely for the Commonwealth Treasury to be in touch with state treasuries—as would have occurred in the period in which the Liberals were in government; it certainly occurs now—on the overall public sector borrowing requirements of state and territory governments. That is simply the normal way in which things are done.

In terms of the funding for future infrastructure, the honourable Leader of the Opposition would be aware—although he obviously finds these matters entirely amusing—that the government stands committed to implementing its nation-building agenda. The Leader of the Opposition should be aware that the government has established three nation-building funds: the Building Australia Fund for the funding of infrastructure; the Education Investment Fund, which is for the purposes of adding to education infrastructure across the country; and a fund for the future of our hospital infrastructure as well.

Mr Turnbull—Mr Speaker, I rise on a point of order on relevance. The question was about a Labor government bank. That was the question. That is what the answer should relate to.

The SPEAKER—The Prime Minister is responding to the question.

Mr RUDD—The Leader of the Opposition asked me a question about representations from the government of New South Wales concerning their public sector borrowing requirements. He asked in particular whether I was aware of any such representations. I have given him a direct answer to that. He then went to the question of the

funding of infrastructure. On infrastructure, which in the past was funded exclusively by state and territory governments, this government has a clear and different policy and is embracing a new approach, which is that the national government will invest in infrastructure, including health and education infrastructure. That is why we established three nation-building funds, which have yet to attract the bipartisan support of those opposite. Quite apart from their nation-building utility, can I say to those opposite that these funds also provide added stimulus to the economy for the period ahead.

Can I say also to the Leader of the Opposition that we continue to examine all appropriate measures to properly support infrastructure investment into the future. That is the normal thing that you would expect to do. That is the normal thing you would expect any democratically elected government to do, one which supports the whole process of infrastructure building and nation building in the Australian economy. Those opposite should actually bother to pause and ask themselves this question: with the global financial crisis underway, how are you going to fill the infrastructure gap other than through proper public investment? Our policy is clear.

Thailand

Mrs IRWIN (3.23 pm)—My question is to the Attorney-General, representing the Minister for Foreign Affairs. Will the Attorney please update the House on developments in Thailand? How has the government been assisting Australians stranded in Thailand?

Mr McCLELLAND—I thank the honourable member for her question. With some forbearance from members and on behalf of the Minister for Foreign Affairs could I update the House on circumstances. Many members would be aware that on 2 December, yesterday, the Constitutional Court of Thailand ruled that the ruling People's Power Party be dissolved and its executive members banned from politics for a period of five years. Two other governing coalition parties have also been dissolved and that ruling effectively means that the former Prime Minister, Somchai Wongsawat, and his government no longer hold office, and I understand the former Prime Minister has now stood down from office. At this stage it is not clear how and when the new government will be formed. The Australian government hopes that all groups in Thailand will adhere to the constitutional and peaceful processes in order to return to peaceful, stable and democratic government.

Recent political confrontation resulting in the forced closure of two Bangkok airports over the last week has obviously been a setback for Thailand. We are aware of statements by the People's Alliance for Democracy that they will abandon their protests at the airport today, 3 December, and again reports have suggested that that is occurring. The government calls on those demonstrators to adhere to their undertakings to end their occupation of the airports and to allow foreign tourists to return to their homes. There are still conflicting reports about the timing of any resumption of flights; that will obviously depend on the ability of the Thai airport authorities to recertify airport facilities.

Today the Department of Foreign Affairs and Trade upgraded its travel advice for Thailand following the ruling of significance by the Constitutional Court. It will now be that: 'Australians are strongly advised to reconsider their need to travel to Thailand due to the very uncertain political situation, ongoing disruption to flights and severe congestion at the airports.' The government understand the frustration being felt by hundreds of Australians who are stranded in Bangkok and we are continuing with efforts

to assist Australians to depart the country. Indeed, we understand also the anxiety of many at home, including parents whose children are on the schoolies vacation in Thailand.

The government, as the Minister for Infrastructure, Transport, Regional Development and Local Government indicated earlier, has spoken with Qantas and Jetstar, which have, to their very great credit, confirmed that they will be operating extra flights out of Phuket in response to the airport closures at Bangkok. Qantas has announced a third special flight from Phuket to Singapore, which will be tomorrow morning. Jetstar has also redirected its scheduled Melbourne-Bangkok flight to Phuket again for tomorrow. Thai Airways has also scheduled additional flights from Phuket to Perth, departing today and Friday, 5 December, and I understand there may be flights also departing from the military airport. Passengers should most certainly contact their airline directly for any further details on these flights.

In answer to the last part of the question, I would like to acknowledge officers who, for the past 72 hours, have assisted over 1,500 Australians to depart the country. We are also assisting with bus transportation for Australian travellers from Bangkok to Phuket to meet Qantas's specially scheduled flights. Consular officials are also travelling with the buses to assist in Phuket and Singapore, where passengers will transit. Consular officials are deployed at Thailand's international airports that are still operating—Phuket, Chang Mai and U-Tapao—to assist Australians in difficulty and the ambassador has made direct representations to try to speed up that process. The Australian embassy has also established a call centre and has spoken to nearly 4,000 Australians, and the ambassador and other embassy staff have briefed nearly 800 Australians at 20 hotels.

The government expects that there will be continuing political uncertainty in Thailand in the short term and we will continue to work to assist those Australians who are stranded in Bangkok to depart that country. Australians in Thailand and indeed in Australia who need consular assistance or advice can contact the Australian embassy on +6623446300 or the 24-hour consular emergency centre, which is +61262613305. I thank members.

Interest Rates

Mr PEARCE (3.28 pm)—My question is to the Prime Minister. Prime Minister, I refer to your description today of the Leader of the Opposition's statement on 21 January that banks are free to set the prices of their own products as they wish as an example of 'unbridled capitalist ideology'. Is the Prime Minister concerned that on 8 January the Treasurer said this of a rate rise by the ANZ:

> … it is entirely their right as a commercial organisation to take this decision in their commercial interests …

Prime Minister, are you planning to call the Treasurer in for a session of ideological reprogramming?

Mr RUDD—One thing about the Leader of the Opposition—we know he has a glass jaw. As soon as this was read out, up the corridor they go to Mr Pearce, the member for Aston. Off he comes and says, 'Look, there is not really a problem after all.' The problem is that the Leader of the Opposition, supported by the member for Curtin—the rapidly disappearing member for Curtin—who is the shadow Treasurer—

Mr Pearce—Mr Speaker, a point of order on relevance: the question was whether you are going to reprogram the Treasurer.

The SPEAKER—I call the Prime Minister.

Mr RUDD—We had earlier today in question time the question of the member for Curtin, the current shadow Treasurer. The question was along the lines of the pass through of official interest rates to customers. It probed deeply the consistency of the government's position. What I sought to do in response to that question, which has obviously upset the Leader of the Opposition, was to refer him to his statements in the *Australian*, where he said:

> But banks are free to price their products as they wish. After all, they are in the business of making profits ...

That is what he said. What I was seeking to do, I believe effectively, was to contrast that position on the one hand with the highly orchestrated attack—this time within the first 10 questions of question time—by the member for Curtin, the shadow Treasurer. Can I suggest for those opposite that if they are going to have a consistent line of attack on the government, be it on this, be it on bank guarantees or be it on fiscal stimulus, it would be useful if the policy was consistent.

Disability Employment

Ms KING (3.31 pm)—My question is to the Minister for Employment Participation. What action is the government taking to improve the rate of employment of people with disability?

Mr BRENDAN O'CONNOR—I thank the member for Ballarat for her question. I know that she has an ongoing concern for people with disability in Ballarat and beyond. It is a very timely question because today is the International Day of People with Disability, and I am pleased to join with my colleagues the Minister for Families, Housing, Community Services and Indigenous Affairs, the Attorney-General and the Parliamentary Secretary for Disabilities and Children's Services, who this week have announced some significant initiatives to assist people with disability.

The Rudd government came into office with a commitment to reform employment services, including services for job seekers with disability. To commence the reform process the government announced earlier this year that we would change an absurd policy of the previous government that compelled DSP recipients to have their benefits reviewed before accessing employment services, thereby jeopardising their income just because they wanted to put their hand up for work. This roadblock to work has been abolished by the government, and that occurred on 8 September this year.

Today I am pleased to outline further significant initiatives to reform employment services in order to give job seekers with disability greater opportunities to contribute to the social and economic life of this country. First, the Rudd government proposes to uncap access to employment services for people with disability. As with universal employment services, job seekers with disability who need assistance will be able to obtain that in a timely fashion. Under the previous government system the people with the most severe disability were actually in a capped program, whereas people with lesser disability can generally access a place. This is a nonsensical policy—a counterproductive approach to assisting job seekers. This particular reform, after consultation with the disability sector, is considered an iconic reform.

The uncapping of access to services that I am announcing today will remove a major inequity that has led to both perverse and unfair outcomes. This change will allow specialist disability employment service providers to effectively assist school leavers with disability and help them transition into the workforce. Disability employment service

providers will in future be able to have effective partnerships with schools to help students with disability plan to enter the workforce and avoid the cycle of welfare that so tragically befalls many people with disability in our community. Also, in line with changes and improvements to universal employment services, we will remove complexity and red tape in order to provide the opportunity for providers to devote their time to assisting clients, not to doing paperwork. These proposed reforms are the result of detailed consultations that I have had with job seekers, their advocates and providers. In coming weeks I will be asking for further feedback to fine tune these reforms, with the final details of the new system to be announced in the New Year.

We greatly value the contribution of people with disability in this country and that is why this week we have seen the Rudd government draft disability standards for access to premises to assist people with disability to access workplaces and other commercial buildings, and relief in the form of $1,400 for singles and $2,100 for couples flow to DSP recipients. These are important achievements. These are important reforms in this vital area of public policy, but we know that there is more work to be done. I look forward to working with my colleagues and indeed with the disability sector, employers and others to improve the lives of people with disability.

Second Sydney Airport

Mrs MARKUS (3.36 pm)—My question is addressed to the Prime Minister. Now that the government has committed to a second Sydney airport, what are the locations that are being considered?

Mr RUDD—I am not sure what portfolio responsibility the member for Greenway has, but I would suggest to her, as a member of the opposition frontbench rather than the opposition backbench, that it is time for the nation to have a sensible long-term debate about Sydney's long-term airport needs, because that is where—

Mr Morrison—Where are they?

Mr RUDD—There is the member for Cook, always out there looking for the populist political point. The member for Cook: friend of Wollongong and friend of the Illawarra!

Mr Dutton—Mr Speaker, I rise on a point of order. It goes to relevance. This is a popular local member who railed against the Brisbane Airport Corporation for 10 years.

The SPEAKER—The member for Dickson will keep moving. He will remove himself from the chamber for one hour under standing order 94(a).

The member for Dickson then left the chamber.

Mr RUDD—Therefore the nation needs a debate about Sydney's long-term airport needs.

Opposition members interjecting—

Mr RUDD—Here they all go, engaging in populist politics rather than looking at the nation's long-term needs. Could I say to those opposite—

Mrs Markus—Mr Speaker, I rise on a point of order going to relevance. The people of Western and Greater Sydney deserve to know which locations the government are considering.

The SPEAKER—The member for Greenway will resume her seat. The Prime Minister is responding to the question.

Mr RUDD—The member for Greenway said that the people of Western Sydney deserve to know. Could I just say that I understand—I am advised at least—that the opposition confirmed yesterday their support for Badgerys Creek. I would appreciate confir-

mation from those opposite that that is the case. Perhaps I am misadvised. We believe that what the nation needs is proper deliberation about our long-term infrastructure needs. It will be conducted in a proper public policy format because we are a government that believes in long-term infrastructure planning. Those opposite are interested in purely personal political self-advancement. That is the difference.

Water Safety

Ms OWENS (3.39 pm)—My question is to the Minister for Sport and Minister for Youth. Will the minister update the House on the government's water safety initiatives?

Ms KATE ELLIS—I thank the member for Parramatta for her question. We know that as we come into the warmer months more Australians will be heading into the water. In a country where swimming and water are so important to our way of life, we think it is important that we have adequate water safety programs in place.

Mr Robert interjecting—

Ms KATE ELLIS—I note the member opposite interjecting on this. I think that saving lives and preventing people from drowning is something that we can all agree upon in this place. In the last two weeks alone, we have tragically lost five young lives to drowning in three separate incidents. This is a painful wake-up call to all. The *2008 National drowning report* found that 261 Australians drowned last year. Tragically, we know that toddlers are overrepresented in these figures with, on average, over 35 children under the age of five drowning each year in this country and four times that number being hospitalised as a result of water incidents. Many of those suffer permanent brain damage.

I note that just last month members from both sides of the House, and indeed many senators, joined me in launching the Royal Life Saving Society's Keep Watch program. They gave a commitment at that time to promote these important messages within their own electorates. I encourage all to heed Keep Watch's key message: when it comes to pool fencing, check it, fix it and watch it. Many families may think that their backyard fence is safe, not realising that fences need maintenance too. We are seeing that, as these fences age, more and more children are getting through them. They are getting under them or they are getting over them. I encourage all members in this House to download and distribute the Royal Life Saving Society's free checklist to help pool owners inspect their own fences. I can report that this checklist can be found at homepoolsafety.com.au.

Of course, we can and we must do more. The Australian government is providing over $20 million of funding to fantastic Australian organisations like Surf Life Saving, the Royal Life Saving Society and AUSTSWIM to run key water safety programs. In addition to that, in this year's budget the government was very proud to announce a further $12.2 million to help save lives. This funding will support, in conjunction with Mr Laurie Lawrence, the development and the distribution of a DVD for new parents to reduce drowning injuries and deaths in the zero- to four-year age group. We are determined to work harder and we are determined to work closer with water safety organisations and with state and local governments to ensure that we have the best practices in place.

In closing I would like to acknowledge the brave parents who have lost children in such tragic circumstances but who, despite their own pain, have found the strength to talk publicly about their experiences, what we can do to minimise the risk for other families and what we can do to help save other young Australian lives. We owe it to them to work together to help prevent the heartbreak that

comes with the loss of a child through such devastating circumstances. We can all do more to ensure that there are fewer tragedies this summer.

Dr SOUTHCOTT (Boothby) (3.43 pm)—On indulgence, I want to support the remarks of the Minister for Sport. This is an area of bipartisan concern. The Royal Life Saving Society has a goal of halving drowning deaths by 2020. I think that is an aspiration that all members of this House would hold. We support the remarks of the government in the very important area of water safety as we enter summer.

Mr Rudd—Mr Speaker, I ask that further questions be placed on the *Notice Paper*.

PERSONAL EXPLANATIONS

Mr PYNE (Sturt) (3.44 pm)—Mr Speaker, I wish to make a personal explanation.

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

Mr PYNE—Most grievously.

The SPEAKER—Please proceed.

Mr PYNE—In question time, the Minister for Education asserted that the opposition had no support for its position on the Schools Assistance Bill. It is quite the opposite, and I seek leave to table a small selection of the emails and letters that I have had in the last couple of hours from school principals all across Australia, supporting the stance of the opposition—from schools like St Michael's Grammar School, the Free Reformed School Association, Fitzroy Community School—

The SPEAKER—Order! The member for Sturt knows he cannot debate the issue.

Mr PYNE—Melbourne Grammar School, the Victorian Parents Council, the Castlemaine Steiner School. Do I need to go on, Mr Speaker? Have I made my point?

The SPEAKER—No. The member has sought leave to table documents. Is leave granted? Leave is not granted. The member for Sturt will resume his seat.

AUSTRALIAN NATIONAL AUDIT OFFICE

Report of Independent Auditor

The SPEAKER (3.45 pm)—In accordance with the Auditor-General Act 1997, I present the report of the Independent Auditor dated December 2008 entitled *Australian National Audit Office: human resource management performance audit*.

Ordered that the report be made a parliamentary paper.

DOCUMENTS

Mr ALBANESE (Grayndler—Leader of the House) (3.45 pm)—Documents are presented in accordance with the list circulated to honourable members. Details of the documents will be recorded in the *Votes and Proceedings* and I move:

That the House take note of the following documents:

Anglo-Australian Telescope Board—Report for 2007-08

ASC Pty Ltd—Report for 2007-08

COAG Reform Fund Bill 2008—Supplementary explanatory memorandum

Remuneration Tribunal—Report for 2007-08

Treaty—*Multilateral—Text, together with national interest analysis*—Optional Protocol to the United Nations Convention on the Rights of Persons with Disabilities—New York, 13 December 2006

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

MATTERS OF PUBLIC IMPORTANCE

Rudd Government

The SPEAKER—I have received a letter from the honourable member for Wentworth proposing that a definite matter of public

importance be submitted to the House for discussion, namely:

The dismal performance of the government during its first year in office.

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 TURNBULL (Wentworth—Leader of the Opposition) (3.46 pm)—The Prime Minister may come from Queensland, but his political style is entirely New South Wales Labor. He stands in a great line of succession—Bob Carr, Morris Iemma and Nathan Rees. They all have the same formula: make the big announcement, grab the headline and then nothing. Nothing comes after the big headline. It is all spin. Right through this dismal year of bad government, we have seen one example after another of spin over substance, politics over economics, and media stunt over real achievement. Right at the beginning of the year, the government made a very big call. They decided to be the only government in the world which would talk up inflation and, as a consequence, talk up interest rates. Every other government in the developed world was anxious about the subprime crisis in the United States, which had blown up onto the scene in August of 2007. It had been getting worse in the closing months of 2007.

The member for Higgins, as Treasurer in the previous government, warned the nation about its consequences. By the beginning of the year, it was becoming all too obvious that there were going to be severe impacts. A credit squeeze around the world from the subprime crisis was starting to develop into what it has become now—the global credit crisis or the global financial crisis. The government chose to talk up inflation when every other government around the world was more focused on growth and concerned about what it could do to ensure that this credit crisis would not lead their economies into recession, where, as we know today, many of them have found themselves. They took that approach and they took it for a purely political reason, because they wanted to blacken the economic reputation of the Howard government. That was the only thing they could go for, because every other economic metric was in very good shape. Unemployment was at historic lows, growth was high, Labor's debt was paid off and the budget was in surplus. Every other economic metric was as close to ideal as one could hope for, except that inflation was above the target range that the Reserve Bank had set. So they went for that and said it was out of control. They talked up inflation and they talked up interest rates.

Today we have just seen, in the national accounts, growth of 0.1 per cent in the months of July, August and September. The interest rate rises that were contributed to by the Treasurer and the Prime Minister talking up inflation and saying it was out of control at the beginning of the year are having an effect now. There is always a big lag in monetary policy. They managed to create a situation where we had interest rate rises at the beginning of the year, when in every other country there were interest rate reductions. Interest rate rises then had a negative impact on growth right now, in the second half of the year, precisely when we need it least. It was a catastrophic error of economic policy driven by a political agenda. There was no economic agenda; only a political agenda. There was no substance; it was all spin.

Then we look at the extraordinarily bungled initiatives. Fuelwatch—what a catastrophe! As if watching petrol prices would make them go down. As if inhibiting compe-

tition and damaging the business of independent petrol retailers would reduce prices. It was dreadfully misconceived, and I am sure there is nobody more relieved that it was killed off in the Senate than the Assistant Treasurer. Then we had GroceryWatch. What a catastrophe that has been. That is probably the best example of a total waste of government money ever seen in our history. That was $14 million for absolutely no useful output at all. It provides no useful information. It tells you what the average prices of a theoretical basket of groceries would have been a month ago, assuming you bought it at the prices available in a range of average shops over a vast geographic area. There is nothing that a shopper can find there of any use at all, but it is $14 million of our money. Why is it there? It was done because the government wanted to be able to say that they were doing something about grocery prices. It is straight from the script of *The Hollowmen*—it is worse than the script of *The Hollowmen*. Every day, when we look at the actions of the Rudd government, we are reminded of Mark Twain's very insightful comment that only fiction has to be credible. The script of *The Hollowmen* at least has to be credible up to a point, but that is not a requirement of the Rudd government.

Probably the most disastrous decision the government has taken this year has been the unlimited bank deposit guarantee. It was called the retail guarantee to distinguish it from the wholesale term funding guarantee. In imposing that unlimited guarantee, without speaking to the Reserve Bank—and without having the governor in the room and without even getting him on the phone—the Rudd government set in place a measure that has almost no counterpart around the world. In every other comparable country the deposit guarantee, or deposit insurance, is set at around the $100,000 limit because that is the level which, governments have felt over the years, is high enough to capture most household deposits and most small business deposits but not so high as to create real distortions in the market. So it is €50,000 in Europe and £50,000 in Britain, and it has been $100,000 for many years in the United States—although it has recently increased. But that is roughly the level at which it has been. We could have done that—but no. Notwithstanding that we have four of the highest rated banks in the world, notwithstanding that our banking system is well regulated and well capitalised—thanks in large measure to the initiatives of the coalition in government—the Prime Minister chose to go for an unlimited deposit guarantee.

Let us look at the damage that this decision caused. We have seen 270,000 Australians have their savings and cash management trusts and mortgage funds frozen. That is a fact—a direct consequence of the unlimited bank deposit guarantee. And, because those cash management trusts invested in large measure in the short-term debt of finance companies like GE Money, GMAC and so forth, those finance companies now cannot roll over their own borrowings. Most cash management trusts now have all their investments in guaranteed bank deposits. Macquarie Bank's cash management trust made quite a statement about this. There is another consequence. The finance companies cannot raise money; therefore, the motor vehicle retailers and other retailers who depend on finance companies for funding are not able to secure it. We see examples around Australia, and hear of them from our constituents, of motor retailers offering vehicles at enormous discounts, because they cannot afford to hold vehicles on their lot without a finance company providing a floor plan. It has been a catastrophe for the motor vehicle industry. We have seen vehicle sales drop. All of this has flowed from that extraordinarily ill-judged decision by the government.

But the consequences go further than that. I spoke a moment ago about mortgage funds—funds that raise money from the public for on-lending to mortgagors, very often to property developers, be it of commercial or residential real estate. Those lenders who provide in total a small percentage of the total lending market nonetheless provide critical competition for developers, for the building industry, in terms of finance and, by doing that, encourage banks to keep their rates lower. They have essentially been taken out of the game—again, by the decision of the government to have an unlimited deposit guarantee. So, with competition dramatically reduced, why are we surprised to hear from business men and women around Australia that the interest rates they are being asked to pay by the banks remain very high notwithstanding the reductions in the official cash rates by the Reserve Bank? All of these are consequences of that one very foolish decision. Now the government has rolled it back. At the end of last month, after four weeks, the government rolled it back and said that the guarantee would go up to only $1 million.

Why did they do that? They did that because a letter from the Reserve Bank to the Secretary of the Treasury found its way into the hands of the press. It found its way onto the front page of the *Australian*. So, because of that single event, the Prime Minister had to acknowledge what the Reserve Bank had clearly been saying to him ever since he made the decision, which was that this was causing enormous distortions in the market and he had to impose a cap and, to quote the Reserve Bank governor, 'the lower the better'. We have seen leaders of banks calling for the government to reduce that cap to $100,000 but to no avail. The government would never do that because that is precisely what we recommended in the first place.

We have seen the extraordinarily incompetent handling of the wholesale term funding guarantee, where the government for some reason decided they would enter into a contractual guarantee for banks raising wholesale money offshore but would not pass the appropriation legislation so that, if a guarantee were called upon, the government could pay it. They seemed to think that that would not have any consequence. We raised that matter privately and we raised it publicly, but we were treated with contempt and scorn, as we always are, by the government. Finally, when the banks said to the government, 'You have to act; otherwise we'll not be able to raise money offshore,' they came to their senses and passed an appropriation bill.

We have seen in the course of this year incompetence not just in the economic area. Who will ever forget—sadly, nobody will ever forget—the unbelievable big-noting, vainglorious behaviour of the Prime Minister over his telephone call with the United States President? What other national leader would breach the confidentiality of a conversation like that and do so in a way that was designed to make him look clever and the president of the most powerful nation in the world, our greatest ally, look stupid? It not only caused enormous offence to the United States but served as a warning around the world that the Australian Prime Minister was not to be trusted. I fear that damage to the Prime Minister's reputation for reliability and confidentiality will not just extend to him but affect the standing of every Australian official for many years to come.

We have seen the spin through Fuelwatch and GroceryWatch. We have seen the love of the grand gesture with the unlimited bank deposit guarantee. We have seen the Prime Minister seeking to big-note himself as smarter than George Bush, knowing more about China than the United States—all

those big-noting, self-serving references in the aforementioned article. What is the theme, the thread? The fact is this: Sussex Street has come to Canberra. Senator Mark Arbib—the Labor machine man who installed Bob Carr, Morris Iemma and Nathan Rees and who installed the Prime Minister as leader of the Labor Party—according to the *Courier-Mail*, is now writing the Prime Minister's economic script. Dennis Atkins tells us it was Senator Arbib who met with the Prime Minister recently to convince him to seek a leave pass to go into deficit. So the New South Wales machine man who has been behind every poor decision that has ruined New South Wales is now running the economic strategy for the Rudd government. The Prime Minister may come from Queensland but his style is 100 per cent New South Wales Labor.

Mr RUDD (Griffith—Prime Minister) (4.01 pm)—I was taken during question time by the blue, which referred to the text of the MPI. I was taken in particular by its reference to the term 'dismal performance'. I thought this might provoke a useful discussion and debate in the House today about dismal performances because, as I gazed upon the benches opposite, not only did we see something dismal but we saw something terminally divided as well. The performance of those opposite today, throughout this year and during the Leader of the Opposition's period in office has been dismal with a capital D. We are having a debate in the parliament now about the industrial relations system of Australia. What is dismal is that the alternative government have no single position on industrial relations. That is dismal with a capital D.

What is dismal with a capital D is that, in the other debate we have been having this week on asylum seekers, we are told that their party room meeting on Tuesday went 'berserk' on the question of asylum seekers. On industrial relations, Alby told us that it was 'bonkers' to support the position that was embraced by the Leader of the Opposition. They are bonkers one day, berserk the next! On something as sensitive and as important as asylum seekers, you would think that a so-called credible political party like the Liberal Party would actually come up with a uniform, united position—but no. Of course, during the week it has been not just industrial relations or asylum seekers but also climate change and water. They are a broad church, the Leader of the Opposition tell us—that is, they were a broad church until he sacked a shadow parliamentary secretary for having a different view of what the broad church might mean!

The opposition's performance has been dismal in terms of the absolute disarray that we find in the Leader of the Opposition's language on the temporary deficit question. I draw honourable members' attention to this question: why has that d-word disappeared from their language all week? We have underway at the moment the old Malcolm Turnbull crab walk. Earlier this week we had the Leader of the Opposition in full flight, decrying anything which approached a temporary deficit as an absolute abandonment of economic management. Then we go to the critical interview that he had on ABC radio a couple of mornings ago, where on three to four separate occasions he was asked directly: would the opposition rule out a temporary deficit under any circumstances? And on three to four occasions what we saw was the Malcolm Turnbull crab walk. It was not completed until we had an interview—I think it was on Adelaide radio yesterday—where finally the crab walk reached its destination: in fact, a temporary deficit could be embraced if that was the last resort. He went from the position that a temporary deficit was a complete abandonment of economic management principles, through the crab

walk of saying, 'Can't answer that question; it's all economic theory,' to yesterday's position—which I thought was a beaut—that a temporary deficit could be embraced as a last resort.

Is it any wonder those opposite feel as if they are in disarray? That is what has been reflected in their shifting position on something so crucial to the current debate. But it goes beyond that. The whole debate on the economy comes about as a consequence of the global financial crisis—a global financial crisis which on one day is described as overhyped and on the next is described as the worst since the Depression. Is it any wonder no-one can find a consistent thread up the middle of what the opposition have been talking about in this chamber all year?

Then we go to the rest of the disarray within the Liberal Party on things as basic as interest rates. The Leader of the Opposition said that a rise in interest rates—the seventh rise, in fact, out of their 10 interest rate rises in a row—was being overdramatised. Then he turned himself into Captain Courageous, attacking the banks—interesting, given where the Leader of the Opposition comes from—for their posture on interest rates. Then we have the extraordinary posture he adopted in recent days which is, as reflected in his opinion piece in the *Australian* that we mentioned in an earlier debate today: 'Go for the full lot, the whole bottle. Don't worry about it. Don't hold back. Profits are king.' Is it any wonder that people cannot thread together the consistency of the Leader of the Opposition? And it goes on and on.

The Leader of the Opposition claims to be the author of fiscal rectitude on the one hand and then, on the other, launches into an unbridled and unprecedented political attack on the Secretary to the Treasury, authorising his leading henchperson up the back to engage in a simultaneous attack on the Governor of the Reserve Bank, accusing the Governor of the Reserve Bank, in orchestrated tactics from the office of the Leader of the Opposition, of engaging in, in effect, partisan behaviour in support of the Australian Labor Party. And it goes on and on and on. The fuel excise—one day he is against it, the next day he is for it and the third day he is against it again, and I still do not see what the final and formal position is.

If you want the epitome of disarray, I could say: look at each element of these policies, whether it goes to the global financial crisis, interest rates, the temporary deficit, asylum seekers or the rest. But it all reaches its crescendo in the person of the Deputy Leader of the Opposition. Julie has had a very good week—so good a week, in fact, that according to the *West Australian* we have the Leader of the Opposition now telling his colleagues that he has to do two jobs: his and the shadow Treasurer's. I have not seen the Leader of the Opposition stand up to say that that report in the *West Australian* newspaper was wrong.

Mr Turnbull—Madam Deputy Speaker, on a point of order: that statement was denied in the very article the Prime Minister has in his hand.

The DEPUTY SPEAKER (Ms AE Burke)—The Leader of the Opposition will resume his seat. That is not a point of order.

Mr RUDD—In truthfulness, could the Leader of the Opposition say that there is not a battle royal going on within the frontbench of the Liberal Party as to whether the member for Dickson, the member for North Sydney or the member for Goldstein—anyone other than the member for Curtin, it seems—is going to be the shadow Treasurer of the Liberal Party? What is remarkable is that here they have launched a couple of weeks of attack on the economic credibility of the Australian Labor government and at the

same time they cannot resolve who the Treasury spokesman of the Liberal Party is going to be. This actually speaks volumes.

But what is the common thread through all of this, apart from the Leader of the Opposition himself? It is this: there is not a single thread of consistency in any of these positions all the way through, and that goes to a fundamental truth. This government, dealing with difficult circumstances around the world—the global financial crisis—has been acting in the national interest. People may disagree with one policy or another—that is fair enough; it is a democracy and there is a debate. But what we see time after time with the shifting positions of the Leader of the Opposition on interest rates, the global financial crisis and temporary deficits—you name it—is a political leader in this country who has abandoned leadership and is instead engaged in short-term political opportunism. What we have had on one issue after the other is not the national interest being served but the political self-interest of the Leader of the Opposition.

This comes to its absolute apex in the important legislation before this House today—that is, the Fair Work Bill. This Leader of the Opposition, in the past, has gone on the public record not just defending Work Choices but shouting from the rooftops about how important Work Choices is to the future reform of the country. In fact, on 2 November 2005—the day, I am told, of one of his 27 votes in support of Work Choices legislation—he said:

> Today is the day that Kevin Andrews introduced the Work Choices legislation into the House of Representatives—the single most important reform to workplace relations in any of our lifetimes.

The problem, I would say to the Leader of the Opposition through you, Madam Deputy Chair, is that in this business of politics, which is a rough and tumble business, you actually have to stick with your principles. The former Leader of the Opposition who sits up the back there, Brendan Nelson—

Mr Keenan—You are so full of it.

Mr RUDD—I know you do not like this, but the former Leader of the Opposition up there, Brendan Nelson, the member for Bradfield, sticks to his guns. He has always been out there saying that they supported Work Choices and supported AWAs. This guy is a principled conservative. The Leader of the Opposition is an unprincipled opportunist. That is the difference, and that applies all the way through the policy debates that we have been having in the several months that the Leader of the Opposition has been in charge of the ramshackle, divided party—once the party of Menzies and now a ramshackle, divided lot. This characterises each and every one of the significant policy debates, because in each of them the Leader of the Opposition just changes his position, depending on the day, depending on the weather and depending on the tactical opportunity, but always casting to one side anything approaching consistency of principle. I would say to the Leader of the Opposition: that begins to sort you out as an alternative leader of the country. You have to stand for something and stick with it. The member for Bradfield has done that. We do not see any of that evident in the performance of the member for Wentworth—the Leader of the Opposition as he currently is.

I say 'currently is' because we have now heard rumblings about what Higgins is up to. Yond Higgins has a lean and hungry look. Yond Goldstein has a lean and hungry look as well, but he always looks lean and hungry. Higgins, it seems, is back in the circle. I wonder whether yond Bradfield is helping yond Higgins in his return. The rumblings out of Higgins these days are getting interesting, including statements among the local

Liberal FEC that in fact the member for Higgins may still be for this world, may not be departing this world and may not be shuffling off. Given the deep affection which the member for Higgins holds for the member for Wentworth, we may have him back sooner than we all think—but I am sure the member for Wentworth has that under control in his party, which is characterised by the singular political unity that we have seen so much on display this year!

Throughout this year the Liberal Party, preoccupied with its own political divisions, has been on about its own political self-interest. The government, by contrast, has been faced with three major challenges for Australia: (1) honouring the implementation of our pre-election commitments, (2) getting on with the business of mapping out a long-term reform agenda for the nation and (3) wrestling with the global financial crisis, which impacts on the real Australian economy. On our commitments to the Australian people, whether our commitment to bring in $44 billion worth of tax cuts for working families or our commitment to bring about an education revolution, what we have undertaken to the Australian people we have then proceeded to implement. We promised $44 billion worth of tax cuts; in the budget brought down by the Treasurer we implemented $44 billion worth of tax cuts. We promised prior to the election that we would ratify the Kyoto protocol; we have ratified the Kyoto protocol. Prior to the election we promised that we would deliver an apology to Indigenous Australians, and we have honoured that commitment to the Australian people. Prior to the last election we undertook to provide to each school in this country funding sufficient to provide a one to one ratio for computers for years 9, 10, 11 and 12 across the nation, a longstanding reform; we are proud of it and we are honouring that commitment. We undertook to provide across all secondary schools in this country funding of $2.5 billion over time to create trades training centres in the secondary schools of this nation—each of the 2,700-plus of them—and we are honouring that commitment. We are honouring each and every one of these commitments. We promised to the Australian people that we would act to establish a national curriculum for English, for history, for maths and for science, because the working people of this nation, as they travel across this country, are crying out for that; we are honouring that commitment. We said prior to the election that we would bring in an election tax refund; the Treasurer, in his budget and in subsequent legislation, has honoured that commitment, and first payments will flow from 1 July next year. Prior to the last election we said we would implement an increase in the childcare tax rebate from 30 per cent to 50 per cent, and we are honouring that commitment as well.

We take seriously our commitments to the Australian people. Beyond that, we have sought to map out a long-term program of reform dealing with the long-term challenges of reforming the Federation, dealing with the long-term challenges of providing proper funding with proper incentives for better performance in the nation's health and hospital system and wrestling to the ground the great challenges of climate change and water. These are enduring challenges for the nation; they do not disappear overnight. They do not disappear because there is a political bunfight in a party room over X, Y and Z or A, B and C. They are there and the nation expects us to act on them.

At COAG on Saturday we acted on the long-term reform of the federation. We acted on the challenge of providing proper funding for the public hospital system of this nation with $60 billion worth of long-term investment, and an annual indexation factor of 7.3

per cent, adding into it national partnership payments which bring up the overall increase to the states of something in excess of 10 per cent a year. That is dealing with what the mums and dads of this country want: a better performing public hospital system. We are undertaking that reform.

Beyond that, on climate change and water, we undertook to implement an emissions trading scheme. Our Carbon Pollution Reduction Scheme is being drafted. It has achieved much more progress in 12 months than our predecessors ever dreamt of in 12 years. And for the first time this government has committed to and has executed the buyback of water entitlements to save the much threatened Murray-Darling Basin system. That is action in the long-term reform interests of the nation. We, the government, have got on with the business of implementing our pre-election commitments and implementing our long-term reform program. We have done all of this in the context of a global financial crisis where we have had to guarantee bank deposits and inject stimulus into the economy in order to provide sustenance for growth and jobs into what will be a difficult year in 2009.

This is a solid agenda for a government. It is a solid agenda of leadership for a government. It represents a consistency of principle. I would say to those who are engaged in this debate today to reflect on it as they contrast with it the dismal and divided performance of those who pretend to be the alternative government of Australia. *(Time expired)*

Mr TRUSS (Wide Bay—Leader of the Nationals) (4.17 pm)—At the end of the Prime Minister's first year in office when called upon to defend his record and to tell the Australian people what he has achieved all we get is the man down in the gutter—political name-calling; all talk no action. The simple question we asked today was: after 12 months in office who in this country is better off for having a Labor government? Who in this country is better off for what the government has achieved in the past 12 months? The reality is no-one. No-one is putting up their hand to say, 'I am better off; my country is better off because of this government's performance.'

Paul Keating is a man I do not often quote, but once he said that governments start dying the day they are elected, and that is so true of the Rudd Labor government and their first year in office. We have bumbling ministers with no vision and no leadership from the top. We have a government more interested in travelling the world than talking to Australians about our problems, a government that made scores of promises but has in fact delivered nothing of note.

Yes, we have seen the symbolism of the ratification of the Kyoto accord but is there one less tonne of CO2 gas in the atmosphere as a result? It was symbolism—a stunt with no results. Yes, we have seen an apology to the nation's Indigenous people but where is the Aboriginal Australian who is better off as a result? It was a stunt that delivered no action and no results. There has been the 2020 Summit, a thousand people of goodwill getting together to commit their ideas, but where is the vision for a bigger and stronger Australia arising from the summit? Indeed the government promised that they would respond to the ideas put forward at the 2020 Summit before the end of this year. They have 28 days to do it and that includes Christmas—another broken promise. There has been no government response; not one of the ideas has been acted upon—another stunt with no results for the people of Australia.

There have been 170 or 180 reviews and task forces announced, but how many of them have delivered results? Just yesterday, we had the latest green paper on aviation and

now that is to be followed a year later by another policy document. What about the poor people in general aviation who had their action agenda delivered to them only months after the new government came to office? They were told that the results would be left until the green paper. Now they might well have to wait another year before the policy might be developed. In the meantime, that industry, like so many others, goes backwards.

We have been promised an emissions trading scheme. The targets and the details were to be announced before Christmas—again another target that simply has not been met. We have had plenty of rhetoric, wars on drugs, wars on inflation, wars on whalers, wars on disadvantage, wars on doping in sport, wars on bankers' salaries, wars on obesity and wars on skinny models—plenty of wars have been declared, but where are the results; where are the actions?

The government came into office promising that they would fight inflation, but inflation is actually at the highest level it has been for 17 years. They said that they would cut taxes, but this budget was the biggest taxing budget in our nation's history with $19 billion of new taxes from a government that said they would lower taxes. They said they were the party for the environment, but the new Caring for our Country program actually spends $1 billion less on environmental programs than the previous government's Natural Heritage Trust and national action plan. They said they were going to save the whales, but they have wimped out on the promised legal action. They said they supported alternative energy, but they axed a whole range of renewable energy programs, solar panels and the like.

They said they would be open and transparent, but they slashed the Auditor-General's budget and scrutiny of billions of dollars of government expenditure is covered up by the excuse that they were simply Labor election promises and therefore they will be delivered whether they are good or bad. They said they would give every student a computer, but we know how this program has hit the rocks, tragically underfunded. Yes, you can have a computer, but you will have to share it with two or three others and only if parents are prepared to pay for the electricity or the state government is prepared to connect the fast broadband or make the commitments for air conditioning and all the other add-on expenses that will be required. Another promise made but simply not delivered.

They said they would protect workers, but strikes are up by over 800 per cent since the election of this government. The stock market has plummeted. The people smugglers are back in business because the government have gone soft on border control. The budget says unemployment will rise by 134,000, but we all know that that figure is only half what will in fact happen. Consumer confidence has fallen to a level not seen since the recession of the early nineties, the recession that Prime Minister Keating said we had to have. They said they would end the blame game, but in three-quarters of all the answers to questions they blame somebody else; it is always somebody else's fault. Now they are blaming the Senate for blocking some of their initiatives. We are not allowed to have any scrutiny of what is being proposed. We are all expected to blindly accept whatever rubbish the government turn up.

The reality is that this government has failed to deliver on its election commitments. It has failed to deliver for the people of Australia. Clear evidence of that was present again today when the national accounts figure was released: 0.1 per cent growth. You cannot get much lower growth than 0.1 per cent, I can tell you. The Treasurer told us it

was a positive outcome. Well, he is not telling a lie—it was marginally positive but only just. There will probably be worse news ahead under his economic management. The growth genie seems firmly back in the bottle. He let out the inflation genie by his outrageous comments but the growth genie is well and truly back in the bottle.

I know Australia is being buffeted by the worldwide financial situation. We have had those sorts of situations before; indeed, our government faced them on a number of occasions. But we did not buckle over; we knuckled down. We got on with the job. We dealt with the global pressures, and our nation emerged much stronger and prouder as we came out on the other side. Indeed, we delivered to this government a legacy of a $20 billion surplus and $60 billion in the Future Fund. The $20 billion surplus is already gone and we are probably already in deficit, but none of the problems have been fixed. Everybody is going to get these nice cheques next week, but the pension is still too low. They have not fixed the pension problem. They have done nothing for carers. They have not resolved the issues. A bit of guilt money this week is not going to make any difference to the long-term crisis confronted by these people—people who were told their grocery prices would go down and that GroceryWatch would protect them from the evils of the big multinational food companies. GroceryWatch has been a failure, like this government has been a failure.

They started right early to try and talk down the economic achievements of the previous government because they want to diminish the contrast between the failures of their government and the successes of their predecessor. We built for the future. We repaid Labor's $96 billion debt. We put aside $60 billion for the future and we committed money for roads and rail. Labor, for all of their talk about an infrastructure-led recovery, have slashed funding available for roads and rail. They are actually going to spend less than the previous government had committed—and this is their way to try and beat inflation! Labor are in fact trying to spend their way through, but the reality is they have no plan and no vision for the future. They have already spent the whole of the surplus in a Whitlamesque spending spree. They have all the fiscal discipline in Treasury of Jim Cairns. And next thing we will have the Prime Minister going over to the Middle East to try and borrow some money from Khemlani to fund his new bank—a new bank to make up for the growing budget deficit; the 'Kevlani' bank that Labor are about to set up to try and save themselves from their own fiscal ineptitude.

The reality is this is a lost opportunity. Labor came into office with the resources at their fingertips to make a difference, if they had the courage, the will, the wit or the brains to be able to deliver. They have failed in their first year. The Prime Minister has given a dismal performance today in trying to defend his record for the past 12 months. They cannot deliver. They have no idea how to manage an economy and, sadly, all Australians are suffering today. Where is the Australian who is better off as a result of the election of the Labor government? I fear that next year may be even worse. *(Time expired)*

Mr ALBANESE (Grayndler—Minister for Infrastructure, Transport, Regional Development and Local Government) (4.27 pm)—What an extraordinary performance from the Leader of the National Party. He made a number of extraordinary claims during that contribution. One, with regard to economic growth, was that you cannot get lower than 0.1 per cent. I say to the Leader of the National Party: have a look at what is occurring in industrialised countries overseas—in the United States, in the United Kingdom, in Europe—and compare the im-

pact of the global financial crisis. In one sentence he managed to accuse the government of spending too much but also to say we were not spending enough when it came to transport infrastructure. That is an extraordinary claim from someone who I guess is torn between whether he is in the Liberal Party or in the National Party now that he is a member of the Liberal National Party with his friend and close ideological colleague the member for Groom. The third thing that was extraordinary was that he opposed the government's Economic Security Strategy when he spoke about pensioners, carers and veterans getting 'guilt money' this week. That is the way he described the government's Economic Security Strategy.

He argued that the government has not delivered on its commitments, whereas we know that this government has been characterised by delivering on all the election commitments which saw us return to the government benches. We said we would ratify the Kyoto protocol. We did it. We said we would apologise to the stolen generation. We did it. We said we would abolish John Howard's extreme workplace laws. We did it. We said we would withdraw all Australian combat troops from Iraq. We did it. We said we would remove discrimination against same-sex couples from a range of Commonwealth laws including superannuation, social security and taxation laws. We did it. We said we would embark on a nation-building agenda and establish Infrastructure Australia. We did it. And we have done it all in the context of a global financial crisis. We have done it all while also taking action to ensure that the economy can continue to grow.

At COAG just last Saturday, we announced a $15.1 billion package to help create 133,000 jobs, to stimulate the economy and to drive significant reform, particularly in education, health and housing. But this followed the $10.4 billion Economic Security Strategy that will be delivered in the coming weeks—something that the other side opposes. There was the $55 billion Working Families Support Package in the last budget, which included $46 billion of tax cuts, increased the childcare tax rebate from 30 per cent to 50 per cent and provided $2.4 billion in support to help older Australians and carers with household bills by giving them one-off payments. We introduced a 50 per cent education tax refund. We also have made sure that we have delivered economic growth by establishing a $6.2 billion plan to make the automotive industry more economically and environmentally sustainable. Here in Parliament House a couple of weeks ago we had the first meeting of the Australian Council of Local Government, where we delivered $300 million divided up not according to the way people vote but divided up fairly so that every council in Australia will receive a stimulus to their local economy and a stimulus to local jobs.

Mr Chester interjecting—

Mr ALBANESE—I would say to any of the members of opposite, including the member for Gippsland, who is on the record here suggesting that the councils in Gippsland do not deserve that money and should not be given it—if that is his view—that we have not just acted on the economy. We acted on the environment and water, including the Murray-Darling Basin plan. We introduced a $480 million National Solar Schools Program, to which over 2,200 schools have already signed up. In education, we have the $2.5 billion Trades Training Centres in Schools Program. Since its launch in February, $90 million has already been allocated to 34 lead schools, and it will benefit a total of 96 schools. We have got the digital education revolution, which has delivered more than $116 million for 116,820 new computers to 896 secondary schools, those being identified as most in need. We have delivered half

a billion dollars to the Better Universities Renewal Fund.

We have just announced $64 billion in health and hospitals funding over the next five years. In housing affordability, we have increased the first home owners grant, we have established the $512 million Housing Affordability Fund, we have established the First Home Saver Account to help people saving for their first home as well as, of course, announcing $10 billion for the National Affordable Housing Agreement. We have done all this.

In my portfolio of infrastructure, we have not only honoured all of Labor's pre-election road and rail commitments but done more. We have already established the Building Australia Fund—as long as those opposite do not block it in the Senate. We have established the Major Cities Unit to once again engage the Commonwealth with our cities, the great generators of economic growth in this country.

But what do we have opposite? We have more positions than in the *Kama Sutra* on any given issue. On the deficit, position 1 of the Leader of the Opposition was 'it is a failure of economic management'. That is what he said about a temporary deficit at the National Press Club on 24 November. Of course, we know that just this week—indeed, yesterday—he said 'the deficit should be a last resort'. He is doing the crab walk across, as the Prime Minister has indicated. The opposition has two positions on the impact of the GFC. Position 1 is where the Leader of the Opposition said on 19 October that it was 'all hype'. The next day he said it was 'the worst, gravest global financial crisis we have seen since the great Depression'. That position lasted one day.

On predicting the global financial crisis there are at least three positions. On 30 September, the Leader of the Opposition said, 'Nobody could have seen it coming.' On 1 October he said that 'the worst passed three months ago'. It was over—the events of the last weeks would not have been predicted a few months ago. Then position 3 was on 15 October when he said, 'Regrettably, Mr Rudd's government missed the warning signs at the beginning of the year.' Three positions in one month!

On the first home buyer boost, there are four positions. On 14 October, he said that the housing market was softening. On 15 October the shadow minister said that our housing market is actually quite strong. On the same day the Leader of the Opposition said that the grant should be higher. And then the shadow housing minister, on the same day, said, 'I think the government does have questions to answer about what the First Home Owner Grant for existing dwellings is doing in this package.' So it was just for new housing. Four positions! He cannot get an answer from his own leader. The opposition have had five positions on the Economic Security Strategy—all over the place—and, of course, multiple positions on their attacks on the Secretary to the Treasury and our economic institutions, let alone the multiple positions they have had on bank deposit guarantees.

This government has a big agenda for the nation. The opposition are simply obsessed with themselves, fighting over the spoils of opposition to see who will be the shadow Treasurer or who will be the spokesperson and who will get to sit further up the queue over there. We can see the dissent and it is characterised most severely by their dissent on Work Choices. We know that, were they to return to the Treasury bench, Work Choices would be back because they have an absolute commitment to those principles. *(Time expired)*

Mr ROBERT (Fadden) (4.37 pm)—What an enormous disappointment that just was. I have come in here to give my 100th speech for the year, and I have even brought a cricket bat, courtesy of the member for Swan, signed by Barry Richards, arguably the world's greatest batsman. I fear I now have to ask the member for Grayndler to assume the position, because that was disappointing in the extreme, and perhaps there is a better use for the cricket bat that we could see here today. As we reflect here on the government's performance over the past 12 months, the bat will not rise.

This government hit the ground reviewing. There have been over 160 reviews, summits, commissions, inquiries and conferences. There is no compelling narrative and no central ground; just hollow words from hollow men. There is no political or economic strategy; just the declaration of 12 wars: wars on drugs, cancer, inflation, unemployment, global unemployment, whales, Aboriginal disadvantage, downloads, pokies, alcopops, doping in sport and bankers' salaries—individually worthy issues.

I suggest the PM has actually read Sun Tzu, because Sun Tzu says, 'All war is based on deception,' and that is what the Prime Minister's wars are. There is no action in these wars. They are hollow wars. He has deployed no troops in these wars. They have not even left the battleground. The troops are sitting there waiting for some direction. But again Sun Tzu may have the answer when he says, 'Though we have heard of stupid waste in war, cleverness has never been seen associated with long delays.' There are long delays in these wars and there is no cleverness.

We have seen the Prime Minister become 'Voyeur 08', because he is watching everything. There is Fuelwatch, GroceryWatch, whale watch, inflation watch and childcare centre watch. He is watching but not doing. Then, of course, we come to the economic responsibility of the Prime Minister and the government. Every government in the developed world was concerned about the subprime fallout late last year. The member for Higgins stood and warned the nation, but what was our trusty Prime Minister doing? In the final report of the Australia 2020 Summit, at page 387, we get a view, because it says:

> By 2020 Australia will be well placed to survive as a functioning and safe nation and society because our geography and policies protect us from the global chaos created by the pandemic of 2012, the financial crash of 2013, and the oil war of 2016.

Well, Prime Minister, the crash came in 2008. You were five years too late. When the financial crisis was gaining momentum, you were having a summit with all of your friends. When the final report came out, did you mention the current financial crisis? No, you referred to a hypothetical one in 2013.

You started the year by attacking inflation because you thought it was the achilles heel of the previous government, yet the IMF advice, which every other nation apart from us apparently followed, was to lower taxes, seeing a lowering in interest rates and an increase in spending. But what did this government do? It increased tax by $19 billion. It decreased spending. The Treasurer, that nervous little man, rolled up and said that the 'inflation genie was out of the bottle' a day before the Reserve Bank met, only backed up by his Prime Minister, who said the 'inflation monster was wreaking havoc across the nation'. Is it any wonder that interest rates were raised the next day?

Growth projections in the budget were over three per cent. In the Mid-Year Economic and Fiscal Outlook they were two per cent. Three weeks later they were less than that and they were 0.1 per cent for the September quarter. We have a naked short sell-

ing ban bungle, with the government changing its view three times. We had a $10.4 billion stimulus package with no modelling and a bungled bank guarantee that has left 270,000 people in this nation with accounts frozen. We are the only nation on the planet whose response has made the nation worse off because of what the government has done. This is a dismal performance of the government in its first year.

The Prime Minister held aloft a computer as the new toolbox of the 21st century. He is now only delivering it to half as many students at twice the price—and he is an economic conservative! It is shameful. The nation-building funds that he promised totalled $26.3 billion—every cent from the Howard-Costello years. This government has not even thrown in five cents. If the member for Solomon could just throw over 10c, at least this government would have contributed something to the nation-building funds. But as it is you have contributed nothing. It is a dismal performance. *(Time expired)*

Mr DREYFUS (Isaacs) (4.42 pm)—I want to thank the Leader of the Opposition for giving me the opportunity to talk about the benefits the Rudd government has brought to the whole of our country in its first year of office, and particularly to my constituents. It is ironic that we see in this matter of public importance raised by the Leader of the Opposition the term 'dismal performance', because the fact is that the only dismal performance in this House, in this parliament, during this year has been that of the opposition.

There are at least two possible measures of performance for a government. One of them would be to compare the first year in office of the Rudd Labor government with the first year in office of the previous government, and another would be to compare the performance of the government with that of the opposition during this very year. On either measure, the Rudd government is looking very, very solid indeed. The Leader of the Nationals—if he is still in the Nationals; it is not altogether clear whether he is Liberal or National—the member for Wide Bay asked who in Australia is better off, and I say resoundingly that we are all better off to have rid this country of the tired old Howard government, which had run out of ideas and had run out of energy.

When I ran for election a year ago, I wanted to be part of a new Rudd Labor government because I understood that the changes that we would bring about would make Australia a better place, would make Australia a safer country, would make Australia a more secure country and would in particular make Australia a fairer country. When millions of Australians voted a year ago to kick out the Howard government, they wanted a government that would deliver a safer, more secure and fairer country, and this government has delivered for all Australians. We have honoured the promises that we made at the last election.

I will now compare our first year in office with the performance of the previous government in its first year of office. The No. 1 thing that you would point to is that we keep our promises. We have kept our commitments; we are serious about keeping our promises—unlike the former government, which introduced the unfortunate phrase to Australian political life of 'core and non-core promises'. There is a long list of promises that we made at the last election that we have already honoured in our first year in office.

One of the best examples is in the industrial relations legislation, the Fair Work Bill 2008. The previous government said nothing to the Australian people before the 2004 election about its intentions to introduce an extraordinarily harsh industrial relations re-

gime—nothing at all. It did not tell the Australian people that it was planning to introduce the harsh Work Choices laws. We told the Australian people with absolute clarity what we were going to do with the Forward with Fairness policy that we took the last election, and we have seen in the last week the introduction of the Fair Work Bill. That shows how we honour commitments. We honoured our commitment to a return to fairness in Australian workplaces. That is what the Fair Work Bill does.

And we can go down a long list of other promises to the Australian people which we have honoured, including: the apology to Indigenous Australians and starting work on closing the gap, and signing the Kyoto protocol and working on the Carbon Pollution Reduction Scheme. We are tackling the hard issues which confront this nation: computers in schools, trades training centres, a national curriculum for schools and the Murray-Darling Basin—the list goes on and on. This has been a year of sensible management, of honoured commitments and of honoured promises.

This has been a year of sensible management in public finance. In particular, I refer to the Rudd government's first budget, which sensibly and cautiously provided for a substantial surplus to be ready for downturn. We were ready and are ready to face the challenges that we are being confronted with through the global financial crisis. *(Time expired)*

The DEPUTY SPEAKER (Mr KJ Thomson)—Order! The discussion is now concluded.

FAIR WORK BILL 2008

Second Reading

Debate resumed.

Mr NEUMANN (Blair) (4.47 pm)—The explanatory memorandum for the Fair Work Bill 2008 says that the Fair Work Bill creates a national workplace relations system that is fair to working people, flexible for business and promotes productivity and economic growth. There is not a skerrick of evidence from those sitting opposite to the contrary. In fact, the evidence that we have shows that the industrial relations system that they brought in resulted in: burdensome regulation for business; lower wages for women, those who worked in the retail and cleaning sectors, those who were vulnerable and lacking bargaining power in the workplace; and the Australian people throwing them out of office on 24 November 2007.

Work Choices is the alpha and the omega for those who sit opposite. It is the beginning and the end; it is their *Genesis* and their *Revelation*; it is not just in their genes but in their genealogy; it is not just in their DNA but in their blood. They love it. It is their raison d'etre; their reason to be. That is why they are here; that is why they are in this place. They are here to oppose Labor, the labour movement and those people we represent. That is what it is about. Work Choices is the soul of their party.

You only have to listen to the contributions of the member for Indi, the member for Warringah, the member for Mackellar and the member for Mayo to understand that everything that I just said is 100 per cent accurate. For them, those people who represent working people in the workplaces of this country—the trade union leaders and the trade union movement—are their enemies. That is the reality. This is because the union movement opposes the kind of loyalty that the Liberal Party have to their bosses—the multinational companies whom they represent. They do not want trade unions anywhere near the workplaces of Australia, because they think that trade unions compete with them for the affection of the Australian people.

Work Choices was offensive to the Australian way of life and to the belief that Australians have in fairness, decency, mateship and humanity. Work Choices was about entrenching unequal bargaining arrangements in the workplace. The previous government spent more than $60 million in propaganda but they could not sell it to the Australian public. It was far reaching and punitive, but the authors and architects of Work Choices voted for it time and again. My predecessor voted for it nearly 30 times in this House. He believed in it. The Leader of the Opposition believed in it. All those people sitting opposite—their new members and those who were in this chamber before the last election—believe in it. It was their agenda and they will always believe in it, despite what they may say. They say that Work Choices is dead. But, like something that might have happened 2,000 years ago, it is ready for a resurrection if they ever again sit on this side of the House.

There is not a shred of evidence that they have produced that shows that Work Choices contributed in a positive way to productivity, to jobs growth or to the improvement of the Australian economy. If they had that—if they had the detailed analysis that showed that; if they had the evidence—wouldn't we have heard it? Wouldn't we have heard more than the platitudes that we have heard from those opposite? They would have shouted it from the rooftops. You can imagine the former Prime Minister coming into this House, standing before the national press and saying: 'This is the evidence. Here is the evidence.' But it is not there. They cannot produce it.

Work Choices was not just a step too far. It was about punishment. It is important for those of us in this place who have been employers and for those of us who have been employees to recognise that the Australian public believe in free enterprise. They believe that the workplaces of Australia should be productive and that employers and employees should work constructively and cooperatively together. The vast majority of Australians believe that because they know that only profitable businesses will improve wages and working conditions and contribute to the economic security of their families and rising wages. They know that—they are not dumb. They are not stupid at all.

What was so pernicious about Work Choices was that it was about pitting employers against employees and handing rogue employers the tools to misuse this sort of legislation and abuse it to drive down wages. It is an indication of the extent to which the previous government believed in this sort of thing that, for example, when it came to funding in the higher education sector, they had workplace relations requirements and national governance protocols and other matters. They said to the higher education sector, 'We are going to reduce your funding if you do not satisfy the Work Choices requirements.' That was their idea. It was about bringing Work Choices not just into the workplaces but into the educational institutions and into the culture of the country. At the last election we took our industrial relations policy, Forward with Fairness, to the Australian people and we said that we would tell them what our policy was; we would level with them. We said that we would not foist on them an industrial relations system that they did not know about. The previous government never told the Australian people anything about Work Choices in 2004. I was a candidate in 2004. I had discussions with many people. I had debates with my predecessor. I read his press releases and I listened to what he said on the radio. I cannot ever recall the words 'Work Choices' being uttered in 2004.

The reality of this bill is that it does an enormous amount of good in Australian

workplaces. Five key areas of improvement which we promised at the election are contained in this bill. In the short time I have left I am going to enumerate them. There are national standards for the safety net pay and employment conditions—not just five little ones which were ignored by so many employers when they presented an AWA, which was at the heart of the pernicious Work Choices legislation, but fair dinkum safety net pay and employment conditions. The bill contains measures for enterprise bargaining, workplace bargaining, an independent umpire, the right to be represented in the workplace by a union and the right not to be represented. The independent umpire is Fair Work Australia. What did the previous government do to the previous body, the Industrial Relations Commission? They effectively gutted it. I want to quote something that I think captures so much of what the Fair Work Bill is all about. It is an op-ed piece by the federal member for Charlton, the Parliamentary Secretary for Defence Procurement and the former Secretary of the ACTU. I was very impressed by this comment and I think it is worth reading it into *Hansard*. He said:

> … I am confident that the fundamental rights contained in the Fair Work Bill are consistent with the goals of the Rights at Work campaign and will contribute enormously to the decent treatment of working people.
>
> All of the many members of the wider community who expressed their opposition to WorkChoices, and who stood up for fairness and justice, can feel a sense of pride that our democracy has delivered this result.

It is with a great sense of pride that I am here today as the first Labor member for Blair voting on this particular piece of legislation. When we introduced the transition bill in February, it was of enormous pride to me to be able to vote on that particular piece of legislation. Wherever I campaigned in 2007, whether it was in Boonah or Booval, Karalee or Kalbar, Ropeley or Ripley in my electorate, people told me the same thing—that Work Choices was a step too far. They told me that they had AWAs presented to them and the employer said, 'If you don't sign it, you don't get the job,' and that the absence of a fairness test meant that their wages and conditions were driven down. And for those opposite to say that they did not understand that is simply a nonsense. They knew it very well.

In conclusion I say this: my vote on this bill honours the commitment I made to the people of Blair. This bill honours the commitment that we made nationally to the people of Australia. It is a great credit to all those involved—business, unions, the stakeholders, the Deputy Prime Minister—that this bill has come in here today. I say to those opposite, as someone who has been both an employee and an employer in my working life, that businesses should always be profitable and that employees of this country want businesses to be profitable and will work to make businesses profitable, because we know that profitable businesses enhance the economy of this country and provide for our future. This bill will help the workplaces of Australia improve the cooperation between employers and employees and at the same time honour our commitment to the people of Australia. This bill is a victory for democracy. It is the greatest piece of legislation this party has brought in in 2008. It will make the biggest difference to the working lives of men and women in this country of any piece of legislation that we have passed in this House. I commend the bill to the House.

Mr DREYFUS (Isaacs) (4.59 pm)—I speak in support of the Fair Work Bill 2008. Last November the Australian people gave this government a mandate to tear up Work Choices. The laws which demonstrated the arrogance and the hubris of those opposite

ultimately brought about their downfall. The coalition insisted that the laws were acceptable, yet they never gave the Australian public a chance to debate the detail of these laws prior to the 2004 election. They never took these laws to the Australian people. Instead they spent $121 million of taxpayers' money to attempt to con the Australian people into accepting these laws after they were rushed through this parliament. They even stopped using the name of these laws, Work Choices, in government advertising. Work Choices became the law that dared not speak its name.

On this side we were always clear about our policies on industrial relations. The Prime Minister and the Deputy Prime Minister committed to abolishing Australian workplace agreements when they were elected as leaders of the federal parliamentary Labor Party. During last year we released our workplace relations policy entitled Forward with Fairness and throughout the campaign all last year at supermarket stalls, at railway stations, and while I was doorknocking thousands of homes in my electorate, people told me unprompted that they were appalled by the Work Choices laws. They wanted the government of this country to protect them from unfair dismissal. They wanted the government of this country to protect them from being forced to sign unjust statutory workplace agreements and, if they themselves were not individually exposed, they wanted the government of this country to protect their children or their grandchildren from the effects of the harsh Work Choices laws. Even as every single member on our side of the House campaigned for fairer, more just and more inclusive and democratic workplace relations laws, 150 candidates for the coalition, both sitting members and those seeking to win seats in this House, campaigned for Work Choices, and they remain, as we have seen over the past week or so, the party of Work Choices.

At this time we should reflect on what Work Choices brought to Australia. Work Choices led to four million working Australians losing protection from being unfairly sacked. These included being sacked for 'operational reasons' to allow for the hiring of cheaper staff. Workers were forced to negotiate conditions such as overtime, public holidays, penalty rates and annual leave entitlements—matters that had been thought of until the Work Choices laws as being built into the Australian industrial relations system. Young people in particular entering the workforce had immense difficulty in negotiating these matters with their employers. Statutory Australian workplace agreements were forced upon employees in a take-it-or-leave-it manner. Workers were sacked and then offered an AWA to do the same job for less pay and poorer conditions. Employers could refuse to bargain collectively and unions had limited access to monitor workers' occupational health and safety, a task that they have been performing with distinction throughout Australia's working history.

The member for Higgins, it needs to be said, and his gang at the HR Nicholls Society—aptly described as the 'industrial wing of the Ku Klux Klan'—had long planned this assault on workers' rights. The party of Work Choices went to the 2004 election without telling the Australian people what they were going to do and when the Australian people found out what had been done to them and to their working conditions they delivered their verdict on the government which had done this to them.

It is worth remembering that this country has a very long history of developing innovative workplace law. The Harvester judgment delivered in 1907 by Justice Higgins delivered to this country the definition of a fair

and reasonable wage as being 'enough to support the wage earner in reasonable and frugal comfort', and this was the birth of the modern federal basic wage, a definitive right for all working Australians.

The development of the conciliation and arbitration system was also paramount to ensuring structures were put in place to resolve industrial disputes, and for a hundred years since the introduction of the Commonwealth Conciliation and Arbitration Act this system has protected workers by providing an industry-wide regulator, recognising the role of trade unions as important employee advocates and also recognising the importance of public interest in a specialist tribunal. Work Choices swept this system away.

Labor governments have a long and proud history of supporting international instruments and institutions which deal with workplace laws. I will quote from the renowned labour law academic Professor Ron McCallum of Sydney university to this effect:

> ... the law of work in Australia is heavily influenced by international legal developments.

We can remember that Australia has been a proud member of the International Labour Organisation since its establishment in 1919. The Chifley Labor government enacted the International Labour Organisation Act in 1947 and the Whitlam Labor government legislatively approved the enactment of the ILO constitution. These were important steps to ensure that international standards apply in Australia.

Conversely, the coalition government in its 11½ years of government downgraded Australia's role in the ILO by removing a special adviser to the Geneva headquarters, by refraining from seeking re-election to the governing body of the ILO and by reducing the size of the Australian delegation sent to the International Labour Conference. This disdain for the ILO has reflected poorly on Australia's standing as a good international citizen. It ultimately sends the very powerful message that the previous government was not serious about workplace laws and was willing to alienate international organisations to demonstrate its own irrational ideological agenda in this area.

This bill's importance is further underlined by the global economic context in which Australia finds itself today. We are in the midst of a global financial crisis which has placed greater pressures on working Australians—Australians who are paying their mortgages, filling up their cars with petrol, buying their groceries and taking their kids to schools and child care. In these uncertain times, confidence is scarce. The big banks and the media talk a lot about the term 'business confidence' but, in uncertain times, what about the confidence of working Australians? While those opposite are content with playing political games with programs such as Fuelwatch and luxury car levies, this government is seeking to strengthen the confidence of working Australians. We are looking to provide assurance to working Australians that no longer will we have workplace laws which rip away basic conditions and standards, no longer will the balance be unfairly skewed against working people.

The Deputy Prime Minister and her department have undertaken extensive consultation to ensure that all concerns will be listened to. The statutory Committee on Industrial Legislation, COIL, has painstakingly worked through the draft bill line by line with representatives from business and trade unions to deliver a fair system for employers, a fair system for employees and a fair system for their representatives. This government's stance on workplace laws is important. It goes to the very heart of the difference between a Rudd Labor government and those

sitting opposite. We are proud to stand up for a fair go. We are proud to stand up and protect working Australians. We are proud to stand up to the special interest groups and declare that the very purpose of government is to deliver substantive results to all Australians and not just those who are wealthy and well connected.

Unlike the coalition, the Labor government understands the importance of work. Work creates a sense of self-worth. It provides a sense of identity and dignity for us all. Work gives individuals meaning and purpose they need in their lives. On this side of the House we believe that work is not merely a commodity that can be traded on a market or sold away for extra cash, and nor do we believe that workplace laws can be used as a political football to drive a radical conservative ideological agenda. Work is far more important than that. We believe that work serves a greater purpose than purely being an economic good. Work builds and develops valuable social capital and enriches the cultural fabric of Australian society. Workplaces bring together people from a broad range of backgrounds, countries and educational levels. Work provides individuals with value and a purpose and it allows them to contribute not only to their own lives but to their families, their friends, their colleagues and their communities.

This is the greatest difference between the coalition and the Rudd Labor government—we value work and we seek to develop a balance to ensure that work and productivity can go hand in hand. Unlike those opposite—the majority of whom voted for Work Choices and many of whom still support Work Choices—we are not stuck in an ideological battle. Instead we seek continually to ensure that these laws are fair to all: fair to employers and fair to employees.

I do not have time to talk about the bill in detail. Other members going before me have, and those coming after me will do so. But I cannot sit down without mentioning some of the particularly valuable provisions of this legislation—and I would single out the parts of the bill which deal with freedom of association—confirming the right to join as well as the right not to join a union and supporting that freedom of association with real protection for workers' rights for the very first time in Australian industrial relations law, including as part of the law of this country a general list of enforceable rights that will be enjoyed by all workers.

I should mention also the right-of-entry provisions, which have attracted some criticism with the false suggestion being made by those opposite that in some way the government has not entirely honoured its commitment that there will be no change in the right of entry laws. There is no change in the right-of-entry laws because we have retained the requirement to obtain a permit and we have retained the requirement that only persons who are suitable will be able to exercise right of entry. We have retained the requirement that there be notice given before entry takes place. What we have done however is give substance to that right of entry to ensure that when representatives of workers enter a workplace they will not be sent to some wholly inappropriate part of the workplace—they will not be sent to a place where the right of entry becomes an illusory right.

There has been a widespread welcoming of this legislation—not just by workers, not just by unions but also by very many employer groups. They welcome this legislation which strikes a fair balance—indeed, a democratic balance. I commend this bill to the House.

Mr GIBBONS (Bendigo) (5.13 pm)—Nowhere is the difference between this gov-

ernment and its predecessor starker than in our respective policies on workplace relations. The workplace relations doctrine of the Howard government was firmly rooted in blind faith in the free market—a doctrine in which greed is not just accepted but also admired, a doctrine in which working people are just economic commodities to be hired and fired at will and a doctrine in which concern and compassion for individuals and families is completely absent. It was this doctrine that inflicted the Howard government's extreme Work Choices laws on the Australian people.

On this side of the House we also believe that there is a central place in our economy for the free market. The free market certainly creates wealth and improves living standards. But the free market also has limitations. There are such things as market failure and, as we have seen demonstrated around the world over the past few months, the world's financial markets can fail. As a result of the type of light regulation advocated by those opposite, the leaders of the world's financial institutions have, to put it bluntly, stuffed up. They are incapable of regulating themselves and they are incapable of curbing their own excesses. They are, quite frankly, incapable of managing their own businesses.

And we must not forget that these bankers brought all this upon themselves. The world's financial markets were not hit by a natural disaster or by an unforeseen event or even by an act of God. These markets failed because in some of the world's largest financial institutions people with enormous salary packages made bad business decisions, and now these institutions have had to be bailed out by governments all around the world. They have had to be bailed out using trillions of dollars of taxpayers' money. To all intents and purposes, they have had to be bailed out by ordinary working men and women who earn much more modest salaries. And it is not just incompetent bankers with their hands out. We have seen the leaders of some of America's largest manufacturing companies flying to Washington in their private jets to put their hands out for more taxpayer money. Again, the dire financial situation in which the US car makers find themselves in is almost entirely their own fault. Bad business decisions are again at the root of their problems, and now they expect taxpayers to foot the bill for the consequences of those decisions.

Okay, we have to be practical about all of this. Modern capitalist economies cannot allow important financial institutions to collapse, and they probably cannot allow major manufacturers to go to the wall either. On a global scale, the market cannot be allowed to operate freely because the economic and social consequences for millions of working people are too horrendous to contemplate. But if governments and the ordinary working people of the world are going to underwrite systematic failures of the free market then there is a price to be paid. I am not just talking about the cost of guaranteeing deposits or the cost of repaying money borrowed from the taxpayers. Part of the cost to be paid is in the form of a fair and equitable workplace relations system that strikes the right balance between employers and employees, a system that provides fundamental protection to individuals and families from the excesses of the free market. It is completely unjustifiable for the financial security of working men and women to be in the hands of a few overpaid, jet-setting millionaires who cannot manage their businesses prudently.

On this side of the House, we believe in a fair go for all. Indeed, the labour movement in this country was responsible for the very concept of a fair go. It was the labour movement that etched the fair go into the Australian psyche. It was the labour movement that fought for the concept of a living

wage. It was the labour movement that fought for the eight-hour working day. A fair go is the labour movement's legacy to this nation. The labour movement was founded to protect workers from the excesses of free-market capitalism and we find ourselves doing it again here today. One year ago voters comprehensively rejected the extreme workplace relations policies of the coalition, policies that the Howard government introduced without a mandate and which stripped away basic working conditions from hardworking Australians. They then had the nerve to misuse tens of millions of dollars of taxpayers' money telling working Australians how much better off they would be under Work Choices. It is a disgraceful record of contempt for working Australians, of which those opposite should be thoroughly ashamed.

The Fair Work Bill 2008 sets out the workplace relations system that will replace Work Choices from the beginning of 2010. It fulfils Labor's election commitment to the Australian people. It embraces the Australian value of the fair go and is based on a belief that economic prosperity and a decent standard of living for all can go hand in hand. It introduces new national employment standards, new unfair dismissal laws and new rules governing good faith bargaining. It supports and extends the productivity based enterprise bargaining that was one of the greatest achievements of the former Keating government. The bill dismantles the organisations created by the Howard government under Work Choices such as the Workplace Authority, the Workplace Ombudsman and the Fair Pay Commission. And it will replace the Australian Industrial Relations Commission with a new industrial tribunal called Fair Work Australia.

The bill is a result of extensive consultation with peak union and employer organisations and it achieves a fair balance between employers and employees. There are two features of the bill that I would like to highlight and of which I am particularly proud. These are the strong and simple safety net and the special assistance for the lower paid. Work Choices provided only five very basic minimum entitlements for employees: annual leave, personal or carers leave, parental leave, the maximum ordinary hours of work, and basic rates of pay and casual loadings. Other vital award conditions, including redundancy payments and penalty rates, could be removed or modified by a workplace agreement without compensation. The number and types of matters that could be provided in awards were restricted and some were completely prohibited. And as far as negotiating these conditions was concerned, Work Choices made the fallacious assumption that there is equal bargaining power between employer and employee.

Under this government's new workplace relations system, all employees will have the benefit of clear, comprehensive and enforceable minimum protections that cannot be stripped away. The first part of the new safety net will be the National Employment Standards, which provide for: a maximum number of hours of work each week, the right to request flexible and family-friendly working arrangements, parental leave and related entitlements, annual leave, personal and carers leave, and compassionate leave for community service activities. It also provides for long service leave, public holidays, notice of termination and redundancy pay, and the provision of a fair work information statement which will set out the rights and entitlements of employees and how they can obtain advice and assistance. These 10 standards will apply to all employees whether they are covered by an award or not, and there will be a national minimum wage for employees not covered by an award. These essential standards will start to restore the

certainty and security that was torn away from so many working Australians under Work Choices.

The second part of Labor's new safety net is the creation of modern awards by the Australian Industrial Relations Commission. These awards will be industry or occupation based and will simplify the thousands of awards that exist now. They complement the new National Employment Standards and can include 10 more minimum conditions of employment geared to the particular needs of the industry or occupation concerned. These additional conditions include: minimum wages, types of employment, arrangements for when work is performed, overtime and penalty rates, annualised wage or salary arrangements, allowances, leave related matters, superannuation, and procedures for consultation, representation and dispute settlement. These modern awards will cover all employees who earn less than $100,000 a year and whose work has historically been covered by awards, while employees with a basic salary of more than $100,000 will be free to agree terms with their employers to supplement the National Employment Standards.

The low-paid, such as those in industries like child care, community work and cleaning services, were treated particularly harshly under Work Choices. There were no provisions to help them beyond the five minimum entitlements and an annual minimum wage review. Enterprise bargaining has been a central feature of workplace relations since the early 1990s and there is now significant evidence that enterprise bargaining benefits employees, employers and the economy. Labor wants to encourage low-paid employees and their employers into enterprise bargaining and this bill provides for a special multi-employer low-paid bargaining stream. Many employees in low-paid sectors lack the skills and bargaining power to negotiate improved wages and conditions and some employers may lack the time, skills and resources to bargain collectively with their employees.

The bill provides for a bargaining representative, or an organisation of employees, to apply to Fair Work Australia for entry into the low-paid stream to bargain with a specified list of employers. Fair Work Australia will then be obliged to play a hands-on role to get the parties bargaining, and to facilitate agreements by various means. It may convene and chair conferences, help to identify productivity improvements to underpin an agreement and steer employers and employees through the bargaining process. Individual employers will be able to seek exemption from this process if they think they should not be included.

The bill provides for the possibility of a workplace determination in the low-paid stream by agreement or if there is no reasonable prospect of an agreement being reached between the parties. However, Fair Work Australia would not be able to order bargaining participants to make concessions or to require the inclusion of particular content in an agreement. And, when making a determination, Fair Work Australia will have to consider how productivity in the business might be improved and the need to maintain the competitiveness of the employer.

The introduction of this bill is another step in the death march of Work Choices, a death that last week appeared to be finally accepted by the Leader of the Opposition as being the will of the Australian people. But there are some out there who still do not accept what voters said at the last election. The ideologues in peak business organisations are instructing their political wing, otherwise known as the Liberal Party, to continue the fight through the Senate. Of course, the party of business, the party of the well-off, is more

than willing to do its master's bidding, despite its leader declaring Work Choices is dead.

In response to them, I return to the point I made at the beginning of this speech: a workplace that treats employees with respect and fairness and protects them from the excesses of the free market is part of the price the private sector has to pay. It is part of its social licence to operate. It is part of the price it has to pay for its own management failures. It is part of the price it has to pay because it expects taxpayers to bail it out when markets fail. This bill restores fairness and balance to Australian workplaces. It represents the will of the working men and women of this country and I commend it to the House.

Ms KING (Ballarat) (5.25 pm)—I rise today in support of the Fair Work Bill 2008. This bill, introduced into parliament one year on from the election of the Rudd Labor government, honours our election promise to get rid of Work Choices. It is a landmark bill that gets the balance right by ensuring that our economy continues to grow without compromising our long tradition of workplace rights and guaranteed minimum standards.

In brief, this bill introduces a new system with fairer laws that balance the needs of employers, employees and the unions that represent them. The new system ensures all employers and employees have access to transparent, clear and simple information on their rights and responsibilities. It introduces a simple, fair dismissal system for small business. It protects employees by outlining clear minimum wages and, something that I am particularly proud of, assists low-paid and vulnerable employees.

The new workplace relations system embodied in this bill provides a strong safety net for workers. I would like to congratulate the Minister for Employment and Workplace Relations and her staff on their work in getting this election promise met and on the process of consultation undertaken. The bill delivers our election promise as set out in Forward with Fairness and has been worked through extensively with business and unions.

This is in complete contrast to the previous Howard government, which failed to mention that they intended to introduce their extreme Work Choices laws in the 2004 election campaign and once re-elected rammed the Work Choices bills through the parliament, with limited consultation and the guillotining of debate.

The development of this bill and the new workplace relations system it introduces has been subject to an unprecedented level of consultation and is better for it. The new system is based on fairness: fair for the employers, fair for the workers, fair for families and fair for the economy. Our workplace relations laws are balanced, and no one side has gotten everything they wanted. The new system squarely recognises that employment is a relationship that consists of rights and responsibilities on both sides. At the heart of the new system is enterprise bargaining, as it is bargaining at the enterprise level that will drive productivity.

The government was elected with a mandate and today we deliver to the Australian people on that mandate. I joined the Labor Party because I support the notion of a fair go for everyone, regardless of how much money you earn, where you were born or who your parents or grandparents are. I joined the Labor Party because I support the notion of a fair day's pay for a fair day's work, and that citizens are entitled to spend time with their families and their communities. I joined the Labor Party because I understand that not all of us are able to, for whatever reason, advocate on our own behalf

and we should have the right to ask someone to help us. The Fair Work Bill epitomises all of these principles and re-affirms my commitment to the Labor Party. I am very proud of this bill.

I do not in this debate intend to go through every chapter and provision in this bill but want to highlight those core elements of the new system. The first chapter contains the objects of the bill, which are to put into law the government's intention to have a balanced industrial relations system, one which is based on cooperation, respect and productive workplace relations.

The terms and conditions of employment are contained in chapter 2. One of the most hated elements of Work Choices was that it stripped away the safety net. The initial legislation contained no protections at all and after realising that this had become a political problem the then Howard government introduced five standards.

The bill provides for a comprehensive safety net comprising 10 national employment standards and modern awards which include a further 10 areas. The 10 national employment standards will apply to all employees covered by the federal system from 1 January 2010, and they include: maximum weekly hours of work, requests for flexible working arrangements, parental leave and related entitlements, annual leave, personal/carers leave and compassionate leave, community service leave, long service leave, public holidays, notice of termination and redundancy pay and the provision of a fair work information statement to all new employees.

Modern awards are being developed by the Australian Industrial Relations Commission, and these modern awards will cover 10 further areas: minimum wages, arrangements for when work is performed, overtime and penalty rates, allowances, leave and leave loadings, superannuation and procedures for consultation, dispute resolution and the representation of employees. Modern awards will not cover employees earning more than $100,000 a year, who will be free to agree upon their own pay and conditions without reference to awards.

Fair Work Australia, established under this bill, will undertake four-yearly reviews of modern awards to ensure that they maintain a relevant and fair minimum safety net and continue to be relevant to the needs of our community, with adjustments between the four-yearly reviews able to be made in limited circumstances. The bill also provides for minimum wages in modern awards to be reviewed every year by a specialist minimum wages panel within Fair Work Australia.

The bill also provides a new framework for enterprise bargaining. The framework includes the introduction of good faith bargaining, less regulation regarding the content of agreements, the creation of a single stream of agreement making, a streamlined process for approval of agreements and the introduction of Fair Work Australia to facilitate bargaining for the low paid.

Gone is the notion of a non-union or union agreement. A union that is entitled to represent the industrial interests of employees and was a bargaining representative for a proposed agreement may apply to be covered by the agreement.

The bill recognises that most workplaces are already bargaining in good faith—that the vast bulk of workplaces across this country are getting on with forming cooperative agreements within the workplace. But, where this does not happen in good faith, the bill empowers Fair Work Australia to make compliance orders.

Multi-employer bargaining is possible under the new laws, where employers and employees agree to it. Protected industrial ac-

tion is not available in these circumstances. The opposition's scaremongering that this introduces pattern bargaining is simply false.

One of the elements of the bill that Labor members can be most proud of is the new scheme of bargaining for the low paid—workers who were left out under previous systems. Enterprise bargaining does benefit employees, employers and the economy as a whole, but those in low-paid positions often struggle to bargain effectively with their employers. This bill introduces a special, low-paid bargaining stream. Fair Work Australia will be charged with the role of facilitating the making of agreements and provides for the possibility of a workplace determination in the low-paid stream being made by agreement or if there is no reasonable prospect of agreement. The latter will be subject to very strict criteria.

One of the harshest elements of the previous government's policies was the abolition of unfair dismissal laws for workplaces of under 100 employees. I, like many people, had constituents coming to me who clearly had been unfairly dismissed but had absolutely no recourse under the Howard government's laws. This bill introduces a new, fairer system. Before an unfair dismissal claim can be made, a worker will have to have been employed for 12 months in a workplace with 15 employees or fewer, or for six months in businesses with 15 employees or more. Casual employees are no longer excluded but will have to meet the same qualifying period, provided they have been employed on a regular and systemic basis. Fixed-time contracts, training agreements and seasonal or task based employment that has concluded will not be subject to the unfair dismissal laws. The process of dealing with claims will be streamlined and made much more cost-effective for small business.

These are just some of the core elements of the new workplace relations system, a system that reintroduces fairness and balance into our workplaces. There is no doubt that the Howard government went too far with Work Choices. They stripped away many of the things that ordinary working Australians thought could never be taken away from them. They used the language of choice to deliver a system of no choice, a system based on statutory individual agreements that undermined the safety net of fair, relevant and enforceable minimum conditions for Australian workers. And, like many others in this place, I know that given half a chance—despite the rhetoric that Work Choices is dead, despite their election defeat—the Liberal Party would introduce just such a system again. I commend this bill to the House.

Mrs IRWIN (Fowler) (5.34 pm)—The Fair Work Bill 2008 has been described in terms of swinging the pendulum in workplace relations back into balance, but workplace relations in Australia has for more than a century meant more than just a means of settling disputes. Our system has been more than just a tool in managing the Australian economy. Since 1907, our industrial relations system has been as much about the type of society Australians have wished to live in as it has been part of our labour market. This is where the idea of the pendulum swinging too far led to the Australian people voting to throw out Work Choices, along with the former Prime Minister and his government, at the last election.

Like Margaret Thatcher, the Howard government thought there was no such thing as a society; there was only an economy. The fact is that a fair system of workplace relations is a cornerstone of Australian society. When the Howard government thought about Australian values, it limited its ideas to Gallipoli, mateship and Don Bradman. But real Australian values have always been based on a fair

go, and that fairness begins in the workplace. Nothing is as important to Australians as getting a fair day's pay for a fair day's work. That is what has set the Australian system of workplace relations apart from almost every other country in the world. And now, more than a century after the principles were laid down, we can proudly say that, for the most part, our nation has prospered and the people of Australia have prospered in a way that few other countries have prospered.

That is not to say that the system put together in 1907 must remain unchanged. We have made great changes and we have needed to respond to the great challenges in the world around us—and, until the Howard government's Work Choices legislation, those changes had been made without sacrificing the ideal of a fair go in the workplace.

I should add that a key part of the system is the trade union movement. We would be very foolish to assume that the pay and conditions that Australian workers enjoy today have come about because of the generosity of employers. Checks and balances in any system are vital to ensuring fairness and, while they get little credit for their important role, trade unions have provided the balance in the system that has made it work for the benefit of all working Australians.

The Fair Work Bill does not merely tear up Work Choices. It replaces it with a workable system which will guarantee fairness in the workplace and, at the same time, provide the basis for a modern system of workplace relations which will take Australia confidently into the 21st century. The bill provides for National Employment Standards which will cover all employees in the federal system from 1 January 2010. These 10 standards set the minimum conditions of work. They include maximum weekly work hours of 38 hours for full-time employees as well as a guarantee of four weeks annual leave. Other leave entitlements are also set, such as parental leave, including maternity, paternity and adoption leave, giving both parents separate periods of up to 12 months with the right of one parent to extend leave for an additional 12 months.

It is pleasing to note these extensions to parental leave and also to note the inclusion of the right to request flexible working arrangements. These conditions were recommended by the House of Representatives Standing Committee on Family and Human Services in the last parliament. As deputy chair of that committee, which produced the report entitled *Balancing work and family*, I must admit it was difficult to see how the recommendation for the right to request flexible working arrangements could have fitted into the Work Choices regime. But now we see that right included in the Fair Work Bill. This will be a welcome measure which will greatly assist working families.

Older workers increasingly have aged parents requiring care and assistance. Changes to the rules regarding carers leave will make it simpler to understand the entitlement and access to carers leave. These changes bring workplace relations into the reality of the 21st century. Balancing work and family is now more than just a slogan. It is enshrined in the laws which govern conditions in the workplace. Australia is finally catching up with conditions that have been in place in a number of European countries for some time.

The bill introduces the requirement for good faith bargaining and streamlines the agreement-making process. These measures actively encourage collective bargaining in the creation of union or non-union agreements. This overcomes the basic objection to AWAs. The process was never going to be fair. The employer held all the cards. The employer had the knowledge of the labour

market and the employee was, on most occasions, in the dark. The employer could be skilled in negotiating and the employee completely at a loss. There were provisions for getting help in negotiating an AWA, but the reality was always going to be a one-sided affair. For most workers the process was a sham. They were simply handed an AWA and asked to sign or else they would lose their job.

But there are other challenges ahead for working Australians. The past decade has seen the wages share of production slip dramatically. While average wages have increased, lower paid employees are struggling to maintain a decent standard of living. Many do not have a strong bargaining position and, unless our workplace relations system can deal fairly with low-paid employees, we run the risk of following countries like the United States in having a large underclass of working poor. In this legislation, Fair Work Australia will be able to facilitate multiple employer bargaining for employees who are low paid and in industries, such as the community sector, which do not have a history of collective bargaining. Fair Work Australia will be able to arbitrate on these matters but must take regard of the competitiveness of the employer.

I have one area of concern with the bill, which leaves in place the four-hour rule for strike pay. I have heard reports of incidences where employees have arrived back on the job a few minutes late after a union meeting only to be told by the employer that it was a requirement to deduct four hours pay even if only a few minutes had been lost. This rule represents a harsh penalty on employees when the lateness of their return may not have been their fault. It runs the risk of being counterproductive if employees extend their absence for the full four hours, and I have heard of instances where this has occurred.

I also want to make mention of the continuation of the Australian Building and Construction Commission, although the minister has indicated that this body will be replaced in January 2010. While it now seems that the law may not see the jailing of trade union members, the continued existence of the commission and its ongoing operation is of great concern to me and to many trade union members and officials. One thing that should be clear from this legislation is the important role of trade unions in maintaining a fair workplace relations system. That burden today falls on a shrinking number of members who pay dues and give of their own time in the interests of their fellow workers. When unreasonable requirements are made or penalties are imposed, it is not only a threat to the right of workers to organise but a threat to remove one of the important checks on the power of employers. The threat of imprisonment definitely has no place in the workplace laws of this country. Criminal behaviour can and should be addressed by criminal law. I am reminded of the words of the *Ballad of 1891*, written during the Great Shearers Strike of that time:

> But for every one that's sentenced, ten thousand won't forget
>
> Where they jail someone for striking, it's a rich man's country yet.

Under John Howard's Work Choices, the pendulum swung too far in favour of employers. Work Choices was unfair to working Australians. The people of this country gave a resounding mandate to Labor for Work Choices and AWAs to be scrapped. We have before us in this legislation a blueprint for a fairer system of workplace relations. It is consistent with the rights and freedoms that working people should have according to international convention. The Fair Work Bill guarantees that the fair workplace remains the pillar of the great Australian value of a fair go for all.

Mr ADAMS (Lyons) (5.45 pm)—Like you, Mr Deputy Speaker Schultz, I spent some of my early life in meatworks. Though you went down the employer line, I went down the union line and have a different perspective from you. I was very pleased to be able to inspect books and find underpayment of wages, even for non-union members, and rectify those problems. The Fair Work Bill 2008 delivers on the government's commitment during the last election campaign to get rid of the previous government's unfair Work Choices laws and will completely replace the current Workplace Relations Act. At the last election Australians spoke loudly and gave this government a clear mandate to change the Work Choices laws imposed upon them by the previous Howard government. As I said at the time, they were laws which really meant: sign or go. Either you signed an AWA that the boss produced and gave to you or you left. You did one of the two. There was no choice; the words naming that legislation were the wrong words.

The people of Australia spoke clearly in support of our policy Forward with Fairness, and this bill today delivers on that promise to the Australian people. It is about bringing back fairness into the workplace. We are renowned across the world for giving people a fair go, and this piece of legislation will enshrine that in a new workplace relations system. It will introduce a simpler scheme that has balance and is fair to both employers and employees. This piece of legislation will pave the way for certainty in Australian workplaces and remove the confusion for both employees and employers that was created by Work Choices, which really took us back to the master-servant situation. Sign or go was what people got with many AWAs. This bill looks to the future of employment in Australia and plans for that future with a simpler, fair and balanced workplace relations system—one that protects the most vulnerable workers and encourages enterprise bargaining to drive productivity. We know from studies in the world that enterprise bargaining can drive productivity much better than Australian workplace agreements could ever do.

The present industrial relations system is a minefield for both employers and employees. Employees can be taken advantage of by unscrupulous employers who use the current legislation to create legal but unfair employment arrangements. Employers will also benefit from clearer and more concise legislation that is easily understood. The Fair Work Bill 2008 will allow both employers and employees to get on with business knowing that they are being fairly treated. Small businesses in my part of the world have said to me that they really wanted to know what their responsibilities were so that they could meet them. They did not want to be caught up in not meeting obligations.

The Howard government got caught up with those people who helped design the Work Choices legislation, who really hated trade unions and, to some degree I think, had a really strong feeling that they wanted to dominate working people. The Howard government and the Howard ministry got caught up in that. I am sure that some of them believed in that same philosophy. From listening to some of the speeches on this bill one would feel that there is a divide in Australia between labour and capital. There are two sides in this parliament, and that has been reflected in this debate. I am sure that that will be analysed and written about, and I am sure our side of the House will highlight those points at the next election in 2010.

I turn now to the issue of unfair dismissals. The Senate majority allowed the Howard government to bring those laws into place. And the only reason they made the law books of Australia was that they went too far.

It was a fine example of too much control. The unfair dismissal laws allow people to be sacked without the right to appeal. The inability to seek redress in any reasonable way without going to courts and briefing lawyers et cetera was a very unfair process.

I just want to touch again on the issue of allowing unions to look at wages records if they believe that there is underpayment of wages in a workplace. If there is a proper process to make sure that the representatives of those unions are people who meet a standard—which I understand will be set—and if they undertake to keep confidentiality, as I have done in the past, then why would you be totally opposed to that, unless you wanted to do something dishonest? If there is nothing to hide, why not have the books scrutinised? I would not have thought that there was a reason to not have that occur.

I sat through some of the debate last night, sitting where you are sitting, Mr Deputy Speaker Schultz, and the point was raised about having a job. It was said that this bill will create unemployment and that the important point is having a job. This side of the House believes in having a job but a job that gives you the dignity that you deserve, a safe workplace and enough return to have a life for yourself and your family within a community, not like years ago when you might have had to get a divvy out of the poor box at the parish because your wages never reached the necessary level. That is some of the history that our side of the House remembers and has read about. That was a part of our history. So having a job is a very poor argument. Having a job that pays $9 an hour may not allow you to live with dignity or live fairly in an Australian situation. There is a little bit more to it than just having a job. The Fair Work Bill sets up a strong safety net, with 10 legislated National Employment Standards for all employees. These are standards that cannot be taken away and will ensure that all employees have the basic safety net.

Another other point I would like to make is on something that happened with Work Choices. You could still belong to a union—it was not going to stop anyone from belonging to a union—but the employer did not have to recognise the union when it came to negotiating. If you are a member of a union, you are entitled to have that union come to the table and negotiate on your behalf, and that will be enshrined in this legislation, as will bargaining in good faith, with no time wasting by either side. What occurred under Work Choices was that people would turn up, sit down and negotiate and then, two months later, nothing would have been achieved. You would go back again and again and there was no fair bargaining in good faith. It was time wasting in a deliberate way. Employees have a right to be represented by their union at the negotiating table. I certainly believe that this bill takes Australia back to world's best practice. It takes us forward in a modern way. It uses modern processes of bargaining which will increase our productivity and move us forward to where we are in the world today. I support the bill.

Mr CRAIG THOMSON (Dobell) (5.56 pm)—In my previous life before I came to this place I worked for employer organisations and companies. I had the great privilege of working for a terrific trade union, the Health Services Union, for close to 18 years. The era in which I worked for employers was the pre Work Choices era. My experience was that, whilst we would have disagreements with unions from time to time on particular issues, we knew that we had a system in place whereby there was an independent umpire to whom we could go to have matters resolved. It was also a system in which we knew there was inherent fairness. It was one that we as employers could work

through. Equally, in my years with the trade union, I found that while occasionally we would get the wrong decision from the independent umpire we were nonetheless happy to work within a system that included some resolution of disputes and recognised our rights to collectively bargain, represent employees and go about it in a businesslike way that gave the best representation and the best outcomes for fairness at the workplace—for the employer and, most particularly, for the employee.

I am more proud of my 18 to 19 years with the trade union movement than almost anything else I have done in my working life. When you look at the way in which the opposition, the then government, tried to portray union officials, you can see why we cannot believe that Work Choices is not out of their DNA. What they attempted to do was say that representing working people is a bad thing and that representing working people in some way damages the economy. I ask the question: how can looking after health workers, including aged care workers, and making sure that ambulance officers are not overworked possibly be seen as anything but laudable? Yet those on the other side would try to paint union officials as the devil incarnate that wreaks havoc on the economy. It is important to remember the campaign targeting union officials and where they stood with the Labor Party, because that is part of the psyche of the opposition. It personifies their approach to industrial relations. It did in the last election and it always will. It is something that the Australian people will continue to be reminded about by Labor because of the stance that the opposition took at the last election.

In looking after health workers, I had the great pleasure of making sure that those in aged-care facilities—over 80 per cent of whom were women working part time—were able to go to the bargaining table, sometimes with an employer the size of Macquarie Bank, with someone there who could provide them with resources to make sure that the bargaining was at least fair. Of course, all of that changed with Work Choices. With Work Choices we suddenly had an unequal bargaining relationship. We suddenly had the ability to make sure that these employees—predominantly women and predominantly women working part time—could be taken into the employer's office one on one and be given a choice as to what their conditions would be or leave the company. This is the fundamental evil of Work Choices. It is the pinning together of individual contracts and the removal of unfair dismissal provisions that essentially make Work Choices such an imbalanced piece of legislation and one which, of course, was totally rejected by the Australian public. If you are presented with an individual contract and you have no rights if you are dismissed, then you are in no position to argue with the person putting that document before you. You have to either take it or take your chances.

I would like to mention two examples of people who were exploited in my electorate during the last campaign, which highlight the problems of Work Choices. One was a purported AWA that was so far out of whack that even under Work Choices it would have been illegal. What prevented any prosecution taking place was that the employee who was asked to sign this AWA knew that, if he raised the issue, if he put his hand up, he could be terminated. So, even though there were some provisions—not very good provisions—that said you could not go too far or go completely over the top, a bad employer had the green light from the former government to do whatever they liked, because if anyone complained they were out the door. This agreement involved a middle management position that paid only $26,000, and

there was no on-call and no rostering of hours. It had the provision that the employee had to be available 24 hours, seven days a week and other hours as may be required. One wonders how you can actually work more than 24 hours a day, seven days a week, but this particular AWA had those provisions in it. Again, this would not have happened if we had had fair and balanced industrial laws. But, under Work Choices, the bad employer said, 'We have got a green light to do what we want.'

Another example from my electorate was of a young lady who worked in the fast-food industry, in hospitality. She had traditionally been on a state award that had increments according to age. As she got older, her pay increased. That is a fairly common set of awards or agreements that exists in that industry. On her birthday, this young lady happened to get a phone call. She did not take the phone call, but the employer left a message on her phone saying: 'Happy birthday. We no longer need you. Thank you for your service.' She was being replaced by a younger worker. She did not need to be paid anything for this. They were making savings because they were able to do it. They did not need to provide a reason. They did not need to provide an excuse. This young woman had no recourse anywhere, because fairness had been taken out of our industrial relations system, and what was left was the exploitation of particular workers.

The third example is on the effect that Work Choices had on volunteers. Surf lifesaving is a big feature of the community on the Central Coast. To be available for surf lifesaving, you have to know that you are available on the weekend when you are rostered on. To do this, you need some certainty about when you are going to be rostered at work. One of the provisions that was able to be stripped away from many agreements and awards was the rostering provisions. In the area of health—a group that I used to represent—the need to have 24-hour-a-day rosters for workers was part and parcel of the industry. People understood that, but they also knew that when they had a roster they would be able to plan their lives around it. Under Work Choices this changed. As an active surf lifesaver myself, I can say that we often got complaints from other surf lifesavers about the effects of Work Choices on the number of volunteers for surf lifesaving. That was how deeply Work Choices affected people on the Central Coast and workers throughout Australia.

I started out by saying how we know that the opposition, in their hearts, still believe in Work Choices. We saw that in the advertisements in the last election and we have heard it in the speeches in this place. Whilst every speaker has said that in this place they will not be opposing legislation, they have nonetheless gone on to talk about their true beliefs and have exposed their support and continuing commitment to Work Choices and to its principles. In finishing, I would like to pay particular tribute to the Your Rights at Work campaign on the Central Coast and the work those people did in highlighting these unfair laws in my electorate. I also note the leadership that Mr Michael Williamson of the Health Services Union played in highlighting this issue for health workers throughout Australia.

We have now had two prime ministers who lost their jobs trying to rewrite industrial relations law. Let us hope the opposition learn the lesson. I do not think they have. We know from the speeches they have made here that they have not. What we are after, what this legislation is about, is a fair go for all and a balanced system that makes sure everyone gets an opportunity. I commend the bill to the House.

Mr RIPOLL (Oxley) (6.07 pm)—Today is a great day for workers and for families. Today all working Australians should take note of the monumental changes that are taking place in this House. But there are a couple of things in particular that we ought to note and that workers ought to note—that is, the more things change, the more they seem to stay the same. Clearly, while the Liberal and National parties were tossed out of government last year on the back of Work Choices, which was clearly rejected by the Australian people, they are still in favour of Work Choices and they have learned no lessons. Still at the core of the beliefs of the Liberal and National parties of the old and tired government of previous years is the belief that wages should be kept very low. They still believe in keeping the rights of workers to an absolute bare minimum of just a few, and they still believe in removing the voice that workers have in this country. That is at the core of their belief structure.

At the core of our belief structure—and why this is so important to us and why so many if not all of the Labor members in this place have spoken, or will be speaking, on the Fair Work Bill 2008—is that Labor believe that there should be fairness in the workplace and fairness in wages. There should be a safety net, there should be protection for working people and families, there should be a fair umpire and there should be a balance between rights and responsibilities. For my thinking, I could not imagine why you would want it any other way. Why would any forward-thinking, decent person not want another person to have a fair go—a fair go in the workplace, a fair go at the core of the Australian spirit and a fair go in the way they earn their living? All that working people in this country ask for is a fair opportunity and a chance to get a fair day's wage for a fair day's work.

That is what is at the core of the Fair Work Bill 2008, which Labor is introducing today. It brings fairness back into the workplace once and for all and it ends the Liberal Party's Work Choices laws. Workers' jobs were less secure under the previous Liberal government, and we want to return security to people. If you consider the economic circumstances that we find ourselves in today, then it has never been more important. I suppose that it is, in part—although it may not have been in the planning—some relief for Australian workers that, as the global economy turns down, they can at least have some confidence in the back of their minds that there will be a safety net, that there will be basic rights and protections that will go far beyond what was stripped away under the previous Liberal government.

With the introduction of this bill we see a new, fair and balanced workplace relations system and the re-establishment of a strong safety net, a real safety net, that draws a line under which people cannot be taken advantage of. That was a key failure of the previous government. I know that, leading into Christmas and with the potential for job losses as the global economy turns down—and in reality we in Australia may face some of that downturn—workers at least will know they have a fair workplace relations system back in place.

The interesting part about what delivered the change of government and the Rudd Labor government—and I believe this was at the very centre of us winning a lot of marginal seats and of causing workers to come back in large numbers to Labor—was that workers understood the difference between political parties in this country. When we go out and talk to people in the community, we often get criticised—and I understand that criticism—that we are all the same. I know, Mr Deputy Speaker Schultz, that you and others often hear at community meetings that

we are just all the same. Well, last year workers decided that we were not all the same—that one party stood out, a party that decided that they would put the interests of working Australians ahead of ideological interests—and they put their faith in us. I am very proud to stand here today, because we are repaying the faith and the trust that working Australians placed in us in a whole range of areas. Most importantly, for working families in Australia, we are repaying that trust by delivering for them a fair and balanced workplace system that allows them to get on with working, looking after their families, educating their children and providing for those under their care, while having the confidence that there is a government and a system in place—a set of laws—that will look after them. I think that is something that they clearly understood at the last election.

We were given a clear mandate. The Australian people spoke in large numbers and with one voice. The coalition, however, misunderstand—or refuse to understand—what the Australian constituency voted for in late 2007. They remain, and I believe will forever remain, the party of Work Choices, because I know, as I think the Australian people know—and as I believe coalition members know—that at the very first opportunity to reintroduce Work Choices with all its ugliness, they will do so, whether or not they have a mandate for it. When they were returned to government in 2004, they had no mandate and no policy that was understood by the electorate or was explained to the electorate on what they might do regarding Work Choices, but that is what they delivered. Because of that they were thrown out of government.

For the then Howard government it was a tired old dream of industrial relations that harked back to a tired old era, but times have changed and we have a new government. We will follow through on our commitments. There will not be any excuses of core and non-core promises; there will just be delivery of the promises that we made to the Australian people. No longer will it be okay for someone to be sacked for no reason. No longer will workers be offered a take-it-or-leave-it Australian workplace agreement which gives them no option. No longer will they have no access to penalty rates. No longer will they be denied overtime, public holiday pay or workers compensation. No longer will they be prevented from collectively bargaining as a team, and no longer will they be ignored by their employer. That was unacceptable. It was unacceptable in the true sense of what is a fair go in Australia, and it was unacceptable for the Australian constituency. It was unacceptable to us as a Labor Party, and it is unacceptable to us as a government, and that is why we are introducing a fair work bill.

I talked earlier about the opposition having not understood or comprehended the magnitude of the feeling amongst working people in this country. They already show signs of failure on their own side to remain of one voice, be it right or wrong. Already there are members of the opposition who have clearly indicated they will not be supporting the Fair Work Bill—that they will actually divide with their own party and their own leader. There is no unity in the opposition. There is no sense of fairness in the opposition. They do not speak with one voice. They are divided as a party and they are divided on the issue of workers' rights. In the end, that is their failing. Those on the opposition side who are honest actually declare their hand. They wear their hearts on their sleeves, and for that I will not criticise them. I will criticise them for their ideology and for what they believe is the right thing to do by workers—when clearly it is the wrong thing—but I will not criticise them for being honest. However, I know there are a whole

heap of others who sit there dishonestly and, at the first opportunity, would reintroduce the Work Choices laws but will not declare it in this place. They would not dare declare it because they know that, if they really told the truth about their intentions to the Australian people, to their constituencies, they would lose the support of their electorates.

What is even more telling about the people in the opposition is that the very architects of this legislation sit on the opposition benches. They have not changed their view. The member for Higgins, who wanted to take Work Choices even further, is waiting in the wings for the opportunity not only to come back but also to reintroduce Work Choices—and probably a nastier version of the one that workers in Australia experienced. Not only have we got that but we have John Howard's former IR adviser, now the member for Mayo, trawling down the hallways, sneaking along, waiting for the day when he can reintroduce his own failed architecture for Australian workers. I am sure he has decked out his new office with the mountains of Work Choices propaganda—all that memorabilia!—that is left over from the failed campaigns that were meant to mislead and deceive the Australian people. But the Australian people are not fools, and they fully understood what was being done to them.

What the Australian government is trying to do is strike the balance between fairness in the workplace and providing economic prosperity—making sure that you strike the balance between having workers properly and fairly treated and giving business the opportunity to get on with business. The government is making sure that the Australian economy works in those respects. We did not do this on our own. We did it with extensive consultation. We did that to provide a fair, flexible and productive outcome. We consulted with workers, unions, employers and people right across the community. That is why they support the changes that we are putting forward. In the end, if you are going to respect the rights of people in the workplace, you need to talk to everybody in the workplace.

I do not understand the ideology of the opposition, which at its very core denies ordinary workers and families the right to a fair day's pay, to union representation, to collectively bargain, to a voice and to an opportunity to prosper along with the Australian economy. Ordinary workers and families should not be left out of the nation's prosperity. When business is succeeding, they should succeed as well. In summing up, what we have delivered today is a clear, transparent and much simpler industrial relations system which delivers not only for Australian workers but also for the Australian economy. I congratulate the Prime Minister, the Deputy Prime Minister and all of the workers and campaigners out in the community who tirelessly went out there and helped make sure that we could repeal the Work Choices legislation. I wholeheartedly commend the bill to the House.

Ms HALL (Shortland) (6.15 pm)—I would like to associate myself with the comments made by the previous speaker. I think that his contribution to the debate was an excellent contribution, as all the contributions on this side of the parliament have been. The Fair Work Bill 2008 signals a new era in workplace relations, an era that is typified by fairness and decency. I congratulate the Deputy Prime Minister, the Prime Minister and everybody else who has been involved in the development of this legislation.

There has been widespread consultation with industries and unions on this legislation. As result of that, we have before us the legislation that we are debating here in the parliament. I would like to contrast that ap-

proach with the approach to the previous legislation. There was no consultation—or, should I say, there was one-sided consultation. The previous government consulted with business but totally disregarded the workers. People in Australia could have been forgiven for believing that the purpose of the Work Choices legislation was not to create a fair, vibrant, productive workplace but rather to cause exploitation and disadvantage.

I have been involved with many election campaigns over the years. During the last election the Australian people voted en masse against the Work Choices legislation. I had elderly people coming up to me and saying: 'I'm voting for Labor because I'm voting against the Work Choices legislation. I'm voting that way because I'm voting for my children and my grandchildren.' Those voices were widespread and rose up within the community. Australian people recognise decency and fairness, and they understood that the Work Choices legislation was very un-Australian.

This legislation was so unpopular that the government bought a large amount of paraphernalia—little giveaways to give to people—to try and sell their Work Choices legislation. When I opened my drawer before speaking tonight, I found that I had one piece of paraphernalia, one of the wonderful Work Choices pens produced en masse to try and convince Australian people that Work Choices was legislation that they should embrace. The pens did not work. The Australian people were too smart. They knew that workplace relations was about a lot more than getting a free pen.

Members on the other side of this parliament are still slaves to Work Choices, and there is great division and indecision amongst them. I will talk a little bit more about that later in my contribution, but now I would like to turn to the legislation for a moment. It builds on the Workplace Relations Amendment (Transition to Forward with Fairness) Act, which was enacted in March and which ended the making of AWAs. It introduced a genuine no-disadvantage test for agreements and commenced award modernisation. This bill provides a balanced framework of workplace rights and obligations which is fair to both employers and workers. It is not one-sided legislation; it is legislation that has its roots in fairness. It avoids overregulation, with broad functions and appropriate discretion conferred on Fair Work Australia, and reduces the compliance burden on business. It is not based on conciliation and arbitration powers but rather on corporation powers. This covers all employees of employers who are not trading as a corporation. It provides not awards that are the product of arbitration or interstate industrial disputes but common rules for industries or occupations. There will be nationally consistent workplace relations laws for the private sector. Unions will not have to apply to vary every award each year for national wage cases and endlessly serve ambit logs of claims on new business. It is much more efficient and will lead to a stronger economy and greater productivity.

The key features of this legislation include a fair and comprehensive safety net of employment conditions that cannot be stripped away, comprising National Employment Standards and national awards that deliver necessary flexibility without allowing an unscrupulous few to exploit their workforce. In other words, workers must be better off than they were before and they cannot fall below the minimum wage at any time. I, like many members of this House, had a number of constituents come and visit me before the last election. They had signed AWAs, had their conditions stripped away and lost money. This legislation ensures that I will not have any more 18-year-olds coming into

my office in a situation where they have absolutely no say in what is happening and have realised that they are receiving a pittance. Now we have legislation that will ensure their protection within the workplace.

The National Employment Standards, which will apply to all employees, look at maximum weekly hours of work, requests for flexible working arrangements, parental leave and related entitlements, annual leave, personal carer leave, compassionate leave, community service leave, long service leave, public holidays, notice of termination and redundancy pay and fair work information statements—all things that every employee should be able to expect. This is in sharp contrast to the Howard government's Work Choices legislation. The new framework for enterprise bargaining is one of collective bargaining rights and responsibilities focusing on collective bargaining at the enterprise level to promote and improve productivity. That is the key to achieving low inflation, low unemployment and rising standards of living, not one-sided Work Choices legislation—as I have already described to the House. The framework allows collective enterprise-level bargaining obligations. The problem with Work Choices was that it promoted an adversarial, bad-faith, 'take it or leave it' culture.

Once workers have agreed to an enterprise agreement, it must be lodged with Fair Work Australia for approval to commence operation. Before it comes into force, it must be determined that the agreement is genuine, that the group of employees covered by the agreement was fairly chosen, that the agreement passes the 'better off overall' test, that the agreement contains a nominal expiry date and dispute settlement clause, that the agreement does not contain terms that contravene the NES and that it does not contain unlawful content—all very important facts. Unfair dismissal rights—which balance the need for employers, including small business, to manage their workforce while protecting employees from unfair dismissal—are available to the vast majority of workers. The legislation enhances protections from discrimination and allows for freedom of association for all workers and their rights to representation, information and consultation at work. That is a long way from the previous legislation, which was all about ensuring that workers did not have those rights.

The rights of entry are preserved in this legislation. If unions hold a meeting with members and potential members, it should be in a suitable venue and they must have a permit. Unions have to observe conduct standards, and notice is required before entering. The role of Fair Work Australia will be to oversee the system, maintain the safety net and be an independent umpire. Individual claims under awards and the NES that cannot be resolved by the Fair Work Australia process can be dealt with through a low-cost, informal process in the fair work division of the courts. The new, flexible powers are available to the courts to remedy any contravention of the act. There are extensive consultation mechanisms included in all workplace relations, from the largest corporation to the smallest business and covering unions and the unemployed.

The government is determined to learn from the lessons of the past and deliver a workplace relations system that gains broad acceptance and support through consultation, consultation that was not undertaken by the previous government when it introduced Work Choices, which was all about doing over unions and not about creating a fair workplace. It was not about creating conditions and wages that were in the interest of workers and it was not about creating balance.

Quite a comparison can be made between this fair work legislation and Work Choices legislation. As a reminder to members of the House, Work Choices allowed agreements to slash the safety net. It was all about AWAs. It left awards to wither on the vine. It gave no effective rights to bargain collectively, slashed unfair dismissal rights, marginalised unions and rendered the independent industrial umpire powerless. Work Choices was about micromanagement of the employment relationship and did not create a truly national system.

Members of the opposition are still the disciples of Work Choices. The Leader of the Opposition declared Work Choices was the single most important economic reform of our time. The Deputy Leader of the Opposition has resisted changes to the Work Choices legislation but has reluctantly fallen into line. The former Leader of the Opposition is still a disciple of the Work Choices legislation. There are members in the opposition who have stated that they will not support the fair work legislation. The member for Fisher is still quite undecided about his position in relation to the Work Choices legislation and we all know how the member for Mayo was one of the architects of the Work Choices legislation. The member for Hume has said that he will not vote for the new legislation.

I put to the House that we have before us a fine piece of legislation that has been developed in consultation with all the parties it will affect. It is legislation that has the support of all the members on this side of the House, which is in stark contrast to members on the other side, who cannot quite decide their position. I congratulate the Prime Minister, the Deputy Prime Minister and all those who have been involved in the development of the legislation.

Debate (on motion by **Dr Kelly**) adjourned.

UNIVERSAL DECLARATION OF HUMAN RIGHTS

Report from Main Committee

Order of the day returned from Main Committee for further consideration; certified copy presented.

Ordered that the order of the day be considered immediately.

The DEPUTY SPEAKER (Mr AJ Schultz)—The question is that the motion be agreed to.

Question agreed to.

MIGRATION LEGISLATION AMENDMENT (WORKER PROTECTION) BILL 2008

Report from Main Committee

Bill returned from Main Committee without amendment; certified copy of the bill presented.

Ordered that this bill be considered immediately.

Bill agreed to.

Third Reading

Dr KELLY (Eden-Monaro—Parliamentary Secretary for Defence Support) (6.34 pm)—by leave—I move:

That this bill be now read a third time.

Question agreed to.

Bill read a third time.

FAIR WORK BILL 2008

Second Reading

Debate resumed.

Dr KELLY (Eden-Monaro—Parliamentary Secretary for Defence Support) (6.34 pm)—It is with great pride that I add my voice to the crescendo of the proud men and women of the class of 2007 that have risen to speak on the Fair Work Bill 2008, joining

also my other colleagues who fought the good fight in this place against Work Choices during those dark Howard years. It was this class of 2007 that was effectively swept into this place on the back of the public's anger and disappointment with the previous government in relation to the Work Choices legislation. They asked us to come into this place and the people of Eden-Monaro asked me to come into this place to put Work Choices to the sword. Madam Deputy Speaker, we have our sword in this Fair Work Bill, our Excalibur, and we are about to wield it and it will be a great day for the country when Work Choices is dead.

The public were angry and there were several reasons why they were angry. Firstly, they were ambushed after the 2004 election, when no mention was made of any proposal to conduct a root and branch reform of our industrial relations system which would completely reverse the advances and progression that had been achieved over many years of struggle and sacrifice on the part of many working men and women of Australia and, of course, the goodwill of employers who recognised that productivity was based upon working as a team.

How did this happen? Effectively over the Howard years we saw an extreme right-wing element—a nasty right-wing element—gradually, creepingly annexing the Liberal Party over those years. Fine men and women, true liberals, were gradually weeded out of the Liberal Party, but it was not until the coalition obtained control of the Senate that that nasty right-wing element was unleashed and we saw the full revelation of its ideological bent. That presence, that ideological bent, is still there today and that is why we need to remain eternally vigilant.

Australians do not like extremes of the right or left and they brought us into this place to restore the balance to a reasonable position on industrial relations, but more than that they want an effective industrial relations system that promotes productivity and the economy as well as a healthy, productive and happy lifestyle for working people.

My predecessor in the seat of Eden-Monaro last year was one of those people who adopted the Work Choices legislation as a tenet of faith. He was a very solid supporter of Mr Howard and his ambitions. What were those ambitions? They were effectively to use Work Choices to destroy the right of working people to organise; to effectively eliminate what is a fundamental human right for working people. We have just been celebrating the 60th anniversary of the Universal Declaration of Human Rights. It is important to point out where these principles reside in the fundamental human rights instruments. Article 23 of the universal declaration makes it very clear. It says:

(1) Everyone has the right to work, to free choice of employment, to just and favourable conditions of work and to protection against unemployment.

(2) Everyone, without any discrimination, has the right to equal pay for equal work.

(3) Everyone who works has the right to just and favourable remuneration ensuring for himself and his family an existence worthy of human dignity, and supplemented, if necessary, by other means of social protection.

(4) Everyone has the right to form and to join trade unions for the protection of his interests.

That is part of the Universal Declaration of Human Rights, and that was built on by the International Covenant on Civil and Political Rights in its article 22, which once again stressed:

(1) Everyone shall have the right to freedom of association with others, including the right to form and to join trade unions for the protection of his interests.

That provision also referred to the International Labour Organisation convention of

1948, which Australia ratified on 28 February 1973, and that convention said:

Each Member of the International Labour Organisation—

Australia, in this case—

for which this Convention is in force undertakes to take all necessary and appropriate measures to ensure that workers and employers may exercise freely the right to organise.

So, effectively, what the previous government was trying to do was destroy fundamental human rights in this country and specifically the basic right for working people to organise.

This was revealed in my campaign in Eden-Monaro when I was conducting a debate on the radio with my predecessor. In the course of that debate he said very clearly, 'The unions know that if Labor loses the election then their days are numbered.' That was his ambition. He let the cat out of the bag. Every union member in my electorate and every union member in the country knew that that was the ambition of the Howard government. They made a living out of playing on the worst aspects of human nature over the 12 years they were in government. They tried to use scaremonger tactics, focusing on refugees or whoever they could fix a crosshair on to obtain political advantage. But in the end they settled on their fellow Australians to demonise—the two million fellow Australians who are members of trade unions. They were demonised; they were the bogeymen. They were labelled as criminals and thugs. But it did not work, because the Australian people had had enough of that sort of tactic—of the scaremongering, of the reds under the bed. So for them it was over.

But the worst of this was that the previous government were not going to lie down with their ambitions for Work Choices; they got out there and tried to sell it. My predecessor, as the then Special Minister of State, was responsible for the advertising budget of the previous government. How much money was in that budget? They spent $120 million on the useless paraphernalia that was sprinkled across the country in an effort to sell us a dead dog as a duck. What could my electorate have done with that money? Forty million dollars would have fixed the Tumut hospital, $30 million would have built the Bega bypass, and the Pambula hospital sorely needs money. Where has it gone? It has been wasted. It was utter irresponsibility with public money. That itself was a crime.

The impact on Eden-Monaro of these extreme Work Choices laws was significant. I had a woman on the phone to me crying about the years she and her husband had worked in a roofing company; they had lost the protections of the unfair dismissal legislation. They were in a company that they had built up over many years, but the employer they worked for sacked them for 'operational reasons', that magic phrase that permitted all sorts of actions to be taken that could not be overseen or redressed. My predecessor, when confronted by this claim from my constituents, told them: 'Go to the Workplace Ombudsman. Use the process that we put in place.' They did, and they were told that there was no remedy because of that magic phrase 'operational reasons'.

There was also a massive impact on tourism in Eden-Monaro. The feature that we focused on in terms of the impact of AWAs was that 89 per cent of them cut out at least one or more protective conditions. Significantly for my electorate, 68 per cent of them removed annual leave loadings, 61 per cent removed days to be substituted for public holidays, 50 per cent removed public holiday payments and 25 per cent removed declared public holidays. I was confronted with a delegation of hotel and motel owners and others in my electorate who showed me the statistics on the impact that both the murder-

ous interest rates of the previous government and these AWA restrictions were having on their businesses because the south-west Sydney holidaymakers who traditionally would drive into my electorate for their holidays were unable to do so and the bottom was falling out of that market. So businesses were being hurt in my electorate by these extreme laws which were supposed to improve the economy and to make it simpler. But we know that the Work Choices legislation was twice the size of this Fair Work Bill, with which we are now achieving simplicity in our system.

During the worst excesses of the bureaucracy under the former scheme, the backlog of workplace agreements had swollen to nearly 150,000 because the Howard government had hastily cobbled together a fairness test in May before putting in place the legislation and administrative arrangements needed to implement it. The whole scheme was an abortion from start to finish. It was a nightmare for employers and workers. And it did not focus on the key aspect that our economy needs to move forward, which is the building of teamwork under our collective enterprise agreement process, which will now be put in place with the Fair Work Bill. So many of my workers who were benefiting from collective agreements had been worried about the Howard government continuing to try to put them all on AWAs. They included the Carter Holter Harvey timber workers on the south-west slopes, the mill workers, the workers at Batlow Fruit Co-op, Bega Cheese and South East Fibre Exports and those on the state awards that covered the forestry depots. All of these people were concerned about the impact of Work Choices and its continuing, creeping annexation and destruction of their working conditions.

Now we have this new regime that will be put in place which will focus on the essential element of Australian culture: teamwork. It is what built this country and it is a hallmark of not only our daily approach to getting on as communities and in our working lives but also how we advance this country economically. It is often said that the price of peace is eternal vigilance. It may also be said that the price of freedom and prosperity is eternal domestic vigilance over our fundamental human rights. The Howard government insidiously undermined this country's proud commitment to human rights and fairness and along the way threatened our productivity as a nation. Lying across the other side of this chamber in the darker recesses of the opposition there burns yet a flame for the return of Work Choices. We on this side, and all Australians, must remain eternally vigilant to prevent its return and to extinguish that flame. I proudly commend the bill to the House.

Ms PARKE (Fremantle) (6.46 pm)—As the member for Fremantle, in speaking about the Fair Work Bill 2008, it is only right that I acknowledge the historic contribution of the Fremantle community on the issue of workers rights. Fremantle has both a proud union history and a strong and positive contemporary union presence. In Kings Square in central Fremantle is the Tom Edwards Memorial Fountain. This fountain commemorates the Fremantle wharf crisis of 1919, during which Tom Edwards of the Fremantle Lumpers Union received a blow to the head from a police rifle butt and later died. On that event, I quote from *the Westralian Worker* of 1920, whose editor at the time was one John Curtin. He said that Tom Edwards was:

> …the first man in Western Australia to give his life for his fellow workers, when seeking to preserve industrial freedom, in conflict with the armed forces of the Government of the day.

In 1998 Fremantle was one of the ports that received national and international attention in the course of the now infamous Patrick dispute in which attempts were made to sack

the unionised workforce. It was fascinating to watch part 1 of the ABC's *The Howard Years* if for no other reason than to see Peter Reith claim that he had no foreknowledge of the Rottweiler assisted national lockout of waterfront workers when in fact he issued a media statement at 11 pm on the night in question and gave a well-prepared doorstop shortly thereafter.

Fremantle was the site of some very bitter confrontations and some very questionable behaviour by the then Liberal state government in its use of the police in wildly disproportionate numbers to intimidate, harass and abuse lawful and peaceful protestors. In addition to the valiant resistance by members of the Maritime Union of Australia, people in Fremantle still remember with pride the instinctive response of the whole community to the crisis. There were many people, union or otherwise—including my predecessor in the seat of Fremantle, Dr Carmen Lawrence—who came and stood in solidarity with the MUA, who provided food and other supplies to the workers, who stood witness to the actions of Patrick and their lawyers and who sat on the picket line through all that occurred, refusing to buckle.

We marked the 10-year anniversary of those events at a function in Fremantle earlier this year, and I was grateful to the member for Charlton for attending and for helping us to remember what was at stake in 1998, given his key role at the ACTU during that dispute. We watched *Bastard Boys* and we also sang him happy birthday to mark his 50th, if I recall. It is necessary to remember these disputes, because in the end they were all about the right of workers to organise and to bargain collectively.

A single employee is not in the same bargaining position as an employer. There may be occasions when the bargaining position is equal and there may be occasions when the employee is in a dominant bargaining position—one has in mind, for example, the case of a company chief executive or perhaps a merchant banker—but, as a general rule, a single employee is at a disadvantage in striking a bargain with an employer, particularly a large employer. More is at stake for the single employee, and they are at a disadvantage in terms of the information they possess, the leverage they wield and even the skills they have to negotiate a fair and appropriate outcome. They are not an economic unit but a person, and they have rights. That is why workers join together, bargain together and insist on fairness and safety together. And it is from that foundation, within the structure of a labour market designed to balance equity and economic growth, that workers and unions make a larger compact with the wider community, with government and with employers to pursue greater productivity and innovation in the expansion of our common wealth.

I was pleased yesterday to note the Leader of the Opposition's fulsome and unreserved support for the Universal Declaration of Human Rights when seconding the Prime Minister's motion celebrating the 60th anniversary of the universal declaration. It will therefore come as no surprise to those opposite that workers rights are in fact human rights. As my colleague the member for Eden-Monaro has noted just now, the universal declaration provides in article 23:

(1) Everyone has the right to work, to free choice of employment, to just and favourable conditions of work and to protection against unemployment.

(2) Everyone, without any discrimination, has the right to equal pay for equal work.

(3) Everyone who works has the right to just and favourable remuneration ensuring for himself and his family an existence worthy of human dignity, and supplemented, if necessary, by other means of social protection.

(4) Everyone has the right to form and to join trade unions for the protection of his interests.

And further in article 24:

Everyone has the right to rest and leisure, including reasonable limitation of working hours and periodic holidays with pay.

The same rights and principles are reflected in the articles and conventions of the International Labour Organisation, which aim to promote opportunities for women and men to obtain decent and productive work in conditions of freedom, equity, security and dignity. For instance, article 2 of the ILO Freedom of Association and Protection of the Right to Organise Convention of 1948 provides:

Workers and employers, without distinction whatsoever, shall have the right to establish and, subject only to the rules of the organisation concerned, to join organisations of their own choosing without previous authorisation.

Article 11 of the convention provides:

Each Member of the International Labour Organisation for which this Convention is in force undertakes to take all necessary and appropriate measures to ensure that workers and employers may exercise freely the right to organise.

Lest anyone think that the ILO is a bolshie grouping of international trade unions, let me emphasise the ILO's tripartite structure—it has official representation from governments, business and labour. In examining the Howard government's Work Choices laws in 2006, the ILO Committee on the Application of Standards had serious concerns regarding the impact the new IR laws would have on the application of the provision of key international conventions and, in particular, the effect the laws would have on Australia's obligation to ensure respect for freedom of association and the right to collective bargaining.

In my electorate of Fremantle, soon after Work Choices came into effect, we saw the kinds of choices it enabled. The new management of an IGA supermarket in the suburb of Hilton placed a demountable in the car park on Friday, marched its employees into the demountable one by one and told them to sign an AWA by 5 pm or face the sack. One employee, Michael King, said at the time:

They just came in with these new AWAs and, you know, spoke to each one of us individually, and basically it came down to either we sign, we sign their agreements, or don't bother turning up on Monday. Under this new AWA they wouldn't be paying out for holiday pay, the ten public holidays you get every year.

What happened at the IGA supermarket in Hilton went to the heart of the choice that was at the heart of Work Choices: it was management's way or the highway.

The Fair Work Bill actually implements the International Labour Organisation convention rights to collectively bargain and to freedom of association within the bill and returns those values and principles to the Australian workplace. Specifically, the right to collectively bargain is implemented by a statutory right—proposed sections 236 and 237—for employees to decide by majority, whether they are union members or not, to collectively bargain. That is, for the first time in Australian industrial regulation, a democratic right will be afforded to employees to express their desire to collectively bargain. If they express this desire, the employer will have an obligation to negotiate with them in good faith. Clearly it will not be an act of good faith to deny recognition of this democratic decision—for example, by offering individual contracts and refusing to negotiate collectively.

Industrial disputes over this very issue have been a thread running through the industrial relations history of this country. The great disputes of the 1890s were fought over the refusal by employers in the maritime and agricultural industries to negotiate collectively and upon their insistence of 'freedom

of contract'. This was famously recognised by Justice Higgins, then a judge of the High Court of Australia and President of the then Commonwealth Court of Conciliation and Arbitration, who put it thus:

> In orderly pursuance of the agreement, the Institute gave the proper notice on the 24th November 1896, with a view to getting more satisfactory terms. The shipowners' reply was a menacing letter, sent—not to the Institute, but to each individual employee—asking him whether he was or was not satisfied with existing conditions, for if not he was "jeopardising his position." The attitude taken by the shipowners at this date is another illustration, if one were needed, of the general helplessness of individual employees as against employers. Virtually, the shipowner said to the engineer, "If you are not satisfied, go." This power of giving or refusing employment—of giving or refusing bread—is a tremendous factor in the bargain, an unfair weight thrown into the scale, like the sword of Brennus …

From such disputes arose the Labor Party, formed by trade unions in recognition of the fact that political power was needed to achieve a statutory right to collectively bargain. From the creation of the Labor Party in government arose the industrial relations collective instruments, including awards, industrial tribunals and collective agreements.

The Labor Party's understanding of and commitment to a fair, harmonious, cooperative and productive industrial relations system is a matter of long standing and in recent times was evidenced by the enterprise bargaining system introduced by the Hawke-Keating government. That was one of the key economic reforms that delivered the prolonged economic growth that Australia has recently experienced.

By contrast, the conservative side of politics has always fought against collective organisation in the labour market, and Work Choices must be seen in that historical context. So too must the Fair Work Bill be seen in the historical context of the values and beliefs of the labour movement.

The ILO convention to freedom of association is implemented in the Fair Work Bill via the general protections contained in the bill. The most important feature here is recognition of the fact that, when an employee makes a free decision to join a union, the employee is also entitled to representation by that union. This right of representation has not previously effectively been enshrined in statute.

In these two areas, the right to collectively bargain and the right to freedom of association, the Fair Work Bill demonstrates the significance and substantial practical importance of the relevant ILO conventions. As the World Bank has pointed out, there are broad economic benefits to be gained from ensuring adherence to international labour standards:

> Ensuring the freedom of association and collective bargaining can go a long way toward promoting labour market efficiency and better economic performance.

The best of all circumstances is not a dog-eat-dog world of unfair, unfettered and adversarial industrial competition but rather a compact between employers, workers and government in the interests of all Australians. That compact is once again given life in the form of this bill's new framework for enterprise bargaining. The Fair Work Bill proves its name by its very substance. It is a return to fairness and reasonableness in the workplace.

I come back to the basic truth that workers' rights are human rights. A single employee, like a single voter, holds little bargaining power. But collectively workers and voters alike can effect change. That is the beauty of our parliamentary democracy. Last November the Australian public voted for a government that promised to deliver a simple

and clear system, an equitable system of workplace relations, a return to this country's long and proud tradition as a civil society whose very ethos is based on the principle of fairness. The Labor Party promised to keep faith with that tradition. Now, in keeping with this government's record of honouring its election commitments, that promise is being kept.

Debate interrupted.

MEMBER FOR DAWSON

Mr HOCKEY (North Sydney) (6.58 pm)—Mr Speaker, may I raise a matter on indulgence?

The SPEAKER—The member may proceed.

Mr HOCKEY—Mr Speaker, I ask you to urgently investigate the circumstances around the taking of a photograph by the member for Dawson on the grounds of the parliament earlier today. The photo, which appears on the News Ltd website, is attributed to the Labor member for Dawson, James Bidgood. The photo is of a man who had doused himself in petrol and threatened to set himself alight. This incredibly disturbing image provided by the member of parliament to the media outlet raises a number of very alarming issues. I ask you to investigate immediately all the circumstances surrounding the capture of the photo by the member for Dawson and the provision of that photo to the media.

In addition, I ask you to specifically advise the House whether the photo was sold by the member for Dawson to that media outlet. Further, I ask you to advise the House whether there have been any further breaches of security by the member for Dawson, whether he has abused the entitlements of his office as a member of parliament and whether there has been any other conduct totally unbecoming of a member of this parliament in relation to this tasteless matter. Finally, I ask you to report urgently back to the parliament following an immediate investigation of this repugnant event. I seek leave to table the report captured by News Ltd and the photo taken by Mr Bidgood.

Leave granted.

Mr BIDGOOD (Dawson) (7.00 pm)—Mr Speaker, on indulgence: this afternoon at an event I took photographs of a serious incident. I later passed those photographs to a news organisation in return for a donation to charity connected to disabilities. My actions were highly insensitive and inappropriate. I am tonight writing a letter of apology to the family involved. I deeply regret my actions and I apologise once again for any offence that I have caused.

The SPEAKER—First of all, I thank the member for North Sydney for indicating to me that he was going to raise this matter. I have not had sufficient time to give consideration to the possible actions that I can take. Intuitively, my immediate reaction is that I do not think that I have a power of inquiry, but I do not want to be definitive about that at this stage. I hope the member for North Sydney will be happy if I consider what possible actions I can take in cognisance of what he has put to me and in cognisance of what the member for Dawson has put by way of response. This is in no way a definitive statement, and I apologise for that. The best way of handling this is to at least consider it in a proper way, trying to lessen any emotional attachment to the question that has been put to me. The thing that I am clear in my own mind about is that this is yet another reminder that it is probably time that this House considers a code of conduct.

Mr HOCKEY (North Sydney—Manager of Opposition Business) (7.02 pm)—Mr Speaker, further to that comment, I understand the difficult position that you are being placed in. But we come to you as the

Speaker in good faith and say to you: if you are not able to investigate this sort of matter, who is, Mr Speaker?

The SPEAKER—I simply say to the Manager of Opposition Business that that is why I am not being pre-emptive and giving any final pronouncements about this matter, because I understand that that point is one that would be put to me. I am just saying that intuitively I have problems about what the next course of action is. That is why I would prefer to be able to go away and consider this properly. It is not in any way a delaying tactic.

Mr HOCKEY—I understand that. But we want to know all the circumstances surrounding the capture of that photo and the provision of that photo to the media from this House. We want to know whether the camera used was an electorate camera or a Parliament House camera. We do not know these things. My comment was measured. I ask that someone investigate the matter. It is an unbelievably difficult issue.

The SPEAKER—That is why I say to the Manger of Opposition Business that I want to go away to have a look at the submission that he has put to me so I can give advice back to the chamber on what I believe to be a course of action, if any, that can be taken in the context of the points that have been made.

Mr PRICE (Chifley) (7.04 pm)—I believe that the Manager of Opposition Business has raised a very serious issue. I would also like to add my voice and ask that you consider calmly the matters that he has raised with you, deliberate upon them, report back to this House and take them quite seriously.

The SPEAKER—I thank the member. I hope people are satisfied.

FAIR WORK BILL 2008

Second Reading

Debate resumed.

Ms SAFFIN (Page) (7.05 pm)—In rising to give my contribution on the Fair Work Bill 2008, I give my strong support to it. When I stood for election in 2007, I pledged to do a number of things. I pledged to work as part of the Rudd Labor team to get rid of the extreme, unfair, ideologically driven workplace laws that gave rise to Work Choices. With that pledge, I published a list of priorities to Page that included polices and programs in the areas of health and education, which are clear priorities in Page; reform of the workplace relations system; and getting rid of John Howard's extreme, unfair, ideologically driven workplace laws, and particularly Work Choices. It is as important to traverse the system as it was to locate the Fair Work Bill 2008 within the framework of industrial relations that the Australian people wanted.

The Fair Work Bill 2008 does not just get rid of Work Choices and AWAs and all of the nasties of the industrial relations system; it also modernises and revolutionises the industrial relations system—the system that was created at the federal level in 1901 and that has served us reasonably well but was moribund. It was not until the Hawke-Keating years, when enterprise bargaining was introduced, that we started to see some modernisation, some changes and some balance coming into the system.

Part of the plan that I pledged to work with at the election was Kevin Rudd's plan, a plan for Australia's future. It was a plan that would deliver, among other things, balance and fairness in the workplace, balance and fairness that John Howard had thrown out. But he was not alone. He had a lot of help. He had the help of the Liberal Party and the National Party. National Party members where I live were telling us that Work

Choices and AWAs were good for us. In country New South Wales and in country Australia they were saying that somehow Work Choices and AWAs, which stripped rights away from workers and away from working families, were good for us. They were saying that something that took money out of our pay packet, that lessened our pay, was good for us; that something that took away conditions was good for us; and that something that gave us very fractured working hours was good for us. A woman came to me and said that under Work Choices she had been told that her working hours would be split, with just a couple of hours in between. She would have to work early in the morning, go home for an hour, go back at lunch time, have another hour off and then go back again in the evening. She had family responsibilities. And we were told that this was good for us.

Fair Work Australia gives expression to Labor's plan, Forward with Fairness. It is important to note that the Australian people, and that includes the people in Page, very firmly and decisively said: 'No more. We don't want Work Choices; we don't want this workplace relations system—we reject it.' It was not about the fair go. We calculated that about $2 billion was spent on political advertising, telling us how good this system was. If one has to spend that much money to tell us that something is good for us then certainly that suggests that maybe there is something wrong. Who can forget the advertisements? We saw the ads on TV, particularly in the lead-up to the election campaign. Again, those ads were telling us that Work Choices was good for us.

I would like to talk a little bit more about Work Choices and then Forward with Fairness, our plan, which is reflected in the bill. I also want to make a contribution on the Universal Declaration of Human Rights. In so doing I note that the Parliamentary Secretary for Defence Support and the member for Fremantle both talked about the Universal Declaration of Human Rights—and, no, we have not caucused, but I think it says something about our shared professional backgrounds in particular areas of international affairs and human rights.

The Work Choices laws cut away the safety net. They slashed wages and they trashed vital conditions and protections. They were workplace laws that removed job security for working families and made it harder for them to spend time together. They were workplace laws that shredded the notion of fairness in the workplace. They were workplace laws that, quite frankly, were an assault on and an affront to the Australian value of a fair go for all. I refrain from saying that they were un-Australian. I heard that phrase used for a long time, particularly under the Howard-Costello government. I heard the previous Prime Minister say it. People used to talk about things that were un-Australian. It was something that was used to silence people. So it is not a phrase that I use, but I can clearly say that Work Choices was an absolute affront to the Australian value of a fair go.

When the Work Choices laws came into effect we heard about people getting sacked for no good reason, about people being forced onto individual contracts which cut their pay, erased their entitlements and forced them to work weekends and public holidays when they had not done so in the past. Australia knew that that was clearly the wrong direction in which to head. At the time, the previous government's own figures on AWAs—and they were the centrepiece of the workplace laws—showed that 100 per cent of those agreements, all of them, took away at least one protected award condition. Sixty-three per cent of all agreements removed penalty rates; 52 per cent removed shiftwork loading; and 46 per cent cut public

holiday payments. How can that be fair? How can a system like that be fair? What Forward with Fairness said—and it is worth repeating some of it here, because it is reflected in the Fair Work Bill—is that it would provide a new single national system and for the private sector it would provide a new independent umpire in Fair Work Australia, and it clearly does that.

I think we inherited six or seven agencies under the current industrial relations system. All of those will be coalesced into Fair Work Australia. Forward with Fairness said it would abolish AWAs, and that is what we did. Forward with Fairness also said that there would be a transition period, and that is clearly what we have been working through in this place. Forward with Fairness said that in abolishing AWAs it would provide for modern, simple awards with decent minimum wages, overtime and penalty rates; it would provide for individual flexibility by allowing certain common-law agreements in addition to new flexibility clauses; it would give support to families by providing parents with unpaid leave when a child was born; and it would protect workers from being unfairly sacked, while providing businesses with the confidence that unfair dismissal claims would be resolved quickly, including special arrangements for small business. When I stand here and talk in support of Fair Work Australia, all of those things have been done, all of those things have been delivered and all of those things are reflected in the bill.

Now I will turn to the Universal Declaration of Human Rights. It is apt because we are discussing its 60th anniversary. It was an issue before the House. That debate is now completed and I would now like to speak about the Universal Declaration of Human Rights and its resonance with this bill. I will look first at article 16 of the UDHR. Article 16 talks about the family being the natural and fundamental group unit of society and about it being entitled to protection by society and the state. Article 25(2), which sits squarely with that, says:

> Motherhood and childhood are entitled to special care and assistance.

In looking at the resonance of the UDHR with this bill you see that it is actually reflected in the 10 National Employment Standards. The UDHR speaks to every standard, and what is reflected in the UDHR is fairness. That is clearly in the 10 national standards. I will turn to them in a minute. Article 20 of the UDHR says:

> Everyone has the right to freedom of peaceful assembly and association.

And article 23(4) says:

> Everyone has the right to form and to join trade unions for the protection of his interests.

That is the language of the document at the time. So the Universal Declaration of Human Rights talks about the freedom of association—the freedom of association in your workplace, whatever grouping that be. It also says that people have the right to form and join trade unions for the protection of their interests. That is what it is for. We hear a lot from the other side. They do not seem to like trade unions. That seems to be the collective view. They somehow do not recognise that unions are there to protect the interests of workers and working families. Article 23 begins:

> (1) Everyone has the right to work, to free choice of employment, to just and favourable conditions of work ...

It goes on:

> (2) Everyone, without any discrimination, has the right to equal pay for equal work.
>
> (3) Everyone who works has the right to just and favourable remuneration ensuring for himself and his family an existence worthy of human dignity ...

Article 24 says:

Everyone has the right to rest and leisure, including reasonable limitation of working hours and periodic holidays with pay.

Article 25 says:

(1) Everyone has the right to a standard of living adequate for the health and well-being of himself and of his family ...

What I would say about that is that we have had the debate in this place with speeches from the Prime Minister and the Leader of the Opposition. The Prime Minister gave a statement on the 60th anniversary of the UDHR, giving strong support to it. The Leader of the Opposition did the same. These things are contained in the Universal Declaration of Human Rights. These things are contained in the Fair Work Bill, in the 10 National Employment Standards. With those comments I commend the bill to the House.

Ms GRIERSON (Newcastle) (7.18 pm)—I have great pleasure in rising today to speak on the Fair Work Bill 2008. This is the legislation through which we are delivering a fair and balanced workplace relations system—the one we promised to the Australian people at last year's election. We know that, undeniably, the Australian people found Work Choices abhorrent. I surveyed my electorate in late 2006 and found that 84 per cent of the people had an extreme dislike of Work Choices. A year later, in November 2007, the people of Newcastle and the people of Australia rejected Work Choices and the Howard government at the ballot box. And now, in November 2008, we are debating the legislation that implements the will of people on this issue. That is a pretty good feeling, and it reflects the success of our democracy in promoting balanced and sensible governance and in representing the will of the people and allowing them to shape the future of this nation. The Australian people knew Work Choices was extreme and mean spirited, and they responded accordingly.

Labor promised a simpler and fairer system to ensure that Australia is competitive and prosperous while maintaining workplace rights and minimum standards—the standards of dignity and decency. Firstly, we have delivered simplicity. I think anyone who has looked at the legislation would absolutely congratulate the Deputy Prime Minister on giving us just over 600 pages—not 1,500 pages as we saw in Work Choices. It is 600 pages that people can understand. It is a synthesis of such complex issues into a very readable piece of legislation. In that way it certainly reduces the compliance burden on business. The legislation brings together the functions of seven existing agencies under the roof of the new Fair Work Australia. I have to say that that is a really efficient model. These functions include setting and adjusting the minimum wage; varying awards; ensuring good-faith bargaining; facilitating multi-employer bargaining for the low paid; dealing with industrial action; approving agreements; and resolving disputes and unfair dismissal matters.

Fair Work Australia will have a full suite of dispute resolution powers and will be able to exercise those powers at the request of just one party—and that is the way it should be. So we will no longer see disputes dragged out because one party refuses to come to the mediation table. There is no benefit to the productivity of the nation from that. Productivity flows from harmonious workplaces where both employers and employees know and respect each other's rights and responsibilities. We did see some disputes during the time of Work Choices, and there were some in my electorate that showed obstinacy and no goodwill or good faith. As I said, productivity flows from harmonious workplaces, where both employers and employees know and respect each other's rights and responsibilities. The fair work divisions of the Federal Court and the Federal Magistrates Court

will also operate as the independent judicial arm of Fair Work Australia and will include a new low-cost, informal procedure for small claims of up to $20,000—a great innovation.

Labor made an election commitment to establish a Fair Work Australia office in my electorate of Newcastle. I look forward to this facility being able to provide local services to workers and businesses in my region and to young people particularly having easy access. Fair Work Australia will be complemented by the Fair Work Ombudsman, which will promote cooperative workplace relations and compliance by providing education, assistance and advice. From 31 January 2010, a specialist building and construction division within Fair Work Australia will replace the Australian Building and Construction Commission. The Hon. Murray Wilcox QC will report by the end of March 2009 on matters relating to the new specialist division. This is in line with the commitment Labor made in good faith at the 2007 election, and we will meet that commitment. Many of my constituents have raised concerns about the coercive powers of the ABCC, as has a Senate committee and a Federal Court judge. We will consider the Wilcox and Senate committee recommendations thoroughly and I am sure we will get the best outcome for workers and the industry.

The second major part of the Fair Work Bill that I wish to refer to is the establishment of a comprehensive safety net of employment conditions. There are 10 National Employment Standards that will apply to all employees and cannot be overridden, and there will be modern awards that provide conditions over a further 10 subject matters. The 10 National Employment Standards cover: maximum weekly hours of work; requests for flexible working arrangements; parental leave and related entitlements; annual leave; personal, carers and compassionate leave; community service leave; long service leave; public holidays; notice of termination and redundancy pay; and fair work information statements—all matters that people in the workforce are intimately involved in and concerned about.

The 10 matters included in new, modern awards are: minimum wages and classifications; types of employment; arrangements for when work is performed; overtime rates; penalty rates; annualised wage or salary arrangements; allowances; leave related matters; superannuation; and procedures for consultation, representation and dispute settlement. Any agreement made must leave every employee better off overall than the applicable award. An agreement cannot remove National Employment Standards conditions and wages cannot fall below minimum wages at any time. That is a far cry from the Work Choices era, with the AWAs of that time being notorious for ripping away so called 'protected' conditions. We have ensured there will be no new AWAs and that there is a genuine safety net that can never again be ripped out from under Australian workers. This is a key part of the new, fair enterprise bargaining framework established within this legislation and it goes to the heart of our new, fair and balanced workplace relations system.

Enterprise bargaining that drives productivity is good for workers and employers and it is certainly the best way forward for the economy. It is also inherently democratic. If a majority of employees want to bargain collectively, they can. If they want to be represented by a union, they can be. All parties must bargain in good faith, and arbitration is available if they do not bargain in good faith. All enterprise agreements must be approved by Fair Work Australia to ensure there is genuine agreement and that they do not contain any unlawful content or contravene the National Employment Standards. Fair Work

Australia will apply the better off overall test, or the BOOT test, to ensure that each employee covered by the agreement is better off overall in comparison to the relevant modern award. It will also be able to facilitate multiple-employer bargaining for low-paid workers and those who have not historically had access to the benefits of collective bargaining. If all of this sounds very fair and reasonable, that is because it is very fair, very reasonable and certainly very inclusive. It is about responding to the Australian people and restoring the rights that they lost under Work Choices.

Another right that was dumped under Work Choices was the right to protection from unfair dismissal. In the survey that I did in Newcastle, the fear of unfair dismissal was the single biggest concern expressed about Work Choices, and it is easy to see why. Firstly, Work Choices removed unfair dismissal protection for workers in workplaces of fewer than 100 people. Secondly, there was the infamous 'operational reasons' clause that pretty much allowed any excuse to give someone the sack. By contrast, the Fair Work Bill provides unfair dismissal protection for the vast majority of workers. To get the balance right, a worker must have been employed for 12 months in a small business of fewer than 15 workers or for six months in a larger business before an unfair dismissal claim can be made. The legislation provides for faster, fairer and less formal processes to resolve unfair dismissal claims. Again, conciliation, mediation and cooperation are the hallmarks of the Fair Work Bill.

This legislation recognises the legitimate and important role that unions play in our society and it ensures that employees have the right to be represented by a union. I am delighted to see that they will be assured of a continuing role. They helped to create this great country, including the freedoms and the rights that we enjoy. This is about the basic right to freedom of association that Work Choices attacked and almost destroyed. The bill restores a fair balance between the right of workers to meet with their union and the right of employers to run their businesses without interference. It recognises the important advocacy and representational role that unions play in our society, particularly for the most vulnerable workers: women, young people, migrants and newly-arrived people in this country.

I think that there is a great entrepreneurial power in the collective. We have seen that already in the historic role played by some unions in establishing benefits like superannuation and health funds for workers and their families. I would think that if we get the balance right in this legislation we will see that that approach can be expanded by unions rather than there being an emphasis on past industrial action. Protected industrial action will continue to be available only during negotiations for an enterprise agreement and only when participants are genuinely trying to reach agreement. Secret ballots to authorise industrial action will be retained. Action in pursuit of matters that do not pertain to the employment relationship will not be protected action. Once again, this is the type of balanced approach that Australian people want. They voted for the pendulum to be swung back to the middle and we are delivering that. With this legislation we are restoring the safety net that Work Choices ripped away. We are rejuvenating the award system that Work Choices left to rot. We are restoring the right to collective bargaining that Work Choices effectively undermined. We are driving a stake through the unfair AWAs that were at the very heart of Work Choices. We are restoring the unfair dismissal protections that Work Choices destroyed. We are allowing the unions to play the legitimate role that they simply could not undertake with Work Choices. We are put-

ting back in the game the independent umpire that Work Choices sidelined. And we are creating a truly national system for the private sector through cooperation that Work Choices failed to achieve through coecion. We are restoring to the people of Australia a country that they can be proud of: the land of the fair go, the land of equality and opportunity. I commend the bill to the House.

Debate interrupted.

ADJOURNMENT

The DEPUTY SPEAKER (Ms AE Burke)—Order! It being 7.30 pm, I propose the question:

That the House do now adjourn.

Petition: Photovoltaic Rebate Scheme

Mr WOOD (La Trobe) (7.30 pm)—I wish to present to the House a petition from certain citizens of Australia, the principal petitioner being Mr Adam Kloppenburg of my electorate of La Trobe. This has been lodged with the Standing Committee on Petitions and has been approved in accordance with the requirements of the standing orders. Through this petition, Australian families who have a shared interest in renewable energy and the environment have conveyed their disappointment over the government's introduction of a means test on the photovoltaic rebate scheme. The petition urges the government to remove the means test to the rebate scheme and to demonstrate that it is serious about promoting renewable energy as an alternative energy source. I congratulate the 490 people who have signed the petition, and Mr Adam Kloppenburg from Belgrave in particular. This is a fantastic message to the government that Australians, especially those in my electorate of La Trobe, are serious about climate change. Can I also congratulate Greg Hunt, the shadow minister for climate change, environment and water, for pursuing this issue so vigorously.

In this year's budget, the Labor government decided to impose a means test on the scheme. The means test is set at $100,000 per household, meaning that if two members of a couple each earn $50,000—slightly less than the average wage of $59,654 per annum—they are ineligible for the solar rebate. The means test implies that renewable energy is a luxury item rather than a vital tool in the fight against climate change. A Senate inquiry into the impact of this terrible decision on the solar industry began in July and found that many solar companies were reporting that up to 80 per cent of solar contracts had been cancelled. Sadly, many were required to lay off staff because there simply was not enough work to employ them all.

Earlier this year, I met Trent Mair of Trentleck Eco Power Solutions, based in my electorate of La Trobe. Trentleck are an electrical company specialising in renewable energy. In May this year, Trentleck installed solar panels at Emerald Primary School as part of the community solar project, a fantastic initiative from the Dandenong Ranges Renewable Energy Association to put solar panels on community buildings. Emerald Primary School is doing a fantastic job when it comes to the environment. In particular, I would like to say to Lee Johnson and Lee Fuller: keep up the good work. This project was the brainchild of the President of the Dandenong Ranges Renewable Energy Association, Peter Cook, who was actually my former school teacher for environment and the outdoors.

This project will prevent over six tonnes of CO2 from escaping into our earth's atmosphere each year and has been so successful that this Friday Trentleck is installing more panels on Emerald Primary School's roof. Trentleck, like many solar panel installers across Australia, have noticed a reduction in the rate of solar panel uptake since the government's decision to introduce a

means test. Trentleck have been fortunate enough to withstand this downturn, but many other solar panel installers have not been so lucky.

By far, the biggest loser in this appalling decision is, sadly, the environment. With many average-income families now excluded from the rebate, fewer families—especially in this economic downturn—will take up solar power, meaning that we will have to continue relying on coal for energy. The government claims to be committed to addressing climate change; however, their actions speak far louder than their words. If the government is truly committed to reducing global warming, it will overturn its decision to impose a means test for the photovoltaic rebate scheme.

The petition read as follows—

To The Honourable Speaker and Members of the House of Representatives

This petition of the undersigned Australian citizens, whom share an interest in Renewable Energy industry and the Environment, draws to the attention of the House the Government's recent introduction of a means test to the Photovoltaic solar rebate scheme, limiting the eligibility of the rebate to households with a combined income of up to $100,000

The announcement has found many solar installers losing business due to cancellations of customers who no longer qualify for the rebate. We fear that without the incentive of the rebate, the industry will continue to lose business, resulting in lost jobs, lack of investment, development and uptake of new solar technologies. We believe this in turn will cause solar technology to lose its current status as a viable form of alternative energy, impairing us from reducing our dependence on greenhouse gas intensive, fossil fuel based energy production.

We therefore ask the House to reverse the aforementioned changes to the rebate scheme. As an alternative, we propose that the rebate amount be increased to $12,000 for families of a combined income of up to $100,000, offer a rebate of $8,000 to those of a combined income of above $100,000 and increase the available period of the rebate, to make solar electric systems accessible to all Australian families.

If the Government is serious about moving into a sustainable future by reducing carbon emissions and fossil fuel dependence, creating a future for small business, its workers and Australian families, this announcement is saying otherwise.

from 374 citizens

Petition received.

Lindsay Electorate: Mr Pat Sheehy AM and Mr Alan Travers

Mr BRADBURY (Lindsay) (7.35 pm)—I rise to pay tribute to two individuals who have devoted much of their lives to the service of local government and to the city of Penrith. Mr Pat Sheehy AM and Mr Alan Travers, who are in the gallery this evening with their wives Lorraine and Wanda, are two significant figures in the history of the city of Penrith. Between them, they have served local government for more than 60 years, and they have spent a large proportion of that time working to advance the city of Penrith.

Up until his retirement in September 2008, Pat Sheehy represented the residents of the north ward on Penrith City Council continuously from the time of his election as an alderman in 1987. Pat served as the Mayor of Penrith for three terms, in 1994-95, 2001-2 and 2006-7, and as the Chair of the Labor Caucus on Council between 1995 and 2008. In his 21 years on the council, Pat helped to steer Penrith through a significant period of growth. The city's population increased by 50,000 over this period, with Penrith realising its destiny as a regional city and becoming a focal point for jobs and investment in Western Sydney. Pat has been a member of the Australian Labor Party for 47 years and embodies all of the great and enduring qualities of the Labor tradition. Pat is hard

headed, a straight talker, a tough negotiator and a man with a passion for equity, justice and the advancement of working people. He is a man who has never been afraid to make the hard decisions where matters of principle are involved.

Pat is driven by a sense of social justice and an understanding of the importance of assisting those in need of a helping hand. Pat has always been motivated by the need to create and expand opportunities to all by investing in the talent, creativity and enterprise of the residents of Penrith City. Whenever a council debate seemed to reach an impasse, Pat could be relied upon to draw upon his experience as both a science teacher and a school principal to inject both logic and authority into the debate to break the stalemate. On these occasions, Pat's leadership and debating skills were a delight to witness and learn from. I would also like to acknowledge Lorraine for supporting Pat in his public role. Lorraine regularly accompanied Pat to official functions and, as much as she enjoyed sharing these occasions with Pat, I know she is glad to have him all to herself now in retirement.

Alan Travers retired as the General Manager of Penrith City Council in July this year after 10 years in that role and 40 years working in local government. Alan has always been a man passionate about his community and excited about its potential. Over the past decade, Penrith City Council planned for the development of more than 10,000 new residential lots and for the provision of important physical and social infrastructure to support this rapid growth. Alan's leadership of the council organisation helped Penrith navigate through these crucial years of development, which culminated with recognition of the city's role as a regional city. Alan was instrumental in guiding the construction and management of the two Olympic facilities in Penrith, the International Regatta Centre and the Penrith Whitewater Stadium, for the 2000 Sydney Olympic Games. His emphasis on accountability, transparency and sound fiscal management, coupled with his passion for high-quality service delivery, has helped to foster in the Penrith community a trust and faith in their council that is rarely seen.

Penrith council now has a Standard and Poor's AA+ credit rating, which is an enviable commodity in the context of the current global financial crisis. Alan's legacy is one of strong financial leadership, a clear vision for the city's future and a commitment to a vibrant and socially cohesive community. As a career public servant, Alan's commitment to implementing the program determined by the elected representatives of the day, regardless of their political colours, demonstrated his integrity and professionalism. His leadership inspired a 'can do' culture throughout the organisation he led. Alan is now succeeded by another man of great capacity in Mr Alan Stoneham, who I know will continue the great work of his predecessor. Alan has been fortunate to enjoy the love and support of his wife, Wanda. In her own right, Wanda is a wonderful person, and I wish her and Alan all the best in retirement.

As a former mayor and councillor on Penrith council for nine years, I had the pleasure of working closely with both Pat and Alan. I am privileged to count them both as friends and mentors. To Pat and Alan, thank you for your years of dedication and service, and congratulations on the legacies you both leave behind. Your legacies live on in the physical environment and the social fabric of the Penrith community.

Cook Electorate: 2008 Cook Community Awards

Mr MORRISON (Cook) (7.40 pm)—One of the great privileges of being in this House and being a federal member of parliament is that we get the opportunity to ac-

knowledge people in our communities, whether at our local village fairs, in our schools or here in this place, as the member for Lindsay has just done—and I seek to associate myself with those comments. I am here tonight to acknowledge quite a number of people in my electorate of Cook. My predecessor to the honourable Bruce Baird started a great program called the Cook Community Awards, and those awards are an opportunity to acknowledge the selfless service of so many in our community who often go unrecognised. Last Saturday week at the Cronulla Sutherland Sharks Leagues Club we had the opportunity to present those awards to more than 40 very worthy recipients, to share with their families and friends their achievements and to celebrate their service. In particular, I would like to mention a few of them for the benefit of the House and to acknowledge their service here in this place.

Andrew Barrs from Camp Kookaburra is a dedicated person who has been making a difference for young children living in families affected by mental illness. For 19 years he has volunteered at camps for these children through Camp Kookaburra. Wendy Brown was an employee of the Sutherland Hospital for 36 years, after which time she became a volunteer and coordinator for the hospital. She helped set up the hospital's healthy food shop to raise money for hospital equipment, and the store now raises $150,000 to $200,000 a year. Keith Carter has been a member of the Cronulla RSL Subbranch since 1951. He was a foundation member of the sub-branch's youth club and took the role of coach for the rugby league team. Keith's dedication and selflessness in caring for elderly members of the sub-branch is greatly appreciated.

Myra Chalmers is associated with the St George/Sutherland Support Group of Parkinson's NSW and the Caringbah Garden Club. For the last four years Myra has been a fearless leader of the support group of Parkinson's NSW and has dedicated her time to helping Parkinson's sufferers and raising money for the cause. Myra contributes her skills unselfishly and willingly to help the cause. Janice Foulcher came to the Combined Caring Centres for the Sutherland Shire as a volunteer in 2002. She has thrown herself behind that role, being active in everything from lunches and morning teas, social events and the Pink Panthers bowling group to managing the group's finances. Marian Jones has been a volunteer at the Friends of Hazelhurst Regional Gallery and Arts Centre for the last 10 years in a variety of roles, including that of fundraiser and president. Marian works tirelessly to coordinate events at the gallery and was the brains behind the annual Carols in the Garden event. Jewel Lamberton has been preparing lunches for clients and volunteers of the Caringbah Craft and Activity Centre for the Disabled since 1983. It is said that an army marches on its stomach, and the group greatly appreciates Jewel's lunches.

This year we initiated a special award: the Cook Community Medal. We singled out one of the many recipients of community awards for their outstanding leadership in community service in the Sutherland Shire, particularly in the electorate of Cook. That inaugural medal was given to Mr Kevin Neilson. Kevin has been a member of the Cronulla Surf Life Saving Club for many years and was a surf-lifesaving champion in his day. Kevin and Sandra have been a rock of support for the club. In 1966 Kevin became a member of the club and, since then, he has been involved at all levels—most recently, as president of the club during its centenary year.

Brian Nobbs was a foundation member of the Bundeena Lions club and has served with the Bundeena Public School P&C Associa-

tion. He is currently Senior Vice-President of the Bundeena RSL Sub-branch. Robert and Mary Rimoldi from the St Catherine Laboure Church in Gymea have been foster parents for an amazing 35 years and are currently looking after their 80th foster child, a three-week-old baby boy from Nepal. They stay in touch with many of their foster children, attending weddings and birthday celebrations.

There are many of these great heroes in our community, and I know there are in electorates right across the country. There is not enough time for me to talk about all those whom we were able to honour and celebrate on that day, but it was a great privilege to do so. I look forward to receiving the nominations for next year's event, where, once again, we can celebrate the great community spirit of the shire.

Throsby Electorate: Health Services

Ms GEORGE (Throsby) (7.45 pm)—My community will be pleased to hear that the Rudd Labor government will deliver a massive $64.4 billion over the next five years to boost health and hospital funding and to drive reform through the recently negotiated national healthcare agreement. This is an increase of more than $20 billion on the last national agreement, under the Howard government. This funding does not come in the form of a blank cheque to the states. It will require stringent reporting indicators, including accounting for significant issues like hospital infection rates and avoidable deaths. As part of this package, an extra $4.8 billion will go to public hospitals. This includes an increase to base funding of $500 million and an annual indexation rate of 7.3 per cent. Compare that to the last agreement under the Howard government, which, as we know, cut $l billion from public hospital funding and only provided for an average indexation rate of 5.3 per cent. This clearly demonstrates our commitment to end the blame game and to help rebuild our public hospitals. It is a priority issue for our government. It will address many of the concerns about health matters that are regularly raised with me by constituents.

I am pleased also to read that the government will provide a one-off injection of $750 million in the 2008-09 financial year, which could support up to 1.9 million emergency department services. This comes on top of the additional funding of $43 million that we have outlaid to reduce elective surgery waiting lists and to provide new equipment and surgical instruments, which have already been delivered to the New South Wales government. On top of this finding, the one-off payment will provide additional funds that are necessary to support our local hospital emergency departments.

In the electorate of Throsby, delays are currently experienced in emergency departments, which are called on too often to provide primary care services as a result of local GP shortages. GP shortages are a key issue in my electorate, compromising the quality of health care. The Shellharbour local government area has for years been classified as a district of workforce shortage. The Howard government washed its hands of the problem. The Rudd Labor government, by contrast, in the lead-up to the election promised Shellharbour a GP superclinic to address the current shortages. I trust that it will not be long before the preferred tender is determined and we can get the ball rolling. This commitment by a federal Labor government stands in contrast to the neglect of doctor shortages and hospital pressure points that we saw under the former government. I place on record my appreciation of the efforts of the Minister for Health and Ageing in recognising and addressing this significant shortfall in GP availability in many of the local suburbs.

I am pleased also to tell our community that the Rudd Labor government are making the single biggest investment in the health workforce ever made by an Australian government. We will invest $1.l billion in training more doctors, more nurses and other health professionals, and already additional places have been allocated to our local university. The funding will support a massive expansion in undergraduate clinical training places in public hospitals and other health settings. As we know, in order to practise as doctors, medical graduates need to be trained in clinical settings. There is severe pressure currently on training places for medical graduates, and we have committed to increase both GP and specialist training opportunities. I understand that 75 additional GP places will be available in 2009. My expectation is that our region will see several additional GP registrar places over coming years, which would be most welcome.

After years of neglect under the previous government, the Rudd Labor government is committed to assisting in the rebuilding of our hospitals and tackling their key pressure points. We will train more doctors, nurses and health professions to make a sustainable workforce in the years ahead. As I said earlier, these investments do not come as a blank cheque. The states will need to accept responsibility for performance outcomes. In addition, we have set aside $5 billion in our new Health and Hospitals Fund, which we intend to use in the years ahead to invest in health infrastructure, hospitals, medical technologies and research facilities. I am very confident my constituents, when they come to an appreciation of the details of these commitments, will realise the importance that our government is placing on improving access to medical services. *(Time expired)*

Broadband

Mr BRUCE SCOTT (Maranoa) (7.50 pm)—It was last year during the election campaign that the Prime Minister and Labor said:

> Only a Rudd Labor Government can guarantee regional Australia access to a world-class fibre-to-the-node broadband network.

It was trumpeted all over Australia, but what have we seen? Labor also promised they would select the successful bidder by June. June has passed already and it has not been selected. Going by what Labor said, the construction of the network should have already started. After a year in government—12 months out of a three-year term—the Minister for Broadband, Communications and the Digital Economy has made no progress at all. The national broadband network has become a farce. Even Australia's main telecommunications company, Telstra—which I have great respect for because they provide a great service in my electorate, particularly through Telstra Country Wide—are showing a lack of interest. I think that is a reflection on the minister himself.

What is the minister doing about the *Framework for the future* report, the Glasson report, which was commissioned by the former Liberal-National government—the report by the Regional Telecommunications Independent Review Committee? Aside from tabling the report in October, we have not heard a peep out of the minister, yet he is going to respond to that report—or so we hear. The minister has, by law, till March to respond, but if his promise is anything like the promise of the Rudd government to roll out broadband fibre to the node and start building now then I say to the people out there in rural and remote Australia: please do not hold your breath waiting for that response from the minister, because I think it is going to be like everything else that this

government and this minister have done in relation to the rollout of the broadband network.

The Liberal-Nationals have long understood the importance of providing parity of service and access for rural, remote and regional Australians with our capital city cousins. We have always understood the need to ensure that there is parity of service and parity of price and that that price is affordable. That is why we established the Communications Fund and the Regional Telecommunications Independent Review Committee. In my submission to the Glasson review, I called for the rollout of optic fibre across Australia. Optic fibre has the capability to provide high-speed broadband and improved mobile phone coverage, particularly with the current abilities of Next G and 3G mobile networks. The laying of this skeleton frame by the Australian government would allow participating telecommunications companies and service providers access to this fibre, and that, of course, in turn would create competition in our rural and regional areas. Optic fibre is also a very important technology. It has a long technological life. You measure its capacity in gigabits, not megabits, and I believe it will be a capable technology a long way into the future. It should be possible to use optic fibre to replace some of the microwave links we have in my electorate. Microwave links have served rural and remote Australia adequately in the past, but they are going to be very limited in their capacity to deliver high-speed broadband to some remote communities.

There is adequate federal funding for the construction of additional mobile phone tower sites, particularly in areas where the market has failed. That could come from the telecommunications fund, and the earnings from that fund would provide that if the minister were prepared to deliver on the Glasson recommendations. The other thing about providing additional mobile sites is that it would improve service particularly in those rural and remote sites where tourists travel today. It is a very important initiative, and if they were wholesale towers any provider would be able to access them.

What we have seen is a confused minister. In his press release of 15 October, he said:

> … the Government understands the importance of telecommunications for regional, rural and remote Australians and has made up to $400 million available for developing targeted initiatives—

when he responds to the Glasson report. The fact of the matter is that the coalition made the $400 million available. The $2 billion fund is the one that he has abolished and that we established. *(Time expired)*

Fowler Electorate: Roads

Mrs IRWIN (Fowler) (7.55 pm)—This evening I want to say a few words about the community of Warragamba-Silverdale and surrounds. It is a small, very close knit community, and as in most small communities the people of this western area within my electorate are vocal on those issues which impact their day-to-day lives. Issues like transport, roads, health and education are extremely important to these local communities. For a number of years now, the people in Warragamba-Silverdale and surrounds have been very vocal on the issue of local roads. In particular, the issue of Silverdale Road has been the centre of vocal protest and continues to be at the top of the agenda in this community. The problem arises because this road is a major access point to this community and is used by locals to travel between the townships and as access from outside the locality to Warragamba Dam. In recent times this road has fallen into disrepair. As it is classified as a local road in the road hierarchy, it falls to Wollondilly Shire Council to meet the cost of maintenance and

repair, a burden that this council cannot meet alone.

This year the Rudd government announced a package of funding of $543,240 to the Wollondilly Shire Council for roads under the Roads to Recovery program. In addition, there is $400,000 for pavement and road surface improvements to improve skid under black spot funding for Silverdale Road, Farnsworth Avenue and Nortons Basin Road in Warragamba. But, as council plans to make improvements to this road through this federal government contribution and its own funds, the future of Silverdale Road as a safe thoroughfare is not assured. A serious long-term capital injection for this road is required, and this can only come through changes to the road classification from local road to at least collector road status or higher by the New South Wales government. This will ensure a continuing New South Wales state government contribution for the road.

This is a narrow and dangerous road where a minor accident can result in lengthy road closures. Speed, wet weather, fatigue and lack of concentration significantly increase the likelihood and severity of accidents. Fatalities do occur on this road. Locals are forced to use alternative routes during road closures, which can often add an hour or more to travel time. Recently the community instituted a community alert system which, in the event of an emergency such as a fire, involves a message being sent—for a small subscription cost—to home, work and mobile numbers or email, alerting members of the community to that emergency. It was first used on 14 October this year following a very serious accident on Silverdale Road, which was closed for several hours.

I have recently met with representatives of Wollondilly Shire Council in my office. The former mayor and the general manager briefed me on this and other issues across the shire. Silverdale Road was at the top of their list of concerns. As the council prepares for the opening of the information centre and for making the area once again a family-friendly destination, the influx of visitors unfamiliar with the area and these roads will only add to the problem. Locals fear more accidents, more injuries and more deaths. They have been lobbying for several years on this issue of the road classification, and no decision has yet been made.

My office last week called the office of the New South Wales Minister for Roads for an urgent update regarding this very issue. Sadly, I still have not received a response. The people of Warragamba and Silverdale in the west of my electorate should not have to wait longer for a decision to be made. There is no longer room for procrastination on this issue. I fully support the local community in their concerns. I urge the New South Wales Minister for Roads to ensure that the users of Silverdale Road, the motoring public and pedestrians, are protected by determining this issue without further delay. I urge the New South Wales Minister for Roads to change the classification of Silverdale Road so that the New South Wales government accepts its responsibilities in the rehabilitation of this very important road.

The DEPUTY SPEAKER (Ms AE Burke)—Order! It being 8 pm, the debate is interrupted.

House adjourned at 8.00 pm

NOTICES

The following notices were given:

Mr Albanese to move:

That standing order 31 (Automatic adjournment of the House) and standing order 33 (Limit on business) be suspended for this sitting.

Ms Parke to move—

That the House:

(1) notes that:

(a) three young Australians, Scott Rush, Andrew Chan and Myuran Sukumaran, are currently facing the death penalty in Indonesia;

(b) the right to life is a fundamental human right recognised in:

(i) the Universal Declaration of Human Rights, which celebrates its 60th anniversary on 10 December 2008;

(ii) the International Covenant on Civil and Political Rights, to which both Australia and Indonesia are parties, and

(iii) Article 28A of the Indonesian Constitution;

(c) respect for human life and dignity are values common to Australia and Indonesia;

(d) abhorrence of the death penalty is a fundamental value in Australian society—Australia is a party to the Second Optional Protocol to the International Covenant on Civil and Political Rights, which is aimed at the universal abolition of the death penalty;

(e) there is bipartisan support for the universal abolition of the death penalty within the Australian Parliament—the Cross-Party Working Group Against the Death Penalty has been re-established during this parliamentary sitting, with Chris Hayes MP and Senator Gary Humphries as co-convenors; and

(f) the Australian Government will in the near future co-sponsor a resolution in the United Nations General Assembly seeking a global moratorium on capital punishment, as it has done in previous years;

(2) believes that abolition of the death penalty contributes to the enhancement of human dignity and progressive development of human rights;

(3) requests that:

(a) the House incorporate into domestic law the Second Optional Protocol to the International Covenant on Civil and Political Rights, to prevent any government in Australia in the future from reintroducing the death penalty and to communicate Australia's position on the death penalty to the world at large;

(b) the Indonesian Government favourably consider the Indonesian Constitutional Court's recommendation of 30 October 2007 in the majority reasoning at paragraph 3.26, in particular sub-paragraph (b), which says that the death penalty should be able to be imposed with a probation period of ten years, so that, in a case where a prisoner shows good behaviour, it can be amended to a life-long sentence or imprisonment for 20 years; and

(c) in the event that remaining legal processes fail in respect of any persons facing the death penalty in Indonesia, the President of Indonesia extend clemency by commuting their sentences to terms of imprisonment; and

(4) records the importance to Australia of its continuing excellent relationship with our near neighbour, the Republic of Indonesia.

Wednesday, 3 December 2008

The DEPUTY SPEAKER (Ms AE Burke) took the chair at 9.30 am.

CONSTITUENCY STATEMENTS

Mitchell Electorate: Norwest Private Hospital

Mr HAWKE (Mitchell) (9.30 am)—I rise to welcome the turning of the first sod on the $140 million Norwest Private Hospital development within my electorate of Mitchell. Radio 2GB personality Ray Hadley officiated at the commencement of the 23,255 square hectare hospital development, which is being constructed this year. The project comprises a four-storey private hospital with 170 beds; 10 operating theatres; a three-storey, strata titled 8,000 square metre medical centre; and parking for some 700 vehicles. It will be located in the Norwest Business Park. The facility creates a new benchmark by providing preventative, surgical and postoperative services for the north-west Sydney region.

I have spoken in this House before about the need to provide substantial infrastructure to growing areas of Sydney. Indeed, the north-west of Sydney has had about 150,000 people added to it in the past decade and we are looking at an additional 250,000 residents over the next two decades. There has been an increasing amount of talk and discussion about the need for a major category 5 hospital within the north-west of Sydney. Facilities at Blacktown and Richmond are certainly not meeting the needs and the growth that our area has, and the calls for a fully fledged hospital in our area will increase. I do want to record, of course, my appreciation of the existing Hills Private Hospital. In New South Wales, it is well known that if you wait for the state government to provide important facilities such as hospitals you will be waiting some time.

The great thing about this development is that it is a landmark facility. It will be one of the largest of its kind in the Sydney area. It will offer the Hills community an additional medical specialist service in emergencies. It will offer them additional services in intensive care, coronary care and maternity care, some of which are provided by the existing Hills Private Hospital. The federal electorate of Mitchell is the primary catchment area for this hospital, which will cover such suburbs as Annangrove, Baulkham Hills, Beaumont Hills, Bella Vista, Castle Hill, Glenhaven, Kellyville, North Rocks, Northmead, Rouse Hill and Winston Hills. Indeed, with such rapid growth in businesses and population and with the development that we are expecting in the Norwest Business Park—with an additional 23,000 employees to be added in the next 10 years—this facility will come into its own. I welcome its development in my electorate of Mitchell. I look forward to seeing the health needs of the north-west of Sydney being met by this new private hospital and I welcome the turning of the first sod of this development this week.

Lowe Electorate: Sydney (Kingsford Smith) Airport

Mr MURPHY (Lowe—Parliamentary Secretary to the Minister for Trade) (9.33 am)—The constituents I represent in my electorate of Lowe have cause for optimism in the light of the different approach to aviation policy that has been foreshadowed in the Rudd government's aviation green paper, released yesterday by the Minister for Infrastructure, Transport, Regional Development and Local Government and member for Grayndler, the Hon. Anthony Albanese. The owners of Sydney airport have historically treated my constituents with dis-

dain, reflecting the former government's culture of indifference to the concerns of my constituents. The green paper demonstrates the Rudd government will not adopt a culture of indifference to the suffering of residents of the inner west. The document states that the government is committed to improving dialogue between affected communities and airport operators. It also states that the responsibility for aircraft noise management should be shared more equitably by stakeholders, including airlines and airports.

It is clear that the airline industry and Sydney airport no longer have a mandate to run roughshod over my constituents of Lowe. Nowhere was this more evident than in an article titled 'Sydney Airport waits for green light', published in the *Sydney Morning Herald* on 1 December 2008. Some of the criticisms levelled at the minister in the article, by sources that were unnamed, include the minister's (1) rejection of any relaxation of the Sydney airport curfew, (2) rejection of Bankstown Airport as a de facto second Sydney airport and (3) refusal to lift the cap of 80 flight movements an hour. The minister's so-called critics may condemn him but my constituents applaud and thank him. The minister's strong stand against the owners of Sydney airport provides some protection for my long-suffering constituents. Anthony Albanese's stand is a very important step in restoring some balance to the aircraft noise debate in Sydney.

Community engagement is an essential aspect of noise management. That was never understood by the previous government but it is by the Rudd government. The government has developed the Transparent Noise Information Package and WebTrak, which will provide transparent data on the number and times of aircraft movements, the noise level of individual aircraft and real-time information on aircraft flight paths in and out of Sydney airport. In relation to that data, the Rudd government is not interested in inheriting the previous government's deceptive spin to hide the truth from the public. Moreover, the government is determined to engage in honest pursuit of an appropriate site for a second airport for Sydney outside of the Sydney Basin rather than irresponsibly and negligently stretch the capacity of Sydney airport beyond reasonable limits. Propositions in the green paper will provide my constituents with some cause for optimism in what has been an intractable battle for a fairer distribution of aircraft noise for the people of Lowe, whom I represent.

Herbert Electorate: Cootharinga Society of Nothern Queensland

Mr LINDSAY (Herbert) (9.36 am)—This morning I would like to report to the parliament on an absolutely fabulous 2007-08 year for the Cootharinga Society of North Queensland, a wonderful society that has been operating for 57 years and delivers disability services to the people of the north. We all move about our electorates and we see the need for these services, so it is just wonderful to have a service provider in the electorate that gives outstanding professional service. And they provide that outstanding professional service through a great board of directors; a great staff, under CEO Brendan Walsh; the volunteers that work in this particular service; and, last but not least, those who use the service and the families of those who use the service.

The year 2007-08 was a year of changes for Cootharinga and a year of achievements of which I think Cootharinga can be mightily proud. The efforts of all of the staff at Cootharinga have resulted in three Queensland Minister's Awards for Excellence in Workforce Development: encouraging a learning culture, sector recognition and effective leadership by a board of

management. That is a great outcome and I think that it underlines how good an organisation this is.

This year has also seen many successes in the services that Cootharinga have previously operated, including their supported accommodation service, the community-linking service, the support service, the rehabilitation technology service, their therapy service and support to families through their respite service. All of the staff are crucial in providing these services and they can be justifiably proud of their achievements. I pay tribute to them and I want the parliament to understand how good they are.

I think that we all know as members of parliament how important and how necessary a respite service is. Cootharinga's respite service focuses on providing flexible respite options to families who have a family member with a disability. It is a wonderful service. The provision of respite assists families to maintain their living arrangements while also providing opportunities to build social relationships and move towards independence. Since the service commenced in February 2007 they have received over 130 referrals and currently they provide respite to more than 60 families within the Townsville region, with 30 families on the general respite waiting list. Many of the families have received one-off respite during school holiday periods, providing much needed time out. There is also the community-linking service and the therapy service. Congratulations, Cootharinga.

Mumbai Terrorist Attacks

Mr DANBY (Melbourne Ports) (9.39 am)—London's *Times* asks today, 'So, why kill the rabbi?' All Australians were outraged at the murder of our countrymen Brett Taylor and Doug Markell and the other people foully murdered in Mumbai a few days ago, and I cannot surpass the arguments of the columnist from the London *Times* about the people who make excuses for those who, with murderous ideologies, single out people who are Australians, British or Americans, who are Jewish.

The fact that nine people died in synagogue and outreach centre the Chabad house in Mumbai is a particular tragedy for many Australian Jews who knew the couple who ran it, Rabbi Gavriel Holtzberg and his wife, Rivkah, both of whom were murdered there. Terrible reports in various international papers today indicate that some of the victims were tortured before they were killed. These are very hard things to face up to, but they have to be faced because they are well known in the international press. This religious young couple were very peaceful and had dedicated themselves to serving the tiny Jewish community in Mumbai and helping people who were suffering from drug addiction and poverty. They took in Israeli backpackers and Jewish visitors and treated them with uplifting spiritual experiences. Their Chabad house, their synagogue, served as an island of yiddishkeit for Jewish people travelling through Mumbai and through India. Any visitor could stay and attend free, kosher food was offered and visitors could participate in a service over Shabbat. Rabbi Gavriel and Rebbetzin Rivkah represented the ultimate in human kindness. Their presence in Mumbai and on earth will be sadly missed.

Also killed in the Chabad house were Yocheved Orpaz, Rabbi Aryeh Leibish Teitelbaum and Rabbi Bentzion Chroman. Rabbi Teitelbaum was murdered as he was studying a book of Jewish learning in the synagogue. He was found slumped over an open Talmud. Norma Shvarzblat-Rabinovich was also killed in those terrible events. It is important to remember the

names of all of these individuals. As Sherri Mandell, the mother of 13-year-old Koby, who was murdered by Palestinian terrorists, explained in the *Jerusalem Post*:

Don't let others tell you that your loved ones died for nothing. They died because they were innocent victims of … Islamic hatred. They died because—

this ideology—

is vicious and evil and worships destruction … It is paramount that you seek justice—but do not seek revenge. Revenge embitters you while justice elevates you. Justice is motivated by love; revenge is motivated by hatred …

Keep speaking about the evil that was perpetrated against your loved one. Don't allow the media or others to call the murderers militants or freedom fighters.

Insist that your loved one's murder be remembered.

I repeat her wisdom and praise the memory of those innocent people who were killed in the Chabad house in Mumbai only because they were Jews.

Swan Electorate: Como Golf Academy

Mr IRONS (Swan) (9.42 am)—I rise to talk about the Como Golf Academy at the Como Secondary College in my electorate of Swan. The Como Golf Academy provides both a comprehensive academic program and a golf program of the highest quality. The school recently held their annual golf day in November at Collier Park Golf Course as a fundraiser to support the school program. I attended the day in support of this fantastic program and saw many local businesses and individuals turn out on the day.

The college is conveniently located adjacent to the Collier Park public golf course, and the academy is dedicated to producing golfers who are highly skilled and possess a strong academic background. For the students of the academy, golf is the central option of study and is successfully incorporated into their mainstream school program throughout their secondary education. This combination allows them to subsequently pursue either a rewarding golf career or careers in recreational or physical education studies at university level. Furthermore, Como Golf Academy students are trained to develop their physical and mental strengths to advance their competitive ability and course management skills. They develop understandings which equip them to actively participate in the global golfing business communities.

Students of the academy have full use of the vast resources in the picturesque environment of the Collier Park public golf course, where a special par-3 hole has been designated for the use of the Como Golf Academy. The students also have free access to the Collier Park driving range, practice bunkers and practice putting greens. I must congratulate Ross Metherell, the professional at the Collier Park course, for his support of this program and for making Collier Park available to this centre of excellence.

The specially selected students of the academy are taught the theoretical and practical components as part of the regular school program. These types of programs that are provided further to the curriculum are run by people committed to the students who participate in these special programs. The person who I must recognise is Mrs Ros Fisher, who holds nationally recognised Australian Institute of Sport golf-coaching qualifications. Mrs Fisher is also a qualified high-school teacher with extensive domestic and international coaching and playing experience. I worked firsthand with Ros whilst I was on the junior committee at Royal Perth Golf Club, and the dedication and passion Ros displays are fantastic. I would also acknowl-

edge the great support the Royal Perth Golf Club has given this program. Ros spends a period of years with the students in this program as they progress through it, and at the graduation ceremonies I attend I can see an almost parental love and an enormous amount of passion when she talks about her students in this program.

Como Secondary College engages the extensive expertise of the Collier Park golf professionals to ensure the highest level of coaching professionalism in the state is available to our golf academy students. In its brief history the academy has won a number of state, national and international titles and in 2001 Como Secondary College was the home of the world junior golf champion, Rick Kulacz. The academy continues to be the home of many state junior and senior representatives. Past students of the golf academy are now members of the US and European tours who have either qualified or are about to qualify for PGA status. I applaud the program and congratulate all those associated with it, including the parents who have the vision to allow their children to enrol in this type of program.

Braddon Electorate: Council of Australian Governments

Mr SIDEBOTTOM (Braddon) (9.45 am)—I stand before you in what is a new era for federal-state relations following a very successful outcome to the weekend's COAG meeting. We talked about ending the blame game, and I think we have gone a long way towards achieving that. My own state of Tasmania did rather well in the final wash-up of what will be an additional $15.1 billion injection from the Commonwealth across the country. Out of this, my lovely state of Tasmania will reap an additional $284 million, which I am sure will be very welcome as we all work together to tackle the difficult times ahead. I should remind you, Madam Deputy Speaker, and others that this comes on top of many other streams of funding which will also have great benefit across my beautiful state. It includes $175 million for health, $80 million for education, $19 million for housing, $9 million for disability services and $1 million for skills.

While Premier David Bartlett says the health funding may fall short over time, let me tell you how the newspaper headlines would be screaming if we had the other mob over there and they were still in government. This health injection comes on top of many other health initiatives from the Rudd government, which Tasmania will benefit from and which I will share with you. Only weeks ago I joined with the Tasmanian Minister for Health and Human Services, Lara Giddings, to announce a major patient transport package, which included $10 million for vital infrastructure across the state. We have also put in $8 million extra to help get on top of elective surgery waiting lists and are negotiating a new $7.7 million oncology service for Northern Tasmania. And let us not forget—and how can we—the $180 million over three years that will be injected to fund the Mersey Community Hospital, taking further pressure off the state health budget.

I must also note the increase in education funds that was part of the weekend deal. This will be boosted by another series of education initiatives, which affect us all in this chamber. These include $42.4 billion for a national education agreement—hurrah; $550 million for a national partnership on improving teacher quality—hurrah; $540 million for a national partnership on literacy and numeracy—hurrah again; $1.1 billion for a national partnership on low-achieving school communities—hurrah; $807 million in extra funding for the program to give every year 9 to 12 student a computer in school—hurrah, hurrah; and $970 million in early childhood reforms. All of these will help to boost our overall economy, along with a raft

of other measures taken by this government. I hope others in my state will join with me in looking forward to a positive future. And I know my colleagues in this chamber on this side are very proud of what we have achieved to date.

Cowan Electorate: Education

Mr SIMPKINS (Cowan) (9.48 am)—I would like to inform the House of the success at Hawker Park Primary School of the Support-a-Reader program. The program provides support where reluctant or struggling readers are allocated volunteer helpers who, on a weekly basis, come into the school and read with them during the school week. The student and the helper take turns reading, using a proven system which has achieved great results in many schools. Having undertaken training, volunteers provide an hour a week to come to the school and read with a primary student. Each student receives 15 minutes of one-on-one time most days of the week. The volunteers come from the school community in the form of dedicated parents and grandparents, but the school is also very well supported by seniors and members of the Lions clubs. I am informed by Liz Everall, the teacher who runs Support-a-Reader at Hawker Park, that many of the seniors have been involved for more than five years. In many ways it is not surprising that these people are so involved as they are already active members of the local community through Lions clubs and other community service efforts. Liz tells me that they pull out their diaries when working out when they can next come to Support-a-Reader. Clearly these are the sorts of people who make this country great and our communities strong.

Over the last four to five years, the balance of helpers has changed and these senior citizens now outnumber the parent volunteers, who are often too busy with work and family commitments to be able to help. I pay tribute to Liz Everall and the Support-a-Reader volunteers, who since the program began have ensured that no children at Hawker Park are more than two years behind in reading age. Furthermore, no children are below the benchmark in reading in middle and upper school. I make this point with the proviso that newcomers to the school may not immediately be up to these levels, although I am confident that the Support-a-Reader program will get them there.

It is worth noting that success in helping children to read is not achieved through a one-off session. It is achieved through a level of consistent trust and understanding, as provided by these volunteers, which enables children to overcome their reluctance to read. I have said before in this House that one of the most important things to young children is to be able to fit in. They do not want to feel different or inadequate and therefore alienated from the opportunities of education. Through Support-a-Reader, children who struggle with literacy are supported and they are helped to attain levels consistent with those of their peers.

It is a great program that works very well for the students at Hawker Park. I commend the volunteers for their commitment to our future generations at the school. I commend the senior citizens for their work and I congratulate the parent volunteers who work to help the children of other families at the school. The senior citizen volunteers are Jen Tabor, Maxine Foster, Jenny McNae, Lynn Parker, Roz Gablikis, Lily Webster, Regina Dixon, Ruth Westacott, Deidre Brooks and Peter Clark. The parent volunteers are Chris Henry, Vikki Matttock, Kelly Simpkins and Anne Jones.

Mr Xavier Philip Clarke

Mr Mark James Grosvenor

Mr Campbell Brown

Mr HALE (Solomon) (9.51 am)—In the past week Darwin has mourned the loss of some very respected and loved Territorians. Xavier Philip Clarke was born in Darwin on 17 October 1953 to Gilbert and Sheila Clarke. He attended St Mary's Primary School and went on to high school at St John's College. In 1972 Xavier started a surveying cadetship, a career that he would do with professionalism, enthusiasm and expertise his entire working life, working for local companies such as Gutheridge, Hastings and Davey; Qasco; and, in his later years, Earl James and Associates. Xavier married Pamela May in 1979 at St Paul's Catholic Church. They were blessed with five wonderful children, Andrew; Xavier Jr; Raphael; Frances, their only daughter; and Marius.

Xavier loved watching his children grow into young adults and loved watching them play football. All the boys have played for St Marys, and so has Frances, in the women's team. Xavier Jr and Raphael are currently listed AFL players with St Kilda Football Club. Xavier himself played for St Marys from 1964 to 1983, an amazing 20 years. He played in three senior premierships and in 1972 kicked the winning point in the grand final. But his greatest love was Pam and his family. He spent many hours fishing, camping and hunting with them. Xavier fought a brave and inspiring fight against cancer. His pain came to an end on 24 November. Rest in peace, Xavier Clarke.

Mark James Grosvenor was born in South Australia to Malcolm and Rosemary on 15 January 1969. His family moved to Darwin three weeks after his birth and stayed for three years but returned to South Australia. In 1984 the family moved back to Darwin and Mark completed his high school education at Casuarina Secondary College. An electrician by trade, Mark worked in this trade while learning to fly fixed-wing aircraft. Flying was his passion. He also loved adventure, spending time on his weekends with the Leech family, working cattle and hunting. It was at Ringwood that Mark got his first taste of helicopter mustering. It is this taste that he would pursue.

In 1996 Mark decided it was time to go out on his own, and Albatross Helicopters was born with one Robinson R22 helicopter. It has grown to a fleet of 13 and is the Territory's largest chopper fleet. Another great love of Mark's life was sprint car racing, and he commenced racing in 1997, which was a big year for Mark, as he also met Belinda. Many of Mark's friends could not believe he could convince this beautiful, intelligent and talented woman to move to his one-room donga in Noonamah. The birth of Madeline in November last year saw Mark take on his favourite role in life—a devoted father. Mark passed away after an aircraft crash last week. He is mourned by his family, his many friends and the communities throughout the Territory. Rest in peace, Mark.

Campbell Brown was also killed in that accident. Campbell leaves behind a two-year-old daughter and his wife, Tracy, who was pregnant with their second child. I offer my condolences to the families of these three fine men.

Forrest Electorate: Volunteers

Ms MARINO (Forrest) (9.54 am)—I rise to speak about the importance of volunteers in rural communities, particularly those in small communities like my own of Harvey. We have

around 3,000 people in our town. You would understand it is a very small community, but it is very important. Our town is situated between two major highways in the south-west of the state. Whenever there is a major incident on either highway, firstly the police will leave to get there. Quite frequently it will then be the SES and then the St John Ambulance and the fire brigade, depending on the numbers that are needed at the time and what the situation is. The interesting thing about each one of these services—the St John Ambulance, the SES and the fire brigade—is that they are all staffed by local volunteers. So each one of those volunteers has to leave their place of business or be available, on call, for these types of emergencies. When you consider what this means to some small businesses, which may have only one or two employees, in small towns and communities like my own, these people make a significant contribution to our community. We all know, especially if we have ever been in a position of either having an accident or having a personal emergency, how important these people are and the level of compassion and genuine assistance they provide to people. Right across a range of communities in my electorate, I see the same thing.

I note that years ago in Brunswick, a very small town, there was no ambulance and there was a group of people who decided it needed one. One of those people was my own mother. Brunswick is very tiny, and there was a lot of work, a lot of fundraising and a lot of effort to buy Brunswick's very first ambulance. Our home phone number was the number for the Brunswick St John Ambulance, right up until the time I left home. As children we had to learn how to answer that phone, how to get a driver and how to give very good directions as to where the ambulance was needed and the number of casualties to expect. What was not provided in those days for people like my mother, who was an attendant on that ambulance, was any form of counselling after a traumatic event. I can remember, as a child, her saying that she was able to cope with most things except when people she knew were either very badly injured or deceased. I remember the toughest thing she had to deal with was the very tragic death of a young boy in our town. I am here to pay tribute to all of those people in those small communities right across my electorate and right across this country who make communities work and provide invaluable services by way of emergency services.

Parramatta Electorate: National Disability Awards

Ms OWENS (Parramatta) (9.57 am)—Today is the International Day of People with Disability, and Parliament House will host a gala ceremony tonight for the National Disability Awards. Sarah Cullen, of Toongabbie in my electorate of Parramatta, is one of the finalists in the category of Young Community Contribution Award, which recognises a young person with a disability aged between 12 and 25 years who has made a significant contribution to their community. Sarah is 24 years old and has a combination of physical, sensory and cognitive difficulties as a result of having suffered two strokes. Sarah works to improve the lives of stroke survivors. She has completed a Bachelor of Speech and Hearing Sciences and now works as an active and respected advocate for stroke survivors. Sarah has become an accomplished public speaker and uses her talents to ensure that stroke service providers in New South Wales are aware of the needs of stroke survivors and carers in their community. She has spoken at a number of stroke management and transition care conferences, where she relates her experiences as a young consumer of adult healthcare services.

Her personal experiences assist the Greater Metropolitan Clinical Taskforce to develop methods of supporting young people who are transitioning from paediatric to adult healthcare

services. In association with the Stroke Recovery Association NSW, Sarah recently launched Different Strokes, a stroke recovery club that provides support services for very young stroke survivors and their carers. As well as her work with stroke survivors, Sarah volunteers her time to help newly arrived refugees integrate into the community. She not only teaches these refugees to use English but develops and adapts each lesson to suit the learning needs of each person in the group.

The National Disability Awards were launched in 2006 by the Australian government Department of Families, Housing, Community Services and Indigenous Affairs to recognise the contribution people with a disability make to their community. The Australian government Department of Families, Housing, Community Services and Indigenous Affairs manages the National Disability Awards to coincide with the day. The awards recognise people across five categories: community contribution, young community contribution, inclusion, go-getter and personal achievement. The award recipients will be announced during a gala dinner at Parliament House tonight. I congratulate Sarah on her nomination as a finalist in these awards. Her contribution to our community is deserving of this recognition, and I wish her every success in her work with stroke survivors in New South Wales. I also wish her well for tonight and naturally—and I am not biased!—I hope she wins.

The DEPUTY SPEAKER (Ms AE Burke)—Order! In accordance with standing order 193 the time for constituency statements has concluded.

COMMITTEES

Corporations and Financial Services Committee

Report

Debate resumed from 1 December, on motion by **Mr Ripoll**:

That the House take note of the report.

Mr ROBERT (Fadden) (10.00 am)—I rise to speak on the Joint Committee on Corporations and Financial Services report *Opportunity not opportunism: improving conduct in Australian franchising* as one of the coalition members on the committee that passed down the report. The report builds on the code of conduct reforms implemented under the Howard-Costello government by Minister Bailey. It builds on the Western Australian inquiry into franchising and the South Australian inquiry into franchising, and it delivers 11 recommendations. Each of those recommendations is designed to improve franchising in this country—an industry which, whilst it may only account for some five per cent of small business, still employs tens of thousands of Australians and is one of the seemingly easier ways to enter business.

The first recommendation is that the Franchising Code of Conduct be amended to require that disclosure documents include a clear statement by franchisors of the liabilities and consequences applying to franchisees in the event of franchisor failure. Much has been said about a franchisee failing, things going south for them, but little covers what happens if a franchisor fails. Evidence points to at least 20 franchisor systems failing each year resulting in franchisees in those systems being unsure of next steps.

The second recommendation is that the government investigate the benefits of developing a simple online registration system for Australian franchisors requiring them, on an annual basis, to lodge a statement confirming the nature and extent of their franchising network and providing a guarantee that they are meeting their obligations under the Franchising Code of

Conduct. The recommendation seeks to achieve two things: firstly, getting a feel for the size of the franchising industry and being able to understand how government support can be more tailored to assist them and, secondly, getting franchisors to put a statement online—a five-minute exercise—to say 'we comply with a code of conduct, we put our hand in the air, we let the government of the nation and the Australian people know that we are doing the right thing'.

The third recommendation is that the government review the efficacy of the 1 March 2008 amendment to the disclosure provisions of the Franchising Code of Conduct within two years of their taking effect. The point of the recommendation is quite simple. It always takes time for policy and regulatory changes to move their way through an economy. It will take time to see if the changes that went into the code on 1 March 2008 have been effective. A review in two years is simply good practice, to look at how effective those measures have been.

The fourth recommendation is that the government explore avenues to better balance the rights and liabilities of franchisees and franchisors, again, in the event of franchisor failure. Whilst the code gives franchisors the ability to terminate franchisees, it does not provide any reciprocal termination provisions for franchisees in the event of franchisor failure. Addressing the other side of the equation will make things easier in the unlikely but still happening event of franchisors failing in the current market conditions.

The fifth recommendation is that the code of conduct be amended to require franchisors to disclose, before a franchising agreement is entered, what process will apply in determining end-of-term arrangements. That process should give due regard to the potential transferability of equity in the value of the business as a going concern.

The issue is: what happens at the end of a relationship? Typical franchise agreements are signed for somewhere between five and 10 years and some with provisions for extensions. The maximum agreements tend to be, in the case of a McDonalds franchise, up to 20 years. But at the end of that time, whilst common-law contract exists which is quite clear that the arrangement ends in 20 years, many franchisees are still unsure as to what exactly happens. If I as a franchisee put all this time, effort, marketing and local awareness into jointly building our business, at the end of the five-year agreement or the 10-year agreement do I simply just walk away? Does a franchisor take over all of my work? What actually happens? There is a degree of uncertainty. Franchisee expectations need to be managed. Everyone needs to be absolutely upfront about the end of the term: this is what is going to happen. That is, the franchisor will say, 'We are going to allow you to sell your business within four or five years of the agreement ending so you can maximise your return—we will allow you to do X or allow you to do Y.' Greater transparency with end-of-term provisions in a franchising contract will certainly help franchisees understand what comes next.

The sixth recommendation is to change the name of the Office of the Mediation Adviser to the Office of the Franchising Mediation Adviser. Now, some may argue that throwing in one word may not be one of the boldest recommendations that any committee has ever made in this hallowed place. However, there is some evidence to suggest that the Office of the Mediation Adviser is not being as fully utilised as we would like to see. Perhaps changing the name and calling it the Office of the Franchising Mediation Adviser—that is, saying that the mediation adviser is just for franchised situations—may help that office be more fully used. If one more person used it then perhaps the recommendation remains a good one.

The seventh recommendation requires the government to require the Australian Bureau of Statistics to develop mechanisms for collecting and publishing statistics on the franchising sector. At present, the FCA sponsors one academic to provide a survey to get an understanding of this quite unique area of Australian business life. There are no real tangible ABS statistics to understand what is happening in the area of franchising in the nation. ABS does a sterling job. There is the opportunity to provide some mechanisms through census collection data or other areas to provide better statistical reporting to allow government to make better decisions.

Recommendation 8, which I think is a fairly substantial one, is to include a new clause in the Franchising Code of Conduct. It will be clause 6, 'Standard of conduct'. The recommended wording is:

> Franchisors, franchisees and prospective franchisees shall act in good faith in relation to all aspects of a franchise agreement.

The committee took substantial evidence that indicated that courts were already starting to imply good faith existed when franchisees and franchisors worked through disputes. The concept of applying good faith, though, was not universal across the courts. Some Federal Court justices were saying that an implied act of good faith is incumbent upon all parties; other federal justices were not. Its application across the courts at present is not uniform. Some franchisees, like Eagle Boys, actually have in their contracts that they require all parties—franchisors and franchisees—to act in good faith in all aspects of the agreement and the terms of the agreement. And Eagle Boys is to be commended for having that in. But at present it is not uniform. The courts are not uniformly expecting good faith to apply and all contracts are not including the requirement to act in good faith. Simply updating the code of conduct to require all parties to act in good faith will provide the basis for the courts to not only define the basis, the parameter and the extent of good faith but also require them in all aspects of mediation, arbitration and court proceedings, if they occur, to ensure that good faith.

Recommendation 9 is that the Trade Practices Act 1974 be amended to include pecuniary penalties for breaches of the Franchising Code of Conduct. At present, the Trade Practices Act clearly states what can and cannot occur. But there is no stick to say that, if you cross the line, here is the penalty. There is something about the Australian way of life that says that if you drive on the wrong side of the road there is a consequence—another car will hit you. If you break the law there is a consequence. If we remove a consequence from human behaviour, human behaviour has shown that at times and in some circumstances it can go to an extreme.

That behaviour is no different in the corporate world. It is entirely appropriate for pecuniary penalties for breaches of the franchising code to be introduced. It would certainly assist the ACCC in its enforcement role by providing a greater deterrent for contravening the code. Likewise, recommendation 10 asks that consideration be given to amending the Trade Practices Act to provide for pecuniary penalties in relation to a range of other breaches of the section, again to provide the ACCC and other organisations with the necessary power to achieve the end result.

The last recommendation is for the ACCC to be given the power to investigate where it receives credible information indicating that a party to an agreement may be engaging in conduct contrary to their obligations under the Franchising Code of Conduct. I would have assumed that the ACCC would have had all available powers in their bailiwick to go forth and

investigate as necessary, as per the law, where possible breaches of the code of conduct have occurred. But this is something that the ACCC have specifically asked for and believe will strengthen their powers to apply the law. In that respect, it is supported.

I join the member for Oxley, the chair of the committee, in recommending this report to the government. The inquiry received over a hundred submissions. It covered the nation widely and heard from all stakeholders. I look forward to the government's review and indeed adoption of the recommendations.

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

Industry, Science and Innovation Committee

Report

Debate resumed from 1 December, on motion by **Fran Bailey**:

That the House take note of the report.

Dr JENSEN (Tangney) (10.11 am)—Initially this report, *Building Australia's research capacity*, was about research training in Australian universities. However, it very quickly became apparent that this was far broader than just Australian universities. This is something that is very dear to my heart, as an exresearch scientist. I think that we desperately need to build up Australia's research capacity. So the title *Building Australia's research capacity* better encapsulates the scope of the committee's inquiry.

As I said, in the hearings we very quickly learnt that just looking at universities was not going to be enough. As such, we ended up with a report that evaluated our research capability on a multiplicity of levels. Rather than going through the recommendations of the report, because the recommendations are in the report for all to see, I think it is more important to give a bit of a flavour as to what some of the background thinking was on some of these issues and what was highlighted in some of the hearings.

The first level, obviously, in getting someone interested in following a career in research is school. Hopefully, every one of us had a teacher that ignited some spark, some passion for something that caused us to pursue that avenue further on. Teachers are very important in the igniting of these sparks. We need to ensure that teachers are able to ignite sparks to get children enthusiastic about the whole idea of research. Someone once said to me that children are natural researchers and natural scientists. Think of a child in a highchair. They toss a spoon out of the highchair, it falls to the ground and mum picks it up and puts it back in the highchair. The child thinks, 'Will it happen again if I do it again?' This is in effect experimental method, testing the repeatability of certain things.

That is very important, as are role models in schools. We all know how important it is to have a certain number of male teachers in schools, particularly primary schools, so that you have good male role models, particularly for those boys who do not have a father in their household. Equally important are role models in terms of enthusiasm for science and other research. One thing that was highlighted—and some universities are picking up on it—is the adjustment of weighting for hard science and mathematics with university. The problem with year 12 is that all too often kids will choose not to do some of the hard sciences or the mathematics in favour of doing a course that they perceive they will get better marks for and therefore will afford them better opportunities at university. Some of the universities—and I

think this should be spread wider—recognise this fact and as such place more weight on maths and science so that it somewhat balances out that equation.

We also had a look at the undergraduate component of research. One of the important things brought up was the issue of career path. Career paths for research students are not very often well established. They are doing their degree and they really do not see much in the way of a career path. This is something that has to be more clearly defined within the university system and some structures need to be put in place for that. Once again, there is the example of good role models. People who are actually out there doing the research and are enthusiastic about it will also engender some of this interest.

One of the things that was questioned in our hearings was the role of the honours year. Australia and the UK are the only two major countries that we were aware of that actually had an honours year. Other countries do not have that. So the question is: is the honours year something that is still relevant in contemporary society? That is something that will have to be examined further.

Then we got into the aspects relating to postgraduate study, and some of the recommendations focused on some of these. For example, at the moment, normal tenure for a scholarship is three years with a provision for possibly another six-month extension. The problem is that most PhD students take just over four years to complete their PhDs, so there is obviously a disconnect there. The point made as far as the stipend was concerned, even with a six-month extension, was that the funding gets cut off and the student then becomes part-time because they need to work part-time to get an income. This actually then serves to extend the PhD rather than reduce it. So the recommendation in terms of tenure and stipend was that we bring them together. Basically, as far as the stipend is concerned, the recommendation is 3½ years with the capacity for two six-month extensions, taking the potential stipend out to 4½ years—but hopefully they will only need four.

The number of scholarships was another issue that was dealt with. As far as Australian postgrad awards are concerned, the number of these scholarships is very low. To the government's credit, they have actually increased the number of those scholarships. The other thing that is critical is the value of the stipend. At the moment the stipend, at around $20,000, is clearly way too low and the committee has recommended a significant increase to that stipend. In terms of post-PhD research there are problems as far as tenure-track positions are concerned. I was lucky enough to get a permanent research scientist position with CSIRO straight out of my PhD. That is something that is almost unheard of in the academic sector. There are numerous people who started at university when they left school and are in their mid to late 30s and have done innumerable post-docs but still have not got a tenure-track position. This is something that we really need to have a look at in attracting people into a research career.

Another thing that we examined was the salary and career structure. I have already given some idea of some of the problems with the career structure in attracting top students into research. It is far better just to do an undergraduate degree and go out and get a full-time job. You earn significantly more money than a stipend for a post-grad qualification and you have a permanent position as well.

We also covered the issue of ARC centres of excellence. These are something that I think are an excellent idea. I am actually on the advisory board of an ARC centre of excellence—

the Centre of Excellence in Antimatter-Matter Studies. I know that there is outstandingly good work done within the centres of excellence. There are some problems, however, as far as ARC funding is concerned, and that extends to the centres of excellence. This is something that was not actually put to the committee but it is something that requires further investigation. You particularly want to attract top early-career scientists into these ARC centres of excellence to do excellent research, but then they do not actually build up a track record of gaining research grants because they are part of this large centre of excellence. As such, they can do some outstanding work within the centre of excellence but when they go out and try to go about getting an ARC grant they find it very difficult because they are in competition with people who have established track records as far as ARC grants are concerned.

We did highlight some very real problems with ARC funding. One of them is that the best way to go about getting an ARC grant is to have a track record of having had an ARC grant before and having completed the work that you said you would complete. Obviously, that then favours mid- or late-term career researchers. But the other problem—and it is an unintended consequence—is that in a way what you will get is inherently conservative research proposals because people will put in research proposals that they know they can complete so that they can continue with their good track record of actually delivering what they have said they will deliver. The problem of course is that this means you are not pushing boundaries to the extent that you might otherwise wish to. This is something that we really need to examine further as well.

Something else that needs to be improved is the funding, and this is something that we have made a recommendation on. At the moment, only one in five proposals gets funding. This is obviously a significant disincentive to people because you are getting some truly excellent research proposals that are going to the ARC and for one reason or another are not getting funded. So that funding needs to be increased. Another thing we need to look at is the issue of the full cost of research. It was pointed out to us that in many cases the ARC funds only four days out of five of a researcher's career and theoretically the rest of that money needs to come from somewhere else. That is something else that we need to do something about.

In conclusion, I think that what we have here is a very important report indeed. I would like to thank the secretariat for the work that they have done. We certainly had some problems towards the middle where there was a great deal of debate because philosophical differences became quite apparent. But in the nature of things—and this is the way committees should work—we got there in the end and came to a compromise. Very often a different form of wording can solve something that could otherwise completely divide people. I think that this report is a good reflection on the entire committee, without the views of the committee having become divisive. As such, I think it is an extremely important document because it is something that we can justifiably say represents the viewpoint of both sides of politics in Australia.

Mr SYMON (Deakin) (10.25 am)—I would like to acknowledge the member for Tangney and his remarks on the report *Building Australia's research capacity*. It was certainly a great experience to go through and, at the end of it, we have come out with what I think is a really good document. As a member of the House of Representatives Standing Committee on Industry, Science and Innovation I would like to take this opportunity to commend the report and the work that has been done by all involved, especially the chair of the committee, the mem-

ber for Calwell, and her great work in leading this inquiry and making sure we did not go too far off track. But I also appreciate the large amounts of work done by other members of the committee from both sides of the House. And of course I have to thank the committee secretariat—it is nice to see them here today for this—particularly Russell Chafer, Anthony Overs and Natalya Wells for their work on the ground and the behind-the-scenes jobs that they did that made our task a pleasure to attend to.

In the course of the inquiry we heard from 64 witnesses, we went to 14 public hearings across Australia and 106 submissions came in from interested parties. A lot of those were quite large and they took a lot of reading, but they were all worth while. We also received six supplementary submissions and 13 exhibits to the inquiry. At the end of all of that, we have come out with the report, which contains a list of 38 recommendations. I will not go over each and every one of those, although I might like to, but in the time I have I will settle on a few and I will leave some of the subjects to others who are also going to speak on this report.

To me, the main recommendation in the report that should really be noted was recommendation 2, which stated:

> The Committee recommends that the Australian Government increase funding for research and development by raising incrementally the Gross Expenditure on Research and Development as a percentage of Gross Domestic Product over a ten year period until it equals the [OECD] average.

I believe that this recommendation should be considered the most serious recommendation in light of the evidence produced to the inquiry. We heard from Universities Australia, in their submission to the inquiry, that gross expenditure on research and development as a percentage of GDP in Australia stands at 1.76 per cent, well below the OECD average of 2.26 per cent. In percentage terms that probably does not sound like a great difference but, when you look at it in dollar terms, they estimate it is around $5 billion a year. And that is not just $5 billion this year or $5 billion next year; it is $5 billion every year—past, present and, if we do not change it, future. If we allow that gap to remain, Australia will be hoping that someone else in the rest of the world does our job in research and development for us. This submission went on to note that government contribution to research funding has diminished from 76½ per cent in 1978-79 to just 41.4 per cent in 2004-05. The University of South Australia suggested that Australia should set a target of three per cent of GDP for investment in R&D, following the European Union's Lisbon summit target agreed to by the EU in March 2000.

We also heard from witnesses in public hearings and through many submissions of the need for an increase in funding of the Research Training Scheme to cover the full cost of each higher degree by research program at Australian universities. This is picked up in recommendation 4 of the report. The Group of Eight submission on this topic explained that government funding rates for HDR student training bear no relation to actual costs of providing services. They went through an extensive list of things that are provided to students in the program that are not funded under the RTS. They were not the only ones. There was a stack of submissions from various universities and institutions on this, including: Southern Cross University, the Australian Council of Deans of Science, James Cook University, the Australian National University, the University of New South Wales, the Federation of Australian Scientific and Technological Societies, Murdoch University, the National Tertiary Education Union, the University of Melbourne, Research Australia, Deakin University, the University of the Sunshine Coast, the University of Queensland and the Council of Australian Postgraduate Associations.

I apologise if I have missed any off that list, but it was a very popular subject. Recommendation 6 deals with the way the RTS payments are made and the problems caused by holding half of these funds until student completion.

Probably more than any other topic in the inquiry, we heard evidence from many groups and individuals about the inadequacies of the current Australian postgraduate award, or APA, stipends. We heard from the Council of Australian Postgraduate Associations that the APA has not kept pace with living costs and is now projected to fall below the poverty line for single individuals by the end of this year. It already fell well below the poverty line for those students with families many years ago. Queensland University of Technology told us the value of the APA is uncompetitive in the marketplace for talent. Quite simply, they put it to us that, if someone is bright and has a good future, they will probably go where the dollars are, and the universities just do not have those dollars in this scheme to get this sort of talent in their door. Literally dozens of other submissions also called for an increase in the APA. If my memory serves me correctly, I did not hear of or see one submission that said the current level of the APA was adequate—not one.

The committee also heard a great deal of evidence that the duration of the APA was too short in many cases. When I looked at it through the committee hearings, seeing that RTS funding applied for four years but the maximum duration of the APA was three years with a six-month extension really showed that there was an omission. When undertaking research, there is a four-year funding block grant through the RTS to the institution but not to the student. The problems that came about when the funding for the student ran out while they were still at the university were explained to us by quite a few witnesses who came in and spoke about being on a stipend one week and, the next week, having to go out and find part-time work whilst trying to complete their studies—the sharp end of their studies, I might add. These concerns that were raised are reflected in recommendation 15—that the Australian postgraduate award stipend values be increased by 50 per cent—and recommendation 16, where the committee recommends that the APA stipend be fully indexed to CPI, which is something that has not happened in recent times. Of course, that means it is worth less in real terms every year.

Whilst on the subject of APAs, I should also note the committee received many submissions regarding the taxation of part-time APAs. It strikes me as quite strange that it appears the government is giving with one hand but then taking away with the other. A lot of students do not have a choice when it comes to full-time study. They might have family responsibilities. They might have other things happening in their lives that do not allow them to go and study full time but that do not stop them from trying to pursue study part time. But, if they are taxed differently to someone who is studying the same subject full time, there is certainly an inequity there and I think it is a disincentive if we are trying to increase the number of people that we get into research training. So the report deals with that issue at recommendation 20.

The committee also received many submissions regarding the lack of value placed on research as a career in Australia. The report notes:

> The three major impediments to attracting researchers to academic careers are the scarcity of opportunities, lack of job security, and uncompetitive salaries.

There seems to be a gap when it comes to early-career researchers, and recommendation 34 of the report addresses this issue.

There are many other areas of this report I would like to comment on, but my time for this is limited. I would certainly recommend that anyone with an interest in higher education or research and development read this report. This is an area of education that has been neglected for far too long, and I am very pleased to have played a part in the development of this excellent report. I commend this committee report, *Building Australia's research capacity*, to the House.

Mr CHEESEMAN (Corangamite) (10.34 am)—It is a great pleasure to be able to address this chamber on the very exciting work that the House of Representatives Standing Committee on Industry, Science and Innovation has undertaken. I too would like to acknowledge the hard work and assistance of the committee secretariat. There is no doubt that we would not be able to inquire so extensively into some of these issues without their patience and assistance throughout the process, and it is very much appreciated by all members of the committee.

Today I wish to address three recommendations within the report on *Building Australia's research capacity* that in my view deserve some commentary. I might start with recommendation 2, which reads:

The Committee recommends that the Australian Government increase funding for research and development by raising incrementally the Gross Expenditure on Research and Development as a percentage of Gross Domestic Product over a ten year period until it equals the Organisation for Economic Cooperation and Development average.

There is absolutely no doubt that at the moment we are lagging behind our competitor nations. Scientific research has become increasingly important for our society as we move forward. By lifting expenditure in this area, I think Australia will be much better placed to respond to the very significant and great challenges that face our economy at the moment, whether they be the challenges and the threats that come from the current financial crisis, from climate change or from the lack of innovation in many parts of the economy. If we do not lift expenditure in this sector we will not have the capacity to adequately respond in these areas. I certainly anticipate and look forward to the government's response to that recommendation. I think it is critical for Australia.

The second recommendation that I wish to look at is recommendation 4, which reads:

The Committee recommends that the Australian Government fund the full cost of each higher degree by research program at Australian universities through the Research Training Scheme and within all national competitive grant funding programs. This funding should take into account:

- the removal of the high-cost/low-cost funding differential that currently exists between research disciplines, subject to interim arrangements to ensure that no discipline is disadvantaged;

… … …

- the provision and maintenance of a minimum standard of supervision and resources.

This last point is the aspect of the recommendation that I wish to address. All too often, one of the significant challenges that PhD students face in their attempt to obtain their doctorates is the quality of supervision provided and the opportunities that extend from having appropriate supervision. Without appropriate supervision, and the resources in place to provide that appropriate supervision, it is very difficult for students to work through some of the challenges that may extend from their research as speedily as they might be able to otherwise. Providing those resources is a challenge that all universities face. Again, I look forward to the recommendation for that area being adopted by the Commonwealth.

The last recommendation I wish to shine the spotlight on is recommendation 8, which reads as follows:

The Committee recommends that the Australian Government develop and implement additional industry partnership programs, possibly modelled on Knowledge Transfer Partnerships, that will further facilitate connection between business and research institutions.

Time and time again we hear reports on the news that Australian researchers have had a breakthrough on matters that are very important to us in Australia, yet they find it extremely difficult to actually develop those partnerships with industry to get their knowledge or breakthrough realised in the Australian economy. Often, as a consequence of that, we lose our researchers overseas, so we lose their ideas and we lose their breakthroughs.

I think it is critically important that we develop better models and programs to assist with commercialisation of research. When I look in my own backyard, I have Deakin University's Waurn Ponds campus within my electorate. They have, in a very innovative way, established a high-technology precinct that I believe, in due course, will enable commercialisation of technologies developed at that university.

There is also tremendous opportunity within the Geelong economy for Deakin University to work with the private sector to develop new products and innovations that can create a very substantial number of jobs within my region. The Geelong economy is of course an old economy. It is based on manufacturing, and we all know the challenges that Australian manufacturers face. I think Deakin University along with other regional universities and towns throughout Australia can play a significant role in assisting those economies and communities to meet the challenges they face. I again look forward to the government's response on recommendation 8.

The report is very detailed and it canvasses a substantial number of issues. It is probably fair to say that the members of the committee probably did not quite realise the breadth of the work that we were taking on when we initially agreed to the terms of reference. But it certainly has been a very worthwhile process and it was pleasing for all members of the committee that, despite our differences throughout the process, we were able to come up with a set of recommendations in a bipartisan way and a way in which we believe will lead us towards identifying and resolving some of the challenges that universities, their students and our communities face. I again acknowledge the secretariat of the committee, and of course my fellow committee members, for their hard work.

Ms RISHWORTH (Kingston) (10.43 am)—I am very pleased to be able to speak to the report by the Standing Committee on Industry, Science and Innovation titled *Building Australia's research capacity*. I would like also, as the previous members that have spoken on this report have done, to congratulate and thank the secretariat for their hard work, and I also thank the other members of the committee including the chair, who all put in a significant amount of work.

The committee received submissions and heard evidence from a wide variety of people including universities, students and other research training facilities. There was a lot of diverse information provided to the committee, but at the same time there were a lot of recurring threads throughout the evidence that was provided to the committee. Many of those themes form the basis of our recommendations.

One of the messages coming through loudly is that Australia should not drop the ball on its research or its research capacity. It came through very clearly that we need to be building our research in Australia. We need to continue to strive to be—and this is an old turn of phrase by a previous Prime Minister—the 'clever country'. This was certainly something that came through in the evidence we heard.

A number of different areas were covered in this report and I will go through each of those areas, highlighting some of the main issues as I see them. The first was research funding, which is of critical importance. The theme that came out of this part of the report is that we do need to fund the real cost of research. This is incredibly important. I want to stress the importance of ensuring that the funding for research provides students with a minimum standard of supervision and resources. The committee heard that some students doing higher degree research had a lot of resources at their disposal that allowed them to pursue their careers, whereas other students perhaps did not have the same level of resources. So ensuring the maintenance of minimum standards of supervision and resources is, I think, of critical importance, and that comes down to us funding the full amount of the cost of research.

Another critical element that emerged in this area of the inquiry is reflected by the committee's recommendation that research training funding be disbursed partially at the beginning, partially at a specific benchmark and partially at the end. An important point to come through from the universities was that, although they certainly appreciate receiving the funding, it does not necessarily come at the time it is needed, when the student is about to start work and requires the resources for their research project. This is something that would not cost the government any more to remedy but could benefit universities. The other element that came out in this area was the transferral of the research that we do into industry and encouraging those industry partnerships. I know that my local university, the Flinders University of South Australia, is doing a lot of research into medical devices. Certainly that is an area with great potential for transfer into a commercial environment.

The second area of the report looked at support for the students themselves. We have heard a lot about that, including increasing by six months the period of candidature for PhD students and increasing the stipend. The evidence, which formed part of the deliberations of the committee, was quite overwhelming. We do really need to look at the length of PhDs and the level of payment because we are seeing the average time extending well beyond the three years of the stipend and a little beyond the four years of the training candidature. That is most important. Part of the reason for the proposed extension is that a lot of students run out of money, and so it was unanimously agreed by the committee, and certainly by the submissions that we received, that the stipend needed to be increased and regularly adjusted to keep up with the cost of living. So I am very pleased that the committee recommended not only a 50 per cent increase but that it be fully indexed.

The third broad area was attracting students to research training. It was recognised by the universities as well as by the committee that there is a challenge in making research an attractive career path. We need to ensure that our brightest students are attracted to developing the future of our country, so the committee came up with a number of recommendations. Remission of HECS debts for successful research PhD graduates is a very important incentive that could encourage a lot of people to choose a research option. This fits in with the government's policy of remission of HECS debts for students in areas of need, such as maths, science and

early childhood education. This recommendation accords with the direction that this government is taking.

The final area that I want to touch on is promoting research careers. We heard a lot of evidence of bright students being attracted to PhDs, enjoying their PhDs and struggling through on very low incomes but then, when it got to furthering their research careers, deciding that it was not worth going on. They were often snapped up by the private sector. So we need to ensure there is development for research careers. We also heard a lot of evidence that research careers had changed. A lot of research careers were very short term because they were based on some sort of grant or researchers were employed casually by the university. Actually developing these careers is incredibly important. There are a number of recommendations for how, after a student has successfully completed a PhD, they can continue. I would like to draw attention to recommendation 34. It reads:

The Committee recommends that the Australian Government implement a postdoctoral fellowship scheme targeted at early-career researchers who are up to five years out from PhD completion.

That is one of the many recommendations to really promote research careers.

Overall, as the previous speakers have said, there was a lot of enthusiasm in this inquiry. We had very robust debate but in the end came to a solid conclusion and some solid recommendations. This is such an important topic. Australia cannot drop the ball when it comes to research. Therefore, I commend this report and thank everyone involved.

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

UNIVERSAL DECLARATION OF HUMAN RIGHTS

Debate resumed from 2 December, on motion by **Mr Rudd**:

That the House:

(1) notes that 10 December 2008 is the sixtieth anniversary of the adoption by the United Nations General Assembly of the Universal Declaration of Human Rights;

(2) recalls that the adoption of the Declaration was a response to the suffering of those who had experienced human rights violations, especially the 'barbarous acts' perpetrated during World War II;

(3) recognises that whilst significant progress has been made in promoting and protecting human rights since the Declaration was adopted, human rights violations have continued to occur;

(4) acknowledges the valuable contribution of Australians who played a role in the development and adoption of this important instrument of international law and who, since then, have contributed to its implementation; and

(5) affirms the principles in the Universal Declaration of Human Rights and emphasises its commitment to those principles.

Mr HUNT (Flinders) (10.52 am)—In supporting this motion on the Universal Declaration of Human Rights, I begin with article 1 of the declaration. It reads:

All human beings are born free and equal in dignity and rights. They are endowed with reason and conscience and should act towards one another in a spirit of brotherhood.

In short, this article—this provision, this motion—at the very beginning of the Universal Declaration of Human Rights, summarises the fundamental proposition. It is drawn from a heritage across cultures. Whether it is the United States constitution, the French constitution or one of many other documents from around the world, it is encapsulated, it is embodied and it is brought together in this first article within the great and profound Universal Declaration of

Human Rights. To give it a colloquial meaning: it is what the great British explorer Wilfred Thesiger described as giving people the best shot at 'the life of my choice'. That is ultimately what the declaration says, it is what we on this side of the House as a political movement believe in and it is a rightful aspiration for people all around the world to pursue. In addressing this motion on the universal declaration, I want to look briefly at three things: the first is the reality of human rights today; the second is the role that the Universal Declaration of Human Rights can play and has played in improving that situation; and the third is the eternal role of vigilance that we all have in preserving and promoting those rights.

Turning first to the reality, I want to begin in Cambodia in 1998. I was fortunate enough to have had the role of Australia's chief electoral observer during the 1998 Cambodian elections. One of the most profound experiences of my life was to witness—on the morning of the election, at 7 am, with more than a thousand people lined up for their right to vote—an elderly lady, probably about 80, who would have lived through the conflict associated with the Vietnam War and the Cambodian spillover, lived through the Pol Pot regime, lived through the Vietnamese invasion and lived through the rough transition to democracy. The way in which it was indicated that somebody had completed their vote was by placing an indelible ink print on their forefinger. The first person through this thousand-strong crowd was this elderly woman. She was shuddering and she was frail. After she completed her vote, she walked out, faced the crowd of a thousand and placed her forefinger in the air with the clear mark of the indelible ink on it, and the crowd of a thousand people cheered because they had the right to vote.

She stood for everything that that country had been through and the fact that it was making a transition to democracy and fulfilling, for the first time, the great principles and hopes set out in this universal declaration. This was a country for which the universal declaration was no mere background document. The little blue book which contained it was distributed and taught to primary school children. It was a profound document which was at the forefront of changing every notion about civil society which had been distorted and perverted during the Pol Pot years and the years of imperial occupation. For the first time, Cambodia was transformed into a genuine democracy. There are still flaws, there are still human rights issues, but today it is a very different country to what it was in 1993 at the first of the elections and in 1998 at the first of the real elections.

The second experience I want to relate is that of being in Rwanda just after that country had been through a tragic genocide. I witnessed a society which had been torn apart, which had completely failed every test of human rights. The universal declaration there was nothing more than a theoretical construct. I met families who had lost members, I saw sites which had witnessed unspeakable horrors and I talked with people who had fled for their lives. This was a country which had seen the vacation of all standards of human morality, although in the midst there were stories of great bravery, of people who had placed their lives on the line, and in many cases had lost their lives, to protect others—the most noble of human sentiments. But the system failed, the community was damaged and a million people lost their lives.

The third issue which I have faced was while working for the secretary-general's special representative for the former Yugoslavia in 1993. It was in Geneva during the period in which the worst of the atrocities in the former Yugoslavia were occurring. There were stories of families being locked in houses and those houses being set alight, stories which I do not wish

to repeat but which will stay with me for ever. But what is clear is that this was somewhere where the norms of the universal declaration were in contest, where there was a great battle. Ultimately there was a period of tragedy, but what we see in the former Yugoslavia and in the differing successor states is an attempt, a push forward, to bring a level of stability and to fight down those who would break apart the norms which were established in the universal declaration. It is a tough struggle. That brings me to what this declaration represents. It represents a simple proposition:

Article 3.

Everyone has the right to life, liberty and security of person.

Article 4.

No one shall be held in slavery or servitude; slavery and the slave trade shall be prohibited in all their forms.

Then, I think very significantly, it has as one of the great bulwarks of protection:

Article 21.

(1) Everyone has the right to take part in the government of his country, directly or through freely chosen representatives.

These are genuinely universal norms not just for the world today but for the world as it proceeds over the next decade, over the next generation, over the next century and over the next millennium. They are the norms to which we aspire. They are the benchmarks to which we will hold individual countries and individual governments and ourselves accountable as we proceed forward.

This brings me to the third point: it is not enough to have a document. There were powerful words in the former Soviet constitution which were most notable for the fact that they were ignored, most notable for the fact that they represented nothing more than a fabrication and a fraud upon the people and most notable because they were honoured only in the breach. So these words in this universal declaration will mean nothing unless they are backed up by a strong and powerful will amongst the international community to stand up for their enforcement, to stand up for their recognition, to stand up for the people who are the subject of the very declaration. The poorest, the weakest, the most lame are those who most need the strong, the capable and the powerful to enforce those words. That is our task, that is our duty, that is our sacred responsibility and that is my commitment, my pledge and my personal duty.

Ms PARKE (Fremantle) (11.01 am)—Over the last few years we have had occasion to mark the 60th anniversary of some of the key events in recent human history. The day 27 January 2005 marked the 60th anniversary of the liberation of Auschwitz. The United States Holocaust Memorial Museum, which I have visited, displays the testimony of Bart Stern, one of the few inmates who was found alive at the death camp when the Soviet army arrived. He recalled:

I was hiding out in the heap of dead bodies because in the last week when the crematoria didn't function at all, the bodies were just building up higher and higher.

The day of 6 August 2005 marks the 60th anniversary of the dropping of the first atomic bomb on Hiroshima. It killed more than 100,000 people. Its terrible impact continues today. Tuesday, 9 December 2008 will mark the 60th anniversary of the adoption by the UN General Assembly of the genocide convention. These anniversaries recall bleak, dark days and also

days that showed out of that darkness the emergence again of light, the possibility again of peace. Nations across the globe came together with a new commitment to a standard for humanity, a standard of civilisation.

The United Nations itself was born out of the destruction and the horror of World War II. The UN Security Council chamber has as its central feature a large mural painting by the Norwegian artist Per Krogh. As described by the UN, the mural:

> … depicts a phoenix rising from its ashes, as a symbol of the world being rebuilt after the Second World War. Above the dark sinister colours at the bottom different images in bright colours symbolizing the hope for a better future are depicted. Equality is symbolized by a group of people weighing out grain for all to share.

In my electorate office in Fremantle I have on the wall a print of a Picasso painting that I originally had in my office when I worked for the United Nations peacekeeping mission in Kosovo and that I have carried around the world with me. The painting is entitled *Sun and Dove over Ruins* and it depicts a dove flying up towards the sun, away from the smouldering ruins of a town. It symbolises perfectly the hope of peace after destruction.

Next Wednesday, 10 December, we celebrate the 60th anniversary of the adoption by the UN General Assembly of the Universal Declaration of Human Rights. In the compilation of humanity's foundation texts, the Universal Declaration of Human Rights belongs at the very front and at the very top. The first 31 words of the preamble are as follows:

> Whereas recognition of the inherent dignity and of the equal and inalienable rights of all members of the human family is the foundation of freedom, justice and peace in the world …

In 30 simple yet powerful articles, the declaration goes on to list in detail the substance of our human rights. These are the fundamental entitlements and freedoms of every human being. From article 3, which enshrines the right to life, liberty and security of persons, flow the civil and political rights contained in articles 4 through to 21. From article 22, which rightly presupposes that individuals naturally belong to societies, flow the economic, social and cultural rights contained in articles 23 through to 27. These strands or themes in the declaration in turn find their expression in the International Covenant on Civil and Political Rights, with its two optional protocols, and the International Covenant on Economic, Social and Cultural Rights. Together with the Universal Declaration of Human Rights, these documents comprise the International Bill of Human Rights, the foundations of international human rights law.

The system and administration of international law and the observation and enforcement of human rights are far from perfect. Perhaps the greatest obstacle remains the set of difficulties inherent in a world whose organising principle is the sovereignty of the nation-state. So far in human history we have not reached the point of being able to ensure that the human rights contained in the universal declaration are enjoyed by all people. It may be that we never reach that day, and, if that is the case, it is all the more important that we work harder and harder for those incremental improvements that might stop a child from dying of malnutrition in Bangladesh, a village being wiped out in Sudan or the Congo, a prisoner being subjected to torture at Abu Ghraib or denied habeas corpus at Guantanamo Bay, or an asylum seeker being detained behind razor wire to the point of madness and self-harm in the South Australian desert.

I have already had occasion in this place to quote from one of my favourite poets, Nobel laureate Seamus Heaney, twice this year, but I think I must do it again today, as he has once again perfectly articulated my thoughts, with an eloquence of which I am not capable. Heaney

reflected this year on how the universal declaration remains a profound force for historical good. He said:

> Since it was framed, the Declaration has succeeded in creating an international moral consensus. It is always there as a means of highlighting abuse if not always as a remedy: it exists instead in the moral imagination as an equivalent of the gold standard in the monetary system. The articulation of its tenets has made them into world currency of a negotiable sort. Even if its Articles are ignored or flouted—in many cases by governments who have signed up to them—it provides a worldwide amplification system for "the still, small voice".

The 60th anniversary of the Universal Declaration of Human Rights is an occasion to remember and celebrate what has been achieved, and to consider what more can be done to advance the cause of human rights, both domestically and internationally. As an important component of the Rudd government's re-engagement with the United Nations, we have issued a standing invitation to UN human rights experts and special rapporteurs to visit Australia and consider the protection of human rights in this country. We join 61 other nations in taking that step—in acknowledging that Australia, like any country, respects international human rights and the supervision of human rights protection by multilateral agencies.

The Rudd government understands that the cause of human rights requires ongoing vigilance, action and international participation. In July we ratified the UN Convention on the Rights of Persons with Disabilities and were among the first Western countries to do so. Australia's nominee, Professor Ron McCallum AO, was successfully nominated to the UN committee monitoring the implementation of the convention.

The Joint Standing Committee on Treaties, of which I am proud to be a member, has recommended that Australia adopt the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women. The government is also intending to ratify the optional protocol to the convention against torture and to sign the new treaty banning cluster munitions.

The government is committed to tackling, in our region, the Millennium Development Goals, which aim to spur development by improving social and economic conditions in the world's poorest countries.

In moving to incorporate human rights principles into Australian domestic law, this government has introduced two pieces of legislation that combine to remove the discrimination that exists towards same-sex couples and their children in around 100 current laws. I commend the Attorney-General for this work and for the progress that has been made through the Standing Committee of Attorneys-General on the path to harmonisation and consistency when it comes to Commonwealth and state antidiscrimination measures.

I am heartened that this new government is taking a lawful, humane and non-political approach to asylum seekers and border protection. I would like to cite article 14(1) of the declaration, which states:

> Everyone has the right to seek and to enjoy in other countries asylum from persecution.

The entry into the Australian vernacular of the term 'illegals' to describe asylum seekers says everything about the previous administration's willingness to throw human rights overboard in the name of cynical politics.

The Rudd government is also committed to national consultation on the question of an Australian charter of human rights. I welcome the commitment and look forward to that process. It is something that the Australian public should be given the opportunity to discuss.

On Monday, 24 November, the Human Rights Subcommittee of the Joint Standing Committee on Foreign Affairs, Defence and Trade held a seminar celebrating the 60th anniversary of the universal declaration, with very special guest speakers Professor Hilary Charlesworth and Emeritus Professor Ivan Shearer, who both have distinguished academic and international credentials in human rights law. I was pleased to hear Professor Shearer speak of his recognition of the need for a charter of rights following the decision in the 2004 Al-Kateb case, in which the High Court held that a stateless person who had committed no offence against any law of Australia and who had requested deportation following the failure of his request for refugee status could be held in detention indefinitely, and, if necessary, for life, if no foreign country were willing to receive him. The court found that the Australian Constitution contained no protections against this clear violation of the fundamental human right to liberty and against arbitrary detention.

By legislating for a charter of rights, Australia will finally incorporate into domestic law its obligations under the International Covenant on Civil and Political Rights. Furthermore, as I said in this place in the adjournment debate on 1 December, it is vitally important that Australia incorporate into domestic law its obligations under the Second Optional Protocol to the International Covenant on Civil and Political Rights, which is aimed at the universal abolition of the death penalty. Article 1.2 requires that 'each state party shall take all necessary measures to abolish the death penalty within its jurisdiction'. I believe the time has come to honour that obligation in the form of Commonwealth legislation. Lives depend upon it.

My experience working in the United Nations has shown me that the rights and standards articulated at the international level are concerned with the essential dignity of the individual and the community. They can only be implemented at the local level, whether it is in vaccinating a child or building a toilet in implementation of the Millennium Development Goals; or planting a tree, in implementation of our commitments under Kyoto to combat global warming; or defending the human rights of workers to bargain collectively with their employers.

This thought was expressed eloquently by Eleanor Roosevelt, who played a key role in drafting the universal declaration and referred to it as 'the international Magna Carta of all mankind'. Mrs Roosevelt chaired the Human Rights Commission in its first years. She asked:

> Where, after all, do universal human rights begin? In small places, close to home—so close and so small that they cannot be seen on any map of the world. Yet they *are* the world of the individual person: the neighbourhood he lives in; the school or college he attends; the factory, farm or office where he works. Such are the places where every man, woman and child seeks equal justice, equal opportunity, equal dignity without discrimination. Unless these rights have meaning there, they have little meaning anywhere. Without concerted citizen action to uphold them close to home, we shall look in vain for progress in the larger world.

I want to conclude by returning to where I began. As the Secretary-General of the United Nations, Ban Ki-moon, said with regard to the campaign to recognise the 60th anniversary of the Universal Declaration of Human Rights:

This campaign reminds us that in a world still reeling from the horrors of the Second World War, the Declaration was the first global statement of what we now take for granted—the inherent dignity and equality of all human beings.

I would only add, with the greatest respect to my former boss, that there are still too many people in the world who cannot take such dignity and equality for granted. As Aung San Suu Kyi has said:

Please use your liberty to promote ours.

Mr IRONS (Swan) (11.13 am)—I would first like to acknowledge the contributions made by the member for Flinders and the member for Fremantle. I know that the member for Fremantle has a long-term interest in human rights and has worked with the United Nations overseas. I applaud her contribution. I would also like to acknowledge the contributions made yesterday on this matter by the Prime Minister and the Leader of the Opposition.

The Universal Declaration of Human Rights is remarkable. It was designed in 1948 by the then 58 member states of the United Nations. These states represented a diversity of cultures, political systems and ideas. However, they were able to produce a strong document which shared common goals and ideas. This achievement gives us great hope for the future. Globalisation has meant that issues that were once able to be settled within national borders are now inherently international in nature. Climate change and the global financial crisis are two such issues that have been important topics in this place this year.

As the shadow minister for the environment, the member for Flinders, who spoke before me, would remind us, one of the three pillars of the coalition's approach to climate change is that any response must be part of a concerted international effort. Globalisation is often defined as the interaction of economies on a global scale. The domino effect the world witnessed after the collapse of Lehman Brothers in the US proves that we are part of a delicate global community.

The Universal Declaration of Human Rights shows that we can transcend international borders and find common ground. I am hopeful that in the coming years we can achieve this. The great libertarian philosophers of the 19th century, John Stuart Mill, Thomas Hobbes and John Locke, laid the foundation stones on which our modern liberal democracy was built. It was John Stuart Mill who in 1859 wrote:

The only freedom which deserves the name is that of pursuing our own good, in our own way.

It is this principle that individualism and individual freedom are fundamentally and absolutely important that has inspired generations of conservatives to stand in this place and fight for those rights not only with words but with actions.

It is also this philosophy of individualism and freedom that forms the foundations on which the United Nations Universal Declaration of Human Rights was built and exists today. In celebrating the 60th anniversary of the declaration on 10 December 2008, we must also remember that fundamental to the protection of human rights and freedoms is the eternal vigilance of all citizens. The biggest danger in codifying human rights is that, in doing so, we lose that sense of vigilance and find ourselves caught off-guard when our freedom is genuinely threatened.

There has been much discussion across the states and territories and in this place about legislating bills of rights and human rights acts. What we must always remember when consider-

ing these important pieces of legislation is that documents on their own do not protect our rights. These pieces of legislation are often controversial and must be considered case by case and bill by bill. The content of any human rights legislation is significant and important and must be heavily reviewed before any decision is made. It is easy to use hollow words to proclaim the importance of human rights and the protection of those rights, but it is another thing entirely to move beyond mere words to take the action needed to ensure that the inalienable rights of each individual are properly protected.

In rising today to speak on this motion, I would like to emphasise that the declaration in and of itself does not protect our rights; what protects our rights is the vigilance of citizens who believe in and live by the rights that are enshrined in the declaration. In particular, article 20(2) of the declaration states that:

No one may be compelled to belong to an association.

It is important that we as members of parliament remember this article. The mere codification of this right, although important, does not protect it.

The advocates for the codification of human rights are rarely those people who are oppressed or discriminated against. The advocates for the codification of human rights are too often those who would benefit the most from a more litigious society. Lord Robert Walker of the House of Lords, when speaking to the New South Wales Charter Group in August 2007, said:

… the promotion of freedom, equality and civility in human societies depends not only on the text of laws enacted by the legislature … but also on the way we have been brought up to behave towards each other, and the way we bring up our children to behave towards each other.

The protection of human rights is best maintained by a vigilant society in which every citizen is relentlessly conscious of the ability of others to infringe on their rights and is constantly aware of the need to defend their personal rights and freedoms.

In celebrating the anniversary of the Universal Declaration of Human Rights, we must ask ourselves: what difference does the codification of human rights make on its own? An answer to this question can be found by comparing the constitutional arrangements of the United Kingdom and the former Union of Soviet Socialist Republics. The United Kingdom parliament has supreme sovereignty, whereas the USSR was bound by a charter of rights. These included freedom of speech, under article 50, freedom of the press, also under article 50, freedom of assembly, under article 50 as well, and the right to religious belief and worship, under article 52. Yet it was in the United Kingdom, without a codified bill of rights or human rights act, where the rights of citizens were protected and are still protected today, while in the USSR, despite a codified bill of rights, important individual freedoms were abused and withheld.

This morning at the doors of parliament the media asked me what my thoughts were on a bill of rights. This issue has been discussed in Western Australia and nationally. My thoughts on a bill of rights are that, without having seen a definitive proposal, it is difficult to support or oppose something without knowing whether it is going to improve the lives of Australians and not take away some of the already existing inalienable rights in our Constitution. We need to ensure that any proposed bill of rights does not override any existing legislation and take away the rights that already exist and are the cornerstone of our society.

In concluding, I would like to say that I am a proud supporter of the principles in the Universal Declaration of Human Rights. But, more importantly, I am a supporter of upholding those very human and eternal values which the declaration upholds—not only in words but in action as well.

Ms REA (Bonner) (11.19 am)—I too am very proud to stand in this chamber this morning to support the Prime Minister's motion commemorating and celebrating the Universal Declaration of Human Rights, which was developed by the United Nations 60 years ago next week. The day of 10 December will certainly mark a significant anniversary for us as Australian citizens and for many around the world who have benefited directly from the incredible power of those 30 articles which have already been referred to by previous speakers. I once again congratulate the Prime Minister for coming into the House yesterday and moving a motion on the universal declaration. It showed how significant the issue of human rights is for the Rudd Labor government that the Prime Minister himself came into the chamber and took the opportunity to move that motion. I cannot think of anybody else in the chamber or any other member who, in a sense, has a greater knowledge, understanding and passion for the United Nations, for international events and indeed for support across the globe of the protection of human rights than our current Prime Minister. I think it is very fitting that it is he who has the opportunity to celebrate the 60th anniversary in such a prestigious way.

The RSL, as we know, is an organisation that exists to support and protect the rights of returned soldiers in this country, many of whom are victims or indeed survivors of World War II, the war which led to the development of this particular declaration. The RSL's motto is: 'The price of liberty is eternal vigilance.' Whilst many see that in a military context, I think it is just as important to apply it to the protection of human rights. I had the opportunity on Monday in the grievance debate to talk about the 60th anniversary. I did not know then that the Prime Minister was going to move a motion on it. As Chair of the Human Rights Subcommittee of the Joint Standing Committee on Foreign Affairs, Defence and Trade, I felt it was important not only to highlight this anniversary on Monday evening but to once again talk about this very significant event as a result of support for the Prime Minister's motion.

The RSL's slogan—the price of liberty is eternal vigilance—is one that is perhaps highlighted more today than when it was first drafted. As I said on Monday night, the random and irrational violence, terror and cruelty that we see occurring, no less recently than last weekend in the city of Mumbai, highlight how significant the challenge is for governments across the world to try and ensure that balance exists between protecting national security and at the same time ensuring that we also protect the rights and individual freedoms of individual citizens. To try and find that balance in law and government policy is a real challenge and I think it is one that highlights more than anything else how significant this declaration is and how, as the previous speaker, the member for Fremantle, said, important it is that we as a country engage in a debate and a discussion about how we can enshrine human rights and individual freedoms in some form of law to protect all of us.

I also think it is timely when we are considering this anniversary to focus on the human rights of our own citizens within Australia. We often pride ourselves on being a very free, progressive and civilised democracy and therefore tend to discuss human rights in the context of other countries where unfortunately their citizens do not have the same rights and freedoms that we enjoy here. But we must be very careful and ever vigilant about our own backyard as

much as others'. I am very pleased that this year the Rudd government has acknowledged that there are still people within our own country whose human rights are not 'as equal as others.' We have seen the ratification of the Convention on the Rights of Persons with Disabilities, which I do want to mention specifically today as it is, in fact, the International Day of Persons with Disabilities. I think it is quite fitting that we should acknowledge that today.

Australia also supports the Convention on the Elimination of All Forms of Discrimination Against Women and the Declaration on the Rights of Indigenous People, and we are doing work on the convention against torture.

Of course, the reason we are having this debate here in the Committee is that many people are in the other chamber debating the fair work legislation that this government introduced which restores the individual rights and freedoms of people to work in a workplace without exploitation and to have certain legal rights, and ensures that they are the beneficiaries of a fair industrial relations system. The legislation introduced by the Deputy Prime Minister goes a long way to ensuring that the rights of working people in this country have once again been restored after having suffered under such extreme and terrible legislation from the previous government.

I encourage everybody over the next couple of weeks, particularly members of this parliament, to go back and read the universal declaration and the 30 articles that it contains. It is a beautifully written document. It also goes far in its wording, to really make it hit home how important individual rights are, to describe the various ways in which people can suffer if those rights are not protected. It not only talks about what those rights are—the right to freedom of association, the right to education, to right to equality, the right not to be discriminated against on the basis of religion or culture and other factors—but also talks about the causes and the reasons that often exist which deprive individual citizens in many countries of very basic human rights.

It talks about the issue of poverty and it talks about the need for education as being not just a means to enable people to fend for themselves or seek a livelihood but important to give individual people the understanding and the self-knowledge to fight against possible oppression and the deprivation of their own liberties and those of others if ever it does occur. It talks about legal freedoms and how important it is in any democracy for people to not just have the right to vote in an election and elect their representatives in their government but have an independent judiciary, and how important it is that the rule of law is there to protect the individual rights of citizens and that everybody has access to that.

The Prime Minister referred yesterday to the Millennium Development Goals. In the context of addressing the reasons why many people are deprived of human rights, it is nowhere more poignantly evident than when looking at the Millennium Development Goals that we as a nation and indeed as a global community must strive to see those goals reached. They are the ways in which many individual people throughout the world will in fact be able to not just achieve the human rights that we enjoy but have the knowledge and the resources to protect them.

By way of closing I suggest that all members in the House read article 24 of the declaration, which says:

Everyone has the right to rest and leisure, including reasonable limitation of working hours and periodic holidays with pay.

As members of parliament, as we count down to the end of the year, I suggest we all familiarise ourselves with that very article and remember that we have families, friends and holidays to enjoy over the Christmas season. We should, first and foremost, see that article in our minds every day and ensure that we always keep that balance between leisure and our commitment to our parliamentary duties.

Mr ROBERT (Fadden) (11.30 am)—I rise to acknowledge the 60th anniversary of the Universal Declaration of Human Rights on 10 December. The Universal Declaration of Human Rights was introduced in 1948 when the world was reeling from the horrors of the Second World War—when the full extent of the attempted extermination of the Jewish race was unfolding and when the full extent of the horror of Russia under the Stalinist regime was bringing itself to the fore. The declaration states what we have always taken for granted and what the Americans had enshrined in their lead document so many centuries ago: all people are created equal and there is inherent dignity and equality in all human beings.

As I look across the chamber I acknowledge the member for Eden-Monaro. Like me, he has seen many of the horrors of mankind. I saw troops in Rwanda in 1995 in Kubeo during the great massacre, I was with the US Seventh Fleet outside of Cambodia in 1995 and I spent five months in the war-torn province of Bougainville in PNG following the civil war. Every year for the last five years I have gone to Uganda, being the secretary of the international board of Watoto, which seeks to address the horrifying incidence of two million orphaned children in Uganda, the highest rate of orphaned children anywhere in the world. I reflect on the nation of Uganda that reeled from the horrors of Milton Obote through to Idi Amin in the seventies, and then back to Milton Obote, and the violence that that country has been through. I reflect on the Universal Declaration of Human Rights and look at some of those two million orphans, of whom we only care for some 2,000. Those orphaned children have inherent dignity and equality, as do all human beings. Everyone should be able to rely on just laws. Everyone should be able to live freely—free from fear of large and imposing governments that know best; free from incarceration without charge, as per article 9; free from torture, as per article 5; and, as article 13 states, everyone has the right to freedom of movement and residence within each state—free from any borders, any checks or, indeed, any permit system.

As we celebrate the 60th anniversary of the Universal Declaration of Human Rights, we cannot be lax and fall into a false sense of security. We cannot use this bill of rights as an excuse to take away the authority and power from elected politicians who are accountable to the people every three years and put the ability to make laws into the hands of an unaccountable judiciary. The price of liberty is eternal vigilance. The world has made great strides following the Universal Declaration of Human Rights. The world has made great strides in checking and addressing some of the abuses of the past and has moved towards a more just and humane world. The price of that justice, the price of that liberty, is eternal vigilance, and vigilant we must remain eternally.

Dr KELLY (Eden-Monaro—Parliamentary Secretary for Defence Support) (11.34 am)—It is a great pleasure to rise today to celebrate the 60th anniversary of the Universal Declaration of Human Rights. It was a great step forward in the human condition. But the history of the UDHR tells us that, as the member for Fadden has highlighted, progress is not inevitable. There are many times when we need to be vigilant as to the maintenance and upholding of those fundamental rights. The UDHR itself was the product of a long history of the human

condition, seeking to describe and instil the essence of the human condition in terms of the natural and inherent rights of each individual person.

It goes back as far as the Hammurabi codes of Babylon, and we have seen the writings of many philosophers through the years trying to find and distil what those natural rights of man are—great writers such as Hugo Grotius, Thomas Aquinas, Baruch Spinoza, Gottfried Wilhelm Leibniz, John Locke and Jean Jacques Rousseau. It was the enlightenment period of the 18th century that really provided the framework and the foundation for Thomas Jefferson's great piece of work—the one we celebrate so much in the history of democracy on this planet, the United States declaration of independence. That document formally set down as a state instrument the first signalling of the natural rights of the human condition. It was also a reflection of expressions that had been attempted before that—of course, in the Magna Carta in our own British common-law tradition—but we really started to see instruments formulated after the declaration of independence. There was the declaration of the rights of man after the French Revolution. Down through the years we have seen the evolution of the United States Bill of Rights as a result of what Thomas Jefferson produced, the foundation that he laid, for the enshrining of rights in his country.

But there was a hiatus in the development of human rights in terms of international legal instruments, and it was really leapfrogged during the second half of the 19th century by the laws relating to the regulation of armed conflict. We had the Geneva conventions and The Hague conventions during that period. But human rights started to get back on the international agenda following the formation of the League of Nations after the First World War. It is very interesting to note that in the mandate system that was created by the league the very first enunciation in an international body of human rights issues was the calling for the regulation of the condition of the occupants of those mandated territories in relation to fair and humane conditions of labour for men, women and children. That led to the creation in 1920 of the International Labour Organisation. This was really the first step in the development of our modern regime of human rights and it began, interestingly, in looking at the regulation of labour and the conditions of workers.

I think the real impetus, though, obviously came with the Second World War and the lead-up to it, and in particular the horrendous experiences from 1933 in the way that Nazi Germany treated its Jewish minority. That appalling episode in human history highlighted the fact that in a civilised, industrialised country progress was not inevitable. There was an incredible backsliding not only in the conditions of morality and the perceptions of the value of the individual but in bringing to bear the weight of the industrialised system of a modern developed country to execute those warped and detestable ideologies. Of course we know the outcome—six million Jews exterminated, and in the course of the Second World War many millions of people in occupied territories fell victim to the regime of the Nazis and their collaborators in various countries.

This experience led the United States in particular to feel that the international regime needed to set in front of itself a mission to redefine the human condition. It was President Roosevelt who outlined the four freedoms in his speech before the United States congress in 1941. He outlined those as freedom of speech and expression, freedom of worship, freedom from want and freedom from fear. Of course, President Roosevelt was ably aided in his time in the presidency and in the years following the Second World War, as the United States was

ably served, by his wife, Eleanor Roosevelt, one of the great figures in the development of the UDHR.

An interesting phenomenon of this process, the groundswell that built up following the Second World War, was the involvement of non-government organisations, and we have seen that flourish more recently too, in relation to the development of conventions like the antipersonnel landmines convention and the convention against cluster munitions. Over 1,300 American non-government organisations got involved in a serious advertising campaign to generate the requirement for the development of a document setting down fundamental human rights. That achieved its expression in the UN Charter itself, which gave human rights a new international legal status. In many of the provisions of the charter—in fact five times, including in the preamble—you will see references to human rights in the founding purposes of the United Nations.

Of course, that charter and its preparation owed a great deal to the Australian delegation and to the great work of Dr Bert Evatt in the work that was done at the United Nations. It shows what an impact a country like Australia can have when it engages constructively with an organisation like the United Nations.

There were many provisions of the UN Charter that called on human rights protection. The charter included, in the first article, the requirement that member states work:

> To achieve international co-operation … in promoting and encouraging respect for human rights and for fundamental freedoms for all without distinction as to race, sex, language, or religion …

Article 55 stated that the UN will promote 'universal respect for, and observance of, human rights and fundamental freedoms'. Article 56 stated that members 'pledge themselves to take joint and separate action' to achieve that respect. So there was a platform for building. In article 68 of the charter, it was mandated that the UN Economic and Social Council set up a commission for the promotion of human rights, and that got the ball rolling for the development of the Universal Declaration of Human Rights.

A number of organisations worked early on to promote the content of the declaration, and these included organisations such as the Commission to Study the Organisation of Peace, the American Jewish Committee, the American Federation of Labor, the American Association for the United Nations, the Federal Council of Churches, the American Bar Association and the Women's Trade Union League. International non-government organisations also submitted many, many proposals in the early years of the shaping of the document, and it did take a number of years.

As I mentioned, the nuclear commission that worked on developing the declaration was chaired by Eleanor Roosevelt. The UN Economic and Social Council established the official UN Commission on Human Rights in June 1946. Eighteen members were selected, headed by Eleanor Roosevelt, to begin work on the document. A lot of the heavy lifting in drafting was done by a fellow by the name of John P Humphrey, who was the director of the UN Division of Human Rights. But, of course, all through this process was the great work of the Australian delegation and Doc Evatt.

It was an arduous journey that lasted three years, and thousands of hours of intensive study, heated debate and delicate negotiation were involved. The first meetings of the Commission on Human Rights occurred over a two-week period between January and February 1947, fol-

lowing the work that had gone on prior to that, and a smaller group for drafting was formed. That group is interesting in itself, in that it involved a representative from China, Mr Chang, and a representative from Lebanon, Mr Malik, as well as representatives from Australia, Chile, France, the Philippines, the Soviet Union, the Ukrainian SSR, the United Kingdom, Uruguay and Yugoslavia. This group was charged with drafting the declaration. Early on, there was a discussion as to whether this should be a legally binding document or just a declaration. Eleanor Roosevelt astutely recommended that the document be drafted in both contexts, but eventually work focused on producing the document as a declaration rather than a binding convention.

The General Assembly's third committee ended up dealing with the draft. They held a total of 81 meetings, considering 168 formal resolutions on the declaration. On 6 December the third committee adopted the declaration and sent it to the full General Assembly for final consideration. The General Assembly had a final, extremely vigorous debate that lasted until late in the evening of 10 December 1948. The president called for a vote, and 48 nations voted for the declaration. Eight countries abstained. These included the Soviet bloc countries, South Africa and Saudi Arabia. Two countries were absent.

As Mrs Roosevelt declared at the time, the Universal Declaration of Human Rights has proven to be a living document. It has given birth to a great many further human rights instruments that followed on from it. It was interesting to note that the Australian delegation stated on the passing of the declaration:

> The Declaration will have great moral force as a standard, and helps to explain the general references to human rights contained in the United Nations Charter. At the same time, the Australian delegation has stated that a covenant and measures of carrying out and enforcing rights should be completed as soon as possible … Australia has from the beginning been one of the leaders in this field. We urged at the Paris Peace Conference that the peace treaties with enemy states should contain effective guarantees of human rights. We have also played our part from the beginning as a member of the United Nations Commission on Human Rights which made the first draft of the convention. Australia was one of the first countries to urge that economic and social rights should be included in the Declaration.

Doc Evatt himself said:

> It was the first occasion on which the organised community of nations had made a declaration of human rights and fundamental freedoms. That document was backed by the authority of the body of opinion of the United Nations as a whole and millions of people, men, women, and children all over the world, would turn to it for help, guidance and inspiration.

Eleanor Roosevelt called it 'the Magna Carta of all mankind', and she was not wrong. Recently, Mary Gaudron, former Justice of the High Court, stated that it was:

> Arguably most important document ever reduced to writing, whether on paper, papyrus, vellum or tablets of stone.

She has proven to be correct as well, as we have seen the flourishing of enforceable instruments that have shaped the way countries behave themselves.

I mentioned the need for eternal vigilance. The member preceding me and the member before that also referred to the need for eternal vigilance. We have had examples in our own country of that need. During the Howard years, we saw the issue of the treatment of refugees rise high on the agenda of moral dilemmas for the body politic and for the community at large. I think and hope that we have moved on from that time. I would hate to see refugees

used as a political tool as they were during those years. I commend the many members on the other side who tried to stand up for their principles and who now, I think, reflect very closely on that period. In particular, I would like to pay tribute to the member for Kooyong for his commendably principled stand. What a great loss to this House it will be when the member for Kooyong moves on to another field of endeavour.

Refugees were not the only big issue during the Howard years; Work Choices was another. Here we saw again an erosion of fundamental human rights. It is interesting to note that article 23 of the universal declaration states:

(1) Everyone has the right to work, to free choice of employment, to just and favourable conditions of work and to protection against unemployment.

(2) Everyone, without any discrimination, has the right to equal pay for equal work.

(3) Everyone who works has the right to just and favourable remuneration ensuring for himself and his family an existence worthy of human dignity, and supplemented, if necessary, by other means of social protection.

(4) Everyone has the right to form and to join trade unions for the protection of his interests.

Those words have been enshrined in many other documents as well. It does highlight that we need to maintain eternal vigilance to maintain these fundamental rights.

When we talk about the treatment and handling of refugees, I would like to highlight that this country has a chequered record in relation to the defence of refugees' rights. At the Evian conference in 1938 the world was called together to consider the plight of Jewish refugees from Nazi Germany. The world closed its doors at that time and mistreated the issue of refugees. This included the delegation from Australia, which infamously stated:

… as we have no real racial problem, we are not desirous of importing one …

That conference sent the signal to the Nazi regime that it could deal as it pleased with its Jewish community, which of course led on to the horror that subsequently unfolded. In our treatment of refugees, we must bear in mind the impact of the message we send and the example we set to other nations. It is important for us not to try to exploit the situation of refugees—often refugees from countries where we have deployed our troops to resolve the fundamental problems that gave rise to their plight. I call upon all members of this House to refrain from using refugees as a political tool. I commend this document and I commend this celebration of it.

Mr RIPOLL (Oxley) (11.49 am)—I take great pleasure in having this opportunity and I thank the House for taking note of the 60th anniversary of the Universal Declaration of Human Rights. I want to associate myself with the comments made by the Prime Minister of the country, Kevin Rudd, and the terms of the motion that he moved in the House in recognition of the 60th anniversary. They made me consider that 60 years in the span of human rights in the world is a very, very short time and that a lot of things have taken place in those 60 years that would make many members of this House and people right around the world consider just what a person's human rights are, how they define them and how they are observed around the world.

The origins of the Universal Declaration of Human Rights came in the aftermath of the death of more than 70 million people in the Second World War and the persecution of the Jewish people in Nazi Germany. It was a very much needed benchmark. It was a standard that

was established after those events to ensure not only that we drew some sort of line in the sand but also hopefully that these events would never take place again. Sadly, although maybe not on same scale, over the past 60 years there have been many tragedies and many abuses of people's human rights across the globe. It is a great shame that those sorts of things continue to take place.

On 10 December 1948 the General Assembly of the United Nations adopted and proclaimed the Universal Declaration of Human Rights. Following this historic act, the assembly called on all member countries to publicise the text of the declaration and 'to cause it to be disseminated, displayed, read and expounded principally in schools and other educational institutions, without distinction based on the political status of countries or territories'. I think that was a very important step forward for the world.

Australia has always considered itself to be a middle-order power but a power that punches well above its weight. It is something that we often say in this country. Nowhere is that truer than in Australia's participation in that declaration. Following the Second World War, Australia played a very significant part in the shaping of both the Charter of the United Nations and the Universal Declaration of Human Rights itself. With 16 other states, Australia was an inaugural member of the human rights commission that began the work on the universal declaration.

It was originally proposed as an international bill of human rights and Australia was one of only eight countries represented on the subsidiary drafting committee. Then, along with 48 other nations, on 10 December 1948 at the Palais de Chaillot in Paris, in a plenary session of the General Assembly, we voted to adopt that declaration. I am not sure if 'congratulations' is the right word, because it was so important an event that it needs much more than that. An exceptional contribution was made towards these documents by the then Minister for External Affairs, in both the Curtin and Chifley governments, Doc Evatt—Dr H.V. Evatt. That has been widely acknowledged by people in this country and in others as well. All those who understand the history of it understand the important role that he played in ensuring certain sections of the Universal Declaration of Human Rights were what they are today.

I think all Australians should reflect on just what is contained in the declaration and what it does mean, because today we face many of those problems and issues that existed more than 60 years ago. I have in my electorate people of Vietnamese and other ethnic descent who are still fighting for basic human rights in their home countries—the rights of freedom of association, freedom of religion, freedom of expression and a range others—that we in Australia just see as so ordinary and normal that we do not give them a second thought. But when people cast their vote in a free, open and democratic society they do not really consider just what it takes to have that right and that freedom when people in other countries not only risk their lives but lose their lives for that same freedom.

I think it is important that Australians reflect on just how significant and important the rights and freedoms are that we have here which are enshrined in the Universal Declaration of Human Rights. These rights include the idea that all human beings are born free and equal in dignity and rights, and that people are entitled to rights and freedoms:

… without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status.

In this country, we accept that as the norm. It is so normal that sometimes we do not even consider its very importance. Everyone has the right to life, liberty and security. No one shall be held in slavery or servitude and no-one shall trade in these forms. No-one shall be subjected to torture or to cruel, inhumane or degrading treatment or punishment, and everyone has the right to recognition everywhere as a person before the law.

They are all things that we consider so ordinary in this country but which are so extraordinary in many other countries around the world today. That no-one shall be subjected to arbitrary arrest, detention or exile is something that we should be vigilant about, that we should continue to observe and that we should never let our guard down about. I know other speakers have talked about this, but you can never let your guard down. You must always be vigilant and you must always ensure that the role of government in your own country and everywhere else around the world is to always continue to respect and recognise just what the Universal Declaration of Human Rights is all about—that everyone has the right to seek and enjoy in other countries asylum from persecution, and that race, asylum and the status of people such as refugees do not become political issues in themselves. History ought to teach us, and teach us well, about those countries that have in the past progressed along those paths and just where those paths may lead.

Everyone has the right to a nationality, and even today in Australia we find that we must deliberate on issues of people's statehood, of their nationality, of their rights to immigration or asylum and even of their rights to association and freedom. The articles set out that everyone has a right to freedom of thought, of conscience and of religion, and those rights include the freedom to change their religion and to change their beliefs. These are basic human rights. Everyone has a right to the freedom of opinion and expression. Again, these are things that we in Australia find to be so ordinary yet in many other countries those rights are not observed. I have sitting beside me today the member for Moreton, who has in his constituency a number of people from countries where they are not observed, and those people are here in Australia as refugees, seeking asylum, support and the friendship of a country such as Australia in understanding the position that they are in.

Everyone has a right to work, to a free choice of employment, and everyone, without any discrimination, has the right to equal pay for equal work. That is something which, sadly, still does not quite exist in this country. We understand that women in this country are still not paid in general terms equally with men. Everyone has the right to form and to join trade unions for the protection of their own interests. That is something that we might take for granted and from time to time slip into debate about in this country and in this place, but it is a basic tenet of human rights. I recall that in one of the very important stages in the Second World War, very strategically, the first people to be persecuted in Nazi Germany were union leaders and union organisers. By removing their capacity to organise people, they removed the ability of ordinary citizens to have a voice and to have a say. So the reason people as an evolutionary process actually organise themselves into such groups is something that we must always respect and that we must understand way beyond political debate. It is for their own protection. They organise themselves to protect themselves from others.

Everyone has the right to education. Everyone also has the right to be free in education and to be given those opportunities. I think that is something that all members of this House agree with and support.

I want to associate myself with the comments of the Prime Minister in supporting and noting the 60 years since the Universal Declaration of Human Rights and ensure in any small way that I can that people do understand and acknowledge its importance and that we are remain vigilant today. It is as important today as it was 60 years ago when it was first instituted.

Ms SAFFIN (Page) (11.59 am)—Sixty years ago, on 10 December, the nations of the world, a lot fewer than today's 192, came together to endorse the Universal Declaration of Human Rights. This document has stood the test of time. It has stood the test of universality and being based on primary principles. It traverses and transcends cultures, religions, major world events, conflicts, wars, changing alliances, global arrangements and indeed civilisations, with nearly all of the world's nations agreeing to subscribe to its tenets—to abide by them, but, more than that, also to promote the articles which contain rights in the Universal Declaration of Human Rights, or UDHR, as we commonly refer to it.

Yesterday the Prime Minister moved his motion and it was supported by the Leader of the Opposition, and my comments today will be in that spirit of bipartisanship on this issue because it is an issue that goes to human dignity. The Prime Minister's statement correctly notes, recalls, recognises, acknowledges and affirms the declaration. This is typical language for the occasion and typical of resolutions of the United Nations, but it is the most appropriate language for a statement on the 60th anniversary of the Universal Declaration of Human Rights.

I am pleased to celebrate the 60th anniversary, but each year should be a celebration of the Universal Declaration of Human Rights. Indeed, there are often events around the world to mark the occasion in parliaments, in communities and in many different forums. But I would hope that each day, in a seamless way, the Universal Declaration of Human Rights may be inculcated into our daily lives. That is the strength and the basis of it. The declaration recognises the primacy of the family and the essential relationships among nations and that they should be free and friendly. Sometimes we see human rights as somehow separate from our daily lives, from the parliaments and the other things that we do. We come together and talk about it once a year but do not recognise how it underpins so much of our culture, our law, our policy and our institutions. The articles contained within the Universal Declaration of Human Rights are not separate from this parliament or from our family lives, our community lives and our lives with friends, neighbours and nations, but it is easy to see how it may be divorced from those parts of our lives.

Sometimes in political debate and discourse human rights is not seen as something that informs what we do. Consider rule of law, for instance. We all recognise, promote and extol the virtues of the rule of law because our country and our institutions are built on it. If you read through the Universal Declaration of Human Rights, the rule of law underpins it. Even if you look at the rule of law, which is about four key things, in a minimalist way it is still built into the Universal Declaration of Human Rights. If you look at the rule of law in what I call its 'maximum scope', which is put out by the OSCE, its 18 principles are all inherent in the Universal Declaration of Human Rights. They are part and parcel of this place—both chambers—and of our institutions. That is why it is good to see that the declaration is brought to life every day, not just on its 60th anniversary or its annual anniversary. It is not out there; it is in here, and it is good to be able to talk about it.

The honourable Parliamentary Secretary for Defence Support said that we should be mindful not to use refugees in a political way, and then the speaker after him, the member for Ox-

ley, reiterated that point—and I think most people would agree. We in this place know exactly what each speaker means when they say that, but I submit that refugees are a political issue. That is what we deal with in our parliaments. Article 14 of the Universal Declaration of Human Rights says:

Everyone has the right to seek and to enjoy in other countries asylum from persecution.

How do we do that? How do we give that right to people? We do it through the political process, through the political system whereby we form laws. Most countries have a law, a migration act of some kind, and that law gives expression to article 14 and the refugee convention.

But when I take a look at those acts including our own, it actually reads down that right. That is what most countries have done and that is why all the members on all sides are talking about that particular issue. We know that article 14, written as a primary principle, is correct. It is something that we all say here that we adhere to, we want to subscribe to, we want to implement, but we also know that in various situations it has been read down.

On the subject of refugees and the issue of refugees—and I am going to talk about issues and incidents and not refer to governments—all governments in Australia and elsewhere have issues to answer on the question of refugees. I would just like to note a few incidents in our history. Firstly there is the issue of detention, and we look at article 14 which says that everybody has the right to seek asylum. People come here as asylum seekers and we do not even let them identify themselves as asylum seekers. At various times in our history we have not allowed them to identify themselves as asylum seekers by saying, 'I am a refugee.'

Then we had mandatory detention. A mandatory detention regime for people fleeing persecution is unconscionable. We have got people fleeing extreme political persecution and then they have this indignity and suffer further persecution, albeit in a safer environment but still under detention. There are other ways of doing it and I am glad to say that we have come to that in this country and people will not be put in mandatory detention just because they are seeking asylum.

Then we have that whole notion of queue jumpers. As I have said before, there is no such thing as a queue jumper. If you are suffering persecution and leaving your country to seek asylum because you fear torture, death—all of those things—then you are not jumping the queue. Many people come here on visas that are legal, and they overstay. Are they queue jumpers? That is one of the questions I always ask. When you get people who cannot get a student visa, cannot get a working visa, cannot get a business visa, cannot get other visas, what other way do they sometimes have of getting here? The whole notion of queue jumpers should be expunged from our discourse when we are talking about refugees. It is one of the things that I would encourage.

I would like to make a few other comments about the Universal Declaration of Human Rights, and particularly article 3 which talks about the right to life. That is one that I take seriously, and I know that other members in this place also take it seriously. For a long time—decades—I have been very active in the region in an Asia-Pacific anti-death penalty network. This is quite a wide network that operates across our countries. Opposition to the death penalty is one of those issues where, if you are opposed to it, you are opposed to it. It cannot be abridged in any shape or form. That has been my position. It is sometimes challenging, be-

cause people do commit heinous crimes. We have seen it here; we see it in our region; we see it internationally.

However, as a legislator—and that is what we are as parliamentarians; that is one of our roles—I do not have the right to pass a law to take anybody's life. When that happens it is between a person and their maker, whoever they believe that maker to be. It is not up to the legislators. It is one of those issues. We talk about the right to life; I take it seriously and will always speak out on this issue in opposition to the death penalty. Sometimes I think about countries and systems of government—and I will not name the nations of people—that maintain the death penalty. It is hard to think about them in a kindly way.

I have for many decades written my Amnesty International letters. I am a member of Amnesty International. I do not get a lot of time for those activities now, but I dutifully write my letters—when they come—in opposition to the death penalty. They are usually on behalf of people who are waiting on death row somewhere. I know some of those people would have committed crimes that would have had a terrible impact on a family, on a person, on an individual, on a community. I know that. But my opposition to the death penalty is not one that I am willing to trade off because of the nature of the crime. It is not to do with the crime; it is to do with my fundamental belief in the right to life, which is enshrined in article 3 of the Universal Declaration of Human Rights. Sometimes that puts me in a position of speaking out, and it might look as if I am speaking up for certain people, but I am speaking against the death penalty. I wanted to be able to talk about that and have that as a matter of public record. It is something that we are mindful of. We have an anti-death-penalty cross-party working group in parliament. It is commendable that all the parties come together. It is not a party issue. It is one of those fundamental issues of liberty. It is nice that we come together and do that.

I want to talk about a couple of other issues and incidents, ones that have stayed with me. I will talk about the incidents and not about the governments. They are the incidents with the *Tampa* ship, SIEVX and the 'children overboard' incident. They were three events that caused me a great deal of concern and angst at the time. When the *Tampa* was on the high seas all sides of politics caused me great concern. With respect to the *Tampa* I spoke at a public rally outside Sydney Town Hall. My opening comment was: 'This is morally wrong, this is politically wrong and this is legally wrong.' That position stands. If we go to the Universal Declaration of Human Rights, particularly to article 14 and asylum, we see there was nothing else I could say on that occasion. I did that against opposition from all walks of life, but I continued to maintain that position. Sometimes that is hard. All of us are parliamentarians. We are practising politicians. We can be subject to many forces and be pushed and pulled on various occasions.

I recently had an occasion where I had my commitment to these principles tested. I do not have enough time to detail that now. I had to reflect on it and think about it, and I went with my primary principle in advocating to keep someone in this country—in keeping with the principles enshrined in the Universal Declaration of Human Rights. With those comments, I commend to the House the Prime Minister's statement, supported by the opposition leader. May we continue to reflect on the Universal Declaration of Human Rights in our daily life and in our daily discourse and not just once a year.

Debate (on motion by **Ms George**) adjourned.

Main Committee adjourned at 12.15 pm, until Thursday, 4 December 2008, at 9.30 am.

The Deputy Speaker (Ms AE Burke) having subsequently fixed 4 pm today as the time for the next meeting of the Main Committee—

The DEPUTY SPEAKER (Ms AE Burke) took the chair at 4 pm.

UNIVERSAL DECLARATION OF HUMAN RIGHTS

Debate resumed.

Mr HAYES (Werriwa) (4.00 pm)—I move:

That further proceedings be conducted in the House.

Question agreed to.

MIGRATION LEGISLATION AMENDMENT (WORKER PROTECTION) BILL 2008

Second Reading

Debate resumed.

Ms MARINO (Forrest) (4.01 pm)—I rise to speak on the Migration Legislation Amendment (Worker Protection) Bill 2008. I will start by asking: where are the regulations that should be part of this legislation? Is the government planning to introduce such onerous or costly regulations that Australian employers will not seek to employ 457 visa holders, compromising productivity and growth? I want to speak on the impacts and issues affecting my electorate of Forrest in the south-west of Western Australia. The south-west is one of the fastest growing and most diverse and dynamic regions in Australia, with a gross regional product in excess of $6.9 billion. The south-west also has one of the most diverse regional economies in Western Australia, with abundant mineral deposits, processing and export, excellent agricultural soils, access to some of the best-quality water in Australia, hardwood forests, and substantial manufacturing, construction, commercial, retail, fishing and tourism industries. As with other key regions of Western Australia, the south-west has been a driver of the booming state economy.

It is a matter of record that the coalition government's policies assisted an additional two million Australians into employment, with well over 10.6 million Australians in work—a record high. The unemployment rate in Australia was 4.3 per cent in October 2007—a 33-year low. Over 7.6 million Australians are in full-time employment, and three million in part-time work. And in spite of the impact of the global financial crisis, the impact of decisions by this government that have made the financial situation worse—the proposed emissions trading scheme, the mandatory renewable energy targets—the impact of Alcoa shelving their $2.2 billion expansion plans at Wagerup, the impact of the Varanus gas explosion in the south-west and the challenges facing the LNG industry and investment potential, the Chamber of Commerce and Industry Western Australia maintains that the Western Australian economy will grow by 5.5 per cent this financial year. That is a phenomenal growth projection considering the current circumstances, and it is a practical indication of the continuing need for workers.

In *WA Business News* on 13 November, the Chamber of Commerce and Industry WA Chief Executive, James Pearson, said:

… let's remember that right now we still need workers in WA. We'll get them from other states if we can, but we need them both permanently and temporarily from overseas.

In spite of falling demand and slowing growth, there is still a demand for skilled and unskilled workers. In my electorate of Forrest, overseas workers have proven to be a lifeline for many businesses of all sizes where local skilled labour could not be sourced to fill the significant vacancies. Unemployment fell from six per cent in 1999 to three per cent in 2007, and parts of my electorate had just over two per cent unemployment during the same period. In this tight employment environment, 457 visa holders have played a key role in regional businesses, particularly in recent years when the historic workforce has taken up highly paid, fly-in fly-out positions in the mining sector in the north-west of the state. In my region, overseas workers were the last resort for many businesses trying to maintain or increase capacity.

There were 360 457 visas granted in the 2007-08 financial year in the south-west. They were across all areas of business. There were 90 in construction, 50 in health care and social assistance, 50 in manufacturing and 40 in accommodation and food services—just to mention the major categories. One local business in my electorate has had no option but to use 457 visa holders. I visited the business in 2007 and it employs 800 people across Australia—heavy-duty mechanics, heavy equipment operators, truck drivers, welders and administration staff. The proprietor said to me: 'I'd really like to employ local workers, but where are they? They have all gone off to the mines. They sure aren't queuing up to work here.' He offered me the keys to the workers' bus and said, 'You go and round up anyone you can find to work here and I'll employ them.'

That company had no choice but to use 457 visa holders. It put in place a specific process to manage and integrate the workers into the workforce and the local community. A consultant was used in the process. The interviews of tradespeople were taped in the workers' country of origin. After being assessed for English language and comprehension, the company arranged and provided remuneration and support infrastructure. The 457 visa holder and their family were also encouraged to become involved in their local community through schools and other organisations. Basic support is provided at nominal cost to not create problems with local employees; however, weekly English lessons were provided free of charge. Language, health and safety are vital to the company and the employees. The company has had a comprehensive review without any problems.

I am concerned for this company and other companies having to employ 457 visa holders because as yet we have not seen the regulations on the obligations of sponsorship—something we will need to scrutinise when they are finally tabled. The April discussion paper refers to regulation considerations of potential new payment obligations for the employer. It will be interesting to see whether these obligations will discourage potential sponsor employers from sourcing 457 workers. One option contained in the discussion paper is that sponsors will pay all medical costs, either through insurance or direct payment, including medical costs where the insurance company refuses to pay. The obligation for employers to pay the medical costs of their sponsored visa holder and all family members even when the insurance company refuses to pay will preclude employers from sourcing 457 workers. I have a very current and practical demonstration of this.

An abattoir in my electorate had a very hard time finding employees. This is the same company whose labour agreement with the government has taken over seven months to approve. This company continues to need skilled workers. The company representatives were travelling overseas to appraise workers to ensure they qualified as claimed. One meatworker

was sponsored to work in the abattoir. He brought his family with him. The abattoir carried the required insurance; however, a family member of the sponsored worker was out of Australia when he was involved in a serious motor vehicle accident. Tragically, he became a paraplegic and now requires around-the-clock care. The worker approached his sponsor and indicated that he needed to claim the medical expenses on his insurance. As the accident occurred out of the country, the insurance company denied all liability. The department of immigration has said that the company is liable, regardless of whether the insurance company is liable.

The cost of having the patient stay in permanent care is, according to the company, amounting to approximately $50,000 per month. The sponsor could not have done any more to ensure the security of his worker and his family. The fact that a business can be liable when the insurance company does not accept the claim will be too great a risk for employers. There may well be other instances where insurance companies refuse to pay claims—for example, a drink driver involved in an incident that causes injury may well be outside the conditions of the insurance contract.

This further exposes a very serious problem with the bill itself—the fact that there are no regulations accompanying it, no details, no certainty or clarity for employers or 457 workers. What will the regulation on such insurance and liability issues be? When the regulations are eventually provided they will be retrospective. Given the experience of the business in my electorate I have no doubt the lack of regulations poses an unacceptable serious risk for them and other employers from a government clearly unable to provide the required regulations at the time of introducing the bill. What additional compliance and monitoring will be included in the regulations when they are finally provided? What additional impediment to productivity and growth will these impose on businesses? I do not want to see this program made any more difficult for my local businesses. There are other aspects of the 457 program that I am waiting to see in the regulations.

Truck drivers have recently been removed from the 457 visa list. They are no longer considered sufficiently or adequately skilled to meet the criteria. I tell you what: I seriously dispute this—and in fact I dispute it vigorously. Truck drivers are extremely skilled workers. Just look at the demand in the mining sector for experienced heavy vehicle operators. Excluding truck drivers as skilled workers indicates the government clearly does not value, respect or understand the transport industry. How many unskilled workers could safely and efficiently operate a three-trailer, 130-tonne road train or a 42-tonne semi or a 65-tonne B-double combination? Truck drivers are highly skilled operators. They have to know how to handle weight safely. If you speak to the good truck drivers they will tell you it is an enormous skill to be able to load in a safe manner and manage the weight. People's lives and the driver's own life are at risk.

The driver also has to know the road rules and rules governing heavy vehicles and to have a working mechanical knowledge of the vehicle. Usually he or she needs to be a combination of a heavy-duty mechanic—a bush mechanic at least—an auto electrician, a manager with organisational skills and a person who has knowledge of duty of care and fatigue management. Overall, I would say broad knowledge and skills are needed—all of this, yet the government have removed truck drivers from the skilled worker list on the 457 program.

The 457 program has been a success in my electorate as it has in many different employment sectors. However, the failure of the government to provide confidence and clarity

through well structured regulations clearly defining the obligations for those currently using or needing to use the 457 scheme is the weakness of this bill and I will be scrutinising the regulations closely when they are finally tabled in the House.

Mr SHORTEN (Maribyrnong—Parliamentary Secretary for Disabilities and Children's Services) (4.13 pm)—It gives me great pleasure to rise today to speak in support of the Migration Legislation Amendment (Worker Protection) Bill 2008. 'Worker protection' is not a phrase that was heard much in this place in the 11 years prior to the election of the Rudd Labor government—or to be more specific, not heard from the previous occupants of the government benches. That, thankfully, has changed. Already this week we have seen the Fair Work Bill being debated in the House, a bill which will nail closed once and for all the coffin of the previous Liberal government's Work Choices. It will erase, it will cleanse, it will put a stake in the heart of those very poor laws that we are seeking to replace—with the support, I might add, of those in the opposition who were Work Choices cheerleaders just a scant year ago. The Fair Work Bill delivers the government's election promises set out in the policy, Forward with Fairness. In fact, the reason this is relevant to the legislation which I am supporting today is that the new laws will swing the workplace pendulum back to the middle where it belongs and where Australians want it to be. The government's new fair and balanced workplace relations system has enterprise bargaining at its heart to drive productivity. The laws are about bargaining in good faith at the enterprise level, underpinned by a fair and decent safety net of employment conditions. This is good for employers, good for employees and good for the economy.

The importance of resolving fair work laws in Australia is that no scheme involving the use of temporary skilled workers can ever be well founded if the safety net for Australian workers is in fact not working—and therefore the Fair Work Bill is inextricably linked to the proper operation of the use of people on temporary visas working here. Indeed, the bill in question today, the Migration Legislation Amendment (Worker Protection) Bill 2008, is another significant step towards ensuring that all workers in Australia, whether local or overseas workers, have the protection that is their right in an Australian workplace.

Mr Deputy Speaker, you would be aware that the former government introduced the temporary business long-stay subclass 457 visa in 1996 in order to—to quote the excellent *Bills Digest* on the subject:

> … rationalise arrangements for the "temporary entry of business people and highly qualified specialists, to simplify procedures, and to introduce a degree of self-regulation for certain employers of holders of Subclass 457 visas."

But did it live up to this high-minded purpose? I am sad to report that the outcome was the contrary. My former colleagues in the union movement, as well as my current colleagues in the government, and I grew increasingly concerned about the former government's 457 visa system as instances of abuse and exploitation mounted up. We heard story after story of a worker being brought to Australia on a 457 visa to do one job only to find another, lesser job waiting. Frequently the guest workers would be charged premium rent to share poor accommodation with any number of others in the same position. In fact, many of our temporary guests, far from being paid what they were promised, were sometimes not even paid at all.

Instances of human rights abuses like these were, sadly, not rare. I refer to the cases cited in April 2007 by the then Labor spokesman for immigration, the member for Watson. He made it clear a Labor government would act on these egregious abuses. He said:

I want to stop … the situation where we saw a printing employee in Melbourne having to purchase a $42,000 job at a fee of $20,000 that came out of his pay over the course of twelve months in weekly deductions. Once he fully repaid the debt, at that moment his job was terminated under the new Work-Choices laws—

or the then Work Choices laws. The member for Watson continued:

I want to see the end of the situation of 40 Filipino welders in Goodna, in Queensland, where they were in a situation where they were being paid the legal rate. The legal rate was $20,000 less than the market rate in that part of Queensland—

thus effectively destroying the local labour market. He went on:

And they were in an accommodation deal for $175 a week rent.

As the member for Watson said, 'It might sound like a reasonable rent,' $175, except there were eight of them to a house and they were paying $175 per week each—not such a good deal for these people whom Australia needed and invited in as our skills shortage grew to crisis levels.

I have said before in the parliament that one of the major failures of the Howard government was its cavalier, 'leave it alone', 'it's not our problem', 'bother me later' attitude towards our future prosperity, evidenced by its neglect of skills formation in Australia. The Skills Australia legislation introduced by the government earlier in the year will go a long way towards creating and boosting the education and Skills Australia needs to confront the productivity and workforce challenges facing us as a nation. Similarly, the raft of packages associated with our education revolution underlines our commitment to getting Australia back on the right track after years of neglect in this crucial area.

Australia, under the previous government, simply did not train enough new or existing workers to keep up with the demands on our economy and our workforce, leading to the very skills shortage which the temporary workers visa program was designed to address. And, indeed, there was a ghost army of domestic workers who were ignored, time and time and time again, in the 11½ years of the Howard government. On this International Day of People with Disability, I clearly am referring to people with disability, who experienced, under the Howard government, far greater unemployment and far lower levels of participation in the workforce than any other sector of the workforce. Indeed, in the 12 years of the Howard government, the number of those receiving the disability support pension exploded from 499,000 in March 1996 to over 700,000 by the time of the departure of the Howard government. And what was being done to employ these very capable people? Nothing. Instead, we saw the reach-for-the-trigger solution, which would see the push for a class of 457 workers, who were simply being exploited, rather than us simply investing in people with disabilities in Australia.

As I have put forward, and as we have heard previously, the old program allowed a minority—and, I stress, only a minority, but still, a minority who exist—of unscrupulous employers to abuse their workers and the system itself. 'How was this allowed to happen?' you might ask, Mr Deputy Speaker. 'Where was the oversight?' you might ask. 'Where was the integrity of the program?' For too many, too much was missing in action. Eventually, after rolling revelations, after being flooded with complaints, after constant lobbying and exposes by the trade

unions and federal Labor, even the former member for Bennelong knew that something had to be done. There was even some legislation drafted. But the government had left it so late to offer these overseas workers some protection that they ran out of time and, in a short time, were run out of office.

The bill we are speaking to today will put teeth, integrity and grunt into the 457 visa process. It expands the powers to monitor and investigate possible noncompliance by sponsors. New inspectorial powers have been based on the Workplace Relations Act, and provide the power to enter workplaces if they believe there is a need to. Trained investigators will be allowed to inspect premises, interview anyone they feel is relevant, and to request and copy any pertinent documents. The bill introduces penalties, big penalties, for employers found to be in breach of their obligations. Breaches of sponsorship obligations can still lead to barring and cancelling, but will now be backed up by infringement notices and civil penalties of up to $33,000. The bill puts in place greater information-sharing amongst government agencies. For example, it will allow the Australian tax office to disclose to the department information relating to a visa holder, former visa holder, approved sponsor or former approved sponsor, in order to confirm what taxable salary is being paid to visa holders and ensure that they are being paid correctly, and it lays out defined sponsorship obligations for employers and other sponsors. Under this bill, the regulations may prescribe obligations that an approved sponsor must satisfy. These obligations will set out the time and the manner in which an obligation must be satisfied and, for the first time, obligations will be enforceable by law.

I know that most employers, the overwhelming majority, do the right thing by their employees—but there are scallywags out there, aren't there? So this bill will allow an approved sponsor not to have to go through the whole sponsorship approval process again when they are seeking a variation to their sponsorship—less red tape, and more efficiency.

These are valuable and necessary changes to a system that is important to Australia. As our immigration minister has said, the temporary working visa scheme is only sustainable if the community is confident that overseas workers are not being exploited or used to undermine local wages and conditions. The Rudd government is committed to ensuring that the subclass 457 visa scheme operates as efficiently as possible in contributing to the supply of skilled labour while protecting the employment and training opportunities of Australians and the rights of overseas workers.

The changes outlined in the bill are not the end of the matter, either. The minister is currently considering longer-term reforms to the 457 visa program, considerations informed by Barbara Deegan's excellent *Visa Subclass 457 Integrity Review*, handed down earlier this month. Barbara Deegan, a commissioner in the Australian Industrial Relations Commission, consulted widely for her review and has made a number of recommendations aimed at strengthening the integrity of the temporary visa system. Those opposite, who sometimes scoff and jeer at consultation, should perhaps again watch the reruns from the ABC documentary *The Howard Years*. What a remarkable revelation some of the speakers in that are. We certainly have learnt from some of the former ministers of the Howard government of their disdain for consultation—and that disdain is nothing new. In fact, it would appear that the former Prime Minister often failed to consult his own cabinet before making important decisions. That may explain a great deal.

By contrast, we believe that by involving people on the ground—those within the system and without—we can get a much better understanding of what is required. One of Ms Deegan's many recommendations is to abolish the minimum salary level in favour of market rates of pay for all temporary visa holders on salaries less than $100,000. From personal experience travelling throughout Australia and to many rural and remote work sites, looking at the market rate rather than the minimum salary level will at least protect the local labour market and conditions. After all, when CEOs from around the world receive salaries in Australia they do not quote the award rate—they quote the market rates in New York and London.

Ms Deegan has also recommended the development of an accreditation system, or a risk matrix, to ensure the rapid processing of low-risk visa applications so employers can meet skills needs quickly. She has recommended developing new lists setting out the skilled occupations for which temporary work visas can be granted. In addition, it is recommended that visa holders be limited to a stay of no longer than eight years in Australia while providing, most importantly, a pathway to permanent residency for those who have the required language skills.

These and Ms Deegan's other recommendations are being considered by the Skilled Migration Consultative Panel made up of business and industry groups, state governments and unions. I for one look forward to seeing the minister's proposals for further reforms next year. In the meantime, I am proud that this government has once more stepped in, stepped up, to protect the rights of workers to ensure they are free from abuse and neglect. All workers in Australia, wherever they come from and no matter what they do, deserve no less and I commend this bill to the House.

Ms McKEW (Bennelong—Parliamentary Secretary for Early Childhood Education and Childcare) (4.26 pm)—I rise in support of the Migration Legislation Amendment (Worker Protection) Bill 2008. The Rudd government has committed to this $19.6 million package of migration measures over four years to improve and strengthen the integrity of Australia's temporary worker visa program, the largest component of which is the 457 visa category. The worker protection bill is part of this package and addresses and corrects the problems with the program which were identified by the Rudd Labor government when in opposition.

The most recognisable of these problems was the well-publicised exploitation of overseas workers. The changes to the program implemented by the previous government attempted to manage the damage but failed to do so. This bill is part of the long-term reforms which will be developed in the 2009-10 budget process. These reforms promise to overhaul the temporary workers visa program, which has not been working effectively for overseas workers, for the Australian labour market or for employers.

Australia's temporary worker visa program is an uncapped, demand-driven program dependent on employer sponsorship. Overseas skilled workers receive temporary employment for a period of up to four years in areas where there are skills shortages. It is important to note that the temporary worker visa program does not take jobs from Australian citizens. The Rudd government has addressed the longer-term issue of training and educating Australians by funding an ambitious initiative on workforce participation and productivity. This will provide for 630,000 new training places for Australians over a period of five years. However, the workforce participation and productivity initiative does not solve the immediate problem of

skills shortages. The worker protection bill addresses this problem and assists employers to gain the skilled workers that they need now.

Australia is a nation built on immigration. Over 50,000 years ago Australia's Indigenous people travelled across land and sea to these shores. Years later they were followed by the modern world and those whose actions against property and industry landed them a passage across the seas, transported as convicts. They were followed by the free, whose skills were welcomed as the supply and demand grew. The wool industry flourished during the 1820s and so too did the need for labour. Opportunities to make a fortune brought many throughout the gold rush era from 1851 through to 1860. During this period the first non-Anglo-Celtic migrants were the Chinese. These labourers and their need for supplies of all kinds drew other entrepreneurs and business people, filling the landscape with differences and diversity not dissimilar to those Australia experiences today.

The 1860s bought Melanesian labourers to work on the plantations in Queensland. A perceived imbalance in population resulted in deliberate attempts to attract women to Australia at the turn of the century. The mid-1900s brought Afghani, Pakistani and Turkish camel handlers, whose skills were essential to exploring Australia's dry, flat interior. In the late 19th century we again turned seaward and the skills of Japanese pearl fishers were used to establish the pearling industry. After the two world wars, we saw Western and Eastern Europeans grace our shores—ex-servicemen, assisted passage recipients, labourers, farmers and refugees, the displaced and homeless and Australia's first humanitarian entrants. They came then as they come now: to escape persecution, to rebuild their lives and to meet the demands of our industry for labour.

My electorate of Bennelong has many generations of migrants, both old and new. They are found working in hospitals and medical centres; in the industries of science, information technology and business; in restaurants and shops; and in factories and mines. They enhance our community and keep the Australian economy moving forwards. The ethnic diversity in Bennelong ensures that most regional cuisines are represented. Local community groups and community centres, such as the North Ryde community centre, keep a great number of wonderful traditions and cultures active and accessible to Bennelong constituents.

In 2007 the temporary worker visa program represented 66 per cent of Australia's total migration program. The top source countries are the United Kingdom, India, the Philippines and the USA. The most commonly nominated occupations are computing professionals, registered nurses, GPs, and business and information professionals. However, in response to labour market needs over the last three years the demand for trade-level occupations has increased. This change has caused essential amendments to be made to Australia's temporary worker visa programs. An extensive amount of research and investigation has been undertaken in developing the Rudd government's package of migration measures.

In April this year the minister appointed Commissioner Barbara Deegan, a senior industrial commissioner, to review the industrial issues relating to the temporary worker visa program. Her report takes into consideration consultation with stakeholders. It is complemented by the work of an external reference group, which examined the temporary worker visa program from an industry perspective. Ms Deegan's report is currently being reviewed by the Skilled Migration Consultative Panel, which comprises business and industry groups, unions and

state governments. Based on the depth of these investigations, the panel is due to report its recommendations to the government early next year.

The Migration Legislation Amendment (Worker Protection) Bill 2008 is an important part of these reforms and is designed to improve protection of overseas workers, meet the genuine needs of the Australian labour market and protect its integrity, and restore public confidence in the temporary worker visa program. The Rudd government is committed to ensuring the effectiveness of this program. The key improvements offered by this bill include expanded powers to monitor and investigate possible non-compliance by sponsors. Inspectors of the Department of Immigration and Citizenship will be specially trained to monitor compliance. This will include the ability to conduct site visits and inspections, interview sponsor employers and employees, inspect and copy documentation as required and request the further production of documentation. Sponsors who fail to cooperate and provide requested information within the time period face imprisonment for up to six months. Alternatively, failures can incur a bar on or cancellation of sponsorship. Under the amendment, self-reporting is also required. Inspectors will have the power to investigate all matters relating to migration and workplace relations to ensure compliance by sponsors, and to protect workers rights and the integrity of the visa program.

The bill also introduces penalties for employers found in breach of their obligations. The amendments will include new civil penalty proceedings and infringement notices, which are designed to discourage non-compliance. Employers who fail to satisfy their obligations will have civil legal action taken against them through the Federal Court. The maximum penalties faced will be $6,600 for individuals and $33,000 for corporate bodies.

The bill also offers an improved sponsorship framework and better-defined obligations for employers and other sponsors. A significant aspect of this bill is that it provides a consistent approach to all temporary worker visas. Sponsors are compelled by law to comply but the introduction of a standardised sponsorship framework will simplify the process and create more flexible provisions for employers. This in turn also protects workers by obliging sponsors to take responsibility for them in a fair and reasonable way.

The bill addresses the issue of, and improves, information sharing for the first time. Immigration officials will now be able to check the tax records of employers and employees to ensure that correct wages are paid. This amendment facilitates a full exchange of information between overseas workers, sponsors and the Department of Immigration and Citizenship. It also allows information sharing between other relevant state and territory government agencies. This model of interactive information sharing recognises the importance of communication between all parties.

In conclusion, as part of the Rudd government's package of migration measures, the Migration Legislation Amendment (Worker Protection) Bill 2008 is an important part of the long-term reforms which are being developed. Essentially, this bill guarantees the effectiveness and integrity of the temporary worker visa program. It provides for greater protection for overseas workers, meets the needs of the labour market and restores public confidence in the program. It accomplishes this by: expanding powers to monitor and investigate; introducing new penalties for employers found to be in breach of their obligations; improving the sponsorship framework and creating standardised obligations; and facilitating a full exchange of informa-

tion between workers, sponsors and the relevant government departments. I commend the bill to the House.

Mr BUTLER (Port Adelaide) (4.35 pm)—It is with considerable pleasure that I rise to support the Migration Legislation Amendment (Worker Protection) Bill 2008. This bill, as the member for Bennelong has just said, represents a desperately needed response to some unacceptable behaviour by a small minority of employers in this country. It is a bill that unashamedly seeks to bring to account those in our community who have sought to exploit fellow human beings for profit. It is a bill that also seeks to preserve the integrity of Australian workers' wages and conditions by ensuring that they are not undercut.

The bill's objects are clear and concise. It puts in place a structure to clearly define sponsorship obligations. It allows for improved information sharing across all levels of government. It provides for improved powers for relevant authorities to monitor and investigate breaches by sponsors, and it provides penalties with teeth against those who seek to exploit the system. In short, this bill provides long-overdue protections for vulnerable migrant workers and, just as importantly, preserves the integrity of hard-fought workers' wages and conditions here in Australia.

It is hard to fathom that any group or individual could or would raise an objection to this bill and the measures contained within. Unfortunately, there are some in our community who have voiced opposition to these measures. Some employer groups and associations, or employer unions, have described the bill as a 'disproportionate response' to some well-established scandals and rorts in this area. 'Using a sledgehammer to crack a nut' is an expression I have heard from some of these bodies.

For years our print and electronic media have been properly highlighting some of the more atrocious cases of abuse in the 457 visa program, more often than not having had the matters brought to their attention by trade unions. There have been numerous successful prosecutions that have been well documented and recorded. These, of course, occurred after the offending behaviour had been endured, quite often for considerable periods of time.

There has been considerable community disquiet regarding the whole 457 visa process, and this government is responding to that disquiet. As the member for Bennelong just said, we instigated a thorough review of the entire system—the 457 subclass integrity review by Ms Barbara Deegan, a very experienced industrial commissioner—the report of which has recently been received by the minister.

The previous government was well aware of the community disquiet in this area and, in an election year, actually prepared a bill not too dissimilar to the one before the House today. They announced it with some fanfare, I remember, but the bill was never debated and has never passed into law. This government has, in essence, adopted the measures from the previous government's bill and made some necessary improvements.

There has been some debate regarding the level of abuse carried out under the scheme. Some parties allege it as widespread and rampant while others argue that the rorts have been few and isolated and that the system is working well. I see that as a sterile argument. One case of abuse and exploitation is one too many if a system can be put in place to prevent it. The examples in the evidence have been clear: the current 457 system is broken. This government is taking the necessary steps to fix it—something those on the other side failed to do.

I have been made aware of a situation where upwards of ten 457 visa holders were housed in a modest three-bedroom home. They were all working on various rostered shifts. Each of them was being charged $200 per week rent for a dwelling that had a market rental value of a maximum of $350 per week. The agent responsible for these visa holders was therefore receiving around $2,000 per week for overcrowded, substandard accommodation. The workers would basically swap beds as they swapped shifts. There is nothing illegal in that—I accept that—but there is outrageous exploitation of vulnerable workers going on right here in 21st century Australia.

There is a clear need to strengthen and tighten obligations on sponsors who seek to bring these workers into Australia. The obligations on sponsors are to be set out in regulations to the act. This will occur after consideration of the extensive Deegan review that I spoke about earlier. Stakeholders such as employers, unions and state governments will also have a further opportunity to provide input into the scope and tenor of the regulations. Some parties have expressed unease that this bill is to be passed prior to the detail of the regulations being known. I see those concerns as misplaced. Regulations that are overly onerous or that fail to achieve the stated and intended objectives of the act are subject to disallowance by the Senate. The regulations must provide true protection to migrant workers, and I believe all fair-minded parties—especially this government—have that as their key goal.

The bill provides for civil penalties and infringement notices. Some have called for criminal sanctions. It is clear that the current administrative sanctions have not been sufficient to ensure that the spirit of the scheme is adhered to. I am pleased to note that the Senate Standing Committee on Legal and Constitutional Affairs has recommended a review of the legislation within the first three years of its operation. It will be important to monitor this bill's effectiveness and ensure that the new penalty and enforcement regime is having the desired effect.

I mentioned the Barbara Deegan report—a long-overdue examination of the practical operation of the 457 visa scheme. That report will provide the Skilled Migration Consultative Panel with much food for thought as it provides the government with advice and feedback concerning the type of skilled migration program that will benefit this nation going forward. The report contains over 60 recommendations. Many of those recommendations regard the pay rates of those working under these temporary visas. One that I find very persuasive is the suggestion that these workers must have the same terms and conditions of employment as all other employees in the relevant workplace. Adoption of such a principle would put to bed fears in the community at large that this scheme is simply a fancy cover for cheap labour. It will send a clear message to employers that they must first look to the local job market.

I suppose I should not be surprised that the current scheme is in need of urgent remedial action by the new Rudd Labor government. The opposition made unfairness and inequity in the workplace a hallmark of their almost 12 years in government. Their ambush on the working men and women of Australia following the 2004 election is now an infamous chapter in Australia's history. Work Choices was a blunt and unsophisticated attack on the pay and conditions of ordinary Australian workers. It should come as no surprise then that they held equal disdain for the pay and conditions of guest workers in this country. In contrast, the Rudd government approaches these important issues with openness and integrity. We invite input from all stakeholders, with balance and fairness our touchstone. This is what the Australian people

want from their government. This is a bill about basic decency. I urge all members of the House to support the bill and I commend it to the House.

Mr PERRETT (Moreton) (4.43 pm)—I rise to speak in support of the Migration Legislation Amendment (Worker Protection) Bill 2008 today, 3 December—an appropriate day, as it is the anniversary of the Eureka Stockade in 1854. It was a day when migrants from all around the world came together to pursue a particular cause. It was obviously a little bit illegal, but they still came together to pursue a particular cause. I am particularly pleased to support this bill, as my electorate of Moreton is home to many 457 visa holders who have come to Australia to help alleviate the skills crisis. In recent years, demand for the 457 visa has experienced extraordinary growth in response to labour market demands. It is well known that many industries in Australia face chronic skills shortages. Businesses in my electorate—and businesses far and wide—are crying out for more construction tradespeople, workers in the meat industry, IT professionals, doctors, nurses, allied health staff and even hairdressers, to name but a few.

In fact, the Department of Immigration and Citizenship lists more than 100 occupations for which workers are in demand throughout Australia. Back in 2003-04, a total of 39,500 section 457 visas were issued. By 2007-08, the total had more than doubled to 87,310. The 2008-09 migration and humanitarian program is expected to total 203 visa grants, with the majority of visas, 133,500, to be allocated for skilled migrants. There are 13,500 places set aside for refugee and humanitarian entrants, while a further 56,500 places will be made available in the family stream.

By 2006, stories began to emerge of overseas workers being exploited and used as a cheap source of labour, particularly in the meat industry but across other sectors as well. It would come as no surprise to members on this side of the House that the Howard-Costello government did very little to ensure the integrity of the economically important temporary skilled visa program in response to these claims. And they did even less to address the skills shortage, which is probably one of the reasons why the Howard-Costello government handed over a productivity level with a big fat zero in front of it, a big fat zero in the middle of it and a big fat zero at the end of it—productivity of zero. That is quite embarrassing for the Howard-Costello government.

By contrast, the Rudd government is investing around $20 billion in education and training measures to boost skills, including up to 630,000 new training places. This is good policy and will ensure that more Australians are trained, but it is simply not enough to meet the immediate demand for skilled workers. As those people working in the restaurant industry or industries like it would know, skilled workers are a valuable economic commodity. They are great for economic growth and great for productivity. I know they are human beings, but I wanted to briefly talk in pure economic terms. Skilled migrants to Australia have a huge part to play in alleviating the skills crisis, and it is critical for the public to have confidence in our overseas skilled visas program.

Some changes are already underway. For example, employers seeking a labour agreement under the 457 visa program are now required to consult with relevant industry stakeholders, including peak bodies, professional associations and unions. The consultation process is about providing greater transparency to the labour agreement process. As some of the former speakers have mentioned, it can on occasion be an uneven bargaining arrangement when you have

someone coming from an overseas country, particularly when English is not their first language. They turn up here and they can be threatened with dismissal and therefore return to their country. So it is not an equal bargaining process. For an effective work contract you must have equal bargaining between the employer and the employee.

The Minister for Immigration and Citizenship, Senator Chris Evans, also appointed industrial relations commissioner Barbara Deegan to carry out a review into the program and look at ways to prevent exploitation, to prevent the undercutting of Australian wages and to ensure that the program continues to help meet our skill needs well into the future. Commissioner Deegan's recommendations will be used to help strengthen and reinstate public confidence in the 457 visa program. We do not need any more situations such as that when those poor metalworkers in Ipswich arrived and were told to make their beds—not with their sheets and blankets but with bits of steel. They were then charged astronomical rents from their quite measly wages.

This bill amends the Migration Act 1958 to better protect temporary overseas workers in Australia. How does it do so? It does so by (1) beefing up monitoring powers, (2) introducing civil penalties for sponsors who breach their obligations, (3) clarifying sponsor obligations and (4) encouraging greater information sharing between government agencies.

The new monitoring provisions give the Department of Immigration and Citizenship inspectors powers to monitor compliance with sponsorship obligations. These powers are not anything extraordinary; they are very similar to the workplace inspectorial powers contained in the Workplace Relations Act 1996. They give inspectors the power to enter without force any place where the inspector has reasonable cause to believe there is anything relevant.

The bill also gives power to the tax commissioner to disclose tax information that relates to a visa holder, a former visa holder, an approved sponsor or a former approved sponsor, if so requested by the Minister for Immigration and Citizenship. These measures send a strong signal to sponsors that, if you intend underpaying, overworking or exploiting your 457 workers, you will be caught and you will face tough penalties. The inspectors will have the power to inspect the premises, to interview any person and to seek and copy relevant documents.

The bill also includes tough new penalties for noncompliance, including fines of up to $33,000. These new measures will send a much stronger message to the employer community that wish to access 457 visas. It should be remembered that the principal reason that we have 457 visas is that there are not Australian workers available to do particular jobs. So we want to make sure that all Australians are looked after by having a strong noncompliance message. The department can also impose sanctions when it is clear that a sponsor has failed to satisfy their obligations. For example, if a sponsor were to take advantage of an employee and pay them below an award, this bill gives the department the power to cancel the sponsor's approval, to bar them from future applications and, more importantly, to initiate proceedings against them in the Federal Court.

It is shameful that employers would exploit their most vulnerable employees, such as 457 migrants, who have less understanding about their rights at work. Often they speak English as a second language and face the day-to-day pressures of starting work and living in a new country—often with their children going to new schools and having some language difficulties. You would have seen in your electorate, Mr Deputy Speaker Scott, when people turn up at a meatworks in Charleville and then have to adjust to a new community, coming from Bra-

zil or something like that, that it can be quite traumatic. So we are trying to make sure that these 457 migrants are looked after. I am confident that these penalties will serve as a strong deterrent and protect overseas workers from exploitation.

I also welcome the measures in this bill to establish migration regulations regarding the obligations of sponsors. These regulations will be developed in consultation with stakeholders and will include matters such as the time frame in which an obligation must be certified and the manner in which the obligation is to be satisfied. The regulations may also be used to simplify the sponsorship approval process. Developing these obligations through regulation rather than legislation will ensure that there is greater flexibility and adaptability over time, because obviously the necessity for 457 visas changes reasonably quickly depending on the economic circumstances.

I represent an electorate where one in three voters was born overseas—and it is probably more than that if you include the family reunification group. We are an open, vibrant, multicultural community and, for the most part, we are very tolerant and understanding of one another. However, not a day goes by that I am not contacted by someone seeking help and support with an immigration matter for themselves or a family member. The decisions that we make relating to the legislation and policies that govern immigration should not be taken lightly, as these decisions have the power to drastically impact on vulnerable individuals and their families. That is why I support this bill so enthusiastically—not only because it makes good economic sense to look after these workers but also because it is the right thing to do.

The bill before the chamber also has the strong support of unions, who have been calling for changes to the 457 visa program for some time—a lone voice for too long in the Howard-Costello years. I particularly want to mention the Australasian Meat Industry Employees Union, which have been advocating for change for some time in the meat industry. I would particularly like to thank Queensland Branch Secretary Russell Carr for his input, advice and endeavours in this important visa program. The AMIEU have some great initiatives in terms of looking after their workers, especially those from Brazil and from China, and they make sure that their newsletters are written in appropriate languages so that these workers from overseas have a chance to know the benefits that come with union protection.

Russell Carr and the AMIEU have also been working with employers, employees, the Department of Immigration and Citizenship, the Department of Education, Employment and Workplace Relations and the Queensland government to overcome workforce shortages and ensure that there are good outcomes for all in the meat industry in Queensland. And, if there is a good outcome for the meat industry in Queensland, often there is a good outcome for graziers that provide the meat for these abattoirs. In fact, the meat industry, especially in Queensland, is a role model for other industries. I commend the AMIEU for their good work and their commitment to fair work for all.

It will be particularly important in the months ahead because, already in this parliament, we have unfortunately seen the willingness of those opposite to blow that dog whistle when it comes to border protection. Whenever someone who is a little bit different comes from overseas, it is easy to turn the spotlight on them and say that it is about fear. The Labor Party have a completely different approach. We believe in hope and the value of workers. In closing, I thank the Minister for Immigration and Citizenship for introducing the bill and commend it to the House.

Mr ROBERT (Fadden) (4.56 pm)—I rise to speak on the Migration Legislation Amendment (Worker Protection) Bill 2008. I begin by proudly reflecting on the coalition's migration record. It is a record that covers both the introduction of new visa classes, discussed extensively in this bill, and determining indeed who comes to this country and the manner in which they arrive. The arrival of people illegally into this country is one area where the coalition is very proud of its record. In 1999-2000 75 boats arrived. In 2000-01 54 boats arrived. We then saw a dramatic decrease. In the financial year ending 2002, six boats arrived. In 2003 zero boats arrived. In 2004 one boat arrived. In 2005 zero boats arrived. In 2006 four boats arrived. In 2007 five boats arrived. In 2008 three boats arrived. In 2008-09 we have already seen seven boats—four picked up by Australian forces in Australian waters and three by Indonesia. This year has seen the highest number of illegal boat arrivals in seven or eight years, and the parliament quite rightly, as we have asked in question time, wants to know why.

In mid-August Minister Evans announced he was abolishing the temporary protection visas and closing offshore processing centres. The *Australian* on 3 October reported:

> … one senior government official intimately familiar with people-smuggling networks … who spoke on background, said while it was too early to say if this boat had sailed on the back of Labor's changes, a perception may have developed among people smugglers that Australia had softened its approach.
>
> "I think there's a perception that we may have (softened), they're not quite sure," the official said. "They've certainly read statements, particularly by minister Evans, and I think they're interested in testing it."
>
> The official said people smugglers had carefully tracked changes in Australian policy.
>
> "The main change that they would have picked up is that we now don't have this temporary visa, we're moving straight into permanent protection," the official said. "That would be seen by them, I'm sure, as a softening, or as indicating a relaxation."

On 1 December the *Australian* reported the International Organisation for Migration chief of mission in Indonesia, Steven Cook, saying that:

> … smugglers had tracked the policy changes and there had been a dramatic surge in smuggling in the past 12 months.
>
> "People smugglers have clearly noted that there has been a change in policy and they're testing the envelope," he said.
>
> "Up until about a year ago there was very little people-smuggling activity. Over the last year there's been a considerable up-kick. There have been boat arrivals in Australia, there's been interceptions here. There are rumours of a lot of organising going on."

Even Senator Faulkner in response to a question regarding Australia's border protection last Wednesday, 26 November, in the other place said that there would be reduced activity for Navy over the Christmas-New Year period. He said:

> Over the Christmas period, half the patrol boat fleet will remain on duty protecting our borders …

So the question is: why have we have seen an upsurge in the illegal boats coming into Australian waters we have not seen since the end of 2000-01? Could it be that the official recorded in the *Australian* on 3 October was correct and that there is a softening in Labor's policy on border security?

The smuggling of people is an abhorrence. It is something abhorred by all parliamentarians. The destruction, the death and everything else it brings with it are things that we should repudiate in the strongest possible terms. And we must do everything to ensure that boat peo-

ple are not encouraged to come here and that operators of these dreadfully small, unsafe boats are not encouraged to smuggle people here. As a nation, we take in more refugees per head of population than any other country on the planet. We are incredibly generous with our refugee intake. There is no requirement for us to be, and we should not be, softening our border protection in any way, shape or form that may in any way send a signal that our borders are easier targets now because of a Labor government.

The coalition's record on 457 visas is also very strong. In 1996, the coalition introduced new visa categories to allow employers to sponsor skilled workers on a temporary basis for between three months and four years to help ease chronic labour shortages. The temporary business (long stay) visa 457 is a commonly used category. After a specified time, workers and their families can apply for permanent skilled migration if they so wish. The annual intake for the 457 visa program has steadily increased: in 1997-98 it was 15,000; in 2003-04 it was 22,370; in 2006-07 it was 46,680; and in February 2008 there were 125,390 457 visa holders in Australia, including 67,410 skilled workers and 57,980 family members. There are currently almost 19,000 employers using 457 visas. Nearly 30 per cent of 457 visa holders are employed in the state of New South Wales. Permanency can usually be applied for after four or so years. On average, 457 visa holders stay in this country for two years. Some 50 per cent move to permanent residence via the Employer Nomination Scheme or the Regional Sponsored Migration Scheme. The coalition's policy on this was incredibly strong and its record on this is incredibly strong. Unless the coalition had moved in these ways, there would have been no capacity to deal with the capacity constraints that had previously been experienced.

The objective of this bill is to amend the Migration Act 1958. Visa holders are currently sponsored by employers who must meet a series of undertakings. These undertakings are now to be specified in the new, yet-unseen regulations. This government is putting up, once more, a form of hollow-shell bill, saying: 'Those sponsored by employers must meet a range of undertakings—but we're not going to tell you what those undertakings are. We'll let you know at a later date—perhaps six months—through regulation. So we want the Australian people to take on trust that the regulations will be fair.' Well, having recently spoken on the Fair Work Bill, I know that, while Minister Gillard—indeed, the Prime Minister—stood in front of the Australian people and said that there would be no compulsory arbitration, no return to pattern bargaining and no change to the union right of entry, the Fair Work Bill changes all three. Duplicitous is what it is; to stand there and look the Australian people in the eye and say one thing and then to pass legislation that does something else is duplicitous. It is an act of gross hypocrisy—that is what it is.

This bill outlines a framework for a new system of statutory regulations. It widens the sanctions that can be applied if a breach of these occurs. It details a new system of monitoring, compliance and information sharing, and it sets out the transitional arrangements between the current scheme and the new scheme. With respect to sanctions, in addition to the current options of barring or suspending a sponsor for breaching an agreement, there will be new civil penalties, to a maximum of $6,600 for an individual and $33,000 for an incorporated body. The minister may also issue an infringement notice, with a fine of up to one-fifth of the maximum penalty. In terms of monitoring and compliance, the power of inspectors to investigate and monitor will be modelled on the Workplace Relations Act, with similar powers. With

respect to information sharing, the minister will be able to reveal information about the sponsor to the visa holder and vice versa.

The bill also contains an amendment to the Tax Administration Act so that the commissioner can provide information to DIAC to find out if a company is indeed a good corporate citizen. There are also a range of transitional provisions. When the new regime comes into effect, all 457 visa sponsors will be moved to the new regime. The expected start date is somewhere in mid-2010.

While the broad framework for the bill has support from the coalition, a serious problem with the delay in the production of the regulations must be stated. For the regulations to take a further six months and for a bill to be passed—in some form of a hollow-shell of a bill—with regulations yet unseen, is simply extraordinary. Is the government simply not up to the task of producing the regulations, or is there something to hide? I guess we could look at the track record. When the government stands up and says, 'There will be no union right of entry; there'll be no compulsory arbitration; there'll be no return to pattern bargaining,' and we find those three are explicitly stated, I think we know the status of this government. It is duplicitous.

The April 2008 discussion paper of regulation options, released by DIAC, may give some idea of the potential new payment obligations that this Labor government will impose on employers. Some of these new options may include meeting all education costs of minors accompanying the worker; covering all medical costs, either through insurance or direct payment, including medical costs where the insurance company refuses to pay; paying any migration agent fees or other costs; paying all travel costs to the country; and paying any license or registration fees—and I can only assume that would include union fees, looking across the table at government members. As well, it is proposed that sponsors not be allowed to use 'temporary overseas labour during periods of lawful industrial action or to influence enterprise bargaining negotiations'. Why would you put that clause into a bit of legislation—sponsors may not be able to use 'temporary overseas labour during periods of lawful industrial action or to influence enterprise bargaining negotiations'?

This is a typical Labor amendment. Is there anything this government will not do to repay their union mates for getting elected? I can only assume that the Labor Party is indeed the political wing of the union movement, having seen the Fair Work Bill and some of the outrageous propositions being put in here—and, indeed, regulations that are not even being put forward. We can only surmise from the DIAC paper what they are, but they will certainly provide impositions against employers, because that is what Labor does.

The new framework refers to a new system of compliance and monitoring. We are concerned that employers not be frustrated by greater red tape. Prime Minister Rudd said that if there were any new red tape implemented, he would remove another piece of red tape. Well, he is on notice. If any red tape is added, we will be looking for what the offsets are. It would be disappointing if, again, he was to show that he is being duplicitous. There is also a proposal that 400-series temporary work visas, which have not required sponsors in the past—that is, for those staying fewer than three months—may require sponsors in the future, which will need processing and monitoring. This will put even greater pressure on an already strained DIAC system and introduce further red tape.

Whilst we provide tacit support for the broad framework, we are extremely concerned about the absence of the regulations. It would be detrimental to Australian employers—not that this union-dominated government has given much thought to Australian employers—if the costs of bringing in skilled labour, and the time it takes, leave us less competitive in a global market for the highly mobile skilled worker. The member for Eden-Monaro and the member for Bass, sitting opposite, are on notice: if employers in your electorates face greater red tape because of what you are doing here, they will vote with their feet. We condemn this government for its failure to produce regulations at this stage. We want to assure the government that the regulations will be given incredibly close scrutiny when they finally get around to tabling them in the House and indeed the Senate.

Ms CAMPBELL (Bass) (5.09 pm)—I rise today to add my voice to those in support of the government's Migration Legislation Amendment (Worker Protection) Bill 2008. I am proud of the new era of compassion towards refugees and migrants ushered in with the election of the Rudd government. The Minister for Immigration and Citizenship has introduced this legislation in a bid to protect from exploitation our temporary skilled foreign workers while at the same time ensuring the wages and conditions of Australian workers are not undercut.

The Rudd government's first budget provided $19.6 million to improve the processing and compliance of the temporary skilled migration program. This legislation introduces a range of measures to achieve that. These include: expanded powers to monitor and investigate employer noncompliance with the 457 visa scheme, a framework for punitive penalties for employers found to be in breach of their obligations, improved information sharing between government agencies to improve compliance, and a redefined sponsorship obligations framework for employers of 457 visa workers.

These are constructive changes which aim to increase not only departmental cooperation but also clarity when it comes to issues surrounding migrant workers. These will be welcome changes. I know from my close relationship with Launceston's Liberian community that there have been concerns surrounding barriers to employment, migration issues and discrimination. I know this because at the time when I was the Acting Deputy Mayor of the Launceston City Council I was asked to attend Refugee Awareness Week in 2005. I remember at that time meeting the now president of the Liberian community, Adolphus Hill. He came up to me and said, 'I attend TAFE during the day and I work really hard of a night.' When Adolphus said that to me it filled me with quite a lot of sadness, because Adolphus could not come up to me at that time and say, 'Hi, I'm Adolphus.' I think he had to explain his plot in society and why he was there. I was at that time, and have continued to be, very close to the African community, whether it be with Adolphus, Susannah or many of the other African people who live in Launceston, and so are my family. I have worked closely with the African community in northern Tasmania to address these issues and I will continue to work to achieve outcomes.

What I can say is that since the election of the Rudd government, as I mentioned earlier, there is a different approach to refugee and humanitarian issues. Under the previous government refugee protection was the subject of a debate which proved deeply divisive and damaging to our international reputation. Those opposite sought throughout their time in power to demonise refugees, for their own political gain. It was unfortunate, as it often overshadowed much of the wonderful and constructive work done through migrant communities across the country. In northern Tasmania I see every day part of the migrant story we as a country have

every right to be proud of. Since 1945 around 700,000 people in need of humanitarian help have found refuge in Australia. They have added an extraordinary amount to our rich culture. I am proud that this country offers one of the three largest humanitarian programs in the world and as a government we are committed to its continuation and to its growth.

The budget provided for an increase in the number of places offered to 13½ thousand. This included 6½ thousand places for refugees, with a one-off increase of 500 places to assist those affected by the continuing conflict in Iraq. This, I am proud to say, represents the largest refugee component of the program since 1986. As a country, we have every right to feel proud that we enjoy international recognition for our role in responding to the needs with regard to protection of refugees. Across northern Tasmania there are groups which have resettled from war-torn Sudan, Sierra Leone and Liberia. How we support these amazing people as they cope with the traumas in their homeland and as they struggle to make new lives is a true test of our compassion as a nation.

They are, as I am certain anyone with any empathy can understand, challenged by not only the events in refugee camps but also the added barriers of limited work opportunities in their new home in Tasmania. I have heard—as have, I am sure, many members not only in this place but in the other house as well—those stories from refugee camps. I have heard them through my close association with the African community, who are from refugee camps such as in Ghana. Many speak with angst of a feeling of losing the control offered by the strength of their families. Many of these issues are a consequence of relocation and the ensuing dislocation. I know that this government is one of enormous compassion, and that gives me hope. The policies of Labor are designed to assist rather than hinder the settling in of refugees to whom we open our borders, our minds and our hearts. I commend the Migration Legislation Amendment (Worker Protection) Bill 2008 to the House, confident that it addresses many of the complexities and potential traps within previous legislation.

Dr KELLY (Eden-Monaro—Parliamentary Secretary for Defence Support) (5.15 pm)—I am grateful for the comments of the member for Fadden, who reminded us of how important it is to consult with employers and unions in relation to any measure that affects our economy and the rights of workers. Certainly I think consultation has become a hallmark of the Rudd Labor government.

I am very happy to speak on the Migration Legislation Amendment (Worker Protection) Bill 2008. The bill serves to strengthen the integrity of the subclass 457, temporary skilled migration visa program by creating a new sponsorship framework, with heightened enforcement mechanisms.

The subclass 457 visa was originally established to meet the demand for a small number of highly skilled, professional, temporary migrants. In recent years, due to changes in local labour demands and the ensuing Australian skills crisis, the demand driven subclass 457 visa has experienced dramatic growth in application numbers and subsequent visa grants. With increased numbers of non-citizen entrants into Australia through this scheme comes an increased responsibility for the government to ensure that regulations exist that adequately protect these guest workers.

The Migration Legislation Amendment (Worker Protection) Bill allows for a more holistic approach to the protection of guest workers by instituting measures to allow the Department of Immigration and Citizenship, DIAC, to monitor sponsors of 457 visa holders to ensure they

provide a safe workplace, with the same pay and conditions as Australian citizen workers. I am therefore proud to give this bill my full support. As I mentioned in my opening, the subclass 457 visa was not implemented as a stopgap or solution to the skills crisis that has gripped our nation over the past five years. The visa was intended to provide an avenue for Australian business owners and companies to take advantage of the specialised skills of a small number of highly skilled, professional, temporary migrants.

The visa scheme was used, for the most part, by large companies whose intent was to import skilled workers trained in specialised roles, catering specifically to their company's needs. Being an uncapped, demand driven visa means that as demand for skilled workers grows so too does the demand for 457 visas. In 2003 to 2004, a total of only 39,500 visas were granted. By 2007 to 2008, demand had almost tripled with the granting of 110,570 visas. During this period of growth, the Howard government did little work to ensure that the policies governing the worker protection element of the visa conditions remained suitable. The 457 visa scheme was attracting a higher number of small business sponsors, which presented a new set of risk factors in terms of employment conditions. Workers were often employed in non-professional occupations and were from non-English speaking backgrounds. Such workers are now recognised to be at a much higher risk of exploitation.

These new elements of risk should have prompted a change in the legislation governing the visa to ensure that the conditions of the visa evolved at the same time as demand increased. However, the Howard government continued to aggressively promote the 457 visa scheme as a stopgap for employers attempting to source skilled workers but did nothing to ensure the integrity of the scheme. This bill aims to make the changes that the Howard Government neglected to make and, to this end, in the 2008-09 budget, the government announced it would be allocating $19.6 million to improve the processing and compliance of the temporary skilled migration program.

The 457 visa scheme is different to any other visa administered by the Department of Immigration and Citizenship in that it is the only visa whereby Australian citizens have an ongoing obligation to both the department and, subsequently, to the government and to a noncitizen entrant. The relationship between the Department of Immigration and Citizenship and the Australian citizen or permanent resident employer is often where problems with monitoring and, therefore, maintaining the protection of the worker and the integrity of the visa, occur.

The process for granting a subclass 457 visa happens in three stages with the granting of the actual 457 visa to the applicant being the final stage of the process. The first two stages are the primary responsibility of the Australian citizen or permanent resident employer. First an employer applies for their company to become a sponsor. Secondly, and often assessed concurrently with the sponsorship, the employer identifies a position that needs filling by a skilled worker, known as a nomination. At these stages the employer, now known as the sponsor, agrees to a list of undertakings, including ensuring that a minimum salary level, or MSL, is paid to the worker, that the employer abides by Australian workplace laws and that the employer cooperate with the Department of Immigration and Citizenship regarding any monitoring activity.

Monitoring units within the Department of Immigration and Citizenship were established concurrently with the establishment of the visa to ensure the integrity of the scheme; however, very little legislative support existed to allow such units to follow through with sanctioning

actions where breaches were identified. Imposing sanctions on visa holders where visa breaches were identified had the support of relevant visa compliance legislation. Sanctioning sponsors where breaches of the undertakings occurred was nevertheless quite difficult.

In 2007 significant breaches involving criminal negligence, police investigation and prosecution attracted media attention. Where smaller breaches occurred, one of the few options available was the cancelling of an employer's sponsorship. This, however, negatively impacted on the visa holder, who would need to find a new employer within 28 days or leave the country. Whilst the employer was inconvenienced, the main punishment fell on the visa holder, thereby providing no protection to the visa holder, and undermining the integrity of the scheme.

The Howard government's reckless treatment of workers, it seems, affected not only Australian workers but also those who we invited to our country to assist with our skills crisis, to boost our economy. When questioned by Senator Evans in 2006 about the integrity of the scheme, after a raft of negative media coverage and horror stories were brought to public attention, Senator Vanstone, then Minister for Immigration and Multicultural Affairs, denied that there were problems with the system, and even went so far as to defend the fact that her department did not have the power to properly monitor visa holders and sponsors. Instead of moving to improve the system, Senator Vanstone ordered that the department no longer release information about the program to the public. In 2007 the then Minister for Immigration, Kevin Andrews, made some changes to the program, including tightening the English language requirements and restricting access to industries with the most problems with compliance. However a major overhaul of the monitoring process was needed. This bill proposes to fix these ongoing problems that were ignored by the Howard government, and thereby to improve the integrity of the program.

Most of the changes made to the monitoring and sanctioning powers in 2007 were quite heavy handed and served to undermine the integrity of the subclass 457 visa program by increasing red tape, making a scheme which aimed to allow employers to obtain skilled workers quickly and easily one which was encumbered by bureaucracy, often having the effect of penalizing employers who had been doing the right thing by elevating key sponsorship obligations.

This bill expands the powers to monitor and creates punitive powers for noncompliance, thereby providing increased protections for visa holders and strengthening the integrity of the program. The bill will achieve this without placing increased pressure on sponsors who are doing the right thing by their workers. This bill strikes the necessary balance between stringent sanctions where breaches are identified and flexibility within the sponsorship framework, which is necessary for efficient and effective program operation. Ensuring the flexibility of the 457 program is essential in the current employment market climate. Notwithstanding the global financial crisis Australian industry is still facing skills shortages, which will be accentuated when economic activity picks up again. The dual pressures of an ageing work force and a reduction in the number of apprentices in training have led to a strain on companies and businesses that rely on skilled workers.

Country and regional towns, such as those in my electorate, are particularly feeling the pinch of the skills shortage. One industry in my electorate that is feeling the sting of low skilled employee availability most acutely, and subsequently relies on the 457 temporary

skilled worker programs, is the Australian snow sport industry. The Australian snow sport industry, concentrated in the Snowy Mountains in my electorate, experiences an annual struggle to employ appropriately skilled workers for the Australian ski season. The Australian snow sports industry is in the middle of a severe labour shortage. The short duration of the season, approximately fifteen to sixteen weeks from June to October, variable winter weather conditions and competition with other tourism and leisure sectors for skilled employees, makes finding appropriately skilled employees exceptionally difficult.

The industry, like a lot of industries in Australia in the present climate, is stuck in a perpetual catch 22 situation. Skilled staff are not available in the local Australian market, and local staff cannot be trained in the required numbers without employing suitably qualified and experienced temporary migrants. Although resorts have increased focused advertising—particularly in youth sectors—for positions during the ski season, in the past three years there has been a steady decline in domestic applicants for all positions. In Thredbo alone, applications have declined from 1,123 in 2004 to almost half that—582—in 2007.

Another pressure comes with the impractical conditions set by the seasonal nature of the work in these resorts. Retention of skilled staff is almost impossible, as the staff need to find work after the seventeen weeks of employment offered by most resorts. The seasonal factor also leads to significant numbers of new, inexperienced staff being hired each year. This comes at a very high cost to the industry, as the new staff must be trained at the beginning of each season. Attracting appropriately skilled workers for such a short period becomes difficult when competing with employers who offer full-time work in the cities. The positions required are not limited to ski patrolling and instruction but also include hospitality staff, IT professionals, business managers, public relations managers, and health services. It is almost impossible for the snow sport industry to compete with other employers requiring these skills when conditions, including the remote location of the snowfields and the short duration of employment offered, are taken into consideration.

This is of great concern because this industry is of particular economic importance to the Snowy Mountains region. A study prepared for the Alpine Resorts Co-ordinating Council in 2006 showed that 57 per cent of gross regional product for the Snowy River shire was generated by snow sport resorts, with 3,264 total annual equivalent employment opportunities generated. A total of 7.7 per cent of gross regional product was generated by Selwyn Snowfields in the Tumut shire, and 557 total annual equivalent employment opportunities were generated. It is therefore vitally important that the industry be assisted by the government. As a consequence of its labour problems, the snow sports industry relies heavily on employing temporary migrant workers for the season, with 5.9 per cent of NSW alpine resort employees being from a country of origin other than Australia. The resorts utilise workers with both working holiday and 457 visas: two per cent are currently employed on 457 visas, the rest being working holiday visa holders.

The Perisher Blue ski resort in the Snowy Mountains relies on labour agreements, developed in negotiation with the Department of Employment and Workplace Relations and the Department of Immigration and Citizenship, to sponsor skilled workers for the snow season. The labour agreements are formal arrangements to recruit a number of overseas skilled workers, mostly used in conjunction with the subclass 457 visa. Whenever their labour agreements come up for renewal, the resort has, to date, faced ongoing struggles with the issue of restric-

tions on the categories of employees that can be sponsored—restrictions that are placed on the 457 program. Other problems have been that the levels of minimum payment are required to be above the award rates paid to local staff for the same categories of work, and the minimum number of hours is well above those supplied to local staff. Although these abnormalities have presented ongoing difficulties for the resort, it must continue to use the 457 program in order to be able to source appropriately skilled and experienced labour. In a submission sent to the relevant ministers, and copied to my office in late 2007, the resort identified a number of positions it would seek to source from outside Australia, including groomer mechanics, chefs, lift operators, snow groomers, snow sports instructors, ski patrollers and ski technicians. Subsequently, a labour agreement was developed for the resort for the 2008-09 snow season.

As part of the series of long overdue reforms of the 457 program, in February 2008 Minister Evans made changes to the labour agreement process. Employers are now required to consult with relevant industry stakeholders about the proposed agreement, and this has led to a more transparent, coordinated and streamlined process for the approval of labour agreements. These changes provide protections for the industry, the employer and the sponsored workers, without compromising on efficiencies for the employer. Such changes allow for flexibility in the development of labour agreements, which assists employers such as the snow sports industry—whose unusual employment conditions prompt the need for a flexible and tailored agreement—to employ 457 visa holders. Changes such as those made to the labour agreement process, and the changes proposed by this bill, are responsive to industry whilst ensuring that 457 visa holders are protected.

These reforms all go towards regaining public confidence in the scheme and reclaiming the integrity of the subclass 457 visa program. If the program is to be used to help tackle the Australian skills crisis, both the Australian public and international observers need to have confidence in the scheme. In the current global climate there is still competition for skilled workers. Where skilled employment positions far outnumber skilled workers, these workers have the option of being very selective in the international market for the most attractive positions and visa conditions.

As such, it is increasingly important that the subclass 457 visa program is viewed as an option that allows us to be internationally competitive for skilled workers. Once the visa holders are in the country, it is imperative that these workers have the same terms and conditions of employment as Australian employees in the workplace. The Australian government, through the Department of Immigration and Citizenship, has the same obligation to international workers that it has to domestic workers to ensure workplaces are safe, conditions are acceptable and the workers are aware of their rights.

Two significant factors separate workers coming into Australia on the 457 visa from most citizen or permanent resident workers. Firstly, entrants are often either non-English speakers or from a non-English-speaking background. Secondly, the majority of workers who enter Australia on these visas are intent on moving through the entire migration process, from a temporary visa to permanent residency to Australian citizenship. It is these two factors which lead to some 457 visa holders being at risk of exploitation. Language barriers have been addressed in part by the English language requirement. However, entrants who are on visas granted prior to this requirement being introduced remain at risk.

The risk of workplace accidents occurring due to a failure to comprehend instructions or signage is high, as is the risk of being exploited by an employer who will not provide contracts or a record of workers' rights in the employee's language. Exploitation of workers is a serious issue that needs to be monitored by the department. Sponsored workers, who are relying on their employer to support their application for permanent residency or even to maintain their sponsorship so that they may remain onshore, are particularly vulnerable. A sponsored worker may be forced to work under conditions contrary to their contract or visa conditions for fear of their sponsorship being cancelled by their employer. There exists the small minority of employers, and subsequently sponsors, who would take advantage of such vulnerability to further their aims.

This bill provides the Department of Immigration and Citizenship with powers to prevent such exploitation. These include investigative powers to request information from employers and access to employees for interviews and to workplaces for site visits to check on workplace conditions. Changes to the information-sharing provisions will allow the department to ensure that employees are well informed of their rights and the department is aware of their conditions. Transparency amongst the three parties—the department, the employer and the sponsored worker—will go a long way towards ensuring the integrity of the program.

Current provisions, including administrative penalties, have done little to deter exploitation. This bill introduces new civil penalties for sponsors who are not complying with sponsorship obligations, provisions which were not available under the current system of 457 sponsor monitoring. This legislation is an important step towards maintaining the integrity of the subclass 457 visa program. The government has an obligation to sponsored workers, as it has to Australian citizens and permanent resident workers, to ensure that work conditions are adequate and that exploitation does not occur. This bill ensures the integrity of the program without compromising on efficiency and effectiveness for sponsors wishing to employ overseas skilled workers. I commend the bill to the House.

Mr ZAPPIA (Makin) (5.33 pm)—I too rise to speak in support of the Migration Legislation Amendment (Worker Protection) Bill 2008, and note that the bill is, in principle, similar to the Migration Amendment (Sponsorship Obligations) Bill 2007 introduced into the parliament by the previous government on 21 June 2007. That bill was referred to the Senate Standing Committee on Legal and Constitutional Affairs, which subsequently tabled its report on 7 August 2007. But the bill was never debated and subsequently lapsed when the parliament was prorogued.

I also note that the original bill, the Migration Amendment (Sponsorship Obligations) Bill 2007, arose at a time when the Joint Standing Committee on Migration was inquiring into issues relating to temporary business section 457 visas. This Migration Legislation Amendment (Worker Protection) Bill includes important extra measures to the previous bill and has also been considered by two Senate committees—the Senate Standing Committee for the Scrutiny of Bills and the Senate Standing Committee on Legal and Constitutional Affairs.

This bill is fundamentally about the protection of workers in Australia, with specific reference in this case to temporary workers who are brought into Australia under temporary visas. I listened earlier to the contribution from the member for Wills, and I thought he made an excellent contribution in summing up the issues that have arisen in years gone by and that, in effect, caused both the previous government and the current government to look at temporary

visas and how they were being applied to people who were being brought into this country for work purposes.

Regrettably, many of these workers, once in Australia, were exploited by unscrupulous employers, with many examples of underpayment, poor living conditions and unsatisfactory workplace conditions. For many of these workers, once they were here there was little choice but to work under whatever conditions they were exposed to. It was worker exploitation at its worst. They could not get work elsewhere, they needed whatever income they earned to survive and there was no-one they could turn to for assistance without risking having their work visa cancelled.

This is still occurring today because the laws we have in place relating to this issue are totally inadequate, having been made more inadequate by the previous government's Work Choices laws. Only two weeks ago, two separate matters in respect to workers being exploited in this country were raised with me. One related to workers who were unskilled, the other related to workers who were very skilled. It still goes on today, and so the sooner this legislation is adopted by parliament, the better.

Under existing laws, department of immigration officers have neither the powers nor the resources to monitor and enforce the workplace practices of those who sponsor 457 visa entrants. Nor does the Australian Taxation Office have powers or authority with respect to those same issues. Regrettably, the coalition Work Choices legislation not only provided employers with incredible scope for exploitation of the most vulnerable workers but also ensured that workers' unions, which in the past would have protected such workers, were shut out. Many of these workers were from developing countries. It is true that any money that they earned while in Australia was more than what they might have earned in their own country, but after paying for their living expenses here, sometimes including exorbitant accommodation costs, employment agency costs and migration agency costs, they were left with nothing.

While on the subject of migration, I take this opportunity to refer to another matter. On Monday in question time, we had the member for Murray make the outrageous assertion that the Rudd government's detention policy was causing a surge of boat people into Australia. On the same night, Monday, 1 December, the Joint Standing Committee on Migration presented its first report on detention policy in Australia, having spent the past 12 months inquiring into detention centres and the appalling treatment of refugees in Australia. All members of the committee agreed that Australia's appalling detention policies in recent years had been unjust and were cause for much criticism of the Australian government. The committee made 18 recommendations in that report, all recommending a much more humane treatment of refugees. In fact, two of the coalition members submitted a dissenting report arguing that the committee's recommendations did not go far enough, and nor did the Rudd government's new detention—

The DEPUTY SPEAKER (Hon. KJ Andrews)—Order! I have allowed some remarks which are drifting away from the subject of this bill, but I invite the member for Makin to come back to the subject matter of the bill.

Mr ZAPPIA—Thank you, Mr Deputy Speaker. The remarks I am making are relevant to this bill because this bill is about human rights. If I am allowed to continue my remarks, I will demonstrate how the remarks I am making are in fact very relevant to the bill we are debating.

The DEPUTY SPEAKER—Well, what I have heard so far is, I believe, not relevant to the bill, and I say that in the context that the matter which you have been referring to is a parliamentary committee report and there are other opportunities to raise matters in relation to a parliamentary committee report. So I once again invite you to come back to the subject matter of the bill.

Mr ZAPPIA—Mr Deputy Speaker, again I thank you for your guidance. Earlier on in the same debate the member for Fadden referred to the very matter that I am responding to now and—

The DEPUTY SPEAKER—All I can say to the member for Makin—and he may feel this is a little unfair—is that I was not here when those alleged remarks were made by the member for Fadden, and I will not repeat myself. Please proceed on the subject matter of the bill.

Mr ZAPPIA—Mr Deputy Speaker, as I said a moment ago, this matter and the issue we are discussing are all about human rights and people's rights. I simply point out that those rights were the subject of considerable work by a committee of this parliament and it was the committee's view that the rights of people who come into this country ought to be protected and that the policies of the past did not go far enough in protecting them. The point I am clearly making is that the committee's view was supported by all members of the committee—including members of the coalition, who now seek to suggest that the views expressed by the committee, which in turn support government policy, are the cause of, supposedly, a surge of people wanting to come to this country. I simply say this, Mr Deputy Speaker: this is, in my view, another example of coalition members saying one thing but doing another. They come into this House and take a particular position on a matter and then, at the first possible opportunity, take the opposite position on the same matter. And if one member takes one position, then another takes an entirely different position. This matter—you have asked me to reflect on whether it is relevant to this debate—was further raised not just by one speaker from the coalition but by a number of speakers from the coalition when they were speaking on this very bill. And it seems to me that if we are going to debate the rights and wrongs of any legislation in this place and how it applies to human rights then the alternative argument ought to be allowed to be put. But, Mr Deputy Speaker, I take your guidance and I will move on.

In respect of the very issue that I was speaking to and the purported comments made by other members—which I must say were disputed by the very person who some of those comments were attributed to, and which were reported in one of the newspapers—on the same day that some of those comments were made, yesterday, the Prime Minister came into the chamber and moved a motion on Australia's support for human rights in this country, recognising the 60th anniversary of the Universal Declaration of Human Rights. That motion was immediately followed by a bipartisan supporting statement by the Leader of the Opposition, who seconded the Prime Minister's motion. This is about human rights—a motion to do with human rights and how we should treat people once they come into this country. A number of speakers from the coalition spoke in support of the human rights motion that the Prime Minister moved. Yet I heard them, on the same day, come out and again state a position which was clearly in contradiction of the very principles which the Leader of the Opposition says we should be supporting and upholding. Mr Deputy Speaker, I ask again: does the opposition leader in fact speak on behalf of all members of the coalition, or is this a case where opposi-

tion members, both frontbenchers and backbenchers, are clearly undermining the opposition leader?

More importantly, I think that the Australian public have a right to know just what the real position of the coalition is on all of these matters. It is not reasonable to have one position coming from one member, another position coming from a member on the front bench, and yet another position coming from the Leader of the Opposition. I believe that the Australian people are entitled to know, when it comes to all of these matters, just what the position of the coalition is. And it is no different from what we are seeing right now in another bill that is being debated in this place, and that is the Fair Work Bill, where again we are constantly being told that the opposition does not oppose this bill, yet speaker after speaker comes into the chamber and condemns it.

Let us go back one step in respect of how this bill arose. The reason these workers are coming into Australia is to fulfil shortages of skilled and professional workers needed by Australian industries. And why is there a shortage of skilled workers? Because the previous coalition government failed to invest adequately in education and skills training, that is why; it is as clear and simple as that. Had the previous government put the effort and money into supporting the training, education and skilling-up of people in this country over the last decade, there would not be the need to bring in skilled workers from overseas.

Yet yesterday, we had the absurd proposition of the opposition raising as a matter of public importance the issue relating to the state of Australia's health services. One of the key problems facing Australia's delivery of good health services in this country is the shortage of nurses and doctors. That shortage has occurred because over the last decade there were not enough places in our universities to train doctors and nurses. It is as simple as that. So for the opposition members to come in here and criticise this government for problems which have resulted from their own negligence is, I must say, hypocritical in the least.

We do face serious skills shortages across most employment sectors in Australia. Those shortages are causing serious productivity constraints. In the interim, we are forced to rely on skilled people from overseas. We see it prevalent in the health sector, in the information and technology sector and in the science sectors. Global recruiting has become standard practice of many Australian employers. I want to relay another example of a matter that I raised in the House probably three or four months ago when I was talking about immigration. In the region that I represent there is the group of industry leaders that we refer to as the Northern Economic Leaders Group. These are senior industry leaders in South Australia. It is a good group that is working in collaboration with the government to try and address a whole range of problems including the skills shortage problems. In a meeting some six months ago, every single person that came to that meeting and sat around the table said that their single biggest crisis was their inability to find skilled workers to fill the positions that they had available in their industries. It was a major issue for every single one of them, so we accept that there will be a need to bring people in from overseas to fill those jobs.

But if they are to be brought in then we also accept that they ought to be brought in and be treated as we would like to be treated ourselves if we were to be employed in the position that we offer them. They ought to be given the same level of protection as every other worker who comes into this country and who works in this country. And they ought to be given the same level of protection that they would be given if they went to other countries. Sadly, one of the

problems was that, under the previous government's Work Choices legislation, it was not just the skilled workers brought in from overseas that were given no protection; all workers were given little protection. It makes it pretty hard to say, 'You are not treating the skilled workers coming from overseas right,' when they say, 'It is no different to the way we have been treating other workers in this country for the last few years.'

We have to do two things, and thank God that this government is doing them. One is repealing the Work Choices legislation and introducing the Fair Work legislation of the Rudd government, and the other is fixing up the issues associated with workers who come in under 457 visas. That is exactly what this bill is going to do.

Finally, I just want to make this point. Many of the workers who are most exploited when they come into this country are those who are employed in what you would refer to as low-skilled areas of occupation. Over the last three or four years I have spoken with a whole range of people in industry sectors who have had various levels of experience with people working in low-skilled areas, and I have to say that the stories that have got back to me are absolutely appalling. I have heard stories where people who come to this country are perhaps brought here by a member of their own community who then in a sense organises them but equally exploits them; and stories of other people who come into this country, again brought in by maybe a migration agency or another person from their own community, who then have to pay a fair share of their income to that person. If they object, information is immediately passed on to the authorities and their visa is cancelled for one reason or another. Some of these people are the very people who ended up in detention centres—and the committee ended up having to investigate how they got there and whether they were held there in appropriate conditions. So my comments about the detention centre are also relevant in respect of this matter.

This is a bill which hopefully will address all of these issues. It is a bill that is long overdue and it is a bill that will go a long way towards ensuring that Australia has fair work conditions not only because of our new fair works laws but also because we are upholding the very principles that are espoused in the Universal Declaration of Human Rights, which both the Prime Minister and the Leader of the Opposition spoke in support of yesterday. I commend the bill to the House.

Mr LAURIE FERGUSON (Reid—Parliamentary Secretary for Multicultural Affairs and Settlement Services) (5.51 pm)—in reply—I thank members for their contributions. They are obviously a very diverse group and come from different perspectives in this debate on the Migration Legislation Amendment (Worker Protection) Bill 2008. A number of them are former trade union officials who have put an emphasis on the interface of Australia's industrial relations system, the way in which workers rights were undermined under the previous government and the question of section 457 visas. Some, such as the member for Forrest, come from areas of high demand for labour at the moment. It is particularly pronounced in some areas. Others, such as the member for Bennelong, represent electorates characterised by very high permanent and section 457 skilled migration. Other members, such as the member for Moreton, have been particularly active on the question of multiculturalism. He has high refugee migration to his electorate and has been active on the question of their acceptance in the community. I also want to mention the member for Bass. I was in the electorate of Bass recently, and it is interesting to note the work being done by the TAFE and the Department of

Immigration and Citizenship in regard to giving skills to humanitarian refugee entrants to this country. The member for Eden-Monaro spoke particularly of localised skill shortages in a specified industry.

I want to especially comment on the contribution of the member for Makin. He heavily emphasised the connection between industrial relations rights, the exploitation of people and their inability to struggle for themselves inside a hostile industrial relations environment and the way in which they can be exploited by sponsors. I want to put on the record my appreciation that he comes to this debate with particular strengths, having been heavily involved in a migrant resource centre in Adelaide. That gives me an opportunity to put on the record another aspect of Frank Crean, who was commemorated in the parliament today. Frank, having retired from this parliament, did not seek a career as a consultant or adviser selling himself around the parliament but rather chose to devote himself to public life. One of the ways in which he did that, as with the member for Makin, was to devote energy, time and a lot of effort to a Melbourne migrant resource centre. The legacy that he has in that migrant resource centre is still fairly evident.

So I thank all members for the contributions they made. Obviously, as I said, they are coming at this from different localised perspectives, different historical backgrounds, and different work and life experiences. The provisions of the bill continue this government's work towards facilitating the entry of overseas workers to meet genuine skill shortages while preserving the integrity of the Australian labour market and protecting overseas workers from exploitation. Sponsors who may have done the wrong thing will be more easily identified. Those who are proven to have done the wrong thing in regard to the treatment of visa holders—this undermines Australian work conditions in general; not only the rights of those individuals but the rights of the wider society—will have more appropriate sanctions applied.

Meanwhile sponsors who do the right thing will be rewarded for their compliance with a program that better facilitates the entry of skilled workers and retains much needed access to the international labour market. These changes reflect the government's commitment to improving the integrity of Australia's skilled migration arrangements without sacrificing the contribution they make to Australia's economic prosperity. Additionally, the flexibility established by the bill allows the program to adapt to changing economic needs and respond over time to any concerns raised by industry, government or union representatives.

The Rudd government is acutely aware of the need to strike an appropriate balance between the cost of compliance for sponsors and the integrity of the temporary skilled migration program. As other speakers have detailed, we are spending $19 billion plus because of the critical skills shortage in this country created by inaction and lack of interest over a long period of time—and if anyone wants to argue that that is not the reality they really are kidding themselves. To this end, the Minister for Immigration and Citizenship has engaged the Skilled Migration Consultative Panel, on an ongoing basis, to provide advice on the content of the regulations, particularly the obligations. The government is confident that the broad based representation on the panel means it can strike the required balance. Furthermore, the minister has undertaken to provide a draft of the regulations to the panel and the major parties for consideration early next year.

Finally, I want to make it clear that the government does not anticipate that the sponsor obligations will involve any significant additional costs for business. It would not be in anyone's

interests for that to be the case. In fact, the recent visa integrity review conducted by industrial relations expert Ms Barbara Deegan is clear on the need to minimise upfront and prospective costs associated with subclass 457 visa holders to aid mobility and decrease the potential for exploitation.

I note that earlier in the debate there was a brief reference to inaction by the minister. Let us look at the reality. We have seen major changes to detention policy in this country. We have witnessed a citizenship review which sought to go back to this country's previous policy of bringing people in, being inclusive and not segregating people, not alienating people, not keeping people out of the system. We have seen a minimum salary level come into this particular sector of policy. We have witnessed a visit to Indonesia by the minister to speak to authorities over there about the issue of illegal migrants, and I had the opportunity recently with the minister to meet the relevant Indonesian minister while he was here for the intergovernmental discussions. We have had Barbara Deegan carry out these reviews. And, of course, as early as 17 February last, we made moves to try to tackle this question of skilled migration and exploitation. So for references to be made to inaction really is, I think, the pot calling the kettle black, given that we have had to overcome so many problems in this area, as illustrated by this legislation.

I also note that my experience is similar to that of the member for Makin with regard to people constantly coming to her about industrial relations exploitation. I had Liberal aldermen in my area this morning coming to me for help basically to overcome the exploitation of workers—and I went of course to the LHMU to get some advice on those matters.

So I do very much commend this bill to the House. It is dealing with realities that have to be overcome. It is unfortunate that things have reached this stage: it is unfortunate that we witness, daily, exploitation by people and that we have had a system where visa cancellation was the only option in some cases, which did not really solve the problem. So I do very strongly commend this legislation.

Question agreed to.

Bill read a second time.

Ordered that the bill be reported to the House without amendment.

Main Committee adjourned at 5.59 pm