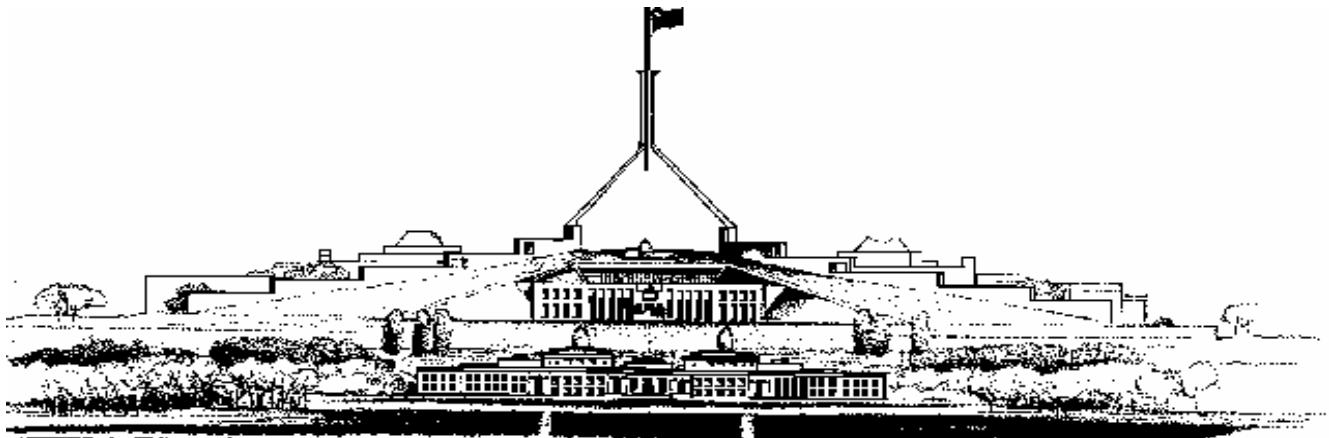




COMMONWEALTH OF AUSTRALIA

PARLIAMENTARY DEBATES



House of Representatives

Official Hansard

No. 15, 2009
Monday, 19 October 2009

FORTY-SECOND PARLIAMENT
FIRST SESSION—SIXTH PERIOD

BY AUTHORITY OF THE HOUSE OF REPRESENTATIVES

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SITTING DAYS—2009

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

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

Governor-General

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

House of Representatives Officeholders

Speaker—Mr Harry Alfred Jenkins MP

Deputy Speaker—Ms Anna Elizabeth Burke MP

Second Deputy Speaker—Hon. Bruce Craig Scott MP

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

Leader of the House—Hon. Anthony Norman Albanese MP

Deputy Leader of the House—Hon. Stephen Francis Smith MP

Manager of Opposition Business—Hon. Christopher Maurice Pyne MP

Deputy Manager of Opposition Business—Mr Luke Hartsuyker MP

Party Leaders and Whips

Australian Labor Party

Leader—Hon. Kevin Michael Rudd MP

Deputy Leader—Hon. Julia Eileen Gillard MP

Chief Government Whip—Hon. Leo Roger Spurway Price MP

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

Liberal Party of Australia

Leader—Hon. Malcolm Bligh Turnbull MP

Deputy Leader—Hon. Julie Isabel Bishop MP

Chief Opposition Whip—Hon. Alex Somlyay MP

Opposition Whips—Mr Michael Andrew Johnson MP and Ms Nola Bethwyn Marino MP

The Nationals

Leader—Hon. Warren Errol Truss MP

Chief Whip—Mrs Kay Elizabeth Hull MP

Whip—Mr Paul Christopher Neville MP

Printed by authority of the House of Representatives

Members of the House of Representatives

Members	Division	Party
Abbott, Hon. Anthony John	Warringah, NSW	LP
Adams, Hon. Dick Godfrey Harry	Lyons, Tas	ALP
Albanese, Hon. Anthony Norman	Grayndler, NSW	ALP
Andrews, Hon. Kevin James	Menzies, Vic	LP
Bailey, Hon. Frances Esther	McEwen, Vic	LP
Baldwin, Hon. Robert Charles	Paterson, NSW	LP
Bevis, Hon. Archibald Ronald	Brisbane, Qld	ALP
Bidgood, James Mark	Dawson, Qld	ALP
Billson, Hon. Bruce Fredrick	Dunkley, Vic	LP
Bird, Sharon Leah	Cunningham, NSW	ALP
Bishop, Hon. Bronwyn Kathleen	Mackellar, NSW	LP
Bishop, Hon. Julie Isabel	Curtin, WA	LP
Bowen, Hon. Christopher Eyles	Prospect, NSW	ALP
Bradbury, David John	Lindsay, NSW	ALP
Briggs, Jamie Edward	Mayo SA	LP
Broadbent, Russell Evan	McMillan, Vic	LP
Burke, Anna Elizabeth	Chisholm, Vic	ALP
Burke, Hon. Anthony Stephen	Watson, NSW	ALP
Butler, Hon. Mark Christopher	Port Adelaide, SA	ALP
Byrne, Hon. Anthony Michael	Holt, Vic	ALP
Campbell, Jodie Louise	Bass, Tas	ALP
Champion, Nicholas David	Wakefield, SA	ALP
Cheeseman, Darren Leicester	Corangamite, Vic	ALP
Chester, Darren	Gippsland, Vic.	Nats
Ciobo, Steven Michele	Moncrieff, Qld	LP
Clare, Hon. Jason Dean	Blaxland, NSW	ALP
Cobb, Hon. John Kenneth	Calare, NSW	Nats
Collins, Julie Maree	Franklin, Tas	ALP
Combet, Hon. Gregory Ivan, AM	Charlton, NSW	ALP
Coulton, Mark Maclean	Parkes, NSW	Nats
Crean, Hon. Simon Findlay	Hotham, Vic	ALP
Danby, Michael David	Melbourne Ports, Vic	ALP
D'Ath, Yvette Maree	Petrie, Qld	ALP
Debus, Hon. Robert John	Macquarie, NSW	ALP
Dreyfus, Mark Alfred, QC	Isaacs, Vic	ALP
Dutton, Hon. Peter Craig	Dickson, Qld	LP
Elliot, Hon. Maria Justine	Richmond, NSW	ALP
Ellis, Annette Louise	Canberra, ACT	ALP
Ellis, Hon. Katherine Margaret	Adelaide, SA	ALP
Emerson, Hon. Craig Anthony	Rankin, Qld	ALP
Farmer, Hon. Patrick Francis	Macarthur, NSW	LP
Ferguson, Hon. Laurie Donald Thomas	Reid, NSW	ALP
Ferguson, Hon. Martin John, AM	Batman, Vic	ALP
Fitzgibbon, Hon. Joel Andrew	Hunter, NSW	ALP
Forrest, John Alexander	Mallee, Vic	Nats
Garrett, Hon. Peter Robert, AM	Kingsford Smith, NSW	ALP
Gash, Joanna	Gilmore, NSW	LP
Georganas, Steven	Hindmarsh, SA	ALP

Members of the House of Representatives

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

Members of the House of Representatives

Members	Division	Party
Oakeshott, Robert James Murray	Lyne, NSW	Ind
O'Connor, Hon. Brendan Patrick John	Gorton, Vic	ALP
Owens, Julie Ann	Parramatta, NSW	ALP
Parke, Melissa	Fremantle, WA	ALP
Pearce, Hon. Christopher John	Aston, Vic	LP
Perrett, Graham Douglas	Moreton, Qld	ALP
Plibersek, Hon. Tanya Joan	Sydney, NSW	ALP
Price, Hon. Leo Roger Spurway	Chifley, NSW	ALP
Pyne, Hon. Christopher Maurice	Sturt, SA	LP
Raguse, Brett Blair	Forde, Qld	ALP
Ramsey, Rowan Eric	Grey, SA	LP
Randall, Don James	Canning, WA	LP
Rea, Kerry Marie	Bonner, Qld	ALP
Ripoll, Bernard Fernand	Oxley, Qld	ALP
Rishworth, Amanda Louise	Kingston, SA	ALP
Robb, Hon. Andrew John, AO	Goldstein, Vic	LP
Robert, Stuart Rowland	Fadden, Qld	LP
Roxon, Hon. Nicola Louise	Gellibrand, Vic	ALP
Rudd, Hon. Kevin Michael	Griffith, Qld	ALP
Ruddock, Hon. Philip Maxwell	Berowra, NSW	LP
Saffin, Janelle Anne	Page, NSW	ALP
Schultz, Albert John	Hume, NSW	LP
Scott, Hon. Bruce Craig	Maranoa, Qld	NP
Secker, Patrick Damien	Barker, SA	LP
Shorten, Hon. William Richard	Maribyrnong, Vic	ALP
Sidebottom, Peter Sid	Braddon, Tas	ALP
Simpkins, Luke Xavier Linton	Cowan, WA	LP
Slipper, Hon. Peter Neil	Fisher, Qld	LP
Smith, Hon. Anthony David Hawthorn	Casey, Vic	LP
Smith, Hon. Stephen Francis	Perth, WA	ALP
Snowdon, Hon. Warren Edward	Lingiari, NT	ALP
Somlyay, Hon. Alexander Michael	Fairfax, Qld	LP
Southcott, Andrew John	Boothby, SA	LP
Stone, Hon. Sharman Nancy	Murray, Vic	LP
Sullivan, Jonathan Harold	Longman, Qld	ALP
Swan, Hon. Wayne Maxwell	Lilley, Qld	ALP
Symon, Michael Stuart	Deakin, Vic	ALP
Tanner, Hon. Lindsay James	Melbourne, Vic	ALP
Thomson, Craig Robert	Dobell, NSW	ALP
Thomson, Kelvin John	Wills, Vic	ALP
Trevor, Chris Allan	Flynn, Qld	ALP
Truss, Hon. Warren Errol	Wide Bay, Qld	Nats
Tuckey, Hon. Charles Wilson	O'Connor, WA	LP
Turnbull, Hon. Malcolm Bligh	Wentworth, NSW	LP
Turnour, James Pearce	Leichhardt, Qld	ALP
Vale, Hon. Danna Sue	Hughes, NSW	LP
Vamvakinou, Maria	Calwell, Vic	ALP
Washer, Malcolm James	Moore, WA	LP
Windsor, Anthony Harold Curties	New England, NSW	Ind

Members of the House of Representatives

Members	Division	Party
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
Minister for Defence and Vice President of the Executive Council	Senator Hon. John Faulkner
Minister for Trade	Hon. Simon Crean MP
Minister for Foreign Affairs and Deputy Leader of the House	Hon. Stephen Smith 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 Finance and Deregulation	Hon. Lindsay Tanner 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
Cabinet Secretary, Special Minister of State 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
Minister for Financial Services, Superannuation and Corporate Law and Minister for Human Services	Hon. Chris Bowen, MP

[The above ministers constitute the cabinet]

RUDD MINISTRY—*continued*

Minister for Veterans' Affairs	Hon. Alan Griffin MP
Minister for Housing and Minister for the Status of Women	Hon. Tanya Plibersek MP
Minister for Home Affairs	Hon. Brendan O'Connor MP
Minister for Indigenous Health, Rural and Regional Health and Regional Services Delivery	Hon. Warren Snowdon MP
Minister for Small Business, Independent Contractors and the Service Economy, Minister Assisting the Finance Minister on Deregulation and Minister for Competition Policy and Consumer Affairs	Hon. Dr Craig Emerson MP
Assistant Treasurer	Senator Hon. Nick Sherry
Minister for Ageing	Hon. Justine Elliot MP
Minister for Early Childhood Education, Childcare and Youth and Minister for Sport	Hon. Kate Ellis MP
Minister for Defence Personnel, Materiel and Science and Minister Assisting the Minister for Climate Change	Hon. Greg Combet AM, MP
Minister for Employment Participation and Minister Assisting the Prime Minister on Government Service Delivery	Senator Hon. Mark Arbib
Parliamentary Secretary for Infrastructure, Transport, Regional Development and Local Government	Hon. Maxine McKew MP
Parliamentary Secretary for Defence Support and Parliamentary Secretary for Water	Hon. Dr Mike Kelly AM, MP
Parliamentary Secretary for Western and Northern Australia	Hon. Gary Gray AO, MP
Parliamentary Secretary for Disabilities and Children's Services and Parliamentary Secretary for Victorian Bushfire Reconstruction	Hon. Bill Shorten MP
Parliamentary Secretary for International Development Assistance	Hon. Bob McMullan MP
Parliamentary Secretary for Pacific Island Affairs	Hon. Duncan Kerr SC, MP
Parliamentary Secretary to the Prime Minister and Parliamentary Secretary for Trade	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 for Multicultural Affairs and Settlement Services	Hon. Laurie Ferguson MP
Parliamentary Secretary for Employment	Hon. Jason Clare MP
Parliamentary Secretary for Health	Hon. Mark Butler MP
Parliamentary Secretary for Industry and Innovation	Hon. Richard Marles MP

SHADOW MINISTRY

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

[The above constitute the shadow cabinet]

SHADOW MINISTRY—*continued*

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

CONTENTS

MONDAY, 19 OCTOBER

Chamber

International Tax Agreements Amendment Bill (No. 1) 2009,	
Offshore Petroleum and Greenhouse Gas Storage Legislation Amendment Bill 2009,	
Offshore Petroleum and Greenhouse Gas Storage (Safety Levies) Amendment Bill 2009 and	
Road Transport Reform (Dangerous Goods) Repeal Bill 2009—	
Returned from the Senate	10051
Native Title Amendment Bill 2009,	
Foreign States Immunities Amendment Bill 2009,	
Higher Education Support Amendment (2009 Budget Measures) Bill 2009,	
National Greenhouse and Energy Reporting Amendment Bill 2009,	
Tax Laws Amendment (2009 Measures No. 4) Bill 2009,	
Safe Work Australia Bill 2008 [No. 2],	
Migration Amendment (Abolishing Detention Debt) Bill 2009 [No. 2],	
Australian Citizenship Amendment (Citizenship Test Review and Other Measures) Bill 2009,	
Military Justice (Interim Measures) Bill (No. 1) 2009,	
Military Justice (Interim Measures) Bill (No. 2) 2009,	
Automotive Transformation Scheme Bill 2009,	
Acis Administration Amendment Bill 2009,	
Acis Administration Amendment Bill 2009,	
Uranium Royalty (Northern Territory) Bill 2009,	
Therapeutic Goods Amendment (2009 Measures No. 2) Bill 2009,	
Customs Amendment (Asean-Australia-New Zealand Free Trade Agreement Implementation) Bill 2009,	
Customs Tariff Amendment (Asean-Australia-New Zealand Free Trade Agreement Implementation) Bill 2009,	
Freedom of Information (Removal of Conclusive Certificates and Other Measures) Bill 2008 [2009],	
National Health Security Amendment Bill 2009,	
Health Insurance Amendment (Extended Medicare Safety Net) Bill 2009,	
Offshore Petroleum and Greenhouse Gas Storage Legislation Amendment Bill 2009,	
Offshore Petroleum and Greenhouse Gas Storage (Safety Levies) Amendment Bill 2009,	
Road Transport Reform (Dangerous Goods) Repeal Bill 2009 and	
International Tax Agreements Amendment Bill (No. 1) 2009—	
Assent	10052
Fuel Quality Standards Amendment Bill 2009—	
Consideration of Senate Message.....	10052
Federal Court of Australia Amendment (Criminal Jurisdiction) Bill 2008—	
Consideration of Senate Message.....	10052
Main Committee—	
Private Members' Motions,	
Australian National Preventive Health Agency Bill 2009 and	
Tax Agent Services (Transitional Provisions and Consequential Amendments) Bill 2009—	
Referred to Main Committee.....	10052
Education Services for Overseas Students Amendment (Re-registration of Providers and Other Measures) Bill 2009—	
Second Reading	10052
Condolences—	
Mr John (Jack) Gordon Evans	10079
Members for Bradfield and Higgins: Resignation	10079

CONTENTS—*continued*

Asia-Pacific Natural Disasters	10079
Main Committee—	
Asia-Pacific Natural Disasters—Reference.....	10082
Questions Without Notice—	
Emissions Trading Scheme.....	10082
Distinguished Visitors.....	10083
Questions Without Notice—	
Economy.....	10084
Asylum Seekers	10085
Economy.....	10086
Asylum Seekers	10087
Employment	10088
Asylum Seekers	10089
Nation Building and Jobs Plan	10090
Indigenous Housing.....	10090
Economy.....	10091
Economy.....	10092
Pakistan: Terrorism.....	10094
Economy.....	10095
Climate Change	10096
Interest Rates	10098
Health Policy	10099
Emissions Trading Scheme.....	10100
Border Security.....	10102
Nation Building and Jobs Plan	10104
Climate Change	10104
Questions to the Speaker—	
Questions in Writing.....	10105
Personal Explanations	10105
Member for North Sydney	10106
Department of the House of Representatives—	
Annual Report	10106
Australian National Audit Office—	
Annual Report	10106
Auditor-General's Reports—	
Report No. 6 of 2009-10.....	10106
Documents	10106
Education Services for Overseas Students Amendment (Re-registration of Providers and Other Measures) Bill 2009—	
Second Reading	10107
Consideration in Detail.....	10141
Third Reading.....	10143
Federal Court of Australia Amendment (Criminal Jurisdiction) Bill 2008—	
Consideration of Senate Message.....	10144
Trade Practices Amendment (Australian Consumer Law) Bill 2009—	
Second Reading	10148
Petitions—	
National Marriage Day.....	10175
Postnatal Depression	10176
Youth Allowance	10176

CONTENTS—*continued*

Aircraft Noise: Sutherland Shire	10176
Responses—	
Pensioners	10176
World War II Sex Slavery.....	10178
Statements	10178
Committees—	
Procedure Committee—Report	10180
Geothermal and other Renewable Energy (Emerging Technologies) Amendment Bill 2009—	
Second Reading	10181
Private Members' Business—	
Millennium Development Goals	10183
Adjournment—	
Bali Peace Park Association	10192
Economy.....	10194
Gippsland Electorate: Gippsland Lakes	10195
Afghanistan	10196
Paterson Citizen of the Year Awards.....	10198
Bonner Electorate: Centrelink	10199
Main Committee	
Constituency Statements—	
Tangney Electorate: Medical Workforce	10201
Kingston Electorate: Hallett Cove Preschool	10201
McMillan Electorate: Medicare.....	10202
Solomon Electorate: Housing.....	10203
Paterson Electorate: Higher School Certificate	10203
Adelaide Electorate: Northfield Primary School.....	10204
Swan Electorate: Southcare	10205
Corio Electorate: Heritage Listings	10206
Herbert Electorate: Police and Community Youth Clubs	10207
Ballarat Electorate: Health Reform Consultation	10208
Australian National Preventive Health Agency Bill 2009—	
Second Reading	10209
Statements by Members—	
Gippsland Electorate: Princes Highway Road Toll	10238
Deaths in Custody	10239
Homelessness and Young People	10239
Oxley Electorate: Ipswich Motorway.....	10240
Kangaroo Harvesting and Processing.....	10240
Petition: Carbon Pollution Reduction Scheme	10241
Petition: Restrictions on Parallel Importation of Books	10241
Swan Electorate: Seniors Forum	10242
Northern Rivers Bushfires	10242
North-South Perth Railway	10243
International Awards for Liveable Communities.....	10243
Clean Energy Security Bill 2009—	
Second Reading	10244
Private Members' Business—	
National Schools Chaplaincy Program.....	10246
Rail Infrastructure.....	10254

CONTENTS—*continued*

Airservices Australia and Perth Airport.....	10262
Grievance Debate—	
Broadband	10269
Forde Electorate: Awards.....	10272
Flinders Electorate: Mornington Peninsula	10274
Kingston Electorate: McLaren Vale Region	10276
Emissions Trading Scheme.....	10278
Blair Electorate: Roads.....	10281
Questions In Writing	
Governor-General: Africa—(Question No. 654).....	10284
Productivity Places Program—(Question No. 790).....	10285
Active After-School Communities Program—(Question No. 797).....	10286
Sport Funding—(Question No. 798)	10287
Employment Services Purchasing Hotline—(Question No. 810)	10291
Nation Building and Jobs Plan—(Question No. 813)	10292
Youth Allowance and Abstudy—(Question No. 816)	10292
Education, Employment and Workplace Relations: Programs—(Question No. 823) ..	10293
Climate Change: Resources and Energy—(Question No. 836).....	10303
Education, Employment and Workplace Relations: Awards and Building Regulations—(Question No. 837).....	10304
Asia-Pacific Community—(Question No. 856)	10311
Sri Lanka—(Question No. 863)	10312
Chifley Electorate: Magnetic Resonance Imaging Machines—(Question No. 871)	10314
Small Bowel Transplants—(Question No. 883)	10314
Nation Building and Jobs Plan—(Question No. 885)	10315

Monday, 19 October 2009

The SPEAKER (Mr Harry Jenkins)
took the chair at 12 pm and read prayers.

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

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

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

**ROAD TRANSPORT REFORM
(DANGEROUS GOODS) REPEAL
BILL 2009**

Returned from the Senate

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

**NATIVE TITLE AMENDMENT
BILL 2009**

**FOREIGN STATES IMMUNITIES
AMENDMENT BILL 2009**

**HIGHER EDUCATION SUPPORT
AMENDMENT (2009 BUDGET
MEASURES) BILL 2009**

**NATIONAL GREENHOUSE AND
ENERGY REPORTING AMENDMENT
BILL 2009**

**TAX LAWS AMENDMENT (2009
MEASURES No. 4) BILL 2009**

**SAFE WORK AUSTRALIA BILL
2008 [No. 2]**

**MIGRATION AMENDMENT
(ABOLISHING DETENTION DEBT)
BILL 2009 [No. 2]**

**AUSTRALIAN CITIZENSHIP
AMENDMENT (CITIZENSHIP TEST
REVIEW AND OTHER MEASURES)
BILL 2009**

**MILITARY JUSTICE (INTERIM
MEASURES) BILL (No. 1) 2009**

**MILITARY JUSTICE (INTERIM
MEASURES) BILL (No. 2) 2009**

**AUTOMOTIVE TRANSFORMATION
SCHEME BILL 2009**

**ACIS ADMINISTRATION
AMENDMENT BILL 2009**

**ACIS ADMINISTRATION
AMENDMENT BILL 2009**

**URANIUM ROYALTY (NORTHERN
TERRITORY) BILL 2009**

**THERAPEUTIC GOODS AMENDMENT
(2009 MEASURES No. 2) BILL 2009**

**CUSTOMS AMENDMENT (ASEAN-
AUSTRALIA-NEW ZEALAND FREE
TRADE AGREEMENT
IMPLEMENTATION) BILL 2009**

**CUSTOMS TARIFF AMENDMENT
(ASEAN-AUSTRALIA-NEW ZEALAND
FREE TRADE AGREEMENT
IMPLEMENTATION) BILL 2009**

**FREEDOM OF INFORMATION
(REMOVAL OF CONCLUSIVE
CERTIFICATES AND OTHER
MEASURES) BILL 2008 [2009]**

**NATIONAL HEALTH SECURITY
AMENDMENT BILL 2009**

**HEALTH INSURANCE AMENDMENT
(EXTENDED MEDICARE SAFETY
NET) BILL 2009**

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

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

**ROAD TRANSPORT REFORM
(DANGEROUS GOODS) REPEAL
BILL 2009**

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

Assent

Messages from the Governor-General reported informing the House of assent to the bills.

**FUEL QUALITY STANDARDS
AMENDMENT BILL 2009**

Consideration of Senate Message

Bill returned from the Senate with an amendment.

Ordered that the amendment be considered at a later hour this day.

**FEDERAL COURT OF AUSTRALIA
AMENDMENT (CRIMINAL
JURISDICTION) BILL 2008**

Consideration of Senate Message

Bill returned from the Senate with amendments.

Ordered that the amendments be considered at a later hour this day.

MAIN COMMITTEE

Private Members' Motions

The SPEAKER—In accordance with standing order 41(h) and the recommendations of the whips adopted by the House on 17 September 2009, I present copies of the terms of motions for which notice has been given by the members for Canning, Oxley and Pearce. These matters will be considered in the Main Committee later today.

**AUSTRALIAN NATIONAL
PREVENTIVE HEALTH AGENCY
BILL 2009**

**TAX AGENT SERVICES
(TRANSITIONAL PROVISIONS AND
CONSEQUENTIAL AMENDMENTS)
BILL 2009**

Referred to Main Committee

Ms HALL (Shortland) (12.04 pm)—by leave—I move:

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

Question agreed to.

**EDUCATION SERVICES FOR
OVERSEAS STUDENTS AMENDMENT
(RE-REGISTRATION OF PROVIDERS
AND OTHER MEASURES) BILL 2009**

Second Reading

Debate resumed from 19 August, on motion by **Ms Gillard**:

That this bill be now read a second time.

Dr SOUTHCOTT (Boothby) (12.04 pm)—Without a doubt the expansion of international education in Australia over the last 25 years has been a great success story. Of course, Australia has been taking international students since 1904. The Colombo Plan, which ran from 1950 to 1967, was a very far-sighted plan and the first real large-scale expansion of international education. But over the last 25 years we have seen an expansion of international education to the point where, based on 2008 data, education services is now the third largest export for Australia. Only iron ore and coal are larger in terms of export income. Education services is the largest services export. Education services currently bring in more revenue than the leisure travel sector. In 2007-08 education services was the largest export for the state of Victoria. At July 2009, there were 547,663 enrolments by full-fee international students in Australia on a student visa. China remains the largest source country, followed by India, Korea, Malaysia and Nepal. China and India together account for more than 40 per cent of international students studying in Australia. But there are other nationalities outside the top five which together also account for more than 42 per cent of international students. According to the UNESCO Institute for Statistics, Australia is the No. 1 destination for overseas study in Hong Kong, Indonesia, Malaysia and Singapore. We are

No. 2 in India, Sri Lanka, Kenya, the United Kingdom and Thailand. We are No. 3 in Japan, South Korea and the United States.

Significantly, the vocational education and training sector has seen growing enrolments, with July 2009 figures indicating a 39.4 per cent growth in enrolments. Only recently, commencements in VET outstripped commencements in higher education. That has occurred only over the last 12 months. So it goes without saying that it is absolutely critical that we as a country get this right. The opposition believe that it is important that we have international education on a sustainable foundation going forward.

There are several areas which need to be addressed for this important national enterprise to continue. Firstly, the welfare of international students while studying in Australia is critical to maintaining our strong enrolments and strong reputation as a provider of quality education, and I note that the Senate have a committee which is specifically looking at this very issue and is due to report next month. Secondly, the effectiveness of the regulation of the education sector, both higher ed and vocational education and training, needs to be improved. Thirdly, we need to address any pull factors which are occurring with the interaction with Australia's migration program so that the provision of education is sustainable.

In recent developments, there has been a rapid increase in the number of international students choosing to undertake VET courses in Australia, partly as a result of changes to migration eligibility. As a result of this high demand, there has been a dramatic increase in provider numbers as providers seek to benefit from this demand. This has resulted in increased pressure on state regulatory bodies, who may struggle for adequate resources to monitor all these providers, allowing some unscrupulous providers to operate. Recent

reports have acknowledged poor-quality education and substandard facilities at some providers, with some registered providers enrolling more than the allowable number of overseas students. As a result, hundreds of international students have either needed to be placed with new registered providers or been refunded their course fees through a tuition assurance scheme or the ESOS Assurance Fund.

As for the overall quality of education in Australia, while there have been some recent high-profile cases of education providers who have left students stranded, I want to emphasise that the vast majority of the education sector is offering quality education and training. It is a source of national pride that in many Asian countries we are now one of the destinations of choice, ahead of their more traditional markets like the United States or the United Kingdom.

I mentioned before some of the current inquiries in this sector. As problems have emerged with the minister's handling of her numerous portfolios, the opposition, through the shadow minister for immigration and me, called for an independent inquiry into international education. We therefore welcomed the bringing forward of the review into the ESOS legislation by the Hon. Bruce Baird in early August 2009. Reflecting the importance of getting this issue right, there are a number of further reviews. We await the Senate inquiry into the welfare of international students; the committee will be reporting back to the Senate in November. The Senate Education, Employment and Workplace Relations References Committee is also examining this legislation, and I know many stakeholders have made submissions to the committee to put their point of view.

We welcomed the international students roundtable, but we were concerned that the minister was more interested in hearing from

students from the Group of Eight universities and from high-end VET providers than students from the smaller VET providers, who now represent the majority of international students in Australia. As Minister for Social Inclusion, this was one exercise where she was not inclusive enough.

Importantly, the legislation that this bill amends provides the regulatory framework from a Commonwealth point of view. The ESOS Act includes provision for registration on CRICOS, compulsory membership of a tuition assurance scheme, contributions by providers to the ESOS Assurance Fund and the compulsory national code and sanctions. There is some overlap, and states and territories are the responsible jurisdictions for quality assurance—and that is where many of the problems arise.

The Skills Australia report *Foundations for the future: proposals for future governance, architecture and market design of the National Training System* of June 2009 identified a number of weaknesses in the current operation of the regulation of education providers. In summary, to quote from the report: Our quality assurance systems should support quality improvement and recognise excellence and high levels of performance.

It said there was a need for 'quick action and consistent approaches on poor performance', the current operation 'limited the ability to swiftly deal with under-performers' and:

... the current system controls at entry point and is not good at intervening without complaints from students ...

The Skills Australia report highlighted the need for risk management by the state and territory regulators; with more than 4,000 providers, states and territories should be doing a risk rating for each provider. There is a problem with the state registration and course accreditation bodies reacting to emerging problems. The Skills Australia re-

port recommended strengthening 'AQTF risk management protocols, scope for interventions and treatment of sanctions to enable rapid national response to poor RTO performance'.

Turning to the ESOS Assurance Fund, the majority of providers are members of a tuition assurance scheme; however, if the tuition assurance scheme is unable to source an alternative place for a student then they may be referred to the ESOS Assurance Fund. The ESOS Assurance Fund was established to protect the interests of overseas students, whether currently studying or planning to study with registered providers in Australia. Its intention is to refer students to alternative providers if their provider defaults or, if no suitable alternative is available, to refund moneys paid. The ESOS Assurance Fund is financed by contributions made annually by registered providers. However, over the last year in particular, there has been a significant increase in calls made on the fund, depleting reserves. There are now serious concerns held as to whether the fund remains solvent.

The opposition's position, as I said at the beginning, is that this is very important to Australia. It is good for international students and it is good for Australian students to get the cultural interaction. But it is also a very important source of export income for this country. It is our largest services export and our third largest export, behind coal and iron ore. We believe that it is important that we have a very strong foundation so that the education services industry is sustainable going into the future. We support measures which will enhance confidence in the sector.

We support the principle of this bill. However, we believe that focusing on registration and publishing the list of education agents does not address the problems which have been identified. The major problem in this area is the capacity of state and

territory regulators to act quickly and to identify emerging problems. There is a major problem with the lack of risk rating by the state and territory jurisdictions. We should be moving to a quality assurance system which supports quality improvement and recognises excellence. We believe there is a need for a better risk management approach, and that has been ignored by the minister in her response to the problems encountered by international students. As a result, while we support the intent of the bill and will support it at the second reading stage, I will be moving a number of amendments during the consideration in detail stage. These should be circulated during my speech in the second reading debate. These amendments relate to a risk management approach being used by the state and territory regulatory authorities, the requirements for education agents being used by education providers and more transparency for the ESOS Assurance Fund. I will address these amendments during the consideration in detail stage.

Mr PERRETT (Moreton) (12.17 pm)—I rise to speak in support of the Education Services for Overseas Students Amendment (Re-registration of Providers and Other Measures) Bill 2009. In recent years we have seen a growing number of students from overseas enrolling in our wonderful Australian universities. Australia is home to more than 300,000 overseas students: 70,000 from China, 60,000 from India and increasing numbers from Scandinavia, Canada, the US, Britain and other European countries. Closer to home we have many students from South Korea, Indonesia, Malaysia and Thailand. In fact, despite the global financial crisis, overseas enrolments ballooned by 21 per cent this year.

It is a vote of confidence in Australian universities and proof that an Australian degree is highly regarded around the world. Universities like Griffith University, in my

electorate, the Queensland University of Technology, where I did my teaching and law degrees, and the University of Queensland, where I did my literature studies, have world standard names because Australia is a very, very attractive place to study. We have great people, an intriguing and engaging landscape, a great climate—at least in Queensland—and a very welcoming, multicultural society. Young people want to come to Australia, want to be educated in Australia and want to experience Australian culture. Overseas students and their families spend more than \$14 billion a year in Australia. Access Economics estimates that this creates an extra \$12.6 billion in goods, services and jobs. That means overseas students contribute more than \$26 billion to our economy—making education our third biggest export. But, of course, their contribution is not just financial.

It is interesting when we think about students in purely financial terms. Certainly, in Queensland, when comparing what overseas students are worth, we could look at them in financial terms as a coal train. If we thought about students as a coal train, there would be about two students per wagon. If we were to think of those 300,000 students as coal wagons, there would be 132,075 wagons, or a train nearly 2,000 kilometres long, stretching from Brisbane to Sydney and back.

However, as I said, we do not need to think of them in merely financial terms as they contribute to and do other things for our community. Overseas students contribute to the broad tapestry of Australian multiculturalism and they also ensure a diversity of thought in our universities and in our broader community. They also do some of our less desirable jobs, such as late night taxi-driving shifts, which are not always the top jobs as you do not always see humanity at its finest. Griffith University's Nathan Campus in my electorate is home to 3,700 international stu-

dents and the community on the south side is richer and stronger for having them. In fact, many of those students attended the south side summit that I held in August.

Unfortunately the downside to such rapid growth in the overseas student sector is that it has allowed an unscrupulous few to subvert the system. We have seen a situation where some education agents exist only to provide a back door for students to gain residency. And, unfortunately, some of the students who come to Australia to learn and to take advantage of our universities are also taken advantage of. I saw an article in the *Australian* the other day about a house in my electorate which had 37 students living in it. I thought that that would have been the Australian record but apparently there was a Melbourne house that had even more students, which is quite an enviable record and one that I do not wish to break. There is increasing concern about the quality of advice that education agents are providing to prospective international students as well.

The Education Services for Overseas Students Act works in tandem with immigration laws to ensure that education providers collect and report information relating to student visas and to regulate minimum standards, tuition and financial assurance. It is about ensuring that international students receive a quality education in Australia and, on the flip side, that international students meet the conditions of their student visa. This has been a concern passed on to me by some of my constituents. They want to be sure that these international students are doing the right thing. Unfortunately, there is the occasional rogue, but most of them are just hardworking students studying and doing the right thing. I did hear a funny story on the weekend from one of the local councillors in my electorate who, strangely enough, found that an illegal brothel had opened across the road from him. The brothel was run by an

international student. I am not sure whether they were a business student or not. I recognise their acumen, but that is not the sort of international student we are trying to attract. Needless to say, the councillor got the brothel closed down pretty quickly.

If Australia is to maintain its reputation as a quality education provider, we need to ensure that international students are offered the best possible education in their chosen degree or trade. This bill will ensure that only genuine education providers with a track record of providing quality education to domestic students will then be allowed to provide education to overseas students. The bill amends the Education Services for Overseas Students Act 2000 to require all institutions on the Commonwealth Register of Institutions and Courses for Overseas Students to re-register by 31 December 2010. So there is ample time and ample warning. To gain registration, providers will need to demonstrate that their principal purpose is to provide education.

The bill also tightens the screws on education agents by requiring providers to publish the names of education agents who represent them and to meet regulations concerning their agents. This bill is about ensuring that only genuine education providers can provide education to overseas students. As I said earlier, they are a very valuable resource and must be protected. We have seen how just a couple of idiots on a train can damage our good name overseas. We unfortunately saw that happen in India. All of that great work done by our universities to attract and engage students can be knocked away very quickly by a couple of drunken idiots attacking a couple of overseas students. We need to do what we can to protect our brand. It is a great brand and we must do all that we can to protect it.

As with any growth industry there are always a few cowboy operators who are only in it for the quick buck. The bill that is before the House lets them know that there is a new sheriff in town. This bill will put an end to such behaviour. It does so by introducing enforcement measures that will encourage compliance while not putting undue pressure on providers. It will give the Commonwealth the flexibility it needs to enforce the law while not putting education providers under financial pressure. As the law stands, a provider under suspension must continue to teach students but is not permitted to collect fees.

Importantly, our reforms to education services for overseas students will not end with this bill. The review of this legislation will examine how the current arrangements support students, deliver quality education, are effectively regulated and ensure the sustainability of the sector. I understand the Baird review will report early next year and show us other initiatives that we can bring in to improve this sector.

My electorate office is surrounded by overseas students and the agents who initially lure them to Australia, so I well understand how important overseas students are for my community and for the local businesses that service them. I mentioned Griffith University in particular, but a lot of students live in my electorate—because of the ease of life and great food—and then travel to the other universities, such as the University of Queensland and Queensland University of Technology. So I understand how important it is that we look after these numbers. As I said, we should think of it as a coal train—I could not easily find a wheat train comparison. I know the number of coal trains that it would take to bring in the sort of revenue that these overseas students do.

Through this bill, the Rudd government is responding to community concerns to ensure that Australia continues to stand tall as a destination of choice for overseas students. We know that our near neighbours are doing what they can to set up universities. They are doing what they can to make sure that they are in competition with us, so it is important that we protect the great brand of Australian universities. The bill before the House goes some way to doing this, and I commend the bill to the House.

Dr STONE (Murray) (12.27 pm)—I rise with pleasure to talk on the Education Services for Overseas Students Amendment (Re-registration of Providers and Other Measures) Bill 2009. In a previous life, before entering parliament, I was a manager for international development at the University of Melbourne. Much of my time was spent talking with parents and institutions offshore and looking at what opportunities there were at Melbourne university for overseas students to study medicine, law or commerce. I have to say that our university sector has, very deservedly, an extraordinarily good reputation for offering excellent education to overseas as well as domestic students.

A problem has come about because we have had a huge blossoming of the vocational education and training sector, which too often has been a visa factory with the objective being that students come to Australia and study for as short a time as possible before being able to apply for permanent residency—with all of the rights that come with permanent residency—leading to migration. We have seen in recent times, very sadly, that perverting of the educational objectives of international education in order for it to lead to migration. The outcomes have been exploitation and disappointed students finding very poor courses. There has been the debacle of students trying to live on very little after coming to Australia with very

poor financial backing and with the expectation that they will be able to work quite easily in the Australian economy while they put themselves through a year or so of training.

Of course, as a coalition we very much support any measures that will restore the integrity and reputation of the Australian educational offerings, from the tertiary sector down to the VET sector, but we are concerned that while this bill has honourable objectives—that is, to have a much more rigorous registration of providers and to require agents to more fully account for themselves and have their bona fides on record—we do not think it goes far enough and, as has been foreshadowed, amendments will be proposed.

We are also concerned that the international students are being left very much in the lurch when it comes to fully understanding what changes the Labor government has made to the prerequisites for permanent residency. These international students have already come to Australia and have often paid very substantial fees and other costs in the expectation that what they are doing under the MODL course process will end with their gaining permanent residency. There are over 225,000 students who have come to Australia to do courses like hairdressing, cooking, community welfare studies and the like. They have gone to colleges which did not expect them to do more than about a year of study but with 900 hours of work experience. They were right when they came here in understanding that such a course of action and a certain level of English language facility would pretty assuredly lead them into a permanent residency outcome. Now the rules have changed and, using a Critical Skills List rather than the Migration Occupations in Demand List, the same number of points is not going to be allocated for permanent residency or migration for courses undertaken like cooking and hairdressing.

The difficulty is that, like the youth allowance debacle that is currently raging across Australia, the rules were changed midway. In the case of independent youth allowance, we have thousands of stranded Australian rural and regional students who will now not be able to access Australian university education. In this case we have got tens of thousands of international students who were complying with the criteria the day they came to Australia and who are frustrated by changes to what they thought they were buying. They are finding out about those changed rules on the grapevine; hence, we are seeing these public expressions of frustration and distress. I am absolutely understanding of those expressions. We really do need to have much more transparency about what the new rules and conditions are for those students who come here to study, particularly in the vocational education and training stream. We need to make sure that the offshore agents understand the new rules that will now be put in place in relation to the Critical Skills List being the key referent for permanent residency rather than the old Migration Occupations in Demand List. I am meeting students who are coming to Australia and still being misinformed by the agents back in India, Bangladesh, Nepal and similar places.

There is in this bill an intention to improve things, but what is being offered is simply that agents should undertake online accreditation or, failing that, the education agent should be a member of a recognised professional body in the countries in which they are working. This is still very open to abuse and misuse in countries where there is not sufficient supervision from the Australian High Commission or our embassies. We still cannot expect that all education agents in these offshore countries are going to be saying the right thing to their students if there is not a requirement that the student presents

themselves in person to an Australian official from either DIAC or DEEWR. At the moment there is no requirement that the student has to be personally examined about their IELTS or English language facility. That can be done at arm's length and we know about the scams that exist there. There is still not a proper requirement for adequate numbers of dollars to be lodged for students to ensure that they do not immediately become vulnerable to exploitation in the job market when they land in Australia. There could be exploration of a trust where the student's living requirements in terms of funding, including their fees, are placed so that there is not this desperate need to go and work for \$2 or \$3 an hour in a 7-Eleven at two o'clock in the morning where they become very vulnerable as they stand on a station, say at Noble Park, to criminals that may attack them at that hour of the night.

This bill does not even begin to touch the surface of the problems that currently exist. I have great sympathy for those students who have come to Australia, perhaps from places like the Punjab in India, whose parents have borrowed and put every cent of the family's spare cash plus more into their obtaining a migration outcome from the course that they are to attend in somewhere like Flinders Lane in Melbourne. The expectation is that the student, having obtained permanent residency, will become the pull-through for the family's migration to Australia. With the rules changed part-way through, you can imagine the extraordinary pressure, the stress, the shame and the loss of face for that young person who knows that so much was invested in them personally to be the salvation for their family back home, a family that could not have expected to migrate under any other of our Australian rules and regulations.

This is a very difficult and ongoing problem. This bill aims to do better, but it does

not do enough. I am afraid we already have scams jumping up in Australia which take advantage of courses that are listed on the Critical Skills List as alternatives to what used to be on the MODL—the list of reference for permanent residency. For example, I have been told that in Adelaide there are already colleges or registered training organisations jumping up that are processing lots of international students in a factory-like way to go into the aged-care sector. Similarly, there is great concern that there are numbers of international students who will become automotive engineers now being churned through quite questionable study centres.

Where is the vigilance of this government? In closing down, for example, colleges of hairdressing and cooking which hardly had any equipment and did not have bona fide or well-qualified chefs and other trainers, the government simply has not watched what else is coming to replace those types of courses. A very tragic situation was reported to me in my electorate recently by a young couple from India, who came to see me about it. The woman was a qualified doctor who had trained and had been practising in India for a number of years as a GP. She had paid a very substantial amount of money to an agent in India for the advice that her best way to migrate to Australia was via her undertaking a community welfare studies course in a very questionable college in Flinders Lane in Melbourne. She came to that college and she brought her husband with her. He does not speak much English but she speaks very good English. That college collapsed and was liquidated. She was then directed to another college. She is now pregnant, with just a few weeks to go before the birth of her baby. She was so badly advised by that agent that she has wasted a fortune in funds and some 12 months of her life. She should, of course, have tried to enter Australia as a qualified general practitioner. As a

woman willing to practise in a rural area she could have had a pathway to more legitimate entry. She is not the only person, nor will she be the last, in that situation. There have been thousands of students who have been similarly badly advised.

This government has to understand that, just like with the boat people, where there are enormous pull factors bringing those people down to Australia and risking their lives in the process, there are pull factors in our international student sector which are enticing agents to misrepresent the facts, leading people who cannot expect migration through any other pathway to think they can buy their way into Australia and do poor courses in very poor colleges that damage the reputation of Australia. Simply having those colleges re-register on CRICOS by a certain date is not going to do very much at all to clean up the act of all those in this sector. It is one of our largest export earners, but that fact alone should not be what drives change or better scrutiny in the sector. The fact is that we have a quarter of a million young to middle-aged people thinking they have a chance to have a decent education or, alternatively, a pathway to migration. Too many of them are having the wrong experience in this country because of poor vigilance, poor monitoring of the sector, very poor coordination between the states and the Commonwealth, passing of the buck to and fro, audits not being properly undertaken and no consequences when one college closes and the operatives of that college re-emerge down the road offering the same sorts of courses with the same fee structure.

This is a case of an international student sector which is being very poorly managed. It has put at great risk the reputation of Australia, which is in a highly competitive market in terms of attracting international students. It has made us a laughing stock in countries like New Zealand, Canada and the

US, who for years—I am talking about the middle and late 1990s—were in awe of Australia's capacity to attract good students. Those countries now have the bounty of additional good students going in their direction because of Australia's failure to properly address an industry sector that is riddled with scams and exploitation and is making a lot of young people's lives a misery.

We have heard about the hot-bedding of students who have no accommodation option but to live in Third-World standards in rented accommodation. There are students who hardly ever go to their colleges because they know they can get a certificate which will simply tick off that, yes, they have done the required number of hours. All of this continues. We know it continues because, as shadow minister for immigration, I have students coming to me complaining and I have the colleges which do the right thing and which offer excellent education complaining that they are being dragged into the reputation meltdown while they do the very best for their students and offer excellent education.

I call on this government to try a bit harder and to be more realistic when it talks to its state colleagues, its state Labor governments in particular, about their failure to properly audit and properly resource the work that they should be doing. This legislation is obviously an attempt to address some of the issues out there, but it is a pathetic attempt. It still leaves most of the students uninformed about other changes Labor has made. One that I am very concerned about is the recent abolition of the 45-day rule. That rule in the coalition's time as the government of Australia said that you had to apply for asylum within 45 days of your arrival in this country. I am concerned that with Labor's abolition of that regulation we are going to see a lot of these students so desperate to deliver what their parents expected—which

was a migration pathway as a result of their \$30,000, \$40,000 or \$50,000 investment—that they are going to put their hands up at the end of their cookery or hairdressing course and say, 'We now seek asylum.' They will do that knowing that they will have access to the workforce for as long as it takes this Labor government to work through their vexatious claim and to work through all of the reviews if that claim is rejected. That will give them some further time to hope that the rules are changed, to perhaps find a partner in Australia, to perhaps somehow slip through between the stools so they do not have to leave this country.

This is all, sadly, another example of an incompetent government that does not make the hard decisions, that ignores the full implications and impacts of what it does legislatively and through regulation change. I have to say that when the coalition were in government we very much understood that there are unscrupulous operators always wanting to take advantage of the vulnerable and that, when it comes to proper regulation, we have to be strong and firm but just. We understood that we cannot simply by stealth, if you like, change the rules without letting the stakeholders know how the rules have been changed without expecting them to arc up and say, 'What about some transition clauses?' That is what a lot of these students will be asking for when they discover that they came to Australia under one set of criteria and spent a lot of their families' cash in trying to achieve an outcome which at the time was legitimate, but now the rules have changed. What is this government going to do with those thousands and thousands of students who will be thwarted in what were legitimate aims and objectives? It is not good enough to simply say: 'Well, they got it wrong. They can go home and we don't care.'

Mr SYMON (Deakin) (12.45 pm)—I rise to speak in support of the Education Services for Overseas Students Amendment (Registration of Providers and Other Measures) Bill 2009. There are over 547,000 young overseas students in Australia to study at one of our many higher education institutions. They study at our universities, at our vocational colleges and at our English-language schools. There are now some 107 public providers and 1,066 private providers servicing the overseas student education industry in the higher education, VET and English-language sectors.

Most people would have seen recent reports in the media exposing a number of institutions and agents that by all accounts appear to have been set up to operate as facilities for international students seeking permanent residency in Australia. Quality of education and results do not seem to be the primary aims of these dodgy agents and institutions, and the student's interests are placed last in line when profit is the only motive. And it seems that not a month goes by when we do not hear of yet another college closure.

I can only imagine that many international students might feel incredibly daunted when they first arrive in Australia—as many of us do when we go to a country we have never been to before. Not only do they need to concentrate on their forthcoming studies, but they need to find somewhere to live, learn how to navigate the transport system and figure out simple things such as where to buy their food. They may have to find a job to help support themselves and pay college fees. More often than not, they are dealing with a second language. They have to make new friends, build new social support networks and figure out new cultural niceties—let alone having to make sure they are in the right classroom at the right time.

Imagine having that stress compounded by showing up at class and discovering the institution you have enrolled at is not all it advertised to be. We have all heard stories about catering courses in colleges with no kitchens and flight schools with no aeroplanes. Imagine coming to the realisation that you have been duped by the education agent back home, in cahoots with your new school in Australia—a school more interested in taking your money than in offering you the chance to learn new skills.

Like many members of the House, it is my hope that my children will have a holistic experience when they move into higher education—whatever form that education may take. I want them to grow and explore new ideas and new concepts and to build new relationships. I want them to thrive in their new environment. But, most importantly, I want to be sure they are receiving a quality education that is recognised wherever they may go.

It is hard to imagine that the parents of overseas students in Australia do not have the same hopes for their children. While they would be incredibly proud of their child's achievements and hopeful for what the future might bring, I imagine they might also feel some misgiving. They would want to be sure their child is getting what they signed up for, that the hard-earned money they are using to pay the fees is going to good use and that their child will be safe. I believe that we have an obligation as international citizens and as hosts of these overseas students to ensure that they enjoy the holistic experience that quality higher education brings and that their wellbeing and interests are looked after. We would expect nothing less if our children were studying overseas.

The overseas education sector is our third biggest export, after coal and iron ore, pumping a massive \$16.6 billion into our economy

in the last year. Growing at a rate above 14 per cent per annum since 2002, this sector is now one of Australia's great export industries. The overseas education industry is a sector of our economy that remains in good shape despite the global financial crisis. It is absolutely in our economic interests to maintain a strong and viable overseas education sector. If we were to lose the contribution that overseas education makes to our economy, the results would be difficult to deal with.

However, the financial benefits of a strong overseas education industry are not the only benefits. The students we educate help us to build our international relationships and to build new links between nations. They improve our diplomatic networks and our security ties. They open up new opportunities for international business and trade. The Deputy Prime Minister, in her recent opinion piece on this subject in the *Sydney Morning Herald*, quoted former Monash University Vice-Chancellor Richard Larkins, who pointed out that many senior diplomatic, business and political roles in South-East Asia are filled by graduates of our universities or the parents of those studying here. Indeed, the links and ties we gain from these students are invaluable.

Overseas students make a unique contribution to our society. These young, vibrant people add so much to our multicultural community, giving us the opportunity to gain a greater insight into their heritage and culture. We are richer for that contribution not only in the capital cities but also in the regional towns with nearby universities or VET facilities. In my electorate of Deakin, international students at the Croydon campus of Swinburne University undertake diploma courses in health and human services. However, they are also involved in campus and community life. International students, as part of the Swinburne Student Amenities As-

sociation, organise opportunities for students to get to know one another, to learn from each other and to create links with the community. They should be commended for this important work.

And, while I am talking about Swinburne, I would like to mention that the Indian Consul-General in Melbourne, Ms Anita Nayar, attended the recent midyear graduation ceremony of international students. She specifically mentioned the commitment of Swinburne to caring for the wellbeing of students and congratulated them for it. She also reminded students of an old Sanskrit saying: 'The whole world is one family'. And I think it behoves us to remember that.

For the most part, the education providers that international students enrol at are reputable organisations, like Swinburne, that provide excellent qualifications and look after the welfare of their students. It is unfortunate, however, that this is not always the case. I believe it is imperative that we ensure the strong reputation of the Australian education system overseas is maintained now and well into the future. It is our responsibility to care for the students who arrive to study here and we should highly value the contribution that the international student sector makes to our economy. We also need to ensure the continuing cultural contribution that overseas students make to our communities by encouraging fair and ethical treatment of international students. We need prospective students and their families to know that when they arrive in Australia they will get what they paid for and that they will be treated with respect whilst they are here.

This bill, as the Deputy Prime Minister has already outlined, provides for the registration of all institutions currently registered by Commonwealth Register of Institutions and Courses for Overseas Students by 31 December 2010. This will allow the

Commonwealth government to ensure that all education providers in the overseas student sector are complying with the regulations set down for them. Importantly, registration is intended to restore confidence in the quality of Australia's international education sector, both here and abroad. Registration of providers not re-registered by the end of 2010 will be cancelled, with the clear message: clean up your act or face closure.

This bill will provide for the publication by each institution of the education agents that represent them and will require providers to comply with regulations concerning their agents. This bill allows for more flexible administration of suspensions of education providers. Members of the House would probably be aware that the Deputy Prime Minister recently held a roundtable with 31 representative international students. They made a number of requests of the government to enhance their safety, wellbeing and education. It is the government's hope that these discussions will develop a new representative body for overseas students to ensure that their interests are voiced in our community. Our international students should be assured that their voices will be heard by this government.

The communique the students presented to the Deputy Prime Minister in September will be considered in the review of the international student sector currently being conducted by Bruce Baird, the former member for Cook. The government is cracking down on dodgy education providers and the use of disreputable agents that work to recruit students under false pretences. We are working to make sure that international students have a stronger voice in our community. These changes all go towards helping to make sure the Australian overseas education sector remains first class and that our strong reputation overseas is maintained. Deputy Speaker, I commend this bill to the House.

Mr LINDSAY (Herbert) (12.55 pm)—I am pleased to be able to speak on the Education Services for Overseas Students Amendment (Re-registration of Providers and Other Measures) Bill 2009 this afternoon. As I move around the world, as we all do, I hear about the high regard in which Australian education institutions are held, and that makes me mighty proud to be an Aussie. Some of the countries that I have visited, countries that would normally turn to perhaps the United Kingdom for their overseas students, have now begun to turn to Australia. That is why it is so important that we have a properly regulated education system and that issues that we have seen in the last year are addressed. This bill will certainly attend to those particular issues. That is why I think there is general support across the parliament, and so there should be, on this particular bill. The amendments that have been foreshadowed are very sensible and very helpful to this bill, the government and the parliament. I hope that they will receive the support of the parliament when they are formally moved by the member for Boothby.

I am very lucky that in my electorate I happen to have the world's finest tropical university. The member for Jagajaga will certainly agree with me in relation to that because it covers Townsville and Cairns, and the member for Leichhardt will agree with me in relation to the Cairns campus of James Cook University. JCU excels particularly in the marine science area—it leads the world in marine science issues—and therefore attracts a lot of international students. We have Federation Fellows, ReefHQ, the Great Barrier Reef Marine Park Authority, the Australian Institute of Marine Science—AIMS—at JCU, and the Marine and Tropical Sciences Research Facility. There is a great body of marine science in Townsville that, in fact, leads the world. Of course, Townsville is the capital city of Northern Australia. It is Aus-

tralia's largest tropical city. The only way that Townsville has failed is that it is not on the weather map enough. Cairns is up there. Of course, you would not want to live in Cairns at the moment with its very high unemployment because of its dependence on the tourism industry.

In 2008 JCU had 1,681 international students on campus, with about 400 of those at the Cairns campus. That represented 12½ per cent, or one-eighth, of the on-campus student body, so international students are very significant. I am pleased the member for Leichhardt has joined us, because he and I together can sing the praises of the world's best tropical university.

Mr Turnour—Hear, hear!

Mr LINDSAY—Member for Leichhardt, I understand our vice-chancellor is in Cairns today, but she has had her passport stamped and, later this afternoon, will be returning to Townsville where she proudly lives.

Mr Turnour interjecting—

Mr LINDSAY—Hansard should note that interjection. In 2008 James Cook University had a total of 4,785 international students, if you count the Singapore campus, the Brisbane operation and offshore partnership arrangements. If that is taken into account, international students represent 29 per cent of the university's student body. The point I am making here is that international students are very important to our local universities and to Australia.

With the recent intake at the Cairns and Townsville campuses of JCU, we have seen students come from 50 different countries. It is extraordinary that 50 countries are providing students to James Cook University. The 12 top countries in order of the number of commencing students are the United States followed by India and then Germany, Norway, Canada, the UK, Japan, Denmark, Papua New Guinea, France and Sweden.

Students from right across the world are coming to James Cook University—the most significant tropical university in the world. Also in 2009, JCU was pleased with the increase in the number of international students coming to the university for bachelor and postgraduate degrees. That has a flow-on benefit for two or three years as the students complete their degrees. The point here is that international students are just so important to our universities. According to the International Student Centre at James Cook University, there are currently students from at least 100 nationalities studying through the university. All I can say—and I am sure that the member for Leichhardt will back my comment—is: well done, James Cook University. You are going from strength to strength, and so you should. We appreciate the fine work that you do for education in North Queensland and Australia.

In relation to the bill, delivering education services for overseas students is a vital industry for Australia. The growth of Australia's international education industry has been significant in the last decade. In 2000 it was Australia's fifth largest export industry, but by last year it had risen to be our third largest export. I was recently in Mauritius, where the students there are studying through universities and TAFEs in Western Australia. This is an example of students who have given up on the idea of going to Europe for education services and who have come to Australia because we are better. In June 2009, which is not so long ago, there were nearly half a million full-fee paying international students on student visas studying in Australia. That is double the number of students in 2002.

In recent months we have heard terrible stories from a number of students about the operation of some private education institutions. The allegations have included students being forced to pay extra fees on top of the

agreed cost and then being threatened with the revocation of their visas should they not comply. As a country, we must address these issues to ensure that international students are not subject to such unfair and harmful treatment and that these sorts of things do not damage Australia's reputation as a leading provider of higher education. That reputation is at stake. Our positive reputation in this field is at risk of permanent damage if these dishonest and outrageous practices are not stopped. The legislation before the parliament today proposes several changes to address these particular issues. It requires institutions that are currently registered on the Commonwealth Register of Institutions and Courses for Overseas Students to reregister by the end of 2010. This is to ensure that all registered institutions meet the required standards and so help to restore faith in an industry beset by some recent problems and controversy. The bill also mandates that the names of education agents used by registered institutions be published, whether they work within Australia or overseas.

I strongly support moves to better protect international students coming to study in Australia. The coalition strongly supports those moves. I believe that the government also strongly supports those moves because it has put this bill up for debate and consideration by the parliament this afternoon. However, we believe that because the bill does not go far enough it could still leave overseas students vulnerable. It is not enough to pay lip-service to a problem. The parliament must propose practical solutions to ensure that education services for overseas students are of the highest quality. That is why we have proposed an amendment, for which we have given notice. The amendment is designed to ensure that the changes made to the regulation of the industry will be as effective as possible and provide the best possible protection for overseas students. It is

clear that there are problems in the system and that the solution must be to make certain that the industry is as transparent and accountable as possible.

I ask the government to favourably consider the amendment that has been put forward and, in that way, we can work together as a team and get a better outcome for our overseas export of education services. I strongly urge the government to support the coalition's amendment. This is an important bill but one that needs further clarification to make sure that we get the best outcome for all concerned.

Mr TURNOUR (Leichhardt) (1.05 pm)—I rise today to support the Education Services for Overseas Students Amendment (Registration of Providers and Other Measures) Bill 2009. This piece of legislation is another element of the Rudd government's commitment to revolutionise education in Australia. The Rudd government is reforming education at all levels. We are improving early childhood education and child-care services, and the measures for this sector include universal access to early childhood education, establishing a new national quality standard and removing TAFE fees for certain child-care courses to encourage further training by those working in the sector and new people into the sector. We are also investing in our primary and secondary schools by building libraries, multipurpose halls and science and language centres. We are ensuring that every Australian school student has access to computer facilities, particularly those who are attending high school. We are supporting the vocational education and training sector through major investments in infrastructure at our TAFEs and assisting our apprentices and trainees by establishing trade training centres across the country. We are making a significant investment through that program in high schools in

my electorate, particularly in the construction of a marine skills training centre.

We continue to support our universities, although the Liberals recently voted down the government's Higher Education Legislation Amendment (Student Services and Amenities) Bill 2009, which leaves universities with a big funding hole and will mean the demise of important university services such as child care, counselling, health, sport and fitness services. The member for Herbert was speaking highly of James Cook University, as I do. I know that James Cook University is very disappointed by the way the opposition dealt with that legislation. They would certainly like to see those measures passed so that students can get the services they need. I believe international students would benefit from those services as well.

We are a lucky country. We are fortunate that our children can access a good education. A strong education sector has been established in Australia. It is a very important and significant contributor to the nation's economy. That is why so many students from throughout the world travel to Australia to study—from high school students doing an exchange to university students who spend three or more years and considerable money in our country just so that they can obtain a tertiary qualification from an Australian institution. The education sector is important nationally but also to local communities like mine in Cairns, Tropical North Queensland. A study by Cummings Economics in 2004 found the sector contributed more than \$50 million to the local economy and it would have grown significantly since then.

Unemployment in the far north sadly has reached 13.8 per cent, according to the latest ABS statistics, with the tourism and construction industries being hard hit by the global recession. Industries such as the education sector provide another branch of the

Cairns economy. It is a sector we need to grow and strengthen into the future, in an effort to diversify our economy and to move away from the boom-bust cycle which we often experience because of our over-reliance on tourism and a speculative construction industry. As Study Cairns—the peak education cluster organisation representing schools, the vocational education and training sector and James Cook University—says, in promoting the region, 'Come, study in paradise.' That is certainly the message I am pushing here in Canberra with the Deputy Prime Minister and others as they look to promote Australian education overseas.

This legislation is important in ensuring the we maintain our reputation and standing as a place to get a quality education, for those from overseas who come to this country to study. The education services for overseas students amendments are an important part of the government's move to improve the quality and reputation of education in Australia. The bill will amend the Education Services for Overseas Students Act 2000. This act establishes a regulatory regime for the provision of international education and training services to protect the interests of overseas students through the establishment of minimum standards and providing tuition and financial assurances. It also complements Australia's migration laws by ensuring providers collect and report information relevant to the administration of the law relating to student visas.

The education sector continues to grow in Australia. In 2008, the international education industry was valued at \$15.5 billion. Nearly half a million students come to Australia to study every year, according to Australian Education International. As at June 2009, there were 467,407 enrolments by full-time international students in Australia on a student visa, compared with 204,401 in June 2002. Yet, with the many economic and so-

cial advantages and opportunities which this continued growth brings to Australia, there are a few bad apples within the industry that are threatening its future. This bill is about strengthening the framework that protects Australia's reputation for delivering quality education services.

The government is introducing this legislation in response to growing concern about cases where international students are being taken advantage of. There is an increasing number of reports that some education agents are acting unscrupulously. We have seen the reports of the Indian students in places like Melbourne. Those reports are unfortunate. We need to take steps to ensure that those problems are resolved so that we maintain our quality education sector and the reputation which goes with it.

When over 70 per cent of international students studying in Australia have been placed by an agent, there is a clear need for government to ensure that the appropriate checks and balances for education agents are in place, particularly as the international education industry in Australia continues to grow at such a strong rate. To take no action would be irresponsible. It is important to note that the majority of operators are doing the right thing. They are providing a quality program, support and advice to their students and I am sure will continue to do so well into the future. It is the minority who are not acting in the best interests of students and therefore threaten the future of Australia's education industry. Whether it be questionable education standards, charging exorbitant fees or immigration rorting—training colleges set up primarily for international students seeking permanent residency through the skilled migration program, a purely profit driven motivation—this is the underbelly of education in Australia. It must be stopped and the shonky operators must be kicked out. That is why we are committed to amendments to the

Education Services for Overseas Students Act which will tighten the existing framework, including requiring the reregistration, by 31 December 2010, of all institutions currently on the Commonwealth Register of Institutions and Courses for Overseas Students to deliver courses of education and training to international students. Should providers fail to reregister by this date, their registration will be cancelled.

We will be going through this reregistration process, ensuring that people are meeting their obligation to international students and are meeting their obligations as quality education providers in this country. We will be introducing two new registration criteria for education providers, which require that the state and territory registration authorities must be satisfied that the provider's principal purpose is the provision of education and that the provider has demonstrated a capacity to provide education of a satisfactory standard.

These new registration requirements aim to strengthen the education credentials of new providers and existing providers. For Australia to continue to build the international education sector, we need assurances that our visitors, who are spending considerable time, effort and money to study here, are receiving a quality product and experience from their chosen educational institution. An eductor's principal purpose should be just that—to educate. These requirements aim to ensure that only legitimate, genuine operators are registered to provide education to overseas students. We are requiring registered education providers to publish the names of the education agents who represent them and promote their education services and comply with any regulations relating to them.

These requirements are about increasing the accountability and transparency of inter-

national education and training providers. They give better assurance and confidence to students that the institutions they attend, the qualifications they receive at the end of their study and the advice and support they receive along the way are valuable, worthwhile and of high quality. These requirements are about reducing the risk to individual students but also to the industry's reputation as a whole.

Australia is a popular destination for international students. Our universities, TAFEs and colleges rate very well internationally. Australia has established an excellent reputation globally for education and, coupled with its safe, relaxed environment and incredible natural wonders, there is no better place to study. I represent the electorate of Leichhardt up in tropical North Queensland. My electorate extends from Cairns and Port Douglas to the Daintree and Cooktown and right up to Cape York and the Torres Strait. It really is the best part of Australia, if not the world, and that is why millions of tourists visit our region every year. Cairns is also fortunate enough to be home to a great university in James Cook University and have a campus locally. James Cook University is officially ranked in the top five per cent of world universities, of which there are about 10,000, based on assessments in 2008 by two of the world's leading university ranking systems. I know the university is highly regarded by students here and abroad, and researchers are attracted to the vision of an institution that strives to be one of the world's leading research universities in the tropics. I know that Professor Sandra Harding, the vice-chancellor, is further developing and building upon that experience and knowledge to improve on its already world-class status in its tropical expertise. JCU is a critical driver of our region's economy. According to the James Cook University Economic Impact Report 2008, JCU's value to the Cairns

economy is \$86 million, and for every \$1 million of expenditure the university creates \$1.18 million for the Cairns economy.

The Rudd Government and JCU have partnered to deliver a new dental school—a \$50 million investment I campaigned hard for in the lead-up to the last election and which is testament to the great work and great staff of this top quality campus. I was there recently opening some temporary training facilities and saw that students have started training there this year. The site has been cleared for the new building to be constructed and it will be completed towards the end of next year.

The establishment of the Cairns Institute is another exciting development taking shape at the Cairns campus with the support of the federal government. This international institute will provide advanced studies in the social sciences and humanities in the tropics—yet another facet in the university's ambition to achieve excellence through higher education learning and research, particularly with a tropical focus. Cairns is a First World city in a First World country and we have a great opportunity to educate the world, particularly as it relates to tropical expertise. I am proud to be part of a government that is committed to supporting this quality local university with a first-class international reputation.

We have a world-class TAFE facility, private and community based vocational education and training organisations and English language schools. The Rudd government has just committed \$12 million as part of its economic stimulus plan to upgrade the health and sustainable building precinct, library and car park at the Tropical North Queensland Institute of TAFE, and more than half a million dollars to build a community education and training facility with Skill360, the region's peak group training organisation. We have stand-alone training centres like our

Aviation Skills Centre and the soon-to-be constructed marine skills training centre. Thanks to a \$2 million commitment from the government as part of our trades training package, we are building that in partnership with the Queensland government. We have fantastic state schools, catholic and non-government educational facilities in Cairns. In 2005, Cairns State High School, the region's oldest high school, successfully completed the process for international accreditation through the Council of International Schools in partnership with the Council of Internationally Accredited Schools (Australia).

With quality educational institutions like these, and with the Great Barrier Reef, World Heritage listed rainforests and the outback all at our doorstep, it is no wonder that international education is also a steady and growing sector in our regional economy. Study Cairns is the region's peak body bringing the different education providers in the region together with accommodation houses and tourism operators. Study Cairns members work together to promote Cairns internationally as an education destination and lobby nationally to improve local facilities and opportunities for all students within the region. The Study Cairns network is dedicated to improving the quality of services offered.

International students in Cairns come from Japan, China, Papua New Guinea, Europe, Hong Kong, Brazil and Korea, to name a few. The Cummings report in 2004 valued the industry at more than \$50 million to the region and it would have grown considerably since then. I congratulate Susan Rees, the newly elected President of Study Cairns, for the leadership she has shown and look forward to partnering her and continuing to develop this important sector of our local economy. There is obviously a need to update the Cummings economic report done in 2004 so we can highlight further the real

benefits of studying in Cairns and the value it brings to our local economy.

As I said earlier, unemployment in Cairns has hit 13.8 per cent and there is a desperate need for the region's economy to diversify. Our world-class educational facilities including JCU, TAFE, marine and aviation skills centres, English language and high schools provide a great opportunity for Cairns to become an education hub not only for Queensland and Australia but for the Asia Pacific region and the rest of the world. We need, though, to protect the reputations of these institutions and the nation as an education provider. This legislation is about ensuring the quality reputation that education institutions have worked hard to establish is protected and ensuring the future remains bright for these very important contributors to education in this country and overseas and to our local economy. Cairns has an enormous amount of potential to further develop as an 'education hub', which is why it is critically important that the screws are tightened and unsavoury operators are weeded out and got rid of. It does not matter whether they are in Melbourne, Sydney, Canberra or Cairns, we need to get them out and make sure we strengthen this industry going forward.

I strongly support the proposed amendments to the Education Services for Overseas Students Act. Australia has some of the best and brightest educators. We want to continue to attract talented students from around the world to our great institutions. It is paramount that we do what we can to protect the reputation of a hugely important export industry for Australia and for my home town of Cairns in tropical North Queensland.

Mrs MOYLAN (Pearce) (1.22 pm)—It is a privilege to be able to talk in this place to the Education Services for Overseas Students Amendment (Re-registration of Providers and Other Measures) Bill 2009. The treat-

ment of overseas students by Australian education providers has indeed been the subject of intense interest in recent times—probably for all the wrong reasons, unfortunately—and the collapse of a number of private colleges has focused attention on the small minority of unscrupulous providers who risk Australia's reputation as a world-class education destination. Australia's education industry is a crucial exporter, bringing \$15.4 billion into the country last year, and there has been a staggering growth in overseas demand for education services in Australia. Accordingly, there has also been growth in the number of education providers offering places to overseas students. With such immense growth comes the very real risk of crooked providers only interested in turning a profit in the marketplace, and this is what we have seen in recent times with reports from students showing alarming breaches of the system that is designed to protect them.

What is quite clear is that, while the vast majority of providers are doing the right thing by their students, there are certainly some out there who threaten not only the reputation of one of Australia's greatest exports but also, and more importantly, the aspirations of many of their students. As anyone in business would tell you, your reputation is your greatest asset—and for Australia's education industry this is particularly true. It is unfortunate that the dishonest behaviour of some providers has the capacity to undermine the sector as a whole. It threatens to devastate the reputation of Australia as a first-rate destination for overseas students. Not for one minute would I want to portray this in terms of the financial benefits to Australia, because I think there are benefits well beyond the financial ones in making sure that our education system is rigorously protected and that the students entering it are rigorously protected so that they get the kind of education that they want.

This really takes me back to the Colombo Plan, a plan that was well before my time in this place. I want to touch on aspects of that because I think it would help us to recognise that the benefits of overseas students coming to Australia go well beyond financial considerations and indeed well beyond someone just getting a degree. The Colombo Plan has occupied a very prominent place in Australia's history and Australia's relationship with Asia. It is best remembered for sponsoring thousands of Asian students to study or train in Australian tertiary institutions. It reached into almost every aspect of foreign policy, from strategic planning and diplomatic initiatives to economic and cultural engagement. It was very much grounded in the faith that improved living standards would foster political stability. You have to understand that this was in the context of post World War II and the rise of communism throughout the Asian region. The foreign minister at the time, Percy Spender, felt that this would be a force for diplomatic aid and so the Colombo Plan was born. It offered a prism through which to examine the changing nature of Australia's relationship with Asia, the United Kingdom and the United States. Documents in relation to the program reveal Australia's hope of using the aid program to involve the United States in regional affairs and cultivate diplomatic and commercial relations, so it had many benefits.

While we are not here to talk about the Colombo Plan specifically today, what I want to highlight from the lessons learned from the Colombo Plan is the very important part that having students from other countries in this country gaining an education can play in fostering a greater understanding between cultures and religions and breaking down many of the barriers and prejudices that can sometimes exist through lack of contact. Dr Daniel Oakman has examined in quite close detail the Colombo Plan. I be-

lieve his work will be published in a book, presumably soon to be released if it has not already been. A report on his work says:

He explains that most Australians think the Colombo Plan was only an education program under which Asian students came to Australia on scholarships. That was an important part of the plan and it had a profound effect on Australia, but it did involve a lot of other activities.

Between 1950 and the 1980s about 20,000 Colombo Plan students came to Australia.

... during the 1950s privately funded Asian students outnumbered Colombo Plan students by about five to one,' Oakman says.

Maybe it could be argued the Colombo Plan was the forerunner to students from Asia feeling comfortable about coming into Australia, although I am not sure about that; but Dr Oakman says:

'The impact of the Colombo Plan was greatly magnified because when any Australian saw an Asian student they assumed that the student was funded under the Colombo Plan ... The Colombo Plan had a momentum that the Government had not banked on. Many of the privately funded students came because of word-of-mouth and good things that they had heard from earlier Colombo Plan students. The returning Colombo Plan students acted as a sort of advertisement that Australia was a good place to come to for education. It was cheaper for them to come here than to go to the United Kingdom or America—

the United States—

and Australian education institutions had a good reputation.'

These are the kinds of reports that we would like our overseas students to be going back with today. Perhaps it might be instructive for those engaged in providing education to overseas students today to examine some of the elements of the Colombo Plan and its success. I will go on to quote more from a report about him:

Oakman says those students in Australia turned on their head the stereotypical assumptions upon which the Colombo Plan had been based.

'The Asians who were coming to Australia did not conform to that 1950s stereotypical view that they—

Australians—

previously had of Asians,' he said. 'The students could speak acceptable English. They came from middle-class backgrounds. Eventually their academic performance exceeded that of Australians. This would have been quite confronting. These were not rabid communists, poor or disease-ridden Asian hordes. In fact they were perfect examples of assimilation because they came into Australia with very few problems of integrating into an Australian society.

I commend Dr Oakman's paper because it makes very interesting reading and gives pause for reflection on the importance of us engaging and breaking down cultural and religious barriers and gaining greater acceptance. This, of course, goes both ways.

By failing to do the right thing, those few educational institutions who are not giving value for money and not looking after the interests of the students they are attracting from overseas are damaging not just Australia's capacity to earn a considerable income from the export of education and the future employment opportunities of those young people who come seeking an education; they are doing incredible untold damage to what can be a fantastic opportunity to engage at a cultural level and to bring about more peaceful and harmonious relationships within our communities and those communities that students originate from.

Dr Oakman's paper also talks quite a bit about how the Colombo plan allowed the Australian officials to get a better grip on how an aid program ought to be structured in the Asian region—because it was a very short-term program. It was failing and in some cases was doing more harm than good. The paper concludes:

On the upside, the Colombo Plan was a great diplomatic icebreaker. One of the few contacts

Australia had with some Asian countries was through the Colombo Plan. So there was a connection for diplomats to work with. It was a constant feature of their conversation and diplomacy. It would enhance the level of engagement that was going on. And that built relationships and helped negotiate conflicts.

It is worth driving home to those providers of education who are not doing the right thing their obligations to their country and their obligations to work more rigorously to ensure a good outcome and a good experience for overseas students in this country.

The bill before the House is aimed at protecting Australia's education reputation. While this is most certainly a worthy intent, there are still a number of ways in which it may be improved. The key aspect of the bill concerns the re-regulation of providers on the Commonwealth Register of Institutions and Courses for Overseas Students. In order to be re-registered, providers will need to be able to demonstrate that their principal purpose is to provide education, rather than merely make a profit, and that they have the capacity to provide education at a satisfactory standard. These are very important aims and they are very supportable, but it is important to note at this stage that the monitoring of overseas student services is a jurisdiction shared by states and territories and the Commonwealth. The states and territories act as quality control and will be responsible for interpreting and, indeed, applying the requirements. It is hoped but not guaranteed that the requirements will be uniformly defined and applied by the various state and territory authorities. It is worth looking at ways to strengthen that, for all the reasons I have just outlined to the House.

Reading through a number of the submissions to the inquiry by the Senate Education, Employment and Workplace Relations Legislation Committee, it is clear that a number of providers are concerned by the lack of a

risk-management approach to the re-registration. All education providers to overseas students will need to undertake this re-registration process, regardless of their risk strategy. It is also clear from these submissions that there is a widespread belief that current issues are due predominantly to enforcement—or perhaps the lack of it. The question must be asked: if a universal re-registration process is carried out with no risk management involved, will the authorities have the capacity to carry out this new workload in addition to the already considerable enforcement duties?

The Australian Council for Private Education and Training in its submission to the Senate committee noted:

Appropriate risk management principles need to be incorporated into the Bill and its associated regulations and implementation to ensure that the operation of those institutions with a history of regulatory compliance are not disrupted or disadvantaged by additional regulatory and administrative burden.

This is an important point. We see it in many pieces of legislation, particularly in relation to business. While the majority of businesses, including these education providers, act decently and provide a very high standard of services, unfortunately we have to put in place regulation to deal with those who seek to damage Australia's reputation by running services that are not in the best interests of students. But we need to be very careful to balance the tension here between an appropriate level of regulation and overburdening those organisations and institutions that demonstrate a track record of doing the right thing. It is thoroughly sensible that the authorities implement a risk-management approach to the re-registration process so that limited resources can best be directed to providers who pose the highest risk, while, as I said, the many respectable providers are not unnecessarily hampered with onerous regis-

tration processes. This is necessary to ensure that the authorities can effectively enforce the Education Services for Overseas Students Act and unscrupulous providers are weeded out of the industry as soon as possible. That is definitely a very high priority.

Another key aspect of this bill is the requirement that providers make public the education agents that they use. Education agents are fundamentally important in the international marketing of providers. They wield a massive influence in arranging education for foreign students. But this significant power is open for abuse. Education agents are the face of Australia's education industry. A false claim by one agent chips away at Australia's leading reputation and in many instances also places the student under immense emotional and financial strain. Reports from students unfortunately indicate that false claims have frequently been made by some agents, who, presumably working under commission, lure students to Australian providers by misrepresenting the reality.

The Australian Federation of International Students has commented:

Although agents are not (legally) representatives of Australia, however, to international students and their parents, agents are the representative of Australia.

One can understand why that might be so. The federation continues:

The reputation of Australia, is therefore strongly linked to the practices of education agents.

Where education agents are such an integral component of Australia's education industry and where there have been so many stories of agents abusing this power, more is needed to fix this urgent issue. We need to actively ensure that only the most up-to-date, accurate information is being distributed by agents and that people who do make misleading statements to would-be students are punished.

The only way that we can ensure education agents are dispersing accurate information is to make sure that the agents themselves are trained. I believe that such training should cover an agent's responsibility under the states' fair trading legislation and the Trade Practices Act, especially with regard to misleading and deceptive conduct.

It is regrettable that we have witnessed the consequences of unscrupulous education providers and agents and that it has culminated in the closure of a string of private colleges. For those unfortunate students enrolled in these colleges, the measures in this bill will be of little assistance. And it seems that the key safeguard in place for students, the Education Services for Overseas Students Assurance Fund, is in a dire situation. The *Australian* newspaper reported back in July of this year that the fund's annual report predicts 'future bad claims totalling \$5.4 million'.

Following the re-registration process, it is entirely foreseeable and indeed desirable that a number of education providers will be forced to close down. For the students enrolled in these institutions, it is unclear if the fund designed to protect their interests will be able to do so. We all hope that the industry will have the capacity to absorb the displaced students efficiently in the interests of the students, the viability of the fund and, may I add, in the interests of Australia's long-term future as an outstanding education provider. In light of the fund's present difficulties, it is highly desirable that we seek to introduce new measures to increase transparency and accountability of the fund. The parliament should be informed where a claim is made on the fund.

I, like so many others, have been deeply disappointed by the stories emerging about crooked providers and agents. It is important, though, to not let this minority tarnish the

achievements of an industry that continues to serve Australia well in the main. We must act decisively to protect Australia's reputation in this regard, as we would a threat to any other major export industry.

The intent behind this bill is to do just that. However, considering what is at stake, these measures in some way fall short of the necessary mark and could be strengthened. In an industry where state and territory authorities are already stretched to the extent that enforcement is routinely being compromised, we should seek to have a risk-management approach so that scarce resources are best targeted to where they are needed the most.

In an industry where a small number of agents acting without honesty or integrity threaten our global reputation, we should clearly seek to ensure that only those who are equipped with the right knowledge, and who are aware of the consequences of misleading behaviour, act as agents for our education industry.

Mr RAGUSE (Forde) (1.41 pm)—I rise to speak on the Education Services for Overseas Students Amendment (Re-registration of Providers and Other Measures) Bill 2009. I acknowledge not only the contribution of the previous speaker, the member for Pearce, in the discussion of the Colombo Plan but also the member for Boothby, who also mentioned the Colombo Plan. It is something I will talk about a little bit later in my presentation. The interesting thing of course is that while it is a significant program, it was not all beer and skittles in terms of some of the issues and concerns that came out of that plan, which were not unlike some of the issues we are dealing with through this legislation.

Australia's quality education services are well recognised and respected internationally. As a result, the growing education ex-

port sector is now worth a substantial \$15 billion a year. As in any new area of rapid growth, some less scrupulous operators have appeared in the industry. No doubt members here in the House have seen publicity surrounding allegations against private college operators. Recently, the AAP published reports about alleged bad practices of private college operators. In the article, Overseas Students' Support Network Australia's Executive Director, Robert Palmer, reported that he had received over 1,500 serious complaints from students since the start of the year. Clearly, this is a situation of concern—concern for the wellbeing of students visiting Australia and concern for the international reputation of Australia as a quality education service provider. It is in this context that I speak on the bill that seeks to strengthen and restore confidence in education services for overseas students.

The bill seeks amendments to the Education Services for Overseas Students Act 2000. These amendments increase the accountability of international education and training service providers under the National Code of Practice for Registration Authorities and Providers of Education and Training to Overseas Students 2007. The registration process for Commonwealth Register of Institutions and Courses for Overseas Students is proposed to be strengthened by two new registration criteria. These new criteria involve demonstrating a genuine purpose and capacity to provide quality education services. A provider must have a principal purpose of providing education to have a genuine purpose. To restore confidence and ensure that these criteria are followed, all institutions will have to register by the end of 2010. Institutions that fail to reregister would have their registration cancelled.

The bill also contains a series of minor but important amendments. Providers will be required to publish the names of any educa-

tion agents that represent them. A list of agents will be required to be published on websites and in any other manner prescribed by regulation. Enhancements are proposed for managing a provider's registration, for a provider's ability to provide educational services and for default situations. This includes the ability of the minister to impose conditions on a provider's registration. The definition of a suitable alternative course will be clarified. This will help prevent students from being placed in courses that substantially differ from their anticipated course. The financial and regulatory burden will be lessened for providers that legitimately seek changes to their business structures.

In her second reading speech, the Minister for Education, Employment and Workplace Relations noted the issue of recent racial violence against international students in Melbourne. While isolated, these attacks have inevitably dented our reputation overseas. I join with the minister in condemning these attacks. Australia remains a safe and welcoming country and the brutal actions of a few are not supported by the majority of Australians. It does have ramifications for our international reputation. Overseas students not only provide a tangible economic benefit to Australia but allow a valuable cultural dialogue. We all have the potential to gain from the positive exchange of ideas and cultures.

I mentioned the contribution by the member for Pearce on the Colombo plan. In fact, I have made a number of trips to do with the education sector—and I will talk about those in depth a little bit more later. I met one time with representatives from the Malaysian government and even had a one-off meeting with then Prime Minister Mahathir. He and his colleagues were beneficiaries of the Colombo plan. It was interesting because their experience of and exposure to some of the attitudes in Australia in the 1950s put in his

mind—and this is something that he has reflected on at different times—an understanding of some of the racial hatred that existed at that period of time. That is going back a long time and attitudes in Australia have changed significantly. But the issue here, of course, is that here is a man who went on to become a very well-known and influential leader in the modern world. His views and concerns about Western globalisation were reflected at times in his dealings with Australia. He had concerns about our culture going back to his own experiences of some of the racial taunts back in the 1950s.

It is of concern that even small incidents that occur can have effects well into the future on our reputation in terms of people who study in this country, have access to this country or involvement in our culture. It is important that the legacy is a good legacy for us into the future. Mahathir was Prime Minister of Malaysia for 22 years. We all well know the clashes that we had at the political level during that period of time. All things being equal, the maturity of the relationship with Malaysia these days is very good. But it is clear that personal experience can have a bearing on people's understanding of a country.

The minister also noted in her second reading speech the broader context of the Baird review of the Educational Services for Overseas Students Act 2000 and I will look forward to seeing the outcomes of this important review into this large and growing industry. It is an industry that has a significant affect on my electorate of Forde. The member for Moreton spoke earlier about Griffith University. I also have a campus of Griffith University in my electorate, the Logan campus at Meadowbrook. It is situated on the border of the Forde and Rankin electorates. It has a large draw of students from our areas, understandably. But their involvement with international students is

well renowned. The international students attracted to the Logan campus inject large amounts of dollars into our local business and many students live nearby in private rental accommodation. So one of the aspects of international education is how it supports the local community, because these students become consumers while they are living in our country.

The Logan campus is located close to the Loganlea train station, the Pacific Motorway and the Logan Hospital. It caters for over 2,500 students, with a focus on community health and education. Courses are offered in areas including the arts, business, engineering, information technology, the environment, law, music and science. All of those areas are well revered and sought after by our international cohort of students.

Having a range of students from many different countries engaged in many different areas of study, the Griffith University, as part of their community health program, has embarked—with the aid of a number of their international students—on a number of cultural extension activities. I recently attended what they called the Hip Hop for Health, or the Hype Event, in August. This event brought a whole range of hip hop dancers together. It was a cultural exchange that also engaged 15 local high schools. It not only promoted health and fitness but the cultural exchange that goes with an event like this.

Dr Neil Harris of the Griffith University School of Public Health explained the unusual approach this way: 'Hip hop as a particular dance style appeals to youth. Dance is often seen as a great recreational activity, yet it can also be a fun way to do intensive physical activity and has long-term health benefits.' The event featured over a hundred dancers. While unusual, it was enjoyable and successful and an example of the kind of

cultural exchange that comes out of the involvement of international students.

Further to that, I introduced into my electorate more activities for our youth and some of the students, including international students from some of the high schools. We put together a lecture series for students of the electorate, including a number of international students from Hills International and the Canterbury College at Waterford, who are doing very well in attracting international students to our local schools. As a federal member, I seek ways like this to engage further with our youth in the education sector and promote international studies.

We had one of these lectures last week and I would like to briefly mention those young people who contributed on the theme 'My life, my time.' The 10 finalists who came out of that particular event all received a reasonable amount of funds to go towards their further studies. These students were: Daisy Watson, from Rivermount College; Adam Tapsall, Ann-Marie Coleman and Madeleine Coonan from Canterbury College; Rebecca Payne, Mary Faucett and Pariya Singhanatnitirak from Beenleigh State High School; and Maddy Dale, Charlotte Piesse and Chantel Graveling from Tamborine Mountain State High School. All these students worked very hard in their own school environment but also took on the opportunity to enhance their understanding of their own life and time but also their culture exchanges. One of those students was a Thai student and she talked about her experiences in Australia.

With the concerns of the industry and the regulation that we are proposing through this legislation, it is interesting that, while governments have to legislate and regulate from time to time, quite often it is about self-improvement in the industry. To some degree these organisations need to have a level of

self-regulation. After a series of events and the much publicised need to change and amend legislation I had a visit from, and a meeting with, a number of representatives from different organisations. More importantly, I had a visit from a Brisbane based organisation which is a subsidiary of the University of Queensland—International Education Services, better known as IES. Mr Gerry van Balveren and the director of the organisation, Chris Eason, met with me specifically to speak about this legislation, the reviews and their concerns about what had occurred.

Of course, being parochial and being in Queensland they suggested that these events occurred elsewhere in the country and that Queensland has a very good record. That may be true but the reality is that we cannot rest on our laurels in Queensland and expect that these concerns will never arise on our doorstep. And the reality is that these amendments are certainly all about ensuring that we get continuity across the services.

One of the interesting aspects of IES—it is an organisation that was formed in 1997—is that it is a not-for-profit organisation that provides the University of Queensland Foundation Year, the UQFY, with over 550 international students from over 30 countries. So it has a great track record and is working very hard in the industry. To a large degree their activities are not well known to the wider educational community but that is simply because they are in there doing the job. It is a very well organised organisation. They said to me that they utilise over 101 agencies across 47 countries to source international students. All agents sign binding agreements and they take responsibility for these agents.

IES also provides internet based training and workshops for professionals in the industry through the Professional International

Education Resources or PIER. It is very interesting to look at the resources and understand that PIER have over 11,000 subscribers to their particular system, which is a way of improving the understanding of those who are providing education services to internationals. The particular course, the Education Agent Training Course—the EATC—is a program that they run specifically to deal with some of the issues that are also dealt with in our legislation, regulation and the amendments that we are talking about today. The course specifically deals with some of these issues in a form of training. It is an irony that in the education environment it is so important that educators and those who administer education understand the processes and the traps.

It is interesting to note that as demand for international students grows, more and more people will enter this area and there will be a need for people who have a good understanding and who are well informed in terms of education and the design of education programs. They deal not only with the required bureaucratic response to international students and the way through that maze, but also the cultural requirements that go right across all areas of these students' engagement. The IES bases this education online. It is a program that people can sign up to. Through the discussion I had with the IES I found that the results that they have had and the quality of education and services that they provide for the international students are well proven.

I have had quite a lot of experience in international programs in this country as a former educator and a director of an educator facility. My work here in Australia and also in a number of countries in South-East Asia some years ago was about developing a pipeline for international students to ensure that we had the right connectivity and to ensure that we had processes that would prevent

occurrences like those we have seen recently with this outbreak of violence. It was to inform those who were providing the services in their own country and to provide them with a way of linking in with and forming the pipeline to the services that we can provide in this country. We know, through some of the problems and concerns that have arisen with that so-called violence, that some operators were less informed about their responsibilities when providing education to international students.

My understanding arises from my role back in the late nineties and early two thousands, when we were talking about new media—we have come to know that as multi-media—and the programs we were linking here in Australia with other countries and the South-East Asian countries. It was important then to make linkages that gave the students opportunities to enhance their own local understanding and credentialing and gave countries, like Malaysia, who were very keen on growing their educational base, the opportunity to link with Australian programs—university programs and some of the vocational educational and training programs. At that time, Malaysia, like many South-East Asian countries had programs they called the 'two plus two' or the 'three plus one'. Essentially, the local training that was provided in their own universities was then topped up by study in other countries. Sometimes that occurred in the UK but at that time more and more people were travelling to Australia. Through the involvement that I had at that time it was clear to me that the linkages created a better pipeline to the demand for Australian credentials.

It is so important, as we have said through these amendments, that we ensure that the quality of education—and the perception of the quality of education—is maintained. The international student market is immense. We know that. Students generally travel to Aus-

tralia for study on the basis that they understand, firstly, that the educational quality is there and that they are safe. That goes also for our international tourist traffic. So whether we are talking about education services, business tourism or education tourism, the students who come to Australia from overseas for cultural immersion come here because the country is safe. That is why it has caused us so much concern. While we know our educational products are sound, students will be very concerned. Their parents put together a large amount of money and funds to send their children to a country that can provide them with education in a safe environment. As we know, we would have the same concerns if we thought sending our own students off to school would mean that they were confronted by certain dangers. We could put ourselves into that context.

Students travel from other countries to a very different culture—a Western culture—and they can immerse themselves into the Australian culture. We want those people going back to their own countries with a positive experience. I gave the example of Prime Minister Mahathir and his experiences in the 1950s, and why he had a certain view.

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

CONDOLENCES

Mr John (Jack) Gordon Evans

The SPEAKER (2.00 pm)—I inform the House of the death on 2 October 2009 of John Gordon (Jack) Evans, a former senator, who represented the state of Western Australia from 1983 to 1985. As a mark of respect to the memory of Jack Evans, I invite honourable members to rise in their places.

Honourable members having stood in their places—

The SPEAKER—I thank the House.

MEMBERS FOR BRADFIELD AND HIGGINS: RESIGNATION

The SPEAKER—Order! I inform the House that on Monday, 19 October 2009 I received letters from the honourable Dr Brendan Nelson resigning his seat as the member for the electoral division of Bradfield and the honourable Mr Peter Costello resigning his seat as the member for the electoral division of Higgins. Consideration has been given to possible dates for the by-elections and I am consulting with party leaders and Independent members on this matter. I will inform the House in due course of the dates which I have fixed for the by-elections.

ASIA-PACIFIC NATURAL DISASTERS

Mr RUDD (Griffith—Prime Minister) (2.01 pm)—Mr Speaker, on indulgence: since we last sat in this chamber, natural disasters have wrought devastation across our region. The first of these disasters, Typhoon Ketsana, struck the Philippines on 26 September and went on to cause devastation in Vietnam, Laos and Cambodia. Typhoon Parma caused further damage in the Philippines on 3 October. Across the affected countries more than 1,000 people have been killed and hundreds of thousands have been displaced. To assist with dealing with the terrible consequences of these typhoons, Australia has provided \$5 million in emergency assistance to the governments of the Philippines, Vietnam and Laos.

The second disaster was the tsunami that hit the nation of Samoa early on the morning of 30 September. The Samoan island of Upolu bore the brunt of the deadly waves which caused total devastation. Our advice from the Samoa National Disaster Management Committee is that 138 people are

thought to have been killed, 310 have been seriously injured and five are still missing. In a small island nation with close family ties, the impact of these losses has been immeasurable. The island nation is reeling from its tragedy, as is the Samoan community here in Australia. In Samoa, tragically five Australians were also among those who lost their lives. Our thoughts and our prayers are with all their families as they suffer the grief of loss. In response to the tsunami, Australia quickly mobilised a substantial humanitarian operation. To assist as part of a \$2 million initial package of support, Australian medical teams and rescue personnel were on the ground within 24 hours. We have now shifted our focus to the recovery and reconstruction process. We announced on 11 October that Australia and New Zealand would contribute \$5 million to the government of Samoa to support its tsunami recovery and reconstruction efforts. This tsunami also struck Tonga, with the islands closest to Samoa suffering the most. The tsunami caused significant damage to housing and at least nine people in Tonga have lost their lives as well. On 3 October Australia provided a package of \$1 million in humanitarian assistance to the Kingdom of Tonga. As a neighbour and as the current chair of the Pacific Islands Forum, Australia stands by our friends in the Pacific as they recover from this tragedy.

Later the same day, on 30 September, another of our neighbours experienced a natural disaster. Late in the afternoon, an earthquake shook the Indonesian island of Sumatra. That quake and the many aftershocks left a death toll of more than 1,000 and left nearly 3,000 people injured. According to Indonesian authorities, nearly 14,000 buildings have been heavily damaged, including thousands of schools and more than 100 health facilities. Australia responded quickly including through the Australian Defence

Force, which provided water purification systems and a field hospital. In addition to the immediate assistance, on 11 October the government announced that Australia would support Indonesia with a total of \$17 million for recovery and reconstruction assistance, including \$10 million to help rebuild schools and public health facilities in west Sumatra. Thankfully, in the Sumatra earthquake and typhoons across the region, we have no reports of Australians being injured or killed. All the Australians reported to have been in the affected areas have now been accounted for.

When disaster strikes our neighbours, we in Australia always lend a hand. It is the Australian way. It has been no different in these cases. In July I spoke to Indonesia's President Yudhoyono to congratulate him on his election, and in a further conversation in August I responded to his kind invitation to attend his inauguration. When the earthquake struck in September, I rang him to offer assistance. Tonight I will fly to Indonesia to attend his inauguration ceremony in Jakarta and will be in Jakarta with Prime Minister Najib of Malaysia, Prime Minister Lee of Singapore and other senior figures from around the region. We will be there of course to show our support for Indonesia and for President Yudhoyono at what has been a very trying time and, of course, to use the opportunity of the inauguration to participate in bilateral discussions with regional friends and partners as well as with President Yudhoyono himself.

Across our region, from South-East Asia to the Pacific islands, we all pull together and help each other when assistance is needed when disaster strikes. Last year, Australia received offers of assistance from around the region and we have also been most grateful in our response for that assistance when provided, most particularly earlier this year in relation to the Victorian

bushfires. In the past few weeks, even when we are facing bushfires again at home, it has been our turn to offer assistance to our neighbours. This has been a trying time for our friends and partners in the region and it has been a good thing that Australia has been able to lend a helping hand as we have in fact received a helping hand from our neighbours during our own time of need.

Mr TURNBULL (Wentworth—Leader of the Opposition) (2.06 pm)—Mr Speaker, on indulgence, I join the Prime Minister in extending our thoughts and prayers to the families of the victims of these natural disasters in our region—as he stated, in the Philippines, Vietnam, Laos and, of course, in Samoa and in Sumatra on 30 September. These have indeed been heartbreakng days in our neighbourhood. We have been reminded of nature in all its fury; reminded of the relative powerlessness of we humans when the giant plates beneath the ocean floor shift and shudder, unleashing forces of massive, even incomprehensible, ferocity.

We live in a region notorious for this seismic activity—the Pacific ring of fire. In both the Samoan islands and Sumatra the devastation and loss of life has been horrifying. Early on the morning of 30 September a huge wall of water ripped through villages and resorts on the southern coastlines of Samoa and American Samoa, with the tsunami also reaching as far as Tonga. For the people in these small coastal communities there was little or no time to run. And then, less than 24 hours later, large parts of Padang in Sumatra were reduced to rubble by an earthquake measuring a terrifying 7.6 on the Richter scale. In both cases the loss of life was appalling. In Samoa the tsunami claimed 179 lives. In Sumatra the earthquake has left at least 1,100 persons dead and many more injured. Whole families have been lost to these disasters and villages destroyed.

Tragically, we have lost Australians too. Two of them were tiny children on holidays in Samoa with their families. Can there ever be a sadness more despairing? Their parents will need our love and support. We also pray for the families of Maree Blacker, the Tasmanian horse trainer in Samoa to celebrate her 50th birthday; Vivien Hodgins, the Victorian school teacher having some time off in a beach hut on a picturesque island; and Anita Nuualititia, the science student who grew up in Sydney's Eastwood and who was helping her ageing grandfather run a beach resort on Samoa's southern coast when the tsunami struck. Today I join the Prime Minister in expressing our heartfelt sorrow to these families and, indeed, to all the families who have suffered a loss of loved ones in these terrifying events.

All Australians will have supported wholeheartedly the emergency relief efforts undertaken by the Australian government: the urgent dispatch of RAAF Hercules, medical teams, humanitarian supplies, police and forensic experts, along with tents, tarpaulins, blankets, mosquito nets and water containers. Australians expect our governments to respond generously in times of crisis such as these. While the peoples of Samoa and Sumatra have responded bravely, stoically, in the face of these catastrophic events, their local economies have been shattered. We must consider what support we can provide for the longer term reconstruction required to help our friends in Indonesia and the Samoan islands through these tragedies. We in the opposition stand shoulder to shoulder with the government in our readiness to help our neighbours in their hour of need.

MAIN COMMITTEE
Asia-Pacific Natural Disasters
Reference

Mr ALBANESE (Grayndler—Leader of the House) (2.10 pm)—by leave—I move:

That further statements by indulgence on recent natural events in the Philippines, Vietnam, Laos, Cambodia, Samoa, Tonga and Indonesia be referred to the Main Committee.

Question agreed to.

QUESTIONS WITHOUT NOTICE

Emissions Trading Scheme

Mr TURNBULL (2.10 pm)—My question is to the Prime Minister and relates to the government’s Carbon Pollution Reduction Scheme, and in asking the question I welcome the government’s undertaking that it will negotiate in good faith with the opposition. Would the Prime Minister explain to the House what, if any, relevance the outcome of the Copenhagen climate change summit in December has to the design of an emissions trading scheme in Australia?

Mr RUDD—As the Leader of the Opposition asked this question could I draw his attention to this fact, and it relates to both the opposition’s policy and the government’s, and that is our respective commitments to a five per cent unilateral reduction in greenhouse gas emissions, a 15 per cent conditional reduction and a further 25 per cent conditional reduction. What do the latter two reductions depend upon? They depend upon the outcome of the Copenhagen conference on climate change. The honourable gentleman asks the question. That is the response.

In relation to the further point that the honourable member makes as far as climate change is concerned, and the opposition’s meeting yesterday and the statement that they have issued concerning their position on climate change, could I say the government welcomes the fact that the opposition have

made such a statement. Over the next six weeks of the Australian parliament we will get a chance to debate this properly in the House of Representatives and the Senate for a second time. This afternoon the climate change minister will be meeting with the opposition outlining our timetable for action on the Carbon Pollution Reduction Scheme. This six-week timetable for action is to ensure both chambers have the time to consider and debate the bill in an orderly and detailed manner.

The bill will be introduced into the House on Thursday. It will be debated in the House next week and voted on in the House in the week beginning Monday, 16 November. It will be introduced in the Senate immediately after the vote in the House. It will then be voted on in the Senate in the week beginning 23 November. The government has of course offered to extend sittings this year if the opposition requires more time. We have six weeks to finally achieve action on climate change—six weeks to make up for what has been in effect 12 years of delay. And I say again to the honourable Leader of the Opposition that if further time is required for the debate on this matter then of course the government stands ready to facilitate the opposition.

Given the timetable, we look forward of course to receiving from the opposition their detailed written amendments. That is an appropriate course of action. We look forward also to receiving from the opposition their detailed costings of the amendments they have put forward. We also look forward to receiving the opposition’s analysis of the emissions consequences of the individual measures that they have put forward. The government’s legislation and associated white paper have been in the public domain since March of this year.

In relation to the cost, I would also say that the government's primary objective has been to set in place a system that reduces carbon pollution and supports economic growth, and we believe we have got the balance right. I would draw the attention of the House to a comment made by the opposition spokesman on climate change yesterday, I believe, when he said:

Every industry will pay under the opposition's amendments. Every industry will get a cost from the emissions trading scheme. Agriculture will get a cost because they will be paying the emissions trading scheme price on their diesel, on their electricity, on their natural gas. Every industry will be paying.

I quote the shadow minister for climate change or the spokesman on the same. That underpins the necessity for us to in fact have the costings and analysis which underpin the amendments which have been put forward by the opposition. We look forward to receiving that information.

After the significant period of delay under the previous government when it comes to taking action on climate change, we look forward to engaging in this discussion with the opposition on achieving an outcome for Australia. This is one of the world's hottest and driest continents and, as a consequence, climate change will hit Australia hardest and earliest. Therefore, it is important that the nation come together and get an outcome for the future. In the lead up to the Copenhagen conference, which has also been the subject of a reference in the Leader of the Opposition's question, most countries around the world will be seeking to move forward in advancing this agenda. It will be a very difficult process. But, in terms of the relevance of our actions here in Australia and the negotiations which unfold globally, there is of course a clear connection, and that is that the rest of the world will legitimately ask questions about what action we are taking in Aus-

tralia in order to encourage actions by other emitting economies around the world, both developed and developing.

In reference to the Leader of the Opposition's question about the relevance of Copenhagen to the timetabling of debate in the House and the Senate this year, I draw his attention to his own statement, in his own opinion piece in July last year, in which he said:

... "our first-hand experience in implementing ... an emissions trading system" would be of considerable assistance in our international discussions and negotiations aimed at achieving an effective global ... agreement.

Furthermore, Tony Abbott, the shadow minister for families, has written in today's *Australian*, and I quote him directly to the Leader of the Opposition. He said:

It could indeed help the outcome of the Copenhagen climate change talks if Australia agreed in advance not only to a carbon emissions target but also on a mechanism to deliver it.

That is what the shadow minister for families said today and that is what the Leader of the Opposition said last year. Of course it is the government's view too that the conclusion of such an agreement here in Australia on the future of a Carbon Pollution Reduction Scheme would assist international negotiations because we in Australia have a big interest in global outcomes. We also need to provide for business certainty. I thank the Leader of the Opposition for his question.

DISTINGUISHED VISITORS

The SPEAKER (2.16 pm)—I inform the House that we have present in the gallery this afternoon members of a delegation from Syria. On behalf of the House, I extend to them a very warm welcome.

Honourable members—Hear, hear!

QUESTIONS WITHOUT NOTICE

Economy

Mr SULLIVAN (2.17 pm)—My question is to the Prime Minister. Will the Prime Minister update the House on developments in response to the global recession?

Mr RUDD—I thank the honourable member for his question. Twelve months ago the global economy embarked upon one of the most significant challenges in our lifetimes when we confronted the prospect of not just global financial markets collapsing, global credit markets freezing and a tumbling in stock prices around the world but also one economy after another collapsing into recession and unemployment rising right across the world. This has been a most difficult year for the global economy and, despite the progress which has been achieved in recent times, we still face great challenges ahead, particularly when it comes to supporting the needs of jobs both at home and around the world.

The global response to this global crisis has, of course, been coordinated through the G20. This has been an important mechanism of global cooperation. We met in Washington, we met in London and, most recently, we met in Pittsburgh. Most critical to the outcomes of the G20 has been the decision by governments across the world to get behind the \$5½ trillion worth of stimulus into the global economy—in other words, to provide that necessary injection of activity into the global economy through public investment when the private sector worldwide has been in retreat. Of course, the result of this virtually unprecedented level of global economic cooperation and coordination has been that credit markets have begun to thaw, and we have seen stock markets begin to recover, we have seen job losses in some areas avoided and we have seen the beginnings of the return of confidence. In fact, many have

remarked that the G20 summit in London represented the break in the fall of the global confidence cycle both for consumers and for business and the beginning of the turn in some of the global growth indicators.

This, however, is not a recipe for complacency. We must get on with the business of implementing the Pittsburgh agenda. Firstly, we must get on with the business of implementing a sustainable framework for long-term economic growth, the reason being that we cannot afford a simple return back to the global macroeconomic imbalances which underpinned so many of the challenges that we faced at the time the subprime crisis took off. Secondly, we must also implement the Pittsburgh agenda when it comes to reducing risk-taking in financial markets in a responsible manner. Hence the recommendations in Pittsburgh to increase the capital adequacy requirements of financial institutions. Hence also the recommendation to adjust remuneration arrangements for financial executives to make them more calibrated to long-term performance rather than short-term risk. Thirdly, we must implement the necessary reforms for the global financial institutions as a necessary backstop to future crises and reducing the risk of future crises unfolding.

The good news for Australia is that the G20 has now been entrenched as the premier forum for global economic cooperation. This is an important development for Australia. Secondly, as a result of that, Australia now has a seat at the top economic table when it comes to global economic decision-making. Thirdly, as a consequence of that, Australia's voice at head-of-government level is now heard directly rather than through the medium of other countries. This is a good development in terms of Australia's voice in the big challenges which still lie ahead for the global economy.

Our global action has been proceeding along these lines. Our domestic action the House will be familiar with—the actions that we took to stabilise financial markets with bank guarantees and also our intervention in terms of the three sets of stimulus packages in order to step in and play our part with global stimulus investments in order to keep the economy going when the private sector was in such retreat. We have done so entirely consistent with the principles of conservative economic management. We have done so in a manner whereby we have properly expanded the role of government when the private sector is in retreat and we have properly begun to retract the role of government as the private sector shows evidence of recovering. We have done so while maintaining our AAA credit rating, we have done so with the lowest debt across the major advanced economies and we have also done so with a clear plan, announced in the budget, for returning the budget to surplus. The result of these measures is that Australia has the fastest-growing economy across the 33 members of the OECD. It is the only one among the major advanced economies not to have gone into recession. It has the second-lowest unemployment and also the lowest net debt and the lowest deficit.

These are good achievements for Australia, but, looking ahead, the uncertainties still in the global economy are real. We must be vigilant about that, as the Treasurer has said repeatedly. We must also be very mindful in monitoring developments in the global economy—the international economy—and the domestic economy in terms of our own future fiscal policy settings, and we will continue to do so. The absolute cornerstone of this government's strategy for the year past and the future is our absolute commitment to do whatever is necessary to support the jobs of Australian working families in dealing

with this global economic crisis for which they were not the cause.

Asylum Seekers

Dr STONE (2.22 pm)—My question is to the Attorney-General, representing the Minister for Immigration and Citizenship. Will the Attorney-General guarantee that the 79 asylum seekers transferred to HMAS *Viking*, off the coast of Indonesia, will now not be brought onto Australian territory?

Mr McCLELLAND—I thank the honourable member for her question. It related to 79 people who have been transferred to *Oceanic Viking*. These matters and the treatment of those seeking asylum to Australia are significant issues. It is appropriate that these issues are raised in this parliament. I note that, for instance, over the weekend there were demonstrations either way, highlighting the political controversy in Italy, for instance. I think it is appropriate that we debate these issues sensibly in this parliament. It involves unquestionably complex international issues. In that context the member asked about these people. It obviously relates to the maritime border between Australia and Indonesia. I refer the honourable member to President Yudhoyono's comments that these matters have to be resolved, one working with the other throughout our region.

The Prime Minister has indicated that this is a significant issue. We make no apologies for taking a hard-line response. At the same time, we are dealing with human beings.

Opposition members interjecting—

Mr McCLELLAND—I refer honourable members opposite to an editorial over the weekend in, I think, the *Sydney Morning Herald* which said that, given that fact, our responses need to be proportionate and calm. With the greatest respect to the honourable member, the approach should be taken on that basis. These matters will obviously be

the subjects of discussions, and have been the subjects of discussions—

Dr Stone—Mr President, I rise on a point of order about relevance. The question was quite direct and simple. It was about—

The SPEAKER—The Attorney-General is responding to the question.

Mr McCLELLAND—In the context of maintaining a hard-line border protection policy, in the context of maintaining a response that is proportionate and calm, in the context of acknowledging that we are dealing with the safety of human beings at sea and in the context of international treaty obligations respectively on the parts of Indonesia and Australia, I, while I am representing the minister for immigration in this House, can indicate that Australia and Indonesia are in discussions as to the safest place to accommodate these people, given that they were rescued at sea, in the context of our respective maritime safety obligations.

Economy

Mr RAGUSE (2.27 pm)—My question is to the Treasurer. Will the Treasurer outline for the House how fiscal and monetary policy will continue to work together during the recovery to help ensure sustainable growth?

Mr SWAN—I thank the member for Forde for his question. Both fiscal and monetary policies have been working hand in hand to support our economy, to support jobs and to support small business during this global recession. Indeed, as the Prime Minister was saying before, some very significant interventions took place. They took place one year ago last week. One year ago last week we put in place the bank guarantee and the term ‘funding guarantee’—absolutely essential to ensuring the flow of credit continued in the Australian economy. It was a very important decision that was the subject of much strident criticism by the Leader of the Opposition over a prolonged period of time, and it

is one of the reasons why Australia has done so much better than the rest of the world.

One year ago last Wednesday was the anniversary of the economic stimulus package—phase I of economic stimulus. It was followed by phase II in February this year. Those actions combined mean that Australia was the fastest growing advanced economy through to the June quarter—a very good result for Australia. That means many more people were in work and many more businesses kept their doors open because the government moved quickly and powerfully to put in place supports for the Australian economy in the middle of what had become a global recession.

There is an Access Economics report out today which comments on these matters. It makes the legitimate point that it was the interventions by the Australian government—the bank guarantee and of course our three phases of economic stimulus—that have meant that Australia has performed the best of all advanced economies and was the only one to grow in the year through to the June quarter. It makes the comment that Australia’s growth performance has been world beating, because Australians work together and work with the framework put in place by the government to ensure that we minimise the impacts of the global recession on this country.

But Access have cautioned against complacency and have also warned that the economic recovery is likely to be soft and slow. Access stressed that the planned withdrawal of stimulus will mean stiffer headwinds into the recovery—stiffer headwinds than many people realise. So it is the case that both fiscal and monetary policies are being withdrawn gradually as the economy strengthens. It is our job to ensure that the withdrawal of fiscal stimulus does occur gradually and carefully and in a way that does not jeopardise

ise economic recovery. The fiscal stimulus was designed to have a significant impact on growth quickly and then be withdrawn gradually as the economy recovered. Economic stimulus, or fiscal stimulus, had its maximum impact in the June quarter this year. It subtracts from growth in every quarter next year. In combination with the Reserve Bank, this means that fiscal and monetary policy will continue to work in the same direction.

This was a point made by the Governor of the Reserve Bank at a Senate inquiry last month. I want to quote what he said about the design of our fiscal stimulus and what he said about the inbuilt phase down of the stimulus. He said:

Such an outcome would mean that fiscal and monetary policy would be acting broadly consistently, as they did when they were moved in the expansionary direction when the economy was slowing.

This point has been made by many in business as well. They understand that the stimulus is being carefully and gradually withdrawn as we go through next year. They also understand that, given the uncertain international environment, this is the way to proceed. To suddenly withdraw all of the stimulus, as those opposite advocate, would have a dramatic impact on employment and a dramatic impact on business in this economy, and that is certainly not the way to go

Sometimes I contemplate where Australia would have been if the government had accepted the advice of those opposite last February. Unemployment would be far higher, more businesses would have hit the wall because they opposed economic stimulus all of the way. They opposed the bank guarantee as well—a monumental misjudgement from this Leader of the Opposition. Fortunately, we did not take their advice and tens of thousands of Australians are in work and tens of

thousands of small businesses remain open for business.

Asylum Seekers

Ms LEY (2.32 pm)—My question is to the Minister for Home Affairs. Is the minister aware of a report finalised by the Australian Federal Police in March this year entitled *Strategic intelligence forecast: transnational criminal trends and threats to Australia?* Can the minister confirm that the report said that people-smugglers will market recent changes in Australia's immigration policy to entice potential illegal immigrants? Will the minister release the report?

Mr BRENDAN O'CONNOR—I thank the honourable member for her question. It is an important one. Clearly, we are dealing with a very complex global issue. There is no doubt that people smuggling in our region but also around the world is a challenge for all First World nations. For that reason, can I say to the honourable member that of course we will be concerned about these matters. But I have to say to her that there is no doubt that the clear evidence is that the reason why there is an increased likelihood of people seeking haven in First World countries is as a result of the conflicts around the world.

Opposition members interjecting—

Mr Pyne—Mr Speaker—

The SPEAKER—Order! The member for Sturt will resume his seat. Now that those behind him have come to order, the Manager of Opposition Business has the call.

Mr Pyne—Thank you, Mr Speaker. I rise on a point of order under relevance. The minister was not asked a general question about the issue of people smuggling. He was asked a specific question about this report and his response to it and whether he would release it.

The SPEAKER—The minister will refer his remarks to the question.

Mr BRENDAN O'CONNOR—In relation to this particular matter, it is therefore important that we deal with it properly and we deal with it with our friends within the region. This is a complex issue. It is a delicate one. I have not been provided advice other than the clear view that this is as a result of the conflicts that are occurring in Afghanistan and the very long, bloody civil conflict that occurred in Sri Lanka. For that reason, we will continue to dedicate our resources to prevent, wherever possible, those seeking haven in this country, if it is not done properly. We will continue to dedicate our resources in Indonesia, in Sri Lanka and in other places in the region to ensure that we do not endanger the lives of those people, in many cases desperate people, seeking haven in First World countries.

Employment

Ms COLLINS (2.36 pm)—My question is to the Minister for Education, the Minister for Employment and Workplace Relations and the Minister for Social Inclusion. Will the Deputy Prime Minister update the House on recent labour force data and what the government is doing to support jobs?

Ms GILLARD—I thank the member for Franklin for her question and know that she has been very concerned during the days of the global recession to support jobs in her local community. The government welcomed the fact that, in September, the unemployment rate in this country fell to 5.7 per cent. That was as a result of 40,600 Australians finding work. What this shows is that our stimulus measures are clearly working. We are building the schools, ports, road, rail and broadband we need for the future. It is also abundantly clear that without economic stimulus Australia would be in recession right now and hundreds of thousands of Australians would be out of work.

Treasury has estimated that, if all of the stimulus which was expected to impact in 2010-11 were to be cancelled, this would result in a loss of up to an additional 100,000 jobs and a further contraction in the growth rate of real GDP of 1½ per cent—some very sobering statistics for those opposite who have opposed economic stimulus every step of the way. However, we are also aware that when you look behind the unemployment rate itself, you find that over the last year the level of full-time employment has fallen by 151,300, or two per cent, which has resulted in the unemployment rate rising by 1.4 percentage points. The fact remains that there are still over 658,000 Australians who want a job but do not have one.

Globally, the growth outlook is still weak with other major advanced economies in recession. Although some economic forecasters are now revising up their projected growth numbers, most remain very cautious. For instance, in the IMF's recent World Economic Outlook in October 2009, growth has been revised up but the tone was cautious with a warning that the economic recovery is likely to be slow because global financial systems remain impaired. While the Access Economics report released today is much more optimistic, it predicts world output will contract by one per cent in 2009. Access Economics has also revised down its projected peak in the unemployment rate to 6.7 per cent in late 2010. This is an optimistic forecast, which in part is driven by ringing endorsement of stimulus, an assessment that the economic stimulus that the government has provided is no longer merely putting a floor under activity but is boosting it. It is the economic stimulus which we have provided here and has been provided around the world by other governments acting in a similar fashion.

The government will release updated figures in MYEFO as normal and although the

pace of decline in labour market activity will not be as severe as earlier envisaged, a number of forward indicators are continuing to point to soft labour market conditions over 2009. The grim news for Australians is employment numbers are a lagged economic indicator and unemployment is not yet at its peak. It is therefore vital that the government's fiscal stimulus measures be left in place, with a gradual phase-out in order to keep Australians working now and into the future.

Asylum Seekers

Mr TURNBULL (2.40 pm)—My question is addressed to the Prime Minister. Is the Prime Minister asking the Australian people to believe his changes to Australia's border protection policies have made no contribution at all to the surge in illegal arrivals since August last year?

Mr RUDD—I thank the honourable member for his question, which goes to the question of what constitutes the driving factors behind international people movements. That is the question he asks. He asks: what are the constituent elements of it? He asks: whether it is in fact domestic policies or whether it is international push factors, what is the relevance of all of the above? The second part of his question dealt with also what he described as a recent increase in activity. Could I put this into context. The Leader of the Opposition should know that in the period of the Howard government nearly 250 vessels arrived in this country. They brought to Australia almost 15,000. I am also advised that of those issued with what was then described as temporary protection visas, some 90 to 95 per cent were then granted permanent residency in Australia. Let us put this into context. Secondly, I can say to the honourable gentleman that he goes to the question of changes in the last few years. In the period we have been in government—

bearing in mind that the Howard government had almost 250 vessels arrive, bringing almost 15,000 people—we have had something like 38 vessels arrive with about 1,700 people. So far, this runs at an average of 20 per year. It will go up and it will go down, but that is basically the average over the period of the Howard government.

The honourable member then asked the question about driving factors. I noticed that the honourable member goes to the question of domestic policy. One of the domestic policies which I presume, listening to those opposite, they wish the government to now embrace, is temporary protection visas. I say to those opposite that in the two years following the introduction of temporary protection visas some 8,000 to 9,000 people came to this country on up to 100 vessels. I say to the Leader of the Opposition, as he embarks upon what is obviously a conscious and deliberate debate in this place, for conscious and deliberate reasons, that it is important to place his question entirely in its numerical context.

The SPEAKER—Before giving the call to the member for Kingston, I indicate to the House that I have been prevailed upon by a number of members of this place who apparently are still basking in the glory of events on the last Saturday in September at the MCG to mention that there are visitors from the Geelong region in the gallery. The depth of the welcome that members give I will leave to them, but it gives me the opportunity, as somebody who does not get to speak in this place, to indicate that Frank Costa, President of the Geelong Football Club, is in the gallery. He is a major employer in the region represented by me and by the member for McEwen. It also gives me the opportunity to send my best wishes to my mother-in-law, who had bypass surgery in Geelong last Wednesday.

Nation Building and Jobs Plan

Ms RISHWORTH (2.44 pm)—My question is to the Minister for Infrastructure, Transport, Regional Development and Local Government. As part of the government's nation building for recovery strategy, how are major infrastructure projects in South Australia progressing and how is this investment being received?

Mr ALBANESE—I thank the member for Kingston for her question. Indeed, I was in South Australia just last week with the Prime Minister and with Premier Mike Rann unveiling the design concept for the new South Road Superway. The federal government is investing some half a billion dollars in the upgrade of the South Road, with the state government contributing \$430 million.

This road will be the backbone of a dedicated north-south transport corridor for Adelaide. The superway will connect from the Port River Expressway to Regency Road and will reduce travel times by up to seven minutes. Importantly, this project is expected to support some 2,750 jobs during construction. It is exactly what this government's infrastructure plans are all about: supporting jobs today by building the infrastructure that we need for tomorrow. Construction on local roads will commence in March 2010.

The member for Kingston, who asked this question, will be particularly pleased to learn that work is progressing very swiftly on the Seaford rail extension. Expressions of interest from construction companies interested in building this \$291 million rail extension were called for today. Whether it is road or rail, both of them providing assistance in terms of input to the port, we are moving forward in South Australia. Indeed, this project in the member for Kingston's electorate will help to generate up to 400 jobs during construction. While we are getting on with the job of building infrastructure in South

Australia, in conjunction with the South Australian government, those opposite disparage these projects, are opposed to these jobs being created and are opposed to this infrastructure being built. That is consistent with what they have been saying on the record. During the break, in an article headed 'Time to rethink infrastructure cash splash,' Senator Coonan, the shadow minister for finance, is reported as saying:

... the government should start by looking at the \$8.5 billion earmarked in this year's budget for a series of road, rail and ports projects.

There they are, on the record, saying that the infrastructure agenda of the government should be wound back. That is consistent, of course, because the Leader of the Opposition also visited Adelaide, back in May, and he had this to say about the infrastructure projects funded in the budget:

...everything will have to be reviewed. There's no question about that.

What I say to the opposition is that they need to come clean with the voters of Kingston, the voters of Port Adelaide, the voters of Adelaide, the voters of Hindmarsh, the voters of Sturt and the voters in the other seats in Adelaide about which projects they will cancel. They need to be clear: is it the Gawler rail electrification; is it the Noarlunga to Seaford rail extension? Which projects will they cancel? It is quite clear that they have learnt nothing from their 12 years of neglect of infrastructure. They opposed infrastructure investment when they were in government; they continue to oppose it from opposition.

Indigenous Housing

Mr ABBOTT (2.48 pm)—My question is to the Minister for Families, Housing, Community Services and Indigenous Affairs. Is it a fact that the 81 demountables now being sent to Christmas Island as accommodation for unauthorised arrivals were originally set

aside to provide crisis accommodation in the Alice Springs town camps. Given the state of Indigenous housing, why were these demountables never used over the past two years and why is the government putting housing for unauthorised arrivals ahead of housing for Indigenous Australians?

Ms MACKLIN—I very much welcome the question from the member for Warringah as it gives me an opportunity to set the record straight. Not surprisingly, everything he had to say today is totally false. Let us go to a few of the facts. It is the case that in 2006, following the closure of the Woomera detention centre, and then in 2007, following the closure of the Baxter detention centre, the previous government moved a number of demountables to Alice Springs. The previous government said at the time that they were going to use these demountables for the Alice Springs town camps. These are the facts. What actually happened was that the previous Minister for Indigenous Affairs decided to walk away completely from the Alice Springs town camp residents. Not one of these demountables was used by the previous government for the residents of the Alice Springs town camps. The reason that not one of these demountables was used is this that the previous minister decided to walk away completely—to completely ignore the needs of the Alice Springs town camp residents.

By contrast, instead of walking away from the Alice Springs town camp residents this government has decided to use the demountables. Since we have been in government 230 demountables have been used. Absolutely none were used by the previous government—they walked away from the residents of the Alice Springs town camps—but 230 of the demountables have been deployed by this government in Indigenous communities: 230 of them used by this government, none used by the previous government.

Economy

Ms SAFFIN (2.51 pm)—My question is to the Minister for Education, Employment and Workplace Relations, and Social Inclusion. How is the government's stimulus package supporting apprenticeships?

Ms GILLARD—I thank the member for her question. I know that she has been very concerned to keep her constituents in work and to support jobs during these difficult days of the global recession. As the member for Page is aware, last week the government released our Keep Australia Working report. This report arises from forums around the country, Keep Australia Working forums where we have listened to the voices of local communities, particularly local communities most at risk of rising unemployment, during these days of the global recession. I would like to take this opportunity on behalf of the government to thank Lindsay Fox and Bill Kelty, for their leadership role in those forums, and to thank my parliamentary colleagues Senator Mark Arbib and Parliamentary Secretary Jason Clare for their role in leading those 21 forums around the country. There have been a number of messages from those forums which are important to the government and important to policy development, but one of the very important messages was the communities are already thinking and working for recovery and in doing that they are determined not to let our young people down and not to let our young people bear the brunt of this economic downturn in the way they have borne the brunt of economic downturns in the past. On the question of the impact on our young people, recently released data shows that trade apprenticeship commencements in traditional trade areas have fallen by more than 20 per cent over the last year. Obviously, we want to arrest that decline and, in order to give young people an opportunity, we have moved to better support apprenticeships. As a result of this informa-

tion, the government is finetuning its economic stimulus to ensure that the right skills are provided to assist business while at the same time giving new apprentices a great start. This measure is all about ensuring stimulus continues as we build a better future for apprentices and Australian businesses.

So, having heard the voice of local communities last week, I announced a key initiative to redirect some of the Jobs Fund's money towards a \$100 million apprenticeship kick-start package. This shift in funding has been supported by and agreed with our Jobs Fund partners, the Greens and Senator Fielding. This new initiative to kick-start apprenticeships will more than triple the first year incentive paid to employers who take on a traditional trade apprentice this summer. This means that an employer who acts quickly and picks up a kid coming out of school this year will get more than triple the normal incentive for doing so. The cost of this is \$80 million. It will only be available over the coming summer period. It only applies to employers who take on apprentices aged 19 or younger. It is a highly focused, highly targeted kick-start for young Australians into apprenticeships in traditional trades. A further \$20 million will boost our pre-apprenticeship programs which assist young people to get a quick start into trades. This measure will be about traditional apprentices. It will be about butchers, bakers, electricians, mechanics, plumbers—all of the traditional trades that people identify as a great opportunity for a young Australian. The measure has got the strong support of the Australian Contractors Association, the Ai Group, the Australian Chamber of Commerce and Industry, the ACTU and Group Training Australia. I hope that members in this House will get behind this measure and that they will help their local communities and particularly their local employers to get the necessary information to ensure that they

can participate in this apprenticeship kick-start program. With this new initiative and the Securing Australian Apprentices measure announced in February, the government will be investing an additional quarter of a billion dollars to support the apprenticeship system over the next 18 months. That is an investment we can be proud of and one to make a difference in the lives of young Australians.

Economy

Mr TURNBULL (2.56 pm)—My question is to the Prime Minister. I refer him to this morning's comment on Perth radio station 6PR by Chris Richardson of Access Economics: 'You can now say that the stimulus is too big.' When will the Prime Minister wind back his reckless spending to take pressure off interest rates?

Mr RUDD—I thank the Leader of the Opposition for his question. I would have thought that here in 2009 at last the opposition could have said that the government's stimulus strategy has succeeded in assisting Australia to remain out of recession, that at last the Leader of the Opposition could summon the courage to say that we have prevented hundreds of thousands of Australians from losing their jobs and that the government stimulus strategy has been remarkably successful by any global benchmark in preventing this economy from sliding into recession. These are the measurable achievements of what the government has done, in partnership with the business community and in partnership with the unions as well, in seeking to ensure that Australia came through this global economic crisis in the best possible repair, bearing in mind that we had so many economies around the world falling over one at a time. It is very difficult to know where the Leader of the Opposition actually stands on the question of stimulus. He draws attention, for example, to Access Economics today. The Access Economics

report *Business Outlook* dated 19 October 2009 says, 'Australia's growth performance has been world beating.' I do not seem to remember that being referred to in the quote by the Leader of the Opposition. Mr Richardson went on to say:

We didn't dodge a bullet, we outran it ... We sailed through the worst of the global crisis on a sea of stimulus—both our own and China's.

That is what Access Economics have said. Access Economics also go on to say that there are still uncertainties out there in the global economy.

Mr Turnbull—Mr Speaker, I rise on a point of order as to relevance. The question is not about the money he has already spent but about the money he is yet to spend.

The SPEAKER—Order! The Leader of the Opposition will resume his seat. The Prime Minister is responding to the question.

Mr RUDD—Thank you, Mr Speaker. Access Economics have also said that there are still grave uncertainties which are alive out there in the global economy and they have specifically warned about what follows as stimulus tails down. They have specifically warned about the impact on small business and jobs. Therefore I would draw the Leader of the Opposition's attention to one core fact, and that is the internal design characteristics of the stimulus strategy in the first place, which was designed to surge maximally at the very beginning of the crisis and then to tail down over time. Remember that the IMF, in October 2008, characterised appropriate fiscal stimulus in these following terms. It needed to be 'timely, targeted and temporary for it to be effective'. If this government has embarked upon a strategy like this—which we have—then the results are there in the economic data for all to see.

I say to the Leader of the Opposition: he really needs to sort out where the opposition stand on the question of stimulus, because,

when this debate on the global economic recession and Australia's response to it began, they came out and supported it. Then after a period of time the member for North Sydney went out there and said they just wanted \$20 billion less—remember that statement? It was in the lead-up to the budget of this year, I seem to recall. Since then we do not quite know where they stand, but it seems to be that they stand for 95 per cent of the stimulus which the government has embraced. That is actually what they say in substance, yet in the public debate they pretend they have not embraced any of that stimulus support whatsoever.

The bottom line is that, as of the June quarter this year, the government's stimulus strategy has already peaked and is coming down consistent with its design characteristics. That is how it was put together in the first place. In phase I of the stimulus, we have already seen, I believe—I am advised—some 93 per cent of that already invested. By the time we get to the conclusion of this financial year, two-thirds of the stimulus will have been invested. That is what being targeted and temporary is all about—necessary to support jobs, necessary to support small business and necessary to support tradies. We are in the business of making a difference in the economy, and guess what? This government has acted in concert with each and every other government across the G20 economies in embracing a similar approach to stimulus. That is why we took concerted action as the G20 to inject \$5.5 trillion worth of global stimulus into a \$63 trillion global economy.

What is the alternative which the opposition would suggest? Their preference, when it is all stripped away, is to actually have people's jobs destroyed. That is it in a nutshell. They would prefer to stand back and allow the economic, employment and human carnage to unfold. Their preference would be

for unemployment queues to be snaking outside every Centrelink office in Australia, getting longer and longer, because they know, and all the analysts have said, that what makes up the difference is the stimulus strategy—together with the actions taken by the Reserve Bank in its monetary policy settings.

Our policy on this is clear-cut. It is consistent with the G20 global economies. We take jobs and the protection of jobs as absolutely core business for the future. Those opposite, it seems, now believe that people's jobs can be just held to ransom, thrown down the drain. Forget the human consequences and—let me say this—forget also that in so doing they would be consigning Australia to increased pressures on the budget through rising unemployment benefits and declining taxation receipts as a consequence of higher unemployment.

What is the net result? This economy in Australia has produced the fastest growth in the OECD. It has produced the highest growth of the major advanced economies. It has produced the second-lowest unemployment of the major advanced economies. It is the only economy not to have gone into recession.

Mr Pyne—What about debt?

Mr RUDD—Right on cue, the member for Sturt says, 'What about debt?' The economy also has produced the lowest debt and the lowest deficit of all the major advanced economies. I thank the member for Sturt for his interjection.

Pakistan: Terrorism

Ms REA (3.03 pm)—My question is to the Minister for Foreign Affairs. Would the minister update the House on Australia's response to developments in Pakistan?

Mr STEPHEN SMITH—I thank the member for her question. Pakistan faces a grave threat from terrorism and extremism.

In recent weeks and in the last two months we have seen very serious attacks on the Pakistan people and very serious attacks on and intimidation of their democratic and political institutions. Australia strongly condemns this recent string of terrible attacks. We have seen those attacks in Lahore, in the North-West Frontier Province, in Peshawar and also in Rawalpindi. They have caused serious loss of life, and we extend our condolences to the Pakistan government and the Pakistan people.

These series of terrible attacks show the gravity of the threat that Pakistan faces. But these series of attacks have also enabled the international community to underline the strength of the international community's resolve to stand shoulder to shoulder with Pakistan at a time when it faces very serious economic, social and security challenges.

Australia was one of the first countries of the international community to appreciate that Pakistan was facing these very serious problems. We were a foundation member of the Friends of Democratic Pakistan, and I attended that ministerial level meeting—the first meeting—in the margins of the United Nations General Assembly in September last year. I visited Pakistan in February this year and announced a doubling of our development assistance and also a substantial increase in the number of Pakistan military and defence officers who come to Canberra for short- and long-term courses for the purposes of training, particularly in counterterrorism.

This year, in the margins of the General Assembly, Prime Minister Gordon Brown, President Zadari and President Obama jointly chaired a leaders summit of the Friends of Democratic Pakistan. The Prime Minister attended; I attended with him. In the course of that summit the Prime Minister announced that Australia would increase the number of Pakistan defence and military of-

ficers that are trained to 140, making Australia the second largest trainer and provider of expertise in counterterrorism and counterinsurgency to the Pakistan defence forces. Secondly, we announced the establishment of the Australia-Pakistan Development Partnership to bring a significant focus to our development assistance activity, substantially underlining our support in the international assistance for the Malakand project. We also agreed to breathe life back into the Australia-Pakistan Joint Trade Committee, underlining that we need to assist Pakistan on a security, an economic and a social front.

Pakistan is of great strategic importance. It is crucially located in South Asia. Population projections see that before the middle of this century it will overtake Indonesia as the largest Muslim populated country in the world. And, of course, it has nuclear weapons. Pakistan is essential to the stabilisation of Afghanistan and vital to international community efforts to combat terrorism and extremism.

We have seen in recent days the Pakistan government and the Pakistan military launch an operation against the extremists in South Waziristan. We are under no illusions as to the difficulty of this exercise. We are under no illusions that this will see the Pakistan people and the Pakistan military suffer further sacrifices and further loss of life. But we welcome very much the Pakistan government's appreciation that the threats we have seen on the Afghanistan-Pakistan border are a threat to their very existence, and we stand shoulder-to-shoulder with the rest of the international community in Pakistan's hour of need.

Economy

Mr ANTHONY SMITH (3.07 pm)—My question is to the Treasurer. I refer him to Professor Ross Garnaut's comments on ABC television last week about the need to wind

back the government's stimulus in response to better than expected economic conditions when he said:

... once there are signs that the economy is recovering faster than had been anticipated, then it is appropriate to pull back that stimulus at a faster rate.

Treasurer, how many more interest rate hikes will it take before you start listening to sensible calls to wind back your reckless spending?

Mr SWAN—It does not take them long to get back to a scare campaign on interest rates, does it? Everybody in this House remembers the last time those opposite got up here and ran a scare campaign on interest rates. It was back in about 2006, after an election where they promised to keep interest rates at record lows. That was the television advertising. Of course, then rates went up 10 times—10 times, after they promised to keep rates at record lows. In the middle of that, we had a revelation from the now Leader of the Opposition. When they went up a fifth or six time, the Leader of the Opposition was asked about one of these 25 basis point rises and he said they were 'over dramatised'.

The opposition have form on interest rates and they have form on scare campaigns. They are now attempting to mount one on the decision of the Reserve Bank to put up interest rates by 25 basis points from their 50-year emergency low. The Reserve Bank governor made the position here absolutely clear. He said that when rates are at an emergency low, they will at some time in the future move from that emergency low when the emergency has finished. That was the point that he made after the Reserve Bank board's decision.

The Governor of the Reserve Bank has been absolutely emphatic that his decision has been taken to move those interest rates from an emergency level because the econ-

omy is recovering and it has got nothing to do with the government's fiscal policy. He made that absolutely, emphatically clear on two occasions, including at the end of September when he kicked most of the opposition who were at the parliamentary hearing out of the room when they were asking their dorothy dixers and did not get the answers they wanted on this and many other questions. He explicitly repudiated the proposition that has been put forward by the shadow Assistant Treasurer. He made it very clear that rates are moving from emergency lows because the economy is recovering.

The fact is that monetary policy and fiscal policy are both working together as the economy recovers. Any attempt by those opposite to somehow blame interest rate rises on the fact that the economy is recovering and suggest that it has got something to do with fiscal stimulus shows how desperate they are. It absolutely shows how unfit for government they are as well because they want to pretend that somehow emergency level, 50-year lows could just magically stay there forever. Well, they cannot and those opposite know it. When they seek to argue that, they show how unqualified they are for government and how unfit they are to conduct a sensible debate about how we go through recovery from the impact of a global recession. They have been repudiated by the Reserve Bank governor, they have been repudiated by most respected commentators and, of course, they have become a laughing stock as a consequence because they are putting forward propositions which do not add up. What it shows is monumental incompetence.

Mr Garnaut did make some comments. He heartily endorsed the government's fiscal stimulus strategy and made the unremarkable comment that it should be withdrawn gradually over time. It was an unremarkable comment because it is being withdrawn over

time. It will subtract from growth every quarter next year. But the proposition being put forward by those opposite is that all of it should be immediately withdrawn. The Secretary of the Treasury gave evidence to the parliamentary committee about that as well and pointed out that the impact of that would be the loss of a further 100,000 jobs and the closure of tens of thousands of small businesses. So what the shadow Assistant Treasurer has demonstrated in the House today, indeed as the Leader of the Opposition has demonstrated since this decision was taken by the Reserve Bank, is how unfit they are for government and how unqualified they are to be taking the sorts of judgements that are required by governments in these circumstances to carefully manage a recovery.

That is what we will do. We will carefully manage this recovery. We most certainly will not take their advice to rip the rug out from underneath that recovery by pulling stimulus out altogether. That is their proposition. It shows that they simply do not understand the importance of jobs, do not understand the importance of small business and do not understand the importance of stimulus to sustaining prosperity in this economy during a period of great uncertainty in the global economy.

Climate Change

Mr BRADBURY (3.13 pm)—My question is to the Minister for Defence Personnel, Materiel and Science and Minister Assisting the Minister for Climate Change. Why is it important that negotiations over the Carbon Pollution Reduction Scheme are held in good faith?

Mr COMBET—I thank the member for Lindsay for his question. He has campaigned strongly to inform people about the impact of climate change in his electorate. The government is very committed to addressing the challenge that climate change represents.

That is why over a long period of time and with very extensive consultation the government has done the detailed policy work to formulate the Carbon Pollution Reduction Scheme. It is our intention to prosecute that legislation through the parliament this year so that we can tackle the threat the climate change represents.

It is also becoming increasingly important to prosecute that legislation to address the issue of business certainty. Business groups like the Australian Industry Group and the Business Council of Australia want to see the Carbon Pollution Reduction Scheme voted on this year so that members of those business organisations can begin making long-term investments. On this issue, Ms Heather Ridout, the Chief Executive of the Australian Industry Group said only a few days ago—

Mr Ciobo—What did she have to say?

Mr COMBET—I will tell you. She said:

Many of our members are telling us that they are holding off making investment decisions until there is a greater degree of clarity around domestic climate change legislation.

It only stands to reason that this uncertainty needs to be ended. You only have to consider, for example, the very significant investments that would be in contemplation in the New South Wales energy industry right now and the importance it is for those potential private investors to understand what the carbon price may be, how it will be set and how the market will operate in the carbon industry in order for them to be properly able to model and predict the investments and the returns that they will make.

In addition to the issue of business certainty, it is also very important that in the lead-up to the Copenhagen conference we ensure that we prosecute the Carbon Pollution Reduction Scheme legislation through the parliament so that the Australian government has the best negotiating capacity

and strength possible so that it can influence an outcome at that important conference. This is an argument that the government has been advancing for some time but—as the Prime Minister pointed out earlier—in an opinion piece in the *Australian* newspaper today, the member for Warringah emphasised this particular point. He said:

It could indeed help the outcome of the Copenhagen climate change talks if Australia agreed in advance not only to a carbon emissions target but also on a mechanism to deliver it.

That particular extract is a very welcome extract.

The government, as the Prime Minister indicated, welcomes the fact that the opposition has developed a set of proposals and looks forward to seeing the detailed amendments. I understand that during question time a piece of correspondence has been received in the office of the Minister for Climate Change and Water. I have not had the opportunity to review that correspondence at this stage. But it is extremely important that the government receives the detailed amendments from the opposition so that we can get on with the business of negotiating these issues in good faith.

There are two important aspects regarding any amendments put forward by the opposition. Quite simply, they must be environmentally credible and fiscally responsible. Last night, the member for Groom made three important claims at a press conference. He stated that the proposals that the opposition has formulated would: firstly be self-funding, secondly, achieve exactly the same level of emissions reductions as the Carbon Pollution Reduction Scheme and, thirdly, mean that no households will be worse off. The government looks forward to receiving the detailed explanation and data that underpins those particular claims and we expect—and it will be important for us to see—that

particular information when we receive the proposed amendments.

The CPRS bills, as the Prime Minister indicated, will be introduced into this House this Thursday and debated in this House next week. The bills will also be introduced into the Senate following a vote in the House in the week beginning Monday 16 November. Let me be extremely clear about this: the government wants to pass this legislation and make this very important reform. That is why it is vital that the coalition opposition negotiate in good faith. The Leader of the Opposition has said that the opposition will negotiate in good faith. In order to demonstrate that, it is now also important for them to produce the detail and the data that underpins it for us to ensure that these proposals are environmentally credible and fiscally responsible. Furthermore, the opposition must commit to voting on the Carbon Pollution Reduction Scheme legislation this year.

Interest Rates

Mr CIOBO (3.20 pm)—My question is to the Treasurer.

Government members—Oh!

Mr CIOBO—I would ask a question of the Minister for Small Business, Independent Contractors and the Service Economy, but he has as much power as a two-stroke lawnmower, so I will direct my question to the Treasurer. I refer the Treasurer—

Government members interjecting—

The SPEAKER—The House will come to order. Those on my right expressing disappointment about other things should be quiet.

Mr CIOBO—I refer the Treasurer to the comments earlier this year by the Reserve Bank governor when he said, ‘In the case of business loan rates, frankly, they have not been under quite the same public pressure on those rates.’ Will the Treasurer explain why

the Labor government has failed to put pressure on the banks to bring down small business loan rates?

Mr SWAN—I thank the member for his question. It is an important question, because it has been the case during the global recession that credit has been difficult in some areas of the economy as a consequence of the global recession. That is certainly the case in areas of small business.

Mr Ciobo—Because of your bungled bank guarantee.

Mr SWAN—The bank guarantee that they opposed was the lifeline of the Australian economy.

Mr Ciobo—We did not oppose it.

Mr SWAN—You sure have a funny way of supporting it. You are in this House day after day, week after week, opposing the guarantee, which was absolutely critical to ensuring the flow of credit to the Australian economy. But it is the case that some small businesses are finding it tough to get credit. I happen to have the view that the banks could do a better job, and they should. So we might agree on one thing: the banks ought to be doing a bit better, particularly in some areas of small business. This is why the government outlined a proposal to issue up to a further \$8 billion of residential mortgage backed securities to see if we can get more of those securities supporting small businesses. We think that is a good idea. We think it is a worthy idea. I thought it might have been one that the member opposite might have supported, but apparently not.

So the government certainly is concerned about the flow of credit to small business. It is the case that things are still difficult out there for many people, which is why I cannot understand why those opposite want to be pulling stimulus out holus bolus and sending small businesses to the wall. There is a fundamental contradiction in their attitude. They

go out publicly, and come into this House, saying that we should withdraw the stimulus and send thousands of small businesses and tradies to the wall. That is the proposition they put on the one hand; then the member comes in here and says he is sympathetic to the concerns of small business. Small businesses know how important the stimulus package has been for keeping their doors open—for keeping themselves and their employees employed. That has been very important but we think there is more to be done in this area, and to that extent I might agree with him. I also commiserate with him on the fact that in terms of the Gold Coast's 100 most powerful people he has fallen from 46th to 93rd.

Health Policy

Mr GEORGANAS (3.23 pm)—Mr Speaker, my question is to the Minister for Health and Ageing. Will the minister update the House on the government's reforms to make Medicare rebates for cataract surgery more sustainable, and of any alternative proposals.

Ms ROXON—I thank the member for Hindmarsh for this question. It is a good day to be asking the question because today we are tabling the cataract regulation changes in the House. They will be tabled again in the Senate next week. The Rudd government is determined that we are going to be able to reform our health system to make it sustainable and fairer into the future. To do this we cannot reform our health system unless we make some of these hard decisions. That includes us making decisions about where we direct our finite taxpayer resources to ensure that we get best value for money. This is why the government made the decision at the last budget to adjust the Medicare fees for cataracts to better reflect the time and complexity of the procedure. The fee for this one common procedure has been reduced. This pro-

cedure commonly takes 15 to 20 minutes now. Whilst people might dispute this, it is not my view that it takes 15 to 20 minutes; it is advice from the Fred Hollows Foundation, the Australian Institute of Eye Surgery and the *British Medical Journal*.

Mr Laming interjecting—

Ms ROXON—Perhaps the member with some experience in matters relating to eyes might be interested to know that the *British Medical Journal*, as far back as 2001, said:

With the remarkable improvement in cataract surgical techniques in recent years—leading to shorter operating time (most surgery now takes 15 minutes), more efficient anaesthesia (from general to regional to topical), and a trend towards day surgery—cataract extraction has become a “minor” surgical procedure.

That is not my view; it is a quote from the *British Medical Journal*.

What we have seen since this was announced in the budget was a very slick campaign by the ophthalmologists who are, frankly, of course trying to protect their own incomes. In 2010 the highest 10 per cent of ophthalmologists earned at least \$1.8 million a year. And those average-earning ophthalmologists earned \$580,000 just from Medicare—not from insurers and not from gap payments—and even after this regulation is passed those who are earning average incomes will earn over half a million dollars just from Medicare.

We have negotiated, also, with the profession to set a new higher fee for complex cataract procedures to fairly reflect when the procedure is more complex and takes a longer time to complete. Of course, this is an appropriate reward for specialists for the additional time and expertise they invest in longer procedures. So now is the time for the opposition to decide who they are going to support—the ophthalmologists

defending their million dollar salaries or patients and taxpayers who want a fair deal.

We on this side of the House want to see specialists bring their charges back to reasonable levels. It is time for taxpayers to enjoy the dividends that new medical technology and treatments have brought to patient care in recent years. Those on the other side of the House and the professions cannot expect taxpayers to keep supporting new items and new medicines if they are then blocked from enjoying the benefits and savings that flow from technology.

I think everyone on this side of the House would recall that in budget week the shadow Treasurer made it clear that the opposition will support every initiative announced by the Treasurer on budget night other than the PHI—the private health insurance rebate changes. At that time the shadow Treasurer made it clear that this measure was going to be supported. Following that, the shadow Treasurer made it clear that \$14 billion of spending was going to be cut but I do not see how the opposition is going to be able to honour this pledge when they cannot even decide if they will back this measure which will save Medicare \$100 million over four years.

Of course, such bold statements are going to require some pretty tough decisions and I was wondering if the opposition had a health spokesperson who might be able to make those sorts of tough decisions. Is there a health spokesperson with leadership and backbone? Is there a health spokesperson who is going to be able to stand up for patients and taxpayers? It is little wonder that his own party humiliated him in the seat of McPherson.

Emissions Trading Scheme

Mr WINDSOR (3.29 pm)—My question is to the Prime Minister and relates to the emissions trading scheme debate and the

impact of a potential carbon economy on land use if the food economy is included in a global emissions trading scheme. Given that at some point the economics of food, energy/biofuels and carbon will compete for land use, given that food will probably come third due to the incapacity of those who need it the most to pay and due to the more lucrative markets for energy and carbon, and in light of the fact that the government's CPRS creates an incentive for land to be used for carbon purposes via the planting of trees, and given the food security and refugee issues that plague the world, does the Prime Minister believe that food should be treated outside our carbon market mechanism? Has the government done any economic modelling on the interaction of these three economies or is the government still viewing each economy in isolation?

Mr RUDD—I thank the member for his question. It is a very good question because it goes to the impact of climate change and the response to climate change on food production, so let us consider it in those two categories. On the impact of climate change, we are engaged in this debate in the first place because climate change and its impact on drought, on fires and on water supply right across Australia is impacting agriculture. Those opposite, led by the National Party, scoff at this fact. Those opposite and the National Party in particular, led by the leader of the National Party, the alternative Deputy Prime Minister of Australia, should reflect on what ABARE has said in its stats on this. What does ABARE say about the impact of climate change on agriculture? Wheat is to fall in production by 9.2 per cent by 2030 and 13 per cent by 2050.

Mr Truss—That is the worst-case scenario. There is also a best-case scenario.

Mr RUDD—The climate change deniers within the National Party are out there in

force even today when we are supposed to be engaged in substantive amendments for the future of a carbon pollution reduction scheme, which I thought was based on an agreement on the science. This is from ABARE. ABARE has produced these figures. ABARE projects that wheat production will fall 9.2 per cent by 2030 and 13 per cent by 2050, beef by 9.6 per cent by 2030 and 19 per cent by 2050, sheep meat down by 8.5 per cent by 2030 and 14 per cent down by 2050, dairy 9.5 per cent down by 2030 and 18 per cent by 2050, and sugar 10 per cent down by 2030 and 14 per cent down by 2050. That is why the NFF, for example, has said that it believes climate change to be 'possibly the biggest risk facing Australian farmers in the coming century'. That is the National Farmers Federation. It would seem that the National Party do not support the view of the National Farmers Federation. I find it remarkable that, given that climate change represents such a direct threat to agriculture, the question then becomes one of why the National Party want to sell agriculture down the drain over climate change. That is exactly what they are doing. They may think that there is some short-term political advantage in this for themselves, but the strategic structural threats to agriculture caused by climate change are huge, particularly in south-eastern and south-western Australia and elsewhere.

Mr Tuckey interjecting—

Mr RUDD—The member for O'Connor intervenes again on the question of climate change and its impact on agriculture. Can I say to the honourable member that this government and many other members in this place take the challenge to agriculture fundamentally seriously. Take the Murray-Darling: for the last 10 years we have had inflows into the Murray-Darling 50 per cent below their historical average. The impact for Australian agriculture coming out of the

huge food basin in the Riverina is massive as a consequence of this. That is the challenge we are seeking to deal with. Let all those opposite engage in some reality at the moment. This is a problem to be solved, not a problem to be ignored.

Moving to the other side of the question posed by the honourable member, which is the response—what you do and how you treat agriculture and how you treat food—I say to the honourable member that we are dealing with these fundamental shifts in the availability of water and with temperatures rising that also fundamentally affect the distribution of pests across Australia. It also impacts on your ability to grow in areas where it has been possible to grow particular crops in the past. That is the change which is occurring over time.

On the question of the inclusion specifically of agriculture within the CPRS regime, the honourable member will be familiar with what we have done, which is to defer such a decision until further work can be done as to the desirability of its inclusion in 2015. Secondly, the other measures that we are taking by way of mitigation—

Mrs Hull interjecting—

Mr RUDD—I am always puzzled that when we are seeking to invest in rural Australia, as we are doing through the massive investment in irrigation infrastructure right now across the country—\$4.8 billion worth of irrigation infrastructure—those opposite apparently have no interest in it occurring. On mitigation measures, this response to improving the efficiency of irrigation infrastructure across the country so that farmers can make better use of a dwindling resource, namely water, is one practical response.

A further response on the mitigation front, which I know is relevant to the interests of the member for Kennedy in particular, is what you do in the deployment of agricul-

tural activity more extensively across Northern Australia as well. He has raised this time and time again, and I commend him for continuing to bring this to the nation's attention. Obviously, one of the relevant factors there is the suitability of certain soil types and soil concentrations across Northern Australia to particular croppings that occur elsewhere in Australia. That is a practical fact, which is why I believe the minister, in partnership with CSIRO and others, is currently seeking to exhaustively examine the spectrum of soils which exist across Northern Australia in its long-term mitigation effect. One practical step we have taken recently in positive partnership with the government of Western Australia is what we have done for the future of the Ord. I notice the member for O'Connor suddenly goes silent at this point. We, unique compared with those who preceded us, are investing some \$200 million to \$300 million with the WA Liberal government for Ord stage 2, opening up arable lands in Northern Australia for cropping in the future.

So we are seeking mitigation through what we are doing on the waterfront, we are seeking to expand the availability of arable land—measures taken uniquely by this government—and we are also seeking to take broader pressure off the system. Can I say to the honourable member, who asks a fair and reasonable question, that is why we are exceptionally cautious about the way we should approach the long-term inclusion of agriculture within the CPRS regime. There is much to be said about the honourable member's warning about the impact of climate change on overall food supply and production in this country. I have referred to some of the statistics from ABARE. This is a serious national-interest question. And can I say to the National Party in particular, who have already said they are not going to vote, it seems, in response to these amendments, that we need to see responsibility about the prob-

lem and the practical solutions which exist for the future because we will stand up for the farmers of Australia if those opposite refuse to do so.

Border Security

Mr DEBUS (3.37 pm)—My question is to the Minister for Foreign Affairs. Will the minister provide the House with an update on the detention of Abraham Lauhenapessy?

Mr STEPHEN SMITH—I thank the member for his question. Members may have seen media reports this morning to suggest that Abraham, or Captain Bram, as he is known—a person who is well known to Indonesian and Australian authorities, a person who has previously been convicted of people-smuggling offences—had been detained by Indonesian authorities. I can confirm to the House that Indonesian authorities have advised Australian officials that Captain Bram has been detained and is currently under detention by Indonesian officials. The Australian government welcomes very much the detention and his arrest. He of course will now be subject to Indonesian criminal and judicial procedures, but this is potentially a very serious setback for people smugglers and people smuggling in our region and we welcome that.

This is but another example of the very close cooperation between Australian and Indonesian authorities and officials on this matter. That cooperation has been in hand for a number of years. Since coming to office the government has moved to increase and enhance the resources allocated to combating people smuggling. It has done so in conjunction with Indonesia but also, importantly, in conjunction with other countries in our region: Malaysia, a transit country, and of course Sri Lanka, where in recent times we have seen terrible civilian conflict. We are seeing very serious push factors emanating from Sri Lanka.

Dr Stone—What about the pull factors?

Mr STEPHEN SMITH—We welcome very much the activities of the Indonesian authorities. We continue to work cooperatively with them. In addition to the detention of Captain Bram, we have seen over the last two to three years Indonesia disrupt in the order of 80 people-smuggling plans, very many of which were aimed at Australia. We have been working very hard in cooperation with the Indonesian authorities and, as I said, we have extended that cooperation to Malaysia and Sri Lanka. We have deployed extra resources in the last budget to that effect.

Opposition members interjecting—

Mr STEPHEN SMITH—I also think it is appropriate to complement the work of the Australian Federal Police. It has not just been the Indonesian authorities working very hard in this area but also the Australian Federal Police, who in recent times have seen the arrest and charging of over 40 people smugglers, crew members trying to bring unlawful people to Australia. We have also seen four people in Australia arrested and charged on people-smuggling activities.

Dr Stone interjecting—

Mr STEPHEN SMITH—I have had a number of interjections from the other side which I will deal with in conclusion. I just want to make a number of points. I think there are three very important factors that we should focus on when dealing with these complex and difficult matters. The first is to appreciate the push factors which see somewhere between 40 million and 42 million people displaced throughout the world, about a third of which are estimated to be in or around our region. So this is not a difficulty or a problem which is exclusively aimed at Australia or Indonesia or Sri Lanka or Thailand. This is a global problem. It has very serious regional implications. We see the push factors from Afghanistan, from the Af-

ghanistan-Pakistan border area and also from Sri Lanka. As a consequence there is only one effective address to that, and that is to work very closely with our neighbours, to work very closely with source countries like Sri Lanka and transit countries like Malaysia and Indonesia and also to draw the attention very clearly of people who in many respects are the most disadvantaged in our region to the risks and the dangers of putting their lives in the hands of criminals.

I have had interjections from the other side which have essentially been: ‘What about the pull factors as a result of the changes that you have made?’ I just say to the opposition, to the Leader of the Opposition and his colleagues who sit there: you say that as a consequence of us making changes there has been the introduction of pull factors, so just tell us which of those changes you would reverse? Would you see kids behind barbed wire again? Would you put children behind barbed wire again? Would you reintroduce the Pacific solution, where processing is done on Manus Island and Nauru? Would you say it is appropriate that we discharge our international and humanitarian and legal obligations in accordance with the refugee convention by processing people on Manus Island and Nauru? Or would you reintroduce temporary protection visas, after the introduction of which we saw 10,000 people come to Australia as asylum seekers? If you stand there and say that the sum total of your argument is to identify and look at changes the government has made in processing people who come to this country, just tell us which ones you would reintroduce. Putting the kids back behind the barbed wire? Introducing temporary protection visas? Or seeking to somehow discharge our humanitarian and legal obligations by processing people in Manus Island or Nauru?

Nation Building and Jobs Plan

Mr HUNT (3.43 pm)—My question is to the Minister for the Environment, Heritage and the Arts. Can the minister confirm that together with the Prime Minister he attended a meeting with representatives of the insulation industry in February in which they were warned that their \$2.7 billion pink batts cash splash was flawed? In particular, does the minister deny that he was advised that the cost of insulating an average house was only around \$1,100 and that providing a rebate of \$1,600 would force up the cost of insulating a house to that rebate figure? Isn't it a fact that ignoring this advice will lead to the waste of \$900 million?

Mr GARRETT—I thank the honourable member for his question.

Mr Laming interjecting—

The SPEAKER—Order! The member for Bowman is warned.

Mr GARRETT—I noted the reports of that meeting in the press and the comments made by those who were present. I make the point to members opposite and to those listening that, in the period of time since the government announced that it would put in place an energy-efficient-homes package, we have had a number of meetings with representatives from the insulation industry and, in particular, the Insulation Council of Australia and New Zealand, with whom I continue to meet. As a consequence of those meetings, which have been part of the orderly process of delivering this program, we have taken their advice on board and brought forward a program which we believe meets two aims: (1) it delivers a fiscal stimulus that is necessary to see jobs flowing through the Australian economy, which they have done, and to get insulation into the ceilings of Australian householders; and (2) it does it in a way that builds industry capacity and, additionally, enables Australians to get the bene-

fit of the government's decision to allow them to reduce greenhouse gas emissions and energy costs. And that is what we have done.

Climate Change

Mr RIPOLL (3.45 pm)—My question is to the Minister for Agriculture, Fisheries and Forestry. How is climate change affecting farmers in different parts of the nation and how important is it for local experiences to be represented in responding to these challenges?

Mr BURKE—I thank the member for Oxley for the question. We have already had a number of references in question time today to the different impacts of climate change in different parts of the nation. Whilst you can never pinpoint a single weather event and say it is due to climate change, it is true that the trend lines provide you with opportunities to see how events which have always occurred to some extent become more severe and occur more regularly—whether it be examples around the current drought, whether it be last year's heatwaves across South Australia and parts of Victoria or whether it be the increased severity of major weather events in the north of our country. For this reason the research into the responses needs to take account of regional differences. That is why the soil carbon work that we are doing under Australia's Farming Future, which was referred to earlier by the Prime Minister, deals with soils as far south as the electorates of Lyons, Franklin, Bass and Braddon and as far north as the electorates of Maranoa, Dawson and Kennedy.

In the same way, it is important for those local experiences to find their way into discussion here in the parliament. That is why it has been my focus as Minister for Agriculture, Fisheries and Forestry to meet with the people who work the land on their own land. I have conducted many of those visits with

members opposite and members behind me in different regional seats. You need those experiences to be brought here to the parliament, whether they be from the massive pastoral properties in the north or from the smaller cattle and dairy operations in areas like Pine Rivers. The importance of an area like Pine Rivers receiving local representation was made to the parliament last year in a wonderful statement by the shadow minister for health and member for Dickson.

Dr Southcott—Mr Speaker, on relevance: the question was about climate change and local responses. The minister is diverging very widely—

The SPEAKER—The member for Boothby will resume his seat. I have listened carefully and I remind the minister that he needs to respond to the question.

Mr BURKE—Referring to the part of the question about local experiences being represented here, I think the best example of that was a statement late last year by the member for Dickson. He said:

But the point is that the people of Pine Rivers deserve somebody who is local, somebody who is interested in representing their own interests, and not somebody who is a seat-hopper ...

Mr Pyne—Mr Speaker, on a point of order: clearly these matters are not within the responsibilities of the minister—they are vastly beyond them. I ask you to cause him to desist from this pathetic display.

The SPEAKER—The minister will refer his material to the question.

Mr BURKE—I agree that we should make sure that local experiences like those of the smaller cattle and dairy operations around areas such as Pine Rivers are represented here. That is why I agree entirely with the statement that you should not have somebody ‘deciding to take residence in Pine Rivers because they do not believe they can

win the seat which they are currently representing any longer’.

Mr Pyne—Mr Speaker, on a point of order: you have just asked the minister to relate his answer to the question he was asked. He continues with this pathetic display, and I ask him—

The SPEAKER—The Manager of Opposition Business will resume his seat. The minister will refer his response to the question and he will bring his response to a conclusion quickly.

Mr BURKE—The member for Dickson has told the people of Dickson what he thinks of them and does not want to stick around to hear what they now think of him. The member for Moncrieff might have dropped to 93, but the member for Dickson is not on the Gold Coast list at all.

Mr Rudd—Mr Speaker, I ask that further questions be placed on the *Notice Paper*.

QUESTIONS TO THE SPEAKER

Questions in Writing

Dr SOUTHCOTT (3.51 pm)—Mr Speaker, under standing order 105(b), I draw your attention to the fact that questions in writing Nos 790, 920, 921, 923, 925, 931, 934, 935, 936, 937 and 948 have been on the *Notice Paper* for over 60 days.

The SPEAKER—Under standing order 105(b), I will take the appropriate action.

PERSONAL EXPLANATIONS

Mr TURNBULL (Wentworth—Leader of the Opposition) (3.52 pm)—Mr Speaker, I seek to make a personal explanation.

The SPEAKER—Does the honourable member claim to have been misrepresented?

Mr TURNBULL—Yes, most grievously.

The SPEAKER—Please proceed.

Mr TURNBULL—In the course of question time today, the Treasurer once again claimed that the opposition had opposed the

bank guarantees. As I said in personal explanations in June and August, the fact is that the Guarantee Scheme for Large Deposits and Wholesale Funding Appropriation Bill 2008 was brought into the House on 25 November by the government, following a call from the opposition on 17 November, in which I pledged bipartisan support. It was expressly supported by all the opposition speakers and carried without dissent on 25 November. As far as the guarantee for retail deposits is concerned, the opposition also voted for the enabling legislation. The point of difference between the opposition and the government was on the level of the cap of the retail deposit guarantee. Our contention was for it to be \$100,000, whereas the government's cap was unlimited in the first instance and then reduced to \$1 million.

MEMBER FOR NORTH SYDNEY

Mr PYNE (Sturt) (3.53 pm)—Mr Speaker, thank you for a brief indulgence. On behalf of the opposition, I am very happy to congratulate the shadow Treasurer, who is not here today, on the birth of Ignatius Hockey who is a brother to Adelaide and Xavier. Congratulations to Melissa Babbage and Joe Hockey, our shadow Treasurer, who will no doubt return tired but happy.

The SPEAKER—I think that all members would wish to be associated with the best wishes.

Mr ALBANESE (Grayndler—Leader of the House) (3.54 pm)—On behalf of the government, I congratulate Joe and Melissa on the birth of Ignatius and wish particularly mum and young Ignatius well.

DEPARTMENT OF THE HOUSE OF REPRESENTATIVES

Annual Report

The SPEAKER (3.54 pm)—Pursuant to section 65 of the Parliamentary Services Act 1999, I present the annual report of the De-

partment of the House of Representatives for 2008-09.

Ordered that the report be made a parliamentary paper.

AUSTRALIAN NATIONAL AUDIT OFFICE

Annual Report

The SPEAKER (3.54 pm)—I present the annual report of the Australian National Audit Office for 2008-09.

Ordered that the report be made a parliamentary paper.

AUDITOR-GENERAL'S REPORTS

Report No. 6 of 2009-10

The SPEAKER (3.54 pm)—I present the Auditor-General's Audit report No. 6 of 2009-10 entitled *Performance audit: confidentiality in government contracts: Senate order for departmental and agency contracts (calendar year 2008 compliance)*.

Ordered that the report be made a parliamentary paper.

DOCUMENTS

Mr ALBANESE (Grayndler—Leader of the House) (3.55 pm)—Documents are presented in accordance with the list circulated to honourable members earlier today. Full details of the documents will be recorded in the *Votes and Proceedings*. I move:

That the House take note of the following documents:

Australian Office of Financial Management—Report for 2008-09.

Australian Postal Corporation (Australia Post)—Report for 2008-09.

Broadcasting Services Act 1992—Digital television transmission and reception—Report for October 2009.

Commonwealth Ombudsman—Report for 2008-09.

Customs Act 1901—Conduct of Customs officers—Report for 2008-09.

Department of Broadband, Communications and the Digital Economy—Report for 2008-09.

Department of Finance and Deregulation—Campaign advertising by Australian Government departments and agencies—Report for 2008-09.

Department of Human Services—Report, incorporating reports of the Child Support Agency and CRS Australia for 2008-09.

Department of the Prime Minister and Cabinet—Report for 2008-09.

Electoral Reform—Green paper—Strengthening Australia's democracy, September 2009.

Finance—Final budget outcome for 2008-09.

Inspector-General of Intelligence and Security—Report for 2008-09.

Medibank Private—Report for 2008-09.

National Competition Council—Report for 2008-09.

NBN Co Limited—Report for 2008-09.

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

**EDUCATION SERVICES FOR
OVERSEAS STUDENTS AMENDMENT
(RE-REGISTRATION OF PROVIDERS
AND OTHER MEASURES) BILL 2009**

Second Reading

Debate resumed.

Mr RAGUSE (Forde) (3.56 pm)—I close off my comments today, following my earlier statements that were very much about our need to look at the amendments to ensure that this industry, which currently returns \$15 billion to our economy, is somewhat protected. These amendments go somewhat towards that. I spoke about our experiences particularly with countries in South-East Asia, where we have developed a pipeline for students who come to this country. It is very important that we make sure that students are protected. Being parochial, being from Queensland, I said that some within the education sector have told me that a lot of these problems have occurred elsewhere in

our country. The reality is that we need to apply legislation nationally to ensure that registration and the continuation of ensuring quality service provision is essentially there.

In part of the earlier discussion I mentioned the services of a subsidiary of the University of Queensland, the IES, which provides a whole range of services and provides students to the university sector. The gentlemen Gerald van Balveren and Chris Eason, representing the IES and its programs, spoke to me and essentially said that, as a provider to many universities, including its own—and it has been in business since 1997, providing quality services for students in this country—the IES is concerned, as we all are, about the reputation that we have as a country. Essentially, they have introduced a training program. Over 11,000 people around the world are doing online training in the area of service provision for students, including international students. That certainly suggests that they are very keen on the Baird review and the legislation that will ultimately govern international students in Australia. It is important that we protect them and it is important for our reputation—it is certainly important for those reasons—but, at the end of the day, our resolve to ensure that we make it safe for international students is very important. (*Time expired*)

Mr HAWKE (Mitchell) (3.58 pm)—I rise today to speak on the Education Services for Overseas Students Amendment (Registration of Providers and Other Measures) Bill 2009. I want to continue on from what the member for Forde was saying in relation to the importance of this sector to the Australian economy. We know that it is the third-largest export industry for Australia. This is a fantastic Australian success story. In 2008 it brought in about \$15.4 billion. It employs many hundreds of thousands of people. It is vital that we continue to allow such an

important sector to achieve and do so much for our economy.

The government's legislation, as it is proposed, seeks to do a number of things in addressing many of the problems that all of us here have been aware of in recent times. Particularly, it enables a re-registration process for all institutions that are currently registered on the Commonwealth Register of Institutions and Courses for Overseas Students. It looks at requiring providers to publish the names of education agents who represent them and promote their education services. I want to address those two things separately.

Firstly, I record my support for the provisions which require providers to publish the names of education agents. I think this is a widely supported provision and it will go some way towards enabling a better outcome where unscrupulous operators, or people who have engaged in unethical behaviour in relation to overseas students, have been caught in that activity. That is one way of ensuring more transparency and of limiting the possibility for problems. Of course, there are other ways that the industry itself suggests and that we may consider at a future time.

Secondly, I want to raise an issue in relation to the other main provision of this bill, which is that it will enable a reregistration of all institutions that are currently registered on the Commonwealth register. That is one way of addressing the problems that have arisen in the public domain. The argument is that there have been some alarming allegations made against some private education providers. For instance, students who have complied with all their requirements have been forced to pay additional fees over and above their agreed payments or risk having their visas revoked. Of course, that is unacceptable. However, I want to note in this place that that is not the practice of most of

the providers of private education. In fact, most of those fine institutions have been responsible for the growth in this sector of the economy and have exported a fine quality product to overseas students. It has been a wonderful success story in Australia.

It is also important to note that there are already significant regulatory mechanisms in place. It is very difficult to establish a private education facility, as perhaps it ought to be. There are substantial state and federal requirements to ensure that it is a rigorous and difficult thing to do. When passing this legislation, we should consider not burdening those very successful enterprises that have met substantial regulatory requirements with going through a process where they revisit issues that they have already addressed in a substantial way. That is the feedback that I get from many of the private education providers who have been in business a long time. There is no question about their bona fides. But there is a question regularly asked of them by state and federal authorities, and they answer that question in a proven, acceptable and demonstrable way. Their reputations are not in question in relation to the allegations that are now in the public domain.

I want to caution that perhaps the process by which this reregistration will be conducted, particularly by the regulation, should be carefully considered and that an extra compliance burden not be placed on those completely ethical and properly regulated businesses that have conducted themselves in a proper fashion for a long time—and that is most of the sector. We have some wonderful stories about this sector. The businesses that have behaved ethically and built very successful education businesses are the custodians of our reputation internationally.

We know that education is an enabler; it is something that lifts people out of their situa-

tion. In our region, education is making a great difference to the vast number of people who still do not enjoy the standard of living that we do here in Australia. Exporting education is a great and powerful enabler for our region. It is something that enhances Australia's reputation and role within our region and it has the capacity to do a great deal of good for our future relations with such important neighbours and trading partners. So it is important that we do not damage the reputation of this important sector by acting injudiciously. I would not suggest here today that that is the intention of the government. Rather, I simply say that, perhaps in our rush to respond to alarming situations, there are unintended consequences of that rush.

Legislating is not always necessarily the best answer to a problem like this, particularly when you look at peak bodies like the Australian Council for Private Education and Training. They represent about 1,119 organisations around Australia. Membership of their body requires a certain standard and a certain set of ethics and that, in effect, allows for self-regulation and that limits the capacity for problems and fraud. Some of the members opposite have spoken about self-regulation. Self-regulation can be a much more effective response in many instances than government legislation. In relation to these problems, the reality is that whatever legislation you pass, you still require a great deal of industry input of self-regulation to occur. We ought to be encouraging a system of self-regulation.

Some of the private providers that came to see me spoke of the mechanisms they use when one of their private institutions fails or may not be able to meet the commitments it has made to overseas students who have arrived here to study. Of course, this is the critical area. With the best will or the best intentions in the world, an institution may not be able to meet its commitments. An in-

surance scheme put together by a peak body could provide the capacity for other institutions to share the load of the member or institution that is unable to meet its commitments and could therefore take on the overseas students and so alleviate the problem. It is that kind of practical and considered industry specific solution that we ought to consider as an alternative in helping to deal with this situation. The legislation before us will deal with a very different situation—that is, people who behave unethically and do not meet their commitments to overseas students. The legislation is designed to protect students who can often be vulnerable or who are unable to protect themselves—and that intention is a good thing.

In summing up that section of the provisions, I caution that we ought to very carefully ensure that the reregistration process does not inadvertently add continual and extra pressure on institutions that go through very rigorous processes to meet their accreditation at both the state and federal levels.

The other provisions of this bill are quite important. They go a long way towards alleviating many of the serious problems which have arisen in recent times. Fraudulent practices can cause irreparable damage to this vital industry for Australia. It is important that we act to send a signal to those people who would engage in fraudulent practices that they will not be accepted and that they will not be able to continue that activity.

As an opposition, we have great concerns that this legislation goes the entire way in relation to these matters. The coalition has proposed amendments, and I record my support for those amendments because there needs to be a tightening up to prevent students being duped by incompetent or dishonest providers. Some of these are high-quality amendments and I recommend them to the

government. We have introduced, for example, an amendment aimed at ensuring that regulatory bodies follow a risk management approach when determining the reregistration of providers. This is what I have been speaking about. This risk management system would mean that you look at the experience with the already registered entities—that is, those which have been in operation for a substantial period and have a record of success, being long-term viable businesses that employ thousands of people and potentially educate thousands of students. There ought not be a particular burden or question asked of those successful enterprises, which are not in question.

We really believe risk management in the approach to the implementation of this legislation is absolutely vital. As I have spoken about, there are already significant hurdles in place for many colleges and education facilities. Therefore, that amendment is a high-quality amendment. I do not think any government, of any persuasion, should stand and say, 'We are the arbiters of all things that are good in legislative terms or legislative instruments.' Indeed, when oppositions or other parties propose sensible and common-sense amendments, governments ought to consider those amendments with a view to improving legislation. I think that a risk management approach in reregistration is simply common sense and good policy that ought to be adopted by any government.

Looking at some of the other amendments that we are proposing, it is also critical that education agents are providing reliable and up-to-date information to prospective students. We have proposed that improved services be provided by education agents and a requirement that education agents will undertake qualified training. Once again, this is a sensible amendment. As a result, more accurate information will be given to prospective students, ensuring that their education ex-

perience in Australia is in line with their expectations. Again, this is a sensible amendment which is proactive and positive and will improve this proposed legislation. Indeed, the provision in the bill requiring the publication of the names of education agents is a good provision and should be supported. Equally, I accept that our proposed amendment that they undergo qualified training is also a good proposal which ought to be seriously considered and will improve the integrity of this legislation.

The third area of concern which we have as an opposition is the default fund for reimbursing overseas students if their provider ceases operation. This fund reimburses the student when the fund manager is unable to secure a suitable alternative training place for the student. Looking at how many recent provider closures there have been, this fund is obviously at a level where it must be fairly close to some sort of collapse. Recently, there has been a spate of very significant collapses, of private closures. They have been well publicised and there is an issue in relation to this fund. We have sought some more amendments that seek to improve the accountability and transparency of this fund—something I widely support. Under our amendment, the fund manager would be required to provide the minister with a written report in each instance of provider default where a claim is made on the fund. The minister would then have 30 days to table this in parliament. In terms of accountability and transparency, that is a good amendment. Thinking about how we could practically deal with the problems that come from provider collapses, then of course an assurance fund is one practical way of ensuring that we deal with the on-the-ground problems created when a provider collapses.

Without labouring the point too many times today, I really want to record my full support for this important sector of the Aus-

tralian economy. This is our third biggest export area. It provides \$15.8 billion to the Australian economy. The experience is overwhelmingly positive with the major number of private education providers in Australia for overseas students being ethical and conducting themselves to a high standard, promoting a good quality product that is in demand by our neighbours. Many of our neighbours choose to educate their children here because of the quality of the products that Australian institutions are offering.

The private education sector for overseas students is a great Australian success story. I feel that this legislation will allow for those institutions which are behaving fraudulently or unethically to be further limited. That is a good objective. However, in doing so, I would caution the government in reiterating that it ought to think carefully about how that is achieved. The legislation ought not place extra burdens upon those very ethical and properly conducted operators who have been in business for many years and provide good products. It ought to take a risk management approach and consider the opposition's amendments in the spirit in which they are intended.

Mrs D'ATH (Petrie) (4.14 pm)—I rise to speak in support of the Education Services for Overseas Students Amendment (Registration of Providers and Other Measures) Bill 2009. Australia welcomes the over 5.9 million visitors who come here each year. These visitors come for a range of reasons—the majority are tourists, temporary workers and international students. It is for these visitors that Australia must uphold its reputation as a safe destination: a destination where laws exist to protect people, whether they are citizens of this country, visitors, workers or students. In recent times, Australia's international education sector has been marred by the actions of some unscrupulous providers. We have also been affected by the small pro-

portion in our country who engage in criminal acts against foreign students. These are shameful acts that the community condemns.

This bill is not intended to deal with acts of violence against students. Those are broader issues that must be tackled by all levels of government and the broader community. However, this bill does seek to go some way to addressing the quality of education provided to international students. It will amend the Education Services for Overseas Students Act 2000 to make provision for the re-registration of all institutions currently registered on the Commonwealth Register of Institutions and Courses for Overseas Students by 31 December 2010. To become registered on the Commonwealth Register of Institutions and Courses for Overseas Students, a provider must demonstrate that it complies with the requirements of the National Code of Practice for Registration Authorities and Providers of Education and Training to Overseas Students 2007. The National Code is established under the Education Services for Overseas Students Act 2000 and is a legislative instrument. As such, any breaches of the code by providers can result in enforcement action under the act.

Through this bill the national code will be further enhanced by two new registration measures for education providers. The new provisions will require state and territory registration authorities to be satisfied that the provider's principal purpose is to provide education and that the provider has demonstrated capacity to provide education of a satisfactory standard. I note the comments of the member for Mitchell, who supports self-regulation and believes that the government should not place extra burden on ethical training organisations. The criteria that will be added as a consequence of this bill should not be seen as an extra burden. These criteria are standards that every provider should comply with and those providers that are

ethical, have a long history of being compliant and are well regarded in the national and international community for the services they provide should easily meet them. Consequently, our implementing of such additional criteria should not be seen as placing a burden on these providers.

I was a member of the Queensland Training and Employment Recognition Council from 2000 to 2007. It was the role of the council to advise on policy and guidelines for issues including the registration and regulation of training organisations and training contracts, the accreditation of courses and the regulation of accredited courses. I have witnessed the importance of ensuring the highest standards for the delivery of training and education. In Australia, we require domestic education providers to meet strict requirements, including satisfying the Australian Quality Training Framework. Action is taken where a provider fails to meet these standards—whether at the point of registration, when seeking registration for the scope of their training or as a consequence of an audit arising from a complaint or a normal assessment. The Training and Employment Recognition Council is able to require a provider to rectify a failure within a certain time. If the provider is unable to do so, the council can require it to show cause why its scope of registration, a particular course or its registration to operate as a provider should not be cancelled. It is reasonable for international students to expect that international education providers operating in Australia are equally required to meet strict criteria. If the provider is unable to do so the necessary steps should be taken to have the provider rectify the issue or to have a range of penalties applied. In the worst circumstances, where the provider is not able to provide any suitable courses of an appropriate standard to the student, action should be taken to cancel the provider's registration.

Deficiencies have been identified in the current legislation regulating the international education sector and the government is obligated to address these developing issues. The government's action should ensure that current and future students are provided with the best quality education while they study in Australia. That is why I welcome the minister's comments that the state governments have already started rapid audits of providers and that these will be extended so that all providers working with international students will need to show that they have the best interests of the students at heart—not simply a profit motive. As I stated, the member for Mitchell took issue with this and, in effect, implied that training organisations that are reputable and that have a strong, positive history in this sector should not be required to undergo these audits. I disagree with the member's comments. I think it is incumbent on us to ensure that the standing of this sector, both nationally and internationally, is upheld. To do that we must ensure that all the training providers operating within this industry meet the same criteria and undergo the same audit.

I recently had the opportunity to talk to some training organisations who operate in my local area and across Queensland and nationally providing training to international students. I discussed with them such questions as when the audit should be conducted, whether organisations who do have a long-standing history of being compliant should necessarily be pushed down to the bottom of the list as far as the priority of auditing is concerned and whether those organisations who are newer to the industry and so do not have that long history of compliance and reputation should actually be audited first. There were also issues such as whether organisations who may already have undertaken an audit in the last 12 months should also be pushed further back in the process.

These are audit process issues that I have certainly guaranteed to take forward to the relevant department and minister. As I have already stated, this audit and reregistration process has to be completed by 31 December 2010, so the issues that have been raised with me by training organisations can certainly be considered in light of the time frame. It is important to note that those training organisations were not at any point saying they should not be required to undertake these audits. It is more a matter of timing and ensuring that those cases which we need to concentrate on are where students may be most at risk. They are the ones that we should be dealing with first. I am more than willing to take those issues up on their behalf.

With 327 institutions and over 4,605 courses registered in Queensland alone, it is essential that confidence in the quality of the Australian international education sector be upheld. By requiring all institutions to reregister, the government will be able to ensure that these institutions and the courses that they deliver meet the standards set down by the national code of practice. With so many courses available, international studies have certainly come a long way in recent years. The courses being undertaken by international students are not limited to vocational courses. In fact, they range from secondary studies at schools, both private and public, right through to masters degrees at our universities. In my local area I am aware of a number of secondary schools that have enrolled international students each year. I believe that, by having these international students in our schools, much can be learnt about their home country, their language and their culture. Equally, they have the ability to gain much from Australian students about life in Australia. I welcome international students into our local schools and our local community. By doing so we are a better na-

tion for it. Australia can only become a more tolerant and accepting society through our engagement with our international visitors and our multicultural communities.

The government's responsibility does extend beyond the students' interests—and of course this bill is not focused merely on providing improved protection for students—to ensure protection of the institutions that operate within the international education sector in Australia. Many providers are providing a valuable service and quality education. It is important that the industry be regulated to ensure that those providers' reputations are not sullied by the few who do the wrong thing. That is why this bill will allow the discretionary removal of the prohibition on education providers collecting moneys from studying students when a course has been suspended. The bill will also allow conditions imposed by states and territories on education providers to be recognised by the Commonwealth and allow exemptions from punitive provider default refund requirements for providers changing their legal entity. These provisions are important to ensure appropriate flexibility exists in the system to allow sanctions to be enforced in a manner commensurate with the level of breach and also to have regard for the individual circumstances in each case. For example, there are times when a provider may be in breach of the act or national code due to a change in the legal entity. Currently insufficient flexibility exists for these providers to continue to operate and collect fees from enrolled students. It is important that the federal government have in place strong enforceable compliance arrangements but also that any penalties are able to be attributed in a way that addresses the breach balanced with the obligations to and the needs of the international students involved.

This bill will also make provision for publication by providers of the names of educa-

tion agents who represent them and promote their education services and it will require providers to comply with any matters prescribed in the regulations concerning their agents. This is an extremely important initiative. We have all heard of examples of international students being promised assistance with permanent residence in Australia through the study of courses here in Australia. These sales pitches come from some agents who are promoting international education institutions within Australia. Recently it was reported in the *Australian* newspaper that a Korean education agent had been implicated in the running of a two-storey Brisbane suburban home that was housing up to 37 foreign students. The report stated:

A raid by Brisbane City Council inspectors uncovered the operation under which a near record number of students were being used to service a \$6000-a-month lease to cover the education agents' upstairs home-office.

Although the issue of accommodation for international students is not the subject of these amendments before the House, that the person involved was an education agent certainly raises concerns. The minister's second reading speech for the bill before the House does identify the need to address the practices of agents operating both within and outside of Australia in recruiting international students to Australia. Although these appalling practices are only engaged in by a small few, they can damage the reputation of the international education sector in Australia as a whole. Not only is Australia's reputation put at risk but there are significant ramifications for the international students who are enrolled under false pretences. That is why it is important that the government provide further protections for overseas students from this type of conduct. This bill will do so through the additional requirements placed on providers. The bill will provide a mechanism through which international students

will be able to raise any concerns about agents. The bill will also enable the regulations to prescribe the criteria to be applied, in considering whether a particular course is a suitable alternative, in circumstances where obligations would otherwise be imposed on a registered provider to refund monies paid by a student.

This bill addresses the immediate issues in relation to unintended consequences arising from previous amendments to this act and also deals with some of the developing issues in the international education sector. The positive benefits I have spoken about in relation to international students attending Australian schools equally apply to international students attending the other education institutions throughout this country.

Society can gain much from the experience of hosting international students. In recent times, we have all been appalled at the treatment of some international students in Australia. Any attack on students based on their ethnic background should be condemned and is not something that Australia is proud of. We know that the people who engage in such activities are not representative of our broader community, in which many cultures are celebrated and many nationalities embraced. Australia's obligations are not limited to those visiting our shores. Australia also has an obligation to assist developing countries and we do so in many ways with foreign aid and other cooperative arrangements. The ability to allow people from developing countries to learn a trade or skill in Australia that can then benefit their own country through the use of those skills is another important way that Australia can play its part internationally.

The benefits of having an international education sector within Australia are not limited to the enrichment that students gain through the sharing of knowledge and beliefs

or the new skills that they obtain; the sector is also significant for Australia's economy. With almost 460,000 enrolments in Australia across the four sectors of Australian international education, international education, as an industry, is now Australia's biggest services export. I have already spoken about the benefits to Queensland alone, with its significant number of institutions and courses available to international students. This is why it is important that internationally there is confidence in the quality of the Australian international education sector.

I would like to take this opportunity to congratulate the Rudd government not only for the introduction of this bill but also for bringing forward the international students review to be headed up by the former federal member for Cook, Mr Bruce Baird. The review will consider the need for enhancements to the legal framework of education services for overseas students in four key areas: supporting the interests of students, delivering quality as the cornerstone of Australian education, effective regulation and sustainability of the international education sector.

The Minister for Education, the Hon. Julia Gillard, also held a roundtable with 31 international students here in Canberra recently. These students are currently studying around Australia and have the opportunity to bring their concerns directly to the attention of the government. In addition, the government has recently released a good practice guide to assist international colleges and the minister has announced that details of the best performing international college providers will be made available so that all colleges can learn from best practice. These are all positive steps forward to ensure that Australia maintains its standing in the international community for delivering quality education to international students.

Recently, I had the opportunity to talk to some of my local training organisations. I met with representatives, including the general manager, of Sarina Russo, a well-known training organisation not just in Queensland but nationally. It is not only participating in vocational education and training and business courses but also has a large component of international students. I took great pleasure in meeting their representative group, including a representative from James Cook University, to talk about their issues and hear their input. I strongly encouraged them to make a submission to the review.

The Rudd government holds concerns that, in such a rapidly growing industry such as the international education sector, a small number of unscrupulous operators will arise from time to time for whom the provision of quality education is not a first motive. These operators prey on students overseas who wish to come to Australia to live as opposed to gaining a skill or trade. The message to these providers from the Rudd government is simple: if you are not providing your students with a quality education in a safe environment, clean up your act or risk being shut down.

This bill, along with the initiatives already outlined, will work to clean up the industry and restore confidence in Australia's international education sector. I commend the bill to the House.

Mr BILLSON (Dunkley) (4.34 pm)—I rise to offer some thoughts on the Education Services for Overseas Students Amendment (Re-registration of Providers and Other Measures) Bill 2009 and to urge the Rudd government to embrace the amendments that the opposition has foreshadowed. I commend the member for Petrie for her considered contribution. A number of the points that she raised are similar to those I would like to raise, but I also underline the fact that there

is no single event or action that will deal with the concerns that this bill seeks to address. An integrated approach is required. Getting the educational providers up to speed in offering quality and integrity in their product is important, but it needs to be supported by the processes through which international students gain access to those programs, by the quality of their experience and by the quality and integrity in the migration processes that support them, while we have an eye to our broader national interest. That is why this bill is, I think, well intended, although it does fall short on some of the actions that need to be taken. All of us in this place look forward to the work of the Baird committee and to the outcomes from the Senate inquiry that has canvassed these issues.

This bill specifically seeks to focus on the education providers. It does that by requiring a re-registration of institutions that are registered on the Commonwealth Register of Institutions and Courses for Overseas Students, CRICOS, by 31 December 2010. It establishes two new registration requirements for education providers and also obliges providers to list the names of their agents and to ensure that these agents comply with regulations relating to them and their conduct. It endeavours to strengthen the regulatory framework to address concerns about the industry and the wellbeing of international students who come to this country and, as in a number of recently publicised cases, find the experiences not what we as a nation wish for them or what they expect. These measures partly need to tackle what are rare, thankfully, but worrying examples of fraudulent practices. We have seen some examples where providers have been found to be shonky, where education agents have promised the world but not even delivered a globe or an atlas and where students have come to Australia to pursue a course of study in the

belief that they will ultimately, and almost without fault, receive a migration outcome as a result of their studies—that is, complete a course of study and secure a permanent resident visa.

There are some opportunities for people concluding their studies and securing Australian recognised qualifications to transition that effort into migration processes for permanent residency, but those need to be carefully explained and the students, who in many cases spend serious sums of money, need to be absolutely aware of what they are purchasing. This is not purchasing visas. This is, effectively, overseas education export where people are purchasing a training and education opportunity. This is one of the things that need to be addressed as part of the government's response to these more recent concerns.

Our international education industry has grown significantly over the past decade. Between June 2008 and 2009 alone, the growth of enrolments in all education sectors was 19.6 per cent. What is most striking, though, is what a vast pace of growth we have seen in the vocational education and training space, which also correlates to where some of the more worrying examples have arisen. That gives us a bit of an insight into where effort should be placed.

The provision of education to overseas students is our third largest export earner. It was \$15.4 billion worth of exports in 2008. It is vital that we keep that effort and that we maintain the quality and integrity of our international student offer so that people continue to be attracted to studying and learning skills in Australia. We can benefit from that work not only in terms of export earnings but also in terms of the mutual understanding and the insights we gain both from those students and their countries of origin and, in turn, the insights students gain about us, our

nation and what we hope to offer them and the world as a forward-looking, open country.

There are providers in my own electorate of Dunkley. Chisholm Institute of TAFE has, for a long time, been providing international student opportunities. Monash University, particularly, has the appeal of the peninsula campus for students from South-East Asian areas where being somewhat removed from downtown campuses is considered attractive. There is a perception among parents of South-East Asian students that the nearer you are to the downtown area, the nearer you may be to mischief. There are some secondary school providers as well. The Peninsula School, Toorak College and Frankston High School have all been offering international student opportunities over my time as the member for Dunkley. In fact, the Export Market Development Grants Scheme recognised the importance of this work under the Howard government and provided some financial assistance for the Peninsula School and Toorak College to extend and support their international education efforts.

You can see, with that history, why it is quite alarming that we have seen some examples of education providers and some students who have not been meeting requirements and therefore brought this whole system into some question, requiring closer examination. It is crucial that the quality and integrity of the international student system be maintained not only for the student experience and not only for the qualifications themselves but also because, as people venture out into the world with Australian-based qualifications, we need to make sure that that qualification stacks up. If there is a perception out there it has not been properly earned or has been purchased off the side of a Weet-ies packet then that will undermine the Australian brand and the confidence and assurance that people have in qualifications

sourced from Australia or from Australian institutions. It is also important that the education providers themselves are of a quality so that those institutions are inoculated. We recognise that the international student market is quite vibrant. There are other options out there and if our offer is not up to scratch then that can reflect badly on our nation and on the student experience.

Moreover, if the qualifications themselves are relied upon by employers either here or overseas and found to be wanting then that, again, reflects badly on our systems. Our systems are of such credibility that, in my time working with AusAID as Parliamentary Secretary for Foreign Affairs, some of our overseas development assistance work actually involved carrying forward our system—particularly of vocational education and training—into some of the countries we were partnering with. I remember vividly the work we did with China as it sought to step up its vocational education and training system. Our system itself was a key area of focus and interest for the Chinese as they sought to, in some ways, emulate what we have done here. If we bring that into disrepute then that has ramifications more broadly.

It is also important that, as we expand people-to-people understandings and relationships and build an international rapport, people from other countries who study in Australia leave with a very positive experience and a worthwhile and meaningful qualification. Again, looking at our overseas development program, offering academic education and training opportunities is seen to be important to capacity building for those participants that can then return to their home countries and apply the know-how, knowledge, skills and education they have gained as part of their time in Australia or working in partnership with Australian education institutions.

You can see the importance of getting this right. We have seen some vivid examples of where things have gone amiss, particularly with protests by Indian students and some examples of assaults and violence. Some of that is perhaps a response to an education industry in crisis—or at least one that is reported that way—and a reaction to immigration rorting where students were frustrated that they had been engaging in the course of study they had chosen, had applied themselves and their resources to that course, had spent significant sums of money, had been asked in some cases having arrived here to pay additional fees over and above what was agreed, and then had colleges of perhaps dubious quality and dubious motives threatening to revoke visas.

It again highlights why the whole system needs to be addressed. Who knows what these students had been told? Who knows what assurances or expectations had been created? Were those expectations credible? Could those assurances be actually given by agents seeking to profit from that international student experience but not in a position to offer a commentary on migration outcomes that might result from their participation in the very course that they are seeking to sell?

You can see how the situation is set up for some of these agents to over sell what it is they are offering, for education agents to push one particular product where their fee or commission might be attractive and to argue that that somehow is a more attractive, easier or streamlined way of getting a migration outcome. You can see that temptation. That conversation and transaction can occur a long way from Australia, and we need to make sure that the reach of our regulatory efforts can account for that kind of transaction and that kind of service overreach where education agents are claiming to be offering a whole lot more than some advice on

courses that are available and suited to that person here in Australia. This is the importance of getting training organisations and academic institutions up to scratch.

In Victoria, the state that I am from, there are some situations that I am reasonably familiar with. We saw quite a hive of activity; a feverish amount of activity by the state government to try and shut down dubious registered training organisations. They have been forced to cease operations in some cases. What I would say to the Victorian authorities—and in fact to all of the state and territory authorities—is that this is not an event. Rather, this needs to be ongoing process; this needs to be, as Deming's would say in quality assurance terms, an ongoing committed process in which we can identify deviations from acceptable practice and act responsively and quickly so that it does not fester into the kind of crisis that has occupied not only media coverage in Melbourne, Victoria and Australia but in international media outlets as well. We need to act to make sure that those outriders, that small percentage of unsavoury operators that are seeking to profit while not promoting good educational outcomes, are brought to heel. This bill goes some way towards doing that—although, as I have mentioned earlier, not far enough in my view.

There is a need to repair the reputation of the industry. But let me again emphasise that a small number of providers have been involved in this, a number of them in the vocational education and training area that is in part accounting for what is an astronomical growth in participation. In fact, VET enrolments grew by 39.3 per cent over the past 12 months. Comparing that to higher education enrolments, which grew 11.6 per cent, we might start to think that something is going on and we need to have a closer look at this.

The coalition recognises the importance of supporting international academic opportunities and international students. I spoke when we strengthened this legislation back in the year 2000 and touched on the need to have in place the ESOS default fund to reimburse overseas students who had been led down a very unfortunate path by providers, such as when providers cease operating or where the fund manager is unable to secure suitable alternative training opportunities. As a result of this spate of recent closures—this flurry of activity, with state and territory education authorities making sure that the education providers in their jurisdictions are up to scratch—some pressure has been created on the reserves in that fund. That is something that the government needs to turn its mind to in order to maintain it as a safety net for when education providers are found wanting and international students are left short because of that.

The relationships that need to be nurtured are between the Commonwealth and the states and territories. A whole-of-government response is what is needed. The Baird inquiry, run by my friend and former colleague Bruce Baird, is a very positive step in the right direction. There are enforcement powers available at state and territory levels. They are rarely exercised, although recently they were dusted off. You could tell that that was happening. There were sneezes happening all around the regulatory authorities at a state and territory level, because they had finally realised that these powers were there and they got an allergy when the dust started flying around when they decided to exercise those powers. That needs to happen more consistently and more reliably.

The amendments that the coalition is putting forward support the intent of the bill but deal with the fact that there is a need to go further. The bill does not go far enough in relation to providing international students

with adequate levels of assurance or in ruling out unscrupulous or inept providers. It does not encourage a stronger risk management approach to be embraced by state and territories in the registration process. Therefore, whether the bill will meet its objectives is something that only time will tell. There is a need for more consultation by the minister. A more targeted approach is required. An early intervention culture needs to be built. I touched on the number of VET enrolments, and that certainly would have raised my eyebrows.

Re-registration is something that will be carried out by state training authorities, and they have not been consulted on the way through. As the member for Petrie mentioned, there are a number of issues about those that may have just registered a short time ago and those with a proven record of credibility and integrity getting some acknowledgment for the cost and effort of re-registration. These are some areas that I would urge the government to pick up.

I touched earlier on the ESOS assurance fund and the payment to overseas students when a provider has defaulted and there is no suitable alternative course available. That pretty much ran out of cash in January 2008, so that safety net is something that needs to be revisited.

There are a number of other measures that the opposition believes that the government should pursue. These include improving the quality frameworks around the provision of education to overseas students, tightening up the legislation, helping to prevent students being duped by incompetent or dishonest providers, tightening the eligibility for education agents and looking at these migration issues.

In my time as Parliamentary Secretary for Immigration and Multicultural and Indigenous Affairs, we spent quite a lot of time

with this issue with the Migration Agents Registration Authority trying to work out a way in which we could have international application of a domestic registration arrangement. I remember being at the High Commission in Fiji and being told that there was not a lot that we could do about migration agents offshore promising the world, taking handsome fees for it and in not all cases offering wise advice that was consistent with the law. I made the point that I thought that those who voluntarily agreed to subject themselves to our registration and regulatory arrangements could have their applications fast tracked. That would say to those agents offshore and outside the reach of our domestic law, 'If you play along with our domestic law, we will fast track your application in advance of applications that might be processed by agents that have hung a shingle outside their door but have not shown that same commitment to our domestic systems.'

I still think that there is scope to do that. I do not underestimate the difficulty of it. But if we cannot enforce domestic registration arrangements on overseas migration agents—separating that role from overseas education agents in the knowledge that they are two quite distinct functions—let us put some incentives in place to encourage those people based overseas to work in a way that is complementary to our shared goal of integrity, quality and assurance in our international education system. There is scope there. There is an opportunity for the departments federally to pursue some of those ideas.

There is a strong argument for greater transparency in calls on the fund. That is another part of the amendments that the opposition has brought forward. It is aimed at improving the services of education agents by ensuring that they undertake appropriate qualifications and at making sure that they maintain the high level of confidence that we

expect of them, regardless of where they are located.

I hope that Bruce Baird's experience is brought to bear in the review role of the committee that he has taken on. I hope that he takes a whole-of-government view at a Commonwealth level and then recognises that many of the points of leverage are not always within the Commonwealth's jurisdiction and that we need the best out of a range of participants to get a good outcome.

Finally, I think there is a need to revisit some of the consultative arrangements. I mentioned earlier that the re-registration process was free of any consultation with the state and territory based regulation agencies, even though they will be asked to do this work.

As for the minister's roundtable for international students, boy is that a gabfest for the in-crowd! If you are not in a G8 university or an internationally acclaimed college you do not get a look in. There is a stack of applications—1,300 applications—from international students, all busting to provide their views, yet we end up with a love-in of the Group of Eight plus acclaimed colleges, and no room amongst 31 student representatives for a broader perspective. Why wasn't there an opportunity to embrace, say, a Korean representative, given that Korea is providing one-third of the intake of international students, and why was there no scope for addressing the Saudi Arabian student interest, given the 73 per cent increase in their numbers? I think this was an opportunity that was missed. We could have had a broader representation of international students to get to the heart of what they are seeing and what they would like to see, and to understand their experiences.

This bill is well meaning; it needs to go further. I hope that the government looks seriously at the coalition's proposed amend-

ments. I hope that some of my suggestions about how to make the whole international student system work better receive considered assessment by the government. This is such an important thing to get right and there are a number of steps we need to take to do that.

Mr KELVIN THOMSON (Wills) (4.54 pm)—Let me say at the outset that I utterly deplore the acts of violence which have taken place against overseas students. There can be no room for racial hatred or racially motivated violence in this country. The Deputy Prime Minister was absolutely on the money when she described the international education industry as an industry that has grown too fast, too soon, and that it was ‘growing so rapidly, with insufficient checks and balances, unfortunately attracting a small number of unscrupulous operators for whom the provision of quality education is not their motivation’.

She was spot on. According to Australian Education International’s monthly summary of international student enrolment data, enrolments by full-fee international students in Australia on student visas have more than doubled in just seven years, rising from over 204,000 in June 2002 to over 467,000 in June 2009. The numbers have more than doubled in just seven years.

The university sector originally accounted for most of the enrolments and most of the growth but since 2005—in the last four years—the vocational education and training sector has increased rapidly. The June 2009 figures show that the vocational education and training sector now ranks first, both by volume of enrolments and by volume of commencements. Over the past 12 months the VET sector has grown by a whopping 39 per cent. The private education is a significant player in the international student industry—and in the VET sector, in particular.

Seven hundred of the Australian Council for Private Education and Training’s 1,200 members provide educational services to international students. Australian Education International notes that the growth in VET student numbers has been mainly taken up by non-government VET providers. In 2008, the majority of all VET enrolments were with the 437 non-government providers. The non-government provider share has grown from 73 per cent in 2002 to 84 per cent in 2008.

Just why has the international education industry grown so rapidly? The explanation is simple: in 2001 the Howard government changed the rules to allow overseas students who had completed post-school credentials at an Australian university or vocational education and training college to apply for skilled permanent residence visas from within Australia, in designated skilled occupations, as long as they did so within six months of completing their courses. Not only that: unlike prospective skilled migrants applying from overseas, those applying onshore did not have to have relevant job experience in their nominated occupations. And there was more! They received extra points on account of their Australian credentials.

The international education industry has since expanded rapidly. It has been driven by the lure of permanent residence based on these changes. Agents overseas have had a field day telling students that all they have to do is to sign up for these courses in Australia, pay the big fees, and they will be guaranteed permanent residence here in Australia.

I support the Education Services for Overseas Students Amendment (Re-registration of Providers and Other Measures) Bill 2009—I have no difficulty whatsoever in supporting it—but I do wonder whether the regulatory framework is adequate, even after these changes, to deal with the problems we have

in the provision of international education. I believe that both the facts of the matter—international students being bashed and exploited, and dodgy colleges ripping them off and going bankrupt—and the logic of the statements by ministers Gillard and Crean, that this industry has grown too fast and too soon and that ‘the quality of our education is what we are promoting, not the visa attached to it’, lead inexorably to the conclusion that we need to decouple the link with permanent residence and revisit the changes that were made in 2001.

We should remove the capacity of international students to apply, on-shore, for permanent residence. We should require them to return to their country of origin before they can apply for permanent residence. The review which the government has established into the act that governs international education, the ESOS Act, being carried out by former federal Liberal MP Bruce Baird, should examine whether there should be a cooling-off period—for example, for two years—before overseas students can apply for permanent residence once they have completed their courses. I believe that instituting such a cooling-off period would clean up this industry overnight. The Deputy Prime Minister has said that it needs to be cleaned up, and she is right. To be candid, I do not have a lot of confidence that the present regulatory arrangements will do the trick. The arrangements certainly have not worked so far. They certainly have not protected overseas students; they have failed them.

Such a cooling-off period is not without precedent. At present, a student who comes to Australia as the beneficiary of government scholarship—either our government or theirs—is required as a condition of their visa, the subclass 576 visa, to return to their home country when their studies are complete. Once they return to their country, they cannot apply to return to Australia for a pe-

riod of two years. If we decouple the link with permanent residence, then students themselves will clean up the industry. They will not pay large sums of money for courses of little or dubious value. They will continue to pay for courses that do represent value for money, but not for those which do not. Could this lead to a drop in the number of overseas students coming to Australia? It well might. It depends on how good the courses which universities and VET providers offer actually are.

I know some people will complain if there is a drop in the numbers, but I do not think their concerns are valid. The first concern we are likely to hear is that these student visa holders are a needed part of our workforce to meet the needs of an ageing population. I do not agree. According to the National Secretary of the Construction, Forestry, Mining and Energy Union, John Sutton, last year 100,000 young Australians aged between 15 and 24 dropped out of the workforce. Surely this is not acceptable. Surely we want those 100,000 young Australians back in the workforce. We also want more of our mature aged workers back in the workforce. There are many people aged between 45 and 65 who are not in the workforce who are capable of working and who would enter the workforce should work become available.

The second concern we are likely to hear is that a reduction in the number of overseas students will be bad for universities and post-secondary education providers. Again, I do not subscribe to this theory. Eighteen and a half thousand eligible applicants missed out on a university place this year, up from 12,600 last year. Professor Bob Birrell says that the real number of students missing out may be much larger. He says eligible applications amount to 227,000 compared with actual acceptances of 161,000—a difference of more than 66,000. Yes, there is the question of funding of universities, TAFE and the

vocational education and training sector. The previous government slashed funding for universities and vocational education and training and basically told universities and TAFEs to go out and make a living by bringing in fee-paying overseas students. So we will need to lift our funding for universities and VET. But, in my view, this is a far better use of taxpayers' money than the billions of dollars we are now spending on infrastructure to accommodate burgeoning populations.

It was recently reported that it will cost \$11 billion of taxpayers' money to provide infrastructure to meet Melbourne's rapidly expanding population. One of the reasons Melbourne's population is booming is the skyrocketing of temporary entry permits. The consequences of this for Melbourne's quality of life are serious—extra demand on stretched water supplies; loss of available land; loss of open space; declining bird, animal and plant life; traffic congestion; urban sprawl; and overcrowding. I have said previously that it is time to stabilise Melbourne's population. Some people say, 'You can't stop people coming to Melbourne,' and that is true, but you certainly can stop, and should stop, luring young people to Melbourne and other cities around Australia under false pretences—providing courses of dubious value and exposing young people to the prospect of exploitation and even the risk of violence, doing late-night jobs and travelling on public transport—in situations of real risk necessitated by having to support themselves and pay excessive fees.

The *Age* writer Sushi Das has done a first-class investigative reporting job in uncovering the scams surrounding Australia's overseas student industry. She has done this against considerable odds—a climate of fear and silence which she described in July as follows:

... I will be frustrated and stonewalled by all those who don't want such stories to see the light of day ... the teachers who fear losing their jobs if they are identified, and the students who remain silent because they are either complicit in scams or terrified they will be deported for blowing the whistle.

...

I have spoken to countless students and teachers who tell me they are reluctant to talk for fear of retribution from college operators who they say will go to great lengths to protect their visa factories that rake in millions of dollars a year from permanent-residency-seeking students.

I can confirm this climate because I have also been contacted by students who have been exploited and ripped off but who have been unwilling to go public or put their name to anything for fear of recrimination. But, notwithstanding these hurdles, Sushi Das has reported on a pandora's box of serious abuses and scams in the overseas student industry. She has described 'scams, bogus courses and bribery in the permanent residency driven training sector'. She obtained a report on a Melbourne private college that showed (1) it was providing the equivalent of a three-year apprenticeship in commercial cookery in just nine months, (2) course units were being taught back to front, (3) student records were not properly kept, (4) teachers' qualifications had no certification verifying their authenticity, (5) the format of some teachers' resumes was identical, (6) the college operator could not explain why he was using letterheads and copyright information belonging to another college, (7) a student had been charged a \$29,000 fee for accommodation and (8) the college failed 54 of 85 audit criteria.

There has been reported a growing pattern of suicides among international students in Australia. While the causes of death were not identified, 51 overseas students died in the 12 months up to November last year. In some

cases, students who committed suicide in Australia had pre-existing issues, but some appeared to be due to problems encountered while in Australia. A Melbourne student welfare worker has described overseas students whom he has counselled for depression as:

... feeling hopeless and trapped with debt ... they didn't know what to do. They were talking to me about getting into a car, driving into a tree or walking into the sea ... (they) were planning to die.

A Melbourne international student activist, Daya Jot Singh, has described depression as a serious problem among overseas students. He said:

Many were battling loneliness and homesickness while trying to manage the pressures of finding affordable accommodation, study and employment.

Student discontent with their courses and circumstances is so great that thousands of them have marched in Sydney and Melbourne demanding federal and state action to better protect them from violence and from unscrupulous operators in the higher education sector. The executive director of the Lowy Institute, Michael Wesley, has said that Australia risks a generation of foreign students returning home with poisoned impressions, damaging some of Australia's most important diplomatic relationships.

Then there are the students using bogus documents to support permanent residency applications. In the last financial year, Trades Recognition Australia received over 34,000 applications for skills assessment, about 10,000 of which were from foreign students. The organisation initially accepted the documents as genuine, but the federal government received information suggesting the paperwork could be bogus. The students were suspected of using fake references from employers which purported to show they had the required 900 hours of work experience in a job related to their area of study. Some stu-

dents pay up to \$20,000 to rogue college operators or shonky middlemen, such as unscrupulous migration agents or education agents, to obtain black-market paperwork. More than 60 students whose documents were initially accepted as genuine by the government will be forced to leave Australia if they cannot prove their documents are authentic.

I should add that the requirement for 900 hours of work experience in a job related to a student's area of study is being rotted by some private training colleges. Their owners set up private companies, which are allegedly manufacturing something or other, which offer work experience to their students, but, instead of the normal commercial arrangements where students are paid for their labour, the students pay the college company for the privilege of working for them. This is not genuine work experience in a commercial environment; this is a scam. We do not know whether these companies make or sell anything of any consequence; that is not their reason for being. Their reason for being is to extract more money from students by getting around the requirement to have 900 hours of work experience with an employer.

Many overseas students coming to Australia have been lied to before their arrival and ripped off and exploited after their arrival. Overseas Students Support Network Australia says it has received 1,500 complaints from students relating to rip-offs by colleges and threats that they will have their visa revoked if they do not pay fees up-front. One overseas student told the ABC program *PM*:

"Even though I was attending classes, I was being marked absent by staff, so I then asked for a letter of release, but they refused to give me one unless I paid an advance semester fee of \$4,200 ...

“I spoke to a student adviser and paid two amounts but the receipts do not contain full details of what the payments were for.

“The accountant told me I must pay more. I was told that I was being reported to immigration.”

The head of Overseas Students Support Network Australia, Robert Palmer, said:

“We’ve had a student come who was supposed to be enrolled in a nursing course, turned up at the college, said ‘I’m here for my course’, the next day they said ‘yes, you’re in hairdressing.

Not nursing; hairdressing—credible. He said:

“We’ve had another student that came in and they were going to do motor mechanics and they found out they were enrolled in a business marketing course.”

Not motor mechanics; business marketing—again, incredible.

Last year, two former staff of the Malka Group in Box Hill lodged a complaint with the Victorian Registration and Qualifications Authority claiming the standard of English language required for courses in aged care and child care was lowered to pass students who would otherwise have failed. According to the complaint, teachers were told to dumb down the assessment so that students could pass it. According to the complaint, the resulting lack of language skills meant students risked committing potentially fatal errors once they found jobs, particularly in fields that involved caring for sick people, the elderly and children.

I fear that this is not an isolated example. I fear that a focus on bringing in the dollars, rather than on ensuring that students have the necessary English language skills, is in fact quite widespread. I believe that in years gone by it was immigration authorities who were responsible for applying English language tests but that in more recent years it has been the universities and colleges who have ad-

ministered the tests. Given that the universities and private colleges are collecting fees from the students, they have a clear conflict of interest in this matter. I have had people with years of experience working in this field tell me that English language standards have been lowered and that the department of immigration’s role in deciding who comes to Australia has been compromised.

In the last three months, we have seen at least three training colleges go bankrupt, leaving students who paid fees in advance just as badly ripped off as when a travel agency goes broke after taking customers’ money for an overseas holiday that is never delivered. Melbourne International College has gone broke, Sterling College in Sydney has gone broke and, in late August, Totally Indigo hairdressing and beauty college in Dandenong filed for bankruptcy. The latter had enrolled more than double the number of international students it was registered to handle. These three college collapses affected more than 850 international students.

I mentioned earlier that, back in August, the Minister for Education announced a review into international education in Australia, to be headed by former Liberal MP Bruce Baird. Mr Baird will review the Education Services for Overseas Students Act and, in particular, four areas of its legal framework: supporting the interests of students, delivering quality as the cornerstone of Australian education, effective regulation, and sustainability of the international education sector. I understand that that review is expected to conclude in early 2010. Written submissions will be invited in response to an issues paper, and there will also be a targeted consultation process.

I welcome the review and I encourage those with an interest in these issues to make a submission. I hope that the review will introduce measures to crack down on the

scams and rorts which have plagued and discredited this industry. It is sorely in need of a clean-up. I hope the review examines decoupling the link between education and permanent residency which has led to these scams flourishing and examines introducing a cooling-off period whereby students return to their home countries after completing their courses here. I hope the review acts to address the decline in English language standards. I support the actions which have been taken by the government and I commend this bill to the House.

Ms MARINO (Forrest) (5.14 pm)—I rise to speak today on the Education Services for Overseas Students Amendment (Registration of Providers and Other Measures) Bill 2009. I begin by stressing the national importance of the overseas student market in Australian education services. The coalition support the intent of this bill; however, we believe it does not go far enough. We have proposed three amendments to the legislation with the core intent of improving the quality of education service delivery to overseas students.

It is not really well understood that overseas students represent Australia's third largest export market, contributing \$15.4 billion to the national economy in 2008. As a result, it is absolutely vital to the economy that such a significant services export be maintained. It has been a growth industry. The overwhelming experience of international students in Australia has been positive. I understand that 543,898 international students were enrolled in education programs in Australia in 2008—a 20.7 per cent increase on 2007 enrolments—with over 100,000 students originating from India.

The *Adelaide Advertiser* reported on 22 September that since 2007 the number of foreign students coming to Australia for vocational education has doubled, with just

over 97,000 students starting courses by July 2009. I also understand that during 2007-08 over 278,000 student visas were granted—an increase of 21.69 per cent. Over 39,000 students came to Australia from India and over 31,000 came from China. Korea, the USA, Malaysia, Nepal, Brazil, Thailand, Indonesia and Vietnam are also sources of overseas students.

The majority of the international students are in higher education. Management and commerce take the most enrolments, followed by information technology. The vocational education and training sector has experienced rapid growth due to the high regard worldwide for the valuable work skills provided and the quality of the programs here in Australia. The English language intensive course has also experienced serious growth. In spite of Australia's reputation as a provider of top-quality education for students from around the world clearly demonstrated by these figures, we are aware that Australia's provision of education for overseas students has come under scrutiny recently with alarming allegations made against some private education providers. Some students, despite complying with all the requirements, are being forced to pay fees over and above their agreed original payment.

The negativity surrounding Australia's overseas student market has been exacerbated by international media coverage of protests in Australia by Indian students following a number of violent assaults. Given that the majority of overseas students come from India, this is of course a very serious concern. Just last month the *Australian* reported attacks on four Indian men in Melbourne. Such violence is clearly dampening efforts to promote Australia as a safe destination for overseas students. On the same page, the *Australian* revealed that a two-storey Brisbane suburban home was being used to house up to 37 foreign students. This was

reportedly to service the \$6,000 a month lease to cover the education agent's upstairs home office.

It is of great concern that Australia's reputation as a safe and ethical provider of higher education is at a risk as a result of the practices of some unscrupulous providers and education agents. I note that an article in the *Australian* on 16 September reported that 18 private vocational colleges have had their overseas student licences cancelled since 2001 and that the failure of four colleges, involving 3,000 students, is being dealt with at this time.

There is no doubt that the actions of the providers and agents has damaged and is damaging this important industry. Therefore, the government must act to address these issues immediately and prevent further damage or loss of confidence. This is why the first amendment the coalition has proposed is aimed at ensuring that regulatory bodies follow a risk management approach when determining the re-registration of providers. Improving the accountability of not only colleges and education agents but also state and territory regulators is an integral part of this. The coalition believes it is essential that education agents are providing reliable and up-to-date information to prospective students to enable those students to make very sound, informed decisions. We will be pushing the government to ensure that all providers of tertiary education are appropriately audited and monitored.

The coalition's second proposed amendment to improve the services provided by education agents will require them to undertake qualified training. The qualified training will cost approximately \$400 and will result in more accurate information being provided to prospective students. We believe this measure will help ensure that the education experience in Australia is in line with the

individual expectations of overseas students and is also consistent with the information they are provided with prior to deciding which educational institution or provider to attend.

The third concern of the coalition surrounds the default fund for reimbursing overseas students should their provider cease operation. This fund will be responsible for reimbursing students when the fund manager is unable to secure a suitable alternative training place for the student and provide greater confidence and surety in our system for the students themselves. The coalition's third amendment endeavours to improve accountability and transparency of the Education Services for Overseas Students Assurance Fund. The amendment recommends that this be done by the fund manager being required to provide the minister with a written report in each instance of provider default where a claim is made on the fund. The minister will then have 30 days to table this in parliament.

International students certainly need reassurance and the confidence that the Australian government takes their concerns seriously and will do everything in its power to prevent student exploitation by unscrupulous providers. The coalition's amendments will provide additional safeguards prior to the release of the Baird review of the education services for overseas students legislation. As I mentioned earlier, the coalition value and recognise the importance of the overseas student market to Australia, which is why we are proposing these amendments to this bill. We are urging the government to take a stronger stance on this legislation and accept the three amendments proposed by the coalition.

I understand Minister Gillard met with a group of international students to discuss issues in relation to this legislation. Not sur-

prisingly, the international students at the hand-picked roundtable meeting poorly represented or excluded various ethnic groups and representative bodies. I also recall the minister recently holding another hand-picked, under-represented roundtable meeting with students to discuss the Youth Allowance legislation. Students in coalition electorates, which cover the vast majority of regional and rural areas, were excluded. I know for a fact there were no students from Western Australia included. There certainly were no students from my electorate included, and my electorate has a significant number of regional and rural students who will be affected by the government's proposed changes to Youth Allowance.

It is no wonder the coalition is extremely worried about education under this minister and the Labor Party and is proposing these amendments, given that the Building the Education Revolution program—a program that is being plagued by waste and mismanagement and, clearly, a part-time minister—has already seen at least a \$1.5 billion blow-out. In fact, the \$14.7 billion program is now a \$16.2 billion program, all built on funds borrowed from the taxpayer that will have to be paid back by the very students who are currently attending the schools receiving the funding. It is effectively intergenerational debt, courtesy of the Labor Party. It is indicative of the level of concern that the BER program is being investigated by the Auditor-General.

Day after day we have heard in this parliament during question time of the problems being experienced by schools and have seen very serious examples of waste and mismanagement. There is the payment of exorbitant fees to consultants and project managers. There are reports of profiteering. There are the examples of \$3.5 million allocated for plaques, \$3.8 million allocated for display signs outside schools which have been found

by the Electoral Commission to be outside the rules and \$250,000 spent on a one-student school. We are given example after example of buildings that schools do not want or have no choice over. Our proposed amendments reflect our concern that the minister has a history of mismanagement, demonstrated by the trade training centres that have not been delivered; the computers in schools program, which blew out from \$800 million to \$2.2 billion; and, critically for students and families in my electorate, the attack on regional and rural students through the Youth Allowance debacle.

As I mentioned earlier, the number of foreign students studying in Australia has doubled since 2007. Whilst foreign students bring benefits to the local region and economy, it must be asked why this increase is occurring. The *Australian Financial Review* commented on 21 October that the increase in Asian students studying in Australia is largely due to geographical closeness. As I said earlier, the coalition is extremely concerned about the safety and support measures that the government has taken so far to improve the international student experience. The coalition believes that we must ensure that international students receive an excellent education experience in Australia but do not use their education primarily as a pathway to permanent migration. However, we must also recognise the tremendous contribution to our economic productivity, particularly in regional areas, and to our society that is made by many graduates who do migrate following their studies.

The events over the past few months make it clear that we need to do more to ensure that reputable providers and our best universities are not undermined by unscrupulous providers. The events also demonstrate that the government has not done enough to date to improve the system of regulating providers of tertiary education in Australia. The

reputation of the Australian education industry is now being compromised, given that the Prime Minister and Minister Gillard have not responded quickly and effectively. There needs to be a fully independent inquiry into the regulation and registration of education providers and a crackdown on education agents and those who are providing fraudulent documentation to students. Education agents should be brought under the same type of accreditation, registration and monitoring regime as migration agents. The quality and integrity of courses must be scrutinised and better monitored and regulated. More educational institutions need to adopt a mentoring role to ensure positive relationships with their peers and the community. The role of the Commonwealth Ombudsman should also be expanded to have jurisdiction over investigating complaints by international students.

I support the coalition's proposed amendments to improve the government's legislation and to provide appropriately for overseas students. In my electorate of Forrest, the number of international student enrolments at the South West Regional College of TAFE rose from 39 in 2008 to 67 in 2009. The TAFE college anticipates that the enrolment numbers in 2010 will remain similar to those of the current year. The international students currently studying in my electorate come from approximately 29 different countries. Western Australia is fortunate in that it is the closest entry point for African and Asian students. This, however, must not be taken for granted. Australia must work hard to retain and increase the number of Asian students studying in Australia. As the *Financial Review* reported earlier this year, Europe is muscling in on the Asian student market. The report highlighted that Germany, Denmark and Sweden are upping the ante on student recruitment in some of Australia's biggest source markets in Asia.

I have been informed that there are a number of students from Chile who have expressed interest in studying viticulture in the town of Margaret River—a famous name—in my electorate. However, the absence of affordable housing and suitable accommodation means that it is difficult to supply these prospective students with a suitable package. This is an ongoing issue that affects not only prospective international students but also many working families in my electorate. International students contribute directly to south-west communities. Not only does the education institution benefit from increased enrolment numbers but the money the students spend during their time in the community benefits the local economy. If the government is serious about protecting and maintaining Australia's third largest export it must tighten the legislation.

In conclusion, the coalition welcome the intent of this bill, but, as I said, we believe it does not go far enough. I urge the government to implement the three proposed amendments and the further amendments that will be made in the near future, once the Senate committee and the Baird review have reported. I note that the Baird review is focusing on four main areas: the welfare of students, the quality of services, regulation and the sustainability of the industry. An interim report will be provided by November for consideration by COAG, which is considering an international student strategy. The concerns expressed by students at the lack of information about education providers that is available to them before they make their decision on where to study, as well as work, transport, accommodation and personal safety issues, will no doubt form part of the deliberations of the Senate committee and the Baird review. I will read with great interest the recommendations of their reports. I support the coalition's proposed amendments. Thank you.

Ms VAMVAKINOU (Calwell) (5.29 pm)—I am very pleased to speak in support of the Education Services for Overseas Students Amendment (Re-registration of Providers and Other Measures) Bill 2009. This is a bill which is of vital importance to our education system as a learning and professional pathway for both Australians and our overseas student market. I would like to commend the recent efforts of the Minister for Education, the Hon. Julia Gillard, in developing a quick and formative response to this very pressing issue.

I stand here today in full support of the Rudd Labor government's measures aimed at protecting Australia's reputation for delivering quality education services by updating and enhancing the operation of existing legislation. This amendment bill establishes a regulatory regime for the provision of international education, and a training service to protect the interests of overseas students, through the establishment of minimum standards of tuition and financial assistance. It also complements Australia's migration laws by ensuring that providers collect and report information relevant to the administration of the law relating to student visas.

This amendment bill will ensure that the use of education agents by international education providers remains both transparent and open to accountability. An improvement in the regulatory procedures of our international education sector will ensure that the general welfare of overseas students is protected from exploitation by unscrupulous operators. This is an issue which has become a serious cause for concern well beyond our shores, and I want to note the Prime Minister's recent prompt reassurance to his Indian counterpart following attacks on international students and particularly Indian students. This reassurance reflects the government's commitment to ensuring that our hospitality towards those who come to enjoy our

world-class education institutions continues to hold the first-rate reputation that it deserves.

I would also like to take this opportunity to highlight the success of the Minister for Education's most recent trip to India, which I believe—and most of us believe—helped to strengthen our close working relationship and facilitated making the reforms outlined in this bill more effective. I welcome the minister's announcement of the formation of an annual joint working group on student mobility, which met for the first time in India some weeks ago.

The sad truth, though, is where there is a market that attracts the growth and vitality of our education institutions there seems to be the existence of unscrupulous training providers who want to take advantage of our well-deserved reputation by exploiting those who are most vulnerable to their dodgy practices. This is not a new phenomenon. It is an issue that has been known to the education community for some time. It is an issue whose rectification has been a long time coming. I need to congratulate the government for finally doing what even the previous government failed to do in rectifying the situation.

I want to commend the Minister for Education's launch last month of the international student roundtable. The roundtable serves to provide international students with a platform from which to voice their concerns, in order for them to be addressed effectively and directly. It sends out a strong message that we are determined to manage this problem ourselves rather than push students into having their frustrations vented through other channels of communication, particularly through sensationalised media coverage—the likes of which we have seen on a number of occasions recently and the likes of which we all understand harm our

reputation and cause disturbances in our community.

The vitality of our \$15.5 billion overseas student market—our third-largest export industry—is not only important to the general economy and wellbeing of Australia but also serves as the financial underpinning of our higher education system. We need therefore to make sure that we continue to maintain the trust of the nearly half a million international students who often serve as cultural ambassadors for our country after they have finished their courses and returned to their homes. They serve as a source of first-rate intellectual capital for both our education institutions and of our country as a whole. We cannot allow these substandard operators to literally ruin both our international reputation and competitive position in this lucrative market.

The government has recognised that a safety net for failed institutions alone is not enough and, as such, the measures in this bill attempt to ensure that vocational training courses are properly and effectively regulated. Members might remember a program that aired on the ABC's *Four Corners* in July. As reported in that program, it is now strikingly clear that students are being lured into purchasing dubious certifications for work hours, which they are told is required for residency status. The *Age* newspaper also extensively reported, in May, that foreign students are being sold certificates and phoney work-experience references. This is in addition to being presented with unqualified instructors who offer students a result not on based merit but correlating to the thousands of dollars in cash payments they extract from students through the false lure of permanent residency.

This appalling practice is putting students in debt and is creating an illegal black market that not only damages our reputation but

also sends vulnerable students into bankruptcy and out into our streets. The consequences of this corrosive culture, within some institutions, on the welfare of international students has been detailed by many newspapers—by the *Australian* newspaper, in particular, in June. I recall this particular report. The newspaper reported that student support services were being overwhelmed with appeals for help, with students being referred to the Salvation Army as they found themselves homeless and unable to afford basic necessities.

Further to the case recently involving four international students who sought shelter at a railway station, the Australian Federation of International Students reported a fourfold increase in requests for assistance almost on a weekly basis since the airing of that story. The appeals for help relate to a wide range of issues, which include welfare assistance in regard to issues regarding landlords, food, shelter and homelessness. This is in no small measure due to the exploitative practices to which they have fallen victim. Students should not be forced into working conditions that are not compatible with their existing study commitments, nor should they be forced into substandard living arrangements in order to rectify the wrongs committed by dodgy operators and unscrupulous migration agents.

Australia takes pride in giving everyone a fair go and it is this standard of a fair go that we aim to measure up to. These unscrupulous operators who rob students of their hard-earned work and money have been tried and found wanting. It is clear to us all that the vast majority of our almost half a million international students do receive the high-quality education that you would expect to find in Australia. However, it is these few rogue operators who exploit vulnerable students who ruin it for the vast majority of those institutions that adhere to the required

code of conduct that is obviously expected of them.

Considering the highly leveraged and concentrated nature of our overseas student market, we risk losing a large portion of this industry if we fail to act in addressing the concerns that the governments of our supply countries have demanded that we address. We saw what happened to large parts of New Zealand's export education industry when it failed to adequately address this issue. The government understands the importance of our bilateral relationships and the need to ensure that the concerns of our international trading partners are addressed in line with our own professional standards. As such, I welcome Minister Gillard's recent announcement of a joint project by our universities to establish a new and innovative Australia-India institute at the University of Melbourne, in partnership with various nationwide universities.

I commend the announcement of the provision of \$8 million in federal funding under the government's Diversity and Structural Adjustment Fund. This project will help ensure that both students and researchers in India, the world's largest democracy—one of our largest and key sources of international students and a major source of capital for the overseas student market—better understand the nature of Australian society. Not only will this project give our own students and researchers the opportunity to better understand the increasing role of this key emerging economy; it will also further attract more students from abroad to our education and training institutions. The importance of this bill and its attempt to maintain our first-class standards cannot be overstated—nor can our need to reassure our local Indian community here in Australia that we are taking measures to ensure that they do not consider themselves as a constituency targeted for violence or exploitation.

The requirement for all institutions to re-register through the Commonwealth Register of Institutions and Courses for Overseas Students addresses the inherent weaknesses in the Education Services for Overseas Students Act 2000, which have long been exploited by crooked operators. In doing so, the adjustments ensure that the overhaul of the international education sector will address the underlying factors which, by the very nature of the extraordinary growth of this market over the years, have allowed for the industry to operate without adequate regulation and proper oversight. The re-registration process will also ensure that overseas students who come to Australia are able to do so with the full confidence that all registered international education providers and education agents meet the world-class standards that Australia has to offer. It will serve to strengthen the confidence that international students have in our higher education system as well as, importantly, the faith that we as Australians have in all levels of our education system.

The bill recognises where the fault lines of the existing legislation are and serves to address the specific nature of the industry. Considering that 70 per cent of Australia's international students seek advice through education agents for assistance in their future study endeavours here in Australia, it is important that we increase the confidence that is placed in them. These agents inevitably serve as the gateway to our education system for international students and, as such, it is crucial that the industry is regulated in a manner that is reflective of our standards.

For too long, some have been fixated on the notions of market flexibility as a means to avoid their regulatory responsibilities. This bill will ensure that greater flexibility is directed at administering suspensions effectively. As Professor Denise Bradley, the head

of the Bradley review, noted at an Austrade conference held in August in Melbourne:

We have a responsibility to people who come to this country believing they are coming to an education system that is properly managed and regulated ... We have a situation in vocational education and training that has allowed the entry of small, totally for-profit operators—where people had no real experience in education. We need to have quite strong oversight of a market like that where there is major growth.

The regulatory mechanisms of the bill recognise that we can no longer allow dodgy agents to place their primary focus on short-term profit ahead of Australia's long-term interests—and, indeed, the interests of the students who they purport to serve. Events of the recent past have shown that, if this crucial link in the chain of our industry remains unregulated, we risk undermining our entire education services for overseas students. The bill recognises, however, that with effective regulation comes flexibility in how we administer suspensions as well as how we effectively manage the operation of the provisions under provider default.

This is why I am encouraged by the government's commitment to creating the Tertiary Education Quality and Standards Agency, which will be responsible for managing the government's new regulatory and quality assurance framework. These regulatory mechanisms serve to strengthen the industry and ensure that only those who display both a genuine approach to the provision of services and a demonstrated capacity to provide quality education will be able to meet the requirements for registering to provide education to overseas students. By clarifying the definition of what is in fact a 'suitable alternative course', we will improve compliance measures and ensure consistency amongst all levels of government. This will allow for conditions imposed by states and territories on education providers to be nationally rec-

ognised through the Commonwealth Register of Institutions and Courses for Overseas Students—a mechanism in which all 1,314 institutions will be forced to re-register by the end of next year.

As the Deputy Prime Minister recently noted:

In times when criticisms and problems are raised, it should be clear where lines of responsibility are.

The federal government has recognised that only through a national alignment of the regulatory procedures are we able to build an effective national skills base. By delivering quality as the foundation of Australian education through the regulatory measures outlined in this bill, we will be supporting the interests of students as well as creating a sustainable international education sector. The amendments will restore confidence in our education system and will serve to further attract new students from across the world. This bill is an investment in our education system as much as it is an investment in our nation's future and our long-term capacity for growth.

As the member for Calwell, I know too well the benefits that multiculturalism brings to the wider Australian social landscape. Calwell, in Melbourne's northern suburbs, boasts a large and vibrant multicultural community that has added immensely to the rich culture of this country. For an egalitarian and inclusive society like Australia, multiculturalism is a central component of what makes us aware of both who we are and what we have to offer to those who come to Australia, as well as what we can learn from them. The recent attacks on Indian students, coupled with the irregularities that are present within the international education sector, have threatened to drive our third most important export market into the ground and of

course damage our reputation as a diverse, cohesive and inclusive society.

Having had direct experience with students in the many years in which I was a teacher, I know too well that education is much more than a certificate that is handed down at the end of the school term. Education is a process—it is about the patterns of teaching and learning that make up the whole learning process. We need to protect that process. Apart from the economic opportunities that this market presents for us, the social capital that our students acquire as they sit in classrooms with students from all over the world further adds to their learning experience. I can say through experience and with confidence that it is crucial that we continue to provide our own students here in Australia with these vital opportunities. Universities Australia's commissioned study released last week confirms this view. Universities Australia chair, Professor Peter Coaldrake, notes:

International education enriches and changes Australian education and deepens relationships between nations. These social and cultural benefits are clearly of paramount importance in a world where international relations are undergoing rapid changes, and where Australia's future depends critically on its ability to establish diverse and productive international connections.

Whilst some unscrupulous operators may consider it their priority to take advantage of some vulnerable students, the government has shown that Australia's priority lies in ensuring that the provision of quality education to students who invest so much into our education system is kept at standards that reflect our capacity to deliver world-class education.

I do want in closing to make some comments about the former federal member for Cook, the Hon. Bruce Baird. Having worked with the former member for Cook over the years here in this place and on the Human

Rights Sub-Committee of the Foreign Affairs, Defence and Trade Committee, I would like to take this opportunity to welcome Bruce's appointment as head of the review into the Education Services for Overseas Students Act 2000. I know first-hand of Bruce's sensitivities towards issues of human rights and his commitment to the rights of the individual. Beyond the economic considerations, this is primarily an issue which boils down to those students who have fallen victim to the exploitative practices of predatory agents. The appointment of Bruce Baird reflects the government's commitment first and foremost to the interests of the nation, above party lines, on an issue which is of concern to us all.

Finally, the bill reflects the government's strong commitment to ensuring that the full extent of its legislative power is used in sanctioning those that continue to operate beyond the confines of the law. The legislative instrument that the national code provides sends out a strong message to providers—pull up or opt out. Through this bill, international students who choose to come to Australia can rest assured that the Australian government will always continue to serve their best interests, in line with the interests of our own students. In creating a strengthened compliance regime, this amendment bill will go a long way to ensuring that education providers assume their responsibilities and legislative obligations towards all students, whether local or foreign. By effectively regulating our international education sector, the government has gone a long way to ensuring a sustainable and quality-driven education system in Australia that reflects the interests of students. *(Time expired)*

Mr IRONS (Swan) (5.49 pm)—Australia is one of the best places in the world to be educated. It is because of this that education is Australia's third largest export, worth \$15.4 billion to the Australian economy in

2008 alone. There are many other areas in our society which benefit from this industry. The Colombo Plan, introduced under the Menzies government in 1950, was the beginning of international student education in Australia. Today, Endeavour Scholarships provide opportunities to students from across the Asia-Pacific. Many students that have studied in Australia have gone on to be leaders in their own countries, and the contacts and relationships they forged as young students have proved of invaluable benefit to our nation. Not only have we forged stronger links with many countries across the globe but for each international student the contribution to the Australian economy is approximately \$29,000 per annum.

Australia's high standard of education draws students from all over the world. It is important that our institutions continue to maintain their reputations as reliable and high-quality education providers internationally. In my home state of Western Australia, international students and the education industry make a significant contribution to the state economy. International students are estimated to contribute \$860 million to the Western Australian economy. Curtin University of Technology, which sits within my own electorate of Swan, is highly regarded in the international market and has developed long-term relationships with over 30 education providers in the Asia-Pacific region. Curtin recently announced a proposal to build a new medical school to address both local and international health needs. According to a 2006 World Health Organisation report, there is a global shortage of 4.3 million health care professionals. A 70 per cent increase in healthcare professionals is required to rectify this shortage. Curtin University's commitment to providing high-quality education, particularly in the important area of health care, is a benefit to Australia and to the world. This is just one part

of Australia's strong reputation as an education-providing nation.

Likewise, in the area of primary and high school education there are a number of schools in my electorate which take on overseas students as boarders. Schools such as Wesley College, Penrhos College and Aquinas College all cater to the specific needs of international students in primary and secondary education. As recently as 5 August I visited Wesley College, and even more recently, on 27 August, I visited Penrhos College to see the programs they are running there.

These schools rely, in part, on their reputation as quality education providers to attract international students to Australia. They continue to work hard at maintaining and improving that reputation. Our reputation is abundantly important in this area. We may not realise how important word of mouth is for this sector of the economy. Good reputations take years of hard work to build, and in the case of educational institutions and our national reputation it takes generations. While it takes years to build good reputations, they can come crashing down in a matter of seconds following a single event, a slip-up or even an uncontrollable event. What may seem to be a small or minor incident can do untold damage to the reputations of our educational institutions.

Following a series of violent crimes against international students, the security and safety of international students appeared threatened. While the threat to individual safety was no more or less a threat to international students than to all Australians, perception is everything when we are talking about reputation. These incidents made international headlines, and universities needed to take action to reassure international students that their safety was not threatened if they chose to study in Australia.

Australia's international reputation as a reliable provider of education services is under threat for a second time. Issues have arisen that could damage our reputation. If these issues go unanswered, there is a real risk that Australia will see a decline in international enrolments, which is not only damaging to the education sector as an industry but also dangerous to our reputation as a nation. While our schools and universities continue to climb the ranks of international excellence, our reputation is being damaged by the practices of some unscrupulous providers and education agents. Rumours of false promises being made to students who want to come to Australia to study are a risk to our reputation. While most education agents and providers are doing the right thing, the rumours generated by those who are unscrupulous are doing damage. More than 122,000 people are employed in the international education industry in Australia, and it is important that the 122,000 that are doing the right thing do not suffer because of a small group who are not following the rules.

We need to take action to defend the good reputation of our education providers, who, through no fault of their own, find Australia's reputation at risk of being seriously damaged. The way to defend the reputation of our providers is by improving the accountability of not just colleges and education agents but also state and territory regulators. We need to ensure that education agents are providing reliable and up-to-date information to prospective students.

The third concern of the coalition relates to the default fund for reimbursing overseas students if their provider ceases operations. The legislation as proposed falls well short of providing the appropriate assurances for overseas students. That is why the coalition have proposed some straightforward amendments aimed at tightening up the legislation and preventing students being duped

by incompetent or dishonest providers. We have introduced amendments aimed at ensuring regulatory bodies follow a risk management approach when determining re-registration of providers. Regulatory bodies are there to regulate. If they are not doing that job properly, there is no point in having them. These amendments are important for ensuring that regulatory bodies are doing their job properly, because ineffective regulation will allow unscrupulous education agents to continue to damage Australia's reputation as a reliable education provider.

The coalition's proposal will also improve services by requiring education agents to undertake qualified training. Better trained education agents will make a significant difference to the quality of services provided by these agents to international students and will help to avoid some of the problems that the Education Services for Overseas Students Amendment (Re-registration of Providers and Other Measures) Bill 2009 seeks to address. Given the recent spate of provider closures, the ESOS Assurance Fund must be close to exhausted after constant plundering.

The coalition's amendments will also seek to improve accountability and transparency of the fund. The fund manager will be required to provide the Minister for Education with a written report in each instance of provider default where a claim is made on the fund. The minister will then have 30 days to table this in parliament. Financial accountability is highly important, and ensuring that the ESOS Assurance Fund is properly managed is an important part of that process of accountability. It is very important that anyone dealing with another person's money be held to account, whether they be the manager of a fund or a government.

These amendments are needed in order to tidy up this legislation. It is essential that we maintain and improve our reputation as an

international education provider. Our schools and universities are doing their bit, and it is up to us to get to the heart of the issue by improving training, improving accountability and improving risk management. Our amendments seek to achieve this and to make sure that this legislation actually does what it claims it sets out to do. The legislation needs to be tightened up and these amendments are the first step in the process of doing that. Further amendments may be likely in the near future, depending on the Baird review, which is yet to report. There is a Senate committee focusing on the welfare of international students and one that is specifically looking at this legislation, and I believe that report was tabled today. Once these reports are received, further amendments may be needed to tighten the legislation. I recommend the bill to the House, with our amendments, but I specify that we must not make it tougher for the education providers that are doing the right thing.

While we are on education, I would like to take the opportunity to congratulate my son, Jarrad, who completed year 12 today. He and his schoolmates finished school today, so I guess they will be taking advantage or creating hay at the school before they leave at the end of the week.

Mr Dutton—Will they be home listening to this, do you think?

Mr IRONS—I hope so. At least he has achieved something that his father never achieved, which is to complete year 12. As he moves into adulthood, I wish him all the best to pursue his dreams and to live a long, prosperous and healthy life. As I advise all young people, I now tell him: do not be afraid to seek the truth, particularly when it comes to politics. Congratulations, Jarrad.

The DEPUTY SPEAKER (Mr AJ Schultz)—Good advice, and well done!

Mr MURPHY (Lowe) (5.58 pm)—I rise in support of the Education Services for Overseas Students Amendment (Registration of Providers and Other Measures) Bill 2009. This bill, in conjunction with recent changes to our migration legislation, works to strengthen and improve the quality of Australian education for international students. By ensuring that the necessary checks and balances are in place, we can be more confident that the quality of education provided to international students is the same high quality they expect from an Australian institution. The bill also serves to demonstrate to the international community that we are serious about providing quality education to our international students.

I acknowledge the comments by Professor Bradley that were published in the *Australian* on 27 August 2009 highlighting the Australian government's 'responsibility to the people who come to this country believing they are coming to an education system that is properly managed and regulated'. This is exactly what we are seeking to redress with this bill. I am confident that the bill will work to immediately improve accountability and service while thorough and comprehensive reviews are conducted by both COAG and Hon. Bruce Baird, the former member for Cook.

Recent figures show that international education is Australia's third biggest export industry contributing some \$15 billion annually to our economy. However, this export has more than a purely financial benefit for our country. I reiterate the comments of the Deputy Prime Minister in her address at the opening of the International Student Round-table on 15 September this year where she highlighted that since 1950 'More than a million international students have become ambassadors for this country'. It is clear therefore that the long-term benefits to Australia of an Australian education for overseas

students are the invaluable benefits in trade, foreign affairs and cultural understanding that we will see for many years into the future. The international students that we welcome to Australia and train today can become invaluable ambassadors for our country in the future. However, I acknowledge that the excellent reputation that we have built has been somewhat damaged by the recent spate of media reports highlighting the irregular practices of a very small number of education providers. The *Sydney Morning Herald* reported on 16 July 2009 the experiences of a student who advised that 'his cooking college had no kitchen for months and when it was finally installed, no running water'. The article went on to detail another's experience where he 'could not complete his IT course because his school did not have enough computers or licensed software'. This is not what we expect or even tolerate from our providers. Instead, reports such as these have served to strengthen the government's commitment to tightening the regulation of education providers. It is providers such as these that are targeted by the bill we are debating.

However, this bill goes further than simply improving regulation and services on-shore. It also requires the registration of education agents who operate overseas on behalf of these education providers. These agents are largely responsible for placing overseas students in an Australian course. The registration of these agents will help ensure that those who are promoting Australian education options to overseas students are doing so in a manner which is honest and transparent. Therefore, the bill is also about accountability not only for local providers but for these overseas agents.

I am pleased that, in addition to this bill, the government has committed to bring forward a review of the education services for overseas students legislative framework to

the 2009-10 financial year, which will be headed by Hon. Bruce Baird. I share the sentiments of Mr Baird when he said in a report in the *Sydney Morning Herald* of 8 August, 2009:

... the review was critical for securing the long-term credibility of Australian education in the international marketplace.

This is an issue that I have been following closely since a constituent of mine, who runs a vocational education and training college in Sydney, highlighted to me her concerns surrounding the 'enormous disparity in the quality of teaching, educational facilities and general industry professionalism' in the vocational education sector. Feedback my constituent has received from students who previously attended courses offered by other providers echoed those concerns raised in the *Sydney Morning Herald* article of 16 July that I referred to. This feedback includes the observation that in a small number of private colleges:

... the facilities do not provide adequate space, training rooms, appropriately air conditioned rooms or rest room facilities ...

My constituent goes on to highlight:

Given that (some) private providers are located in inappropriate premises, students experience overcrowding and are unable to access suitable training and workplace facilities to undertake their course requirements.

My constituent believes that this has occurred because of 'inadequate quality control'. I am cognisant that earlier changes to migration legislation by the Howard government led to enormous growth primarily in the vocational education sector. It appears that this growth was largely due to a perception that studying in Australia was an easier path to permanent migration. This, unfortunately, allowed providers to operate to maximise profit by linking a permanent visa to completion of their course. Less attention was paid to the quality of the training pro-

gram on offer. I too share my constituent's concern that many international students were previously 'too reluctant to come forward and raise genuine service delivery concerns due to cultural, linguistic and monetary concerns'.

It is my belief that this bill will improve quality control and that additional measures being introduced, such as a hotline for students to raise concerns, will also help to address my constituent's and the wider community's concerns. We want to leave a good impression for students who study in our country. We derive an enormous amount of export revenue from students who choose to study at our universities, TAFEs and colleges and we have some of the best learning institutions in Australia.

Furthermore, changes made to the critical skills list earlier this year have contributed to reducing the perception that studying in Australia will allow someone to circumvent the immigration system and gain permanent residency. This government is not about to allow that. We are determined, Mr Deputy Speaker, as you would have noticed in the media over the last few days, to protect our borders in terms of those people who choose to come to Australia, however they choose to come. It is important for the government to verify the identity of those people who come to Australia. It is important to check the health of people coming to Australia who are seeking to visit our country, whether short term or long term. And of course, most importantly, it is important to consider national security before people can come to our country. That is the bottom line in respect of anyone who comes into our country.

This bill, coupled with the recent roundtable for international students held here in Canberra, shows that we are committed to restoring our reputation and ensuring the international students we educate today get a

quality education, remember Australia fondly and carry this positive experience through into their future dealings in the international marketplace. I am confident that this bill will go a long way to ensuring that our education providers, both public and private, academic and vocational, remain at the top in terms of reputation and quality and that, for many years into the future, students from overseas will choose to come to our country, which has some of the highest standards of education anywhere in the world.

Ms GILLARD (Lalor—Minister for Education, Minister for Employment and Workplace Relations and Minister for Social Inclusion) (6.11 pm)—in reply—I would like to thank all the members who have spoken on the Education Services for Overseas Students Amendment (Re-registration of Providers and Other Measures) Bill 2009. The Australian government is deeply committed to ensuring international students who choose to study in Australia receive a high-quality education. The Education Services for Overseas Students Act 2000 gives legislative force to this commitment.

As we all know, much has been said in recent months about the quality of our international education sector. With this in mind, the Education Services for Overseas Students Amendment (Re-registration of Providers and Other Measures) Bill 2009 makes changes to the act to strengthen its operation. The changes to the act are part of a range of measures the government is working through. Importantly, the full review of the legislation currently being conducted by the Hon. Bruce Baird and the work of COAG in developing with the states and territories a national international-students strategy are still ongoing.

I welcome very much the bipartisan approach of those opposite and the shadow minister at the table to the issues that have

surfaced recently in the international education sector. I note that the amendments proposed by the shadow minister are well intended and I believe we have been working well with him in good faith to ensure the spirit of the amendments is addressed.

The amendments that will be made to the act by the current legislation will require a re-registration of all providers. This measure is designed to bolster confidence in the quality of the international education sector by reducing the numbers of high-risk providers currently in or seeking entry into the sector. To ensure this, the changes will introduce two additional and tighter registration criteria. These are that the provider's principal purpose is the provision of education and that the provider has demonstrated the capacity to provide education of a satisfactory standard. We know, and I am sure the shadow minister would agree with this, that most of our education providers are delivering quality education. Unfortunately, they are being tarnished by some shonky providers. The re-registration process will allow the providers who are re-registered to make a genuine claim to quality.

I am aware that when we move to consideration in detail the shadow minister will propose an amendment for an additional provision that the state designated authorities use a risk management approach when considering whether to recommend a provider for re-registration. This was also the approach agreed by all responsible state and territory ministers at the first meeting of the Ministerial Council for Tertiary Education and Employment held in September. My department is working closely with the state and territory regulators through the Joint Committee on International Education to finalise a nationally consistent framework for implementation according to agreed criteria of risk. I have also asked my state and territory colleagues to look at assessing all high-

risk providers for re-registration as a priority before 30 June 2010. So I think in terms of policy intent we can see that we are all coming from the same page.

The amendment that introduces a requirement for providers to maintain a list of all persons, whether within or outside Australia, who represent them or act on their behalf is designed to ensure that current and intending overseas students have access to accurate information—that is, the legislation before the parliament is strengthening provisions in relation to education agents. Unfortunately, some education agents, many of whom operate from other countries, are not within our jurisdiction and consequently the regulatory tools for those education agents do not lie within the hands of this government or this nation. However, we want to ensure that international education providers in Australia engage agents who are behaving ethically. These measures will introduce transparency in the engagement of agents by education providers and assist in improving accountability in the use of agents. The registered provider will be required to publish a list of their agents either on their website or in any manner prescribed by the regulations.

The shadow minister has proposed that education providers use only education agents who have completed an education agents training course and are members of a professional body for education agents if one is specified in the regulations. I am happy to support the intent of this proposal and I suggest that these requirements be put into regulations. There are two main reasons for this. Firstly, I have already given an undertaking to consult with stakeholders on regulatory changes regarding agents. Secondly, as agent training and professional associations are still developing, the regulations will allow greater flexibility for making adjustments to the policy over time.

This bill is also going to clarify a number of matters. It introduces processes that will increase the accountability of international education and training providers under the national code of practice. For example, the new provision allowing conditions imposed by states and territories on education providers to be recognised by the Commonwealth will help to stop the situation where providers operate at overcapacity. The shadow minister has suggested a further amendment requiring the fund manager to provide a written report following a provider default. This report would outline the number of students placed in a suitable alternative course and/or claims on the assurance fund. This measure will increase accountability for actions taken under the fund and provide an early alert to government of any pressures on the ESOS consumer protection mechanisms. For these reasons the government will amend the legislation to include this provision. However, after discussion with the shadow minister, we have agreed that 60 days is a more realistic time frame for reporting. I thank the shadow minister for his cooperation in that regard.

Given that this legislation builds on the government's work on a range of measures to ensure a quality international education sector for the many students who come to Australia each year, I look forward to this piece of legislation being given a speedy passage through the Senate. There has been good cooperation on this legislation to date and I look forward to that good cooperation continuing.

Question agreed to.

Bill read a second time.

Consideration in Detail

Bill—by leave—taken as a whole.

Dr SOUTHCOTT (Boothby) (6.19 pm)—by leave—I move opposition amend-

ments (1) and (2) as circulated in my name together:

- (1) Schedule 1, item 11, page 5 (after line 7), after subsection (1) insert:
 - (1A) A designated authority for a State shall use a risk-management approach when considering whether to recommend that an approved provider should be re-registered.
- (2) Schedule 2, item 4, page 15 (after line 23), after paragraph (a), insert:
 - (aa) only employ or engage an agent who is
 - (i) a Qualified Education Agent Counsellor who has completed the Education Agents Training Course or a recognised equivalent as specified in the regulations, and
 - (ii) a member of a professional body for education agents if such a body has been specified in the regulations in relation to the area in which the agent operates; and

These two amendments relate to using a risk-management approach and the provisions relating to education agents. On the issue of the risk-management approach, this was identified in the Skills Australia report as being one of the key problems in regulation. There is already a layer of regulation at state and territory level and at federal level. But, as Skills Australia identified, at the time of this report in June 2009 the risk-management approach, drawing up a risk rating for each provider, had not happened. In fact, the explanatory memorandum identifies that the financial impact relating to the re-registration process will be reduced by states and territories taking a risk-management approach. I accept the comments of the minister because the opposition has moved these amendments in the spirit of providing constructive ideas and indicating where we think the priority needs to be. And Skills Australia did have a recommendation to strengthen the AQTF

risk-management protocols, the scope for interventions and the treatment of sanctions to enable a rapid national response to a poor RTO performance.

On the issue of education agents, we thought greater use could be made of a couple of the initiatives of Australian Education International. First of all, there is the education agent training course, which is run by PIER Online and done through a company called International Education Services Ltd. After a person has done about 50 hours of reading and study, they go through a formal assessment—an 80-minute test with about 50 multiple-choice questions. After that, they become a qualified education agent counselor.

On the issue of professional associations, there is, for example, the Association of Australian Education Representatives in India, or AAERI. This was established by AEI. The idea is that it has a code of ethical practice, the agent activities are streamlined, the students are given authentic information and the agent charges are fair. But I should point out that the majority of agents operating in India have not joined AAERI.

In our major market, China, there is not an equivalent association. I should point out that the Chinese government regulates the activities of agents, providing advice to Chinese students who are intending to study overseas. Only Chinese government approved agents can provide services to students going overseas. Most of these approved agents are not private companies; they are largely local government or education institutions. There are about 400 agents approved by the Chinese ministry of education.

We think that these are constructive amendments. We think these are other areas we could look at. I appreciate the comments of the minister, that doing it in regulation is a more flexible way. The principle behind

these amendments is that the opposition believe that this is a very important area for Australia. It is our third-largest export. It is important that we have it going forward on a sustainable basis. We have seen dramatic growth over the last 25 years, but we need to ensure that our reputation as a quality provider and as a safe destination for overseas students continues.

Ms GILLARD (Lalor—Minister for Education, Minister for Employment and Workplace Relations and Minister for Social Inclusion) (6.23 pm)—As I indicated in my second reading summation speech, the government is not in a position to agree to these amendments, but we do agree broadly with the policy ideas that the shadow minister is advancing. On the question of risk management, we would say that is already happening and has been adopted as a result of the discussions at the ministerial council. On the question of the further regulation of education agents which the shadow minister seeks, we believe that would be better addressed in regulations. I am more than happy to indicate to the shadow minister that, when it comes to the time to draft those regulations, we will be very happy to brief him and work cooperatively on the drafting so that when they are brought before the parliament they are inclusive of the kinds of policy ideas that he is bringing to the parliament today.

Question negatived.

Dr SOUTHCOTT (Boothby) (6.24 pm)—I move opposition amendment (3) as circulated in my name:

(3) Schedule 2, page 16, after item 9 (after line 30), insert:

9A At the end of section 80

Add:

Information to be provided to Minister

(6) In each instance of provider default, where there is a call made on the Fund, the Fund Manager shall provide to the

Minister a written report within 60 days, which outlines:

- (a) the date of the default;
- (b) the nature of the default;
- (c) the number of students referred;
- (d) the total refunds paid to students;
- (e) an estimate of outstanding claims;
- (f) the current status of the default;
- (g) information as to whether a suitable alternative course was available;
- (h) information as to what steps were taken to place students in a suitable alternative course; and
- (i) the total number of students placed in a suitable alternative course.

Report to be presented to Parliament

(7) The Minister must ensure that a copy of a report under subsection (6) is presented to each House of the Parliament as soon as practicable after receiving the report.

This is an amendment which relates to the transparency of the ESOS assurance fund. Currently under the legislation that we consider there is, as a first tier of consumer protection, the tuition assurance schemes. These are run by bodies, and the most common is ACPET. This was always considered to be the first line of consumer protection for overseas students. The idea was that, in the situation of provider default, the tuition assurance schemes would attempt to find an alternative course rather than making a call on the ESOS assurance fund. The ESOS assurance fund has always been the second line. If a tuition assurance scheme cannot find an alternate course for a student then a call may be made on the ESOS assurance fund.

This amendment provides for some more transparency of the assurance fund. It requires the fund manager to give the minister a report providing more information: the nature of the provider default, the number of students affected and the payments. The

amendment provides that the report must be given to the minister within 60 days after the day on which the provider default occurred and the minister must cause a copy of a report given to the minister under this section to be tabled in each house of the parliament as soon as practicable after receiving the report.

There have been some media reports about the ESOS assurance fund and the degree of solvency of the assurance fund. Certainly, if the parliament will be required to top up the assurance fund, we believe that it is important to have more transparency around the assurance fund. I appreciate the discussions that I have had with the Deputy Prime Minister and Minister for Education, and also with her office, on this. It has been very good in coming to an outcome which would be agreeable.

Ms GILLARD (Lalor—Minister for Education, Minister for Employment and Workplace Relations and Minister for Social Inclusion) (6.27 pm)—I indicate that the government is very happy to accept and support this amendment. It is a good idea. We are in favour of this kind of transparency. Obviously the shadow minister put this policy proposal to us, and we are happy to acknowledge that it is a good idea and an appropriate amendment to the legislation. We were a little bit anxious about the time frames, but that has been resolved with a 60-day time frame being included in this amendment. On that basis it will have the government's support as well.

Question agreed to.

Bill, as amended, agreed to.

Third Reading

Ms GILLARD (Lalor—Minister for Education, Minister for Employment and Workplace Relations and Minister for Social Inclusion) (6.28 pm)—by leave—I move:

That this bill be now read a third time.

Question agreed to.

Bill read a third time.

**FEDERAL COURT OF AUSTRALIA
AMENDMENT (CRIMINAL
JURISDICTION) BILL 2008**

Consideration of Senate Message

Consideration resumed.

Senate amendments—

- (1) Schedule 1, item 2, page 11 (lines 4 and 5), omit “, or alternatively, order pre-trial disclosure (see section 23CD)”, substitute “order pre-trial disclosure (see subsection 23CD(1))”.
- (2) Schedule 1, item 2, page 11 (line 15), omit “section 23CD”, substitute “subsection 23CD(1)”.
- (3) Schedule 1, item 2, page 12 (line 1), omit the heading to section 23CD, substitute:

23CD Pre-trial and ongoing disclosure

- (4) Schedule 1, item 2, page 12 (line 2), before “After”, insert “(1)”.
- (5) Schedule 1, item 2, page 12 (after line 19), at the end of section 23CD, add:

- (2) The accused must give the following to the prosecutor as soon as practicable after the accused’s first pre-trial hearing before the Court in relation to the indictment:
 - (a) if at the trial the accused proposes to adduce supporting evidence of an alibi—notice of particulars, prepared in accordance with the Rules of Court, of that alibi;
 - (b) if at the trial the accused proposes to adduce supporting evidence that the accused was suffering from a mental impairment (within the meaning of section 7.3 of the *Criminal Code*)—notice of particulars, prepared in accordance with the Rules of Court, of that impairment.

Note: A party may also be required to disclose additional information as a result of other laws (for ex-

ample, subsection 44ZZRO(2) of the *Trade Practices Act* 1974).

- (6) Schedule 1, item 2, page 13 (line 33), before “The”, insert “(1)”.
- (7) Schedule 1, item 2, page 14 (line 5), omit “basis”, substitute “general basis”.
- (8) Schedule 1, item 2, page 14 (line 11), omit “basis”, substitute “general basis”.
- (9) Schedule 1, item 2, page 15 (lines 1 to 8), omit paragraphs 23CF(i) and (j).
- (10) Schedule 1, item 2, page 15 (after line 12), at the end of section 23CF, add:
 - (2) Paragraph (1)(a) and subparagraph (1)(b)(ii) do not require the accused to disclose details of the accused’s proposed defence.
- (11) Schedule 1, item 2, page 15 (line 23), omit “23CF(k)”, substitute “23CF(1)(k)”.
- (12) Schedule 1, item 2, page 16 (line 20), omit “section 23CD”, substitute “subsection 23CD(1)”.
- (13) Schedule 1, item 2, page 16 (line 23), omit “subsections (2) and (3)”, substitute “subsection (2)”.
- (14) Schedule 1, item 2, page 17 (line 3), omit “or”.
- (15) Schedule 1, item 2, page 17 (lines 4 to 6), omit paragraph 23CH(2)(f).
- (16) Schedule 1, item 2, page 17 (lines 12 to 14), omit subsection 23CH(3).
- (17) Schedule 1, item 2, page 18 (lines 18 and 19), omit “A copy or details of any information, document or other thing is not required to be given under an order under section 23CD”, substitute “Nothing in this Subdivision requires a copy or details of any information, document or other thing to be given”.
- (18) Schedule 1, item 2, page 20 (lines 1 to 34), omit section 23CL, substitute:

23CL Effect on legal professional privilege and other privileges and duties etc.

Litigation privilege not an excuse for failing to comply with pre-trial disclosure requirements

(1) A party is not excused from disclosing material under this Subdivision on the basis of litigation privilege claimed by the party in relation to the material.

Note: The party can still be excused from disclosing material on the basis of advice privilege (that is, privilege that would, if the material were evidence to be adduced in the Court, protect against a disclosure covered by section 118 of the *Evidence Act 1995*).

(2) This Subdivision does not otherwise:

- abrogate or affect the law relating to legal professional privilege; or
- amount to a waiver of legal professional privilege.

Note: This means, for example, that legal professional privilege will apply for the trial.

Other privileges and duties unaffected

(3) This Subdivision does not abrogate or affect:

- the operation of the National Security Information (Criminal and Civil Proceedings) Act 2004; or
- the law relating to public interest immunity.

(4) This Subdivision does not abrogate or affect the law relating to any duty of a person investigating the accused to ensure that information and other things are disclosed to the prosecutor or the accused.

Definitions

(5) In this section:

legal professional privilege includes privilege (however described) under Division 1 of Part 3.10 of the *Evidence Act 1995*, or a similar law of a State or Territory.

litigation privilege means privilege (however described) that would, if the material were evidence to be adduced in the Court, protect against a disclosure covered by section 119 of the *Evidence Act 1995*.

(19) Schedule 1, item 2, page 21 (lines 1 to 38), omit section 23CM, substitute:

23CM Consequences of disclosure requirements

Orders to ensure non-compliance does not unfairly affect the other party

- The Court may make such orders as it thinks appropriate to ensure that:
 - any failure by the prosecutor to comply with an order under subsection 23CD(1) does not cause unfairness to the accused; and
 - any failure by the accused to comply with an order under subsection 23CD(1) does not prejudice the prosecutor's ability to efficiently conduct the prosecution.
- However, the Court must not make an order under subsection (1) if it would result in an unfair trial.

Certain evidence cannot be adduced at trial unless there is earlier disclosure

- If the accused fails to comply with subsection 23CD(2) in relation to an alibi, the accused may only adduce evidence of the alibi with the leave of the Court.
- If the accused fails to comply with subsection 23CD(2) in relation to a mental impairment (within the meaning of section 7.3 of the *Criminal Code*), the accused may only adduce evidence that the accused was suffering from the impairment with the leave of the Court.

(20) Schedule 1, item 2, page 22 (lines 4 and 5), omit "in accordance with an order under section 23CD", substitute "under this Subdivision".

(21) Schedule 1, item 2, page 22 (line 12), omit "order under section 23CD was made", substitute "entrusted person obtained the protected material".

(22) Schedule 1, item 2, page 23 (lines 2 and 3), omit “order under section 23CD was made”, substitute “entrusted person obtained the protected material”.

(23) Schedule 1, item 2, page 23 (lines 10 and 11), omit “some or all of the material disclosed in accordance with an order under section 23CD”, substitute “any or all of the material disclosed under this Subdivision”.

(24) Schedule 1, item 2, page 27 (lines 8 to 20), omit section 23DG, substitute:

23DG Jury roll for a jury district

(1) The Sheriff may prepare a written jury roll for a jury district.

(2) A jury roll prepared under subsection (1) is not a legislative instrument.

(25) Schedule 1, item 2, page 32 (lines 1 to 6), omit subsection 23DM(2) (including the notes), substitute:

(2) The *jury list* consists of:

(a) the names and addresses; and

(b) if readily available to the Sheriff—the dates of birth and sex; of persons that the Sheriff selects from the jury roll for the applicable jury district.

Note 1: The jury list may be supplemented under subsection (5).

Note 2: The Sheriff may remove a person's name from the jury list under section 23DO.

(26) Schedule 1, item 3, page 56 (lines 5 to 29), omit subsections 30AE(4) and (5), substitute:

(4) In relation to criminal appeal proceedings, a single Judge (sitting in Chambers or in open court) or a Full Court may:

(a) join or remove a party to an appeal to the Court; or

(b) make an order by consent disposing of an appeal to the Court; or

(c) make an order that an appeal to the Court be dismissed for want of prosecution; or

(d) make an order that an appeal to the Court be dismissed for:

(i) failure to comply with a direction of the Court; or

(ii) failure of the appellant to attend a hearing relating to the appeal; or

(e) vary or set aside an order under paragraph (c) or (d); or

(f) give directions about the conduct of an appeal to the Court, including directions about:

(i) the use of written submissions; and

(ii) limiting the time for oral argument.

(4A) An application for the exercise of a power mentioned in subsection (4) must be heard and determined by a single Judge unless:

(a) a Judge directs that the application be heard and determined by a Full Court; or

(b) the application is made in a proceeding that has already been assigned to a Full Court and the Full Court considers it is appropriate for it to hear and determine the application.

(5) The Rules of Court may make provision enabling an application of the kind mentioned in subsection (2), (3) or (4A) to be dealt with, subject to conditions prescribed by the Rules, without an oral hearing.

(27) Schedule 1, item 4, page 82 (line 16), omit “significant”, substitute “material”.

(28) Schedule 1, item 4, page 82 (after line 30), after subsection 58DB(2), insert:

(2A) An accused applying for bail during indictable primary proceedings is entitled to be granted bail during the proceedings in relation to an offence against either of the following sections of the *Trade Practices Act 1974*:

(a) section 44ZZRF (making a contract etc. containing a cartel provision);

(b) section 44ZZRG (giving effect to a cartel provision); unless the Court decides otherwise after considering the matters mentioned in subsection (2).

(29) Schedule 1, item 4, page 83 (line 22) to page 84 (line 3), omit section 58DD, substitute:

58DD Bail to be stayed pending appeal

- (1) If:
 - (a) the Court makes a bail order; and
 - (b) the prosecutor requests the Court to stay the bail order pending appeal; the bail order is stayed by force of this section for 48 hours.
- (2) If a notice of appeal from the bail order is filed within that 48 hours, the stay of the bail order continues by force of this section until:
 - (a) the appeal is finally disposed of; or
 - (b) the prosecutor withdraws the appeal in accordance with the Rules of Court; or
 - (c) a Full Court orders, under this subsection, that the stay be set aside; whichever happens first.
- (3) If the prosecutor makes a request under paragraph (1)(b), the appeal from the making of the bail order must be dealt with as quickly as possible.
- (4) If a bail order is stayed by force of this section, the Court must, by warrant of commitment, remand the accused in custody for the duration of the stay.
- (5) A warrant of commitment under subsection (4) may be signed by any Judge, the Registrar or any Deputy Registrar, District Registrar or Deputy District Registrar of the Court.

(30) Schedule 1, item 21, page 103 (line 2), omit “section 23CD”, substitute “subsection 23CD(1)”.

(31) Schedule 1, item 32, page 105 (lines 21 to 24), omit the item.

(32) Schedule 1, items 60 to 63, page 110 (lines 6 to 27), omit the items.

Mr McCLELLAND (Barton—Attorney-General) (6.29 pm)—I move:

That the Senate amendments be agreed to.

The Federal Court of Australia Amendment (Criminal Jurisdiction) Bill 2008 provides the procedural framework to allow the Federal Court to hear jury trials for its new jurisdiction in relation to serious cartel offences under the Trade Practices Act 1974. The bill will ensure that the Federal Court is fully equipped with a robust and fair procedural framework to hear jury trials for serious cartel conduct. These government amendments to schedule 1 of the bill are to respond to the recommendations of the Senate Standing Committee on Legal and Constitutional Affairs following its inquiry into the bill and to address some other issues that came to notice when the bill was reviewed following the committee’s report.

The amendments proposed to the bill will do the following. They will clarify that the accused must give notice of a proposed defence of alibi or mental impairment, even if there is no court order for disclosure. They will make it clear that the accused is only required to give a general indication of their reasons for disputing the prosecution case against them and is not required to disclose details of a proposed defence. They will clarify that there is no general removal of legal professional privilege but that such privilege is temporarily overridden in limited circumstances at the pre-trial stage. They will clarify the consequences of non-compliance with disclosure requirements. They will clarify the process of preparation of jury roles and lists by the court. They will clarify the test for a further application for bail and they will make it clear that there is a presumption in favour of bail in relation to a serious cartel offence. They will clarify that the prosecution does not have power to give the court directions.

In conclusion, the proposed amendments represent a balanced approach to the recommendations of the Senate committee in order to support efficient and fair criminal trials for serious cartel conduct in the Federal Court, without reducing the effective operation of the bill. I commend the Senate committee on their work on the bill.

Question agreed to.

**TRADE PRACTICES AMENDMENT
(AUSTRALIAN CONSUMER LAW)
BILL 2009**

Second Reading

Debate resumed from 24 June, on motion by **Dr Emerson**:

That this bill be now read a second time.

Mr HARTSUYKER (Cowper) (6.32 pm)—I welcome the opportunity to speak on the Trade Practices Amendment (Australian Consumer Law) Bill 2009. This bill forms part of the government's intention to move towards a single national consumer law, which the coalition supports in principle. It seeks to provide increased protection for consumers by voiding unfair terms in standard form contracts between businesses and consumers. Standard form contracts typically cover mobile phones, bank accounts and gym memberships and are non-negotiable. If the consumer wishes to take advantage of the goods or services on offer, he or she has to accept the contract provided without negotiation.

A contract term will be unfair where there is a significant imbalance between the parties' rights and obligations and the term is not reasonably necessary to protect the legitimate interests of the supplier. The bill also extends to enforcement options for the Australian Competition and Consumer Commission and the Australian Securities and Investment Commission for specified consumer protection matters. The govern-

ment originally consulted on including business-to-business contracts as well as business-to-consumer contracts, but these provisions were removed.

Following the commencement of the bill's second reading, it was referred by the government to the Senate Standing Committee on Economics, which reported on 7 September. Minister Emerson later explained that business-to-business provisions were removed because they would, among other things, create uncertainty—the same argument used by opponents of the fair contracts provision as regards consumers. Business-to-business contracts will now be considered as part of the review of the Trade Practices Act and the Franchising Code of Conduct. The legislation is intended to apply from 1 January 2010.

Some sections of the small-business community wish to see business-to-business provisions restored; however, many stakeholders believe the issues in this area are too varied and widespread to be dealt with in the way originally proposed. There are also major concerns about the effect of the bill, as it stands, on contract law creating widespread uncertainty and increasing costs. The coalition is on the record as supporting a single national consumer law, replacing differing regimes currently operating in each state and territory. This would bring benefits to both businesses and consumers, reducing costs and providing more clarity about the rights and obligations wherever goods are bought and sold.

Many goods and services are purchased by way of standard form contract. As I said earlier, they are typically goods and services such as mobile phones, bank accounts and gym memberships. The contracts are non-negotiable. If the consumer wants that particular good or service, he or she has to accept the contract as it stands. The contract

includes clauses such as those which would allow the provider to vary the terms and conditions, as banks do when providing mortgages. The contracts may include clauses such as in relation to the cancellation of a contract before its term, which the consumer may find unreasonable. Consumers can, of course, use the principle of buyer beware. They can shop around for a better deal or a less onerous contract, or they may decide that, even though they do not like some of the terms and conditions in the contract, they will put up with them because the deal on offer is so good. In principle, we would instinctively wish to strengthen the hand of the consumer in these situations, but the consumer has, to some extent, the remedy in their own hands already by deciding whether or not to accept that particular contract.

In practice, we nearly all have bank accounts, we nearly all have mobile phones and many of us have gym memberships. Therefore, what has been lacking is some indication of the size of the problem that the government seeks to address. What is clear is that standard form contracts are widespread. Also, there is a strong similarity between contracts used in certain sectors such as mobile phones, thus diminishing the consumer's ability to find alternatives. This point provides strong justification for some form of action. There is little point in the buyer being aware if that same buyer has no alternative.

Now I would like to consider the issue of business-to-business contracts, which were originally proposed to be included in this bill. A broad section of the small-business community welcomed the inclusion of business-to-business contracts and was dismayed when the government decided instead to refer the matter to the reviews of the Trade Practices Act and the Franchising Code of Conduct. There is clearly a case for regarding small businesses in the same light as

consumers when they are buying goods or services to consume themselves, or when buying goods for sale when they have no ability to negotiate over the terms of purchase of those goods. For example, many members of this House will have received letters from newsagents, for example, in support of the inclusion of business-to-business contracts in this legislation.

The Australian Newsagents Federation has some 2,100 members, nearly all of whom employ fewer than 20 staff, and most of whom employ five or fewer. They are subject to standard-form contracts in their dealings with major companies, such as News Ltd, Fairfax Holdings and Hallmark Cards, and the majority of key contractual terms are presented on a take it or leave it basis. For major items of their stock they can go to no other suppliers. In addition, they may be subject to a standard-form contract covering the lease of their premises in a shopping centre. Like consumers, and other small businesses, they do not have easy or cheap access to legal advice or representation and, even if they did, their market position would not allow them to negotiate a better deal.

Small businesses acting as suppliers to supermarkets are often in the position of taking or leaving the terms that a particular supermarket has on offer. There is a wide range of possible problems here, not least of which is determining what constitutes a 'small business' for these purposes. The government consulted on the basis of contract value, contracts with a value of more than \$2 million being exempt from the unfair contracts provisions.

It has been pointed out to the government that many consulting firms, particularly in the field of engineering, would generally be considered as small businesses but would routinely tender for contracts with a value far greater than \$2 million. Furthermore, when

dealing with government agencies and corporations, these firms are subject to contract terms relating to risk and liability which can only be described as onerous, if not unfair. One can see why many small businesses would jump at the prospect of legislation which tries to redress the commercial imbalance in this area and why they were dismayed when the change in tactic was introduced to remove business-to-business contracts through reviews of the Trade Practices Act and the Franchising Code of Conduct.

The government's reasons for adopting this tactic were that the initial proposals would create uncertainty in business dealings, would potentially increase costs and would possibly jeopardise small-business funding, arguments which could equally apply to the business-to-consumer proposals. This is also the position taken by the big-business and legal communities in relation to this legislation. The Council of Small Business Organisations of Australia, in its submission to the Senate, has concluded that it can accept the removal of business-to-business contracts provided, firstly, that the TPA is amended to include business-to-government contracts; secondly, that all government procurement and contracting officers should allow suppliers to negotiate their own contractual terms; thirdly, that the government implements the Prime Minister's commitment to introduce 'fresh ideas for small business on government procurement'; and, fourthly, that consideration is given to a 'fair contracts bill' covering the area in which small businesses are unable to negotiate.

We should also bear in mind that small businesses use standard-form contracts in their dealings with consumers. So while the small-business lobby was very keen to have business-to-business contracts included under this legislation, they are also mindful of the fact that they would be businesses issuing

such contracts to consumers. In the absence of business-to-business provisions in this bill, the government needs a clear and comprehensive strategy to address this wide range of concerns.

The legal consequences in relation to this bill are worthy of some note here. Some stakeholders, particularly in financial services, have grave concerns about the proposed contracts regime. Their reservations include, firstly, that there is no requirement for a consumer to show actual detriment in seeking to have a term of a contract declared void; secondly, that the burden of proof does not lie with the complainant; thirdly, that there is no provision for a court to consider the consumer benefit which may flow from an impugned term; and, fourthly, that there will be high compliance costs and confusion arising from the application of the law to existing contracts that may be renewed or varied after commencement of this legislation.

To a considerable extent, provisions of the Australian Consumer Law mirror the provisions of the existing unconscionable conduct regime in part IVA of the Trade Practices Act, and will overlap to a lesser extent with the consumer protection provisions of part V. The most notable difference is that, under part IVA, it must be shown that it would be unfair for a party to seek to rely on a term, whereas under the Australian Consumer Law a term may be voided whether or not its use would be unfair in practice.

The unconscionable conduct provisions have been in place for 20 years. There is no demonstrated argument that they are inadequate to protect consumers. Many contracts include terms providing rights and remedies to both parties. Only terms in favour of a business are *prima facie* examinable under the bill.

The Australian Consumer Law, as it stands, will create a great deal of uncertainty. The law of contract arose in order to give certainty to transactions—that certainty enables businesses to engage in other transactions, including credit transactions based on a business's contract book. The introduction of a new standard of contractual review may have significant unforeseen consequences. The reforms may also result in frivolous and vexatious claims and in additional regulatory cost. The costs associated with this will ultimately be borne by consumers.

The application of the law to interests in land may be especially problematic. Existing property law recognises the uniqueness of any interest in land and applies special remedies, including forfeiture of deposits, specific performance, foreclosure, registration of caveats *et cetera*, which may be extremely difficult to characterise as necessary for the protection of the 'legitimate interests' of a business as opposed to other remedies. The uncertainty flowing from this could be immense.

The Law Council, in its submission to the Senate Economics Legislation Committee, raised the question of the definition of a 'consumer contract'. It favoured using the definition in section 4B of the TPA which hinges on whether the good or service being supplied is 'of a kind ordinarily acquired for personal, domestic or household use or consumption'. The benefits of this definition would be not to require an additional and potentially difficult inquiry into the purpose for which the good or service was acquired. It would also afford some protection to businesses when the goods or services were not being acquired for sale to a customer, such as retail electricity supply or phone services.

The definition in the bill applies only to 'individuals' which would exclude small business contracts. The Law Council also

raised concerns about the government's ability to ban contract terms outright. Its view is that whether a term is unfair or not depends entirely upon the circumstances of the case, and an ability to ban outright would mean that a case-by-case assessment would not occur. One example would be a clause that allowed a unilateral variation. Such a variation might seem fair but in terms of ongoing service contracts for, say, gas or electricity it would be reasonable to expect the supplier to vary the terms from time to time without having to separately negotiate and agree with potentially millions of customers. The Law Council also takes issue with the banning process, saying it lacks independent or stakeholder consultation, avoids parliamentary scrutiny, and thus lacks adequate safeguards for the exercise of a power that could have widespread detrimental effects.

The Senate Economics Committee spent much time discussing the exclusion of insurance contracts from the current legislation on the grounds that such contracts are covered by separate legislation under the Insurance Contracts Act. The industry representatives made the point that they were already subject to a high degree of regulation and that much of the anecdotal evidence provided related to what might be described as the unfair implementation of contract terms, rather than terms which might be unfair as proposed under the Australian Consumer Law. The coalition would not favour imposing another legislative layer on the insurance industry, however we support the committee's view that a review of the Insurance Contracts Act would be timely, taking into account new measures on other standard form contracts, particularly with the reported entry of Australia Post and Coles into the market.

I would like to turn now to enforcement powers. Debate has concentrated on the unfair contracts provisions of this bill but the new enforcement powers of the ACCC and

ASIC are also of some concern. The consumer protection provisions of the Trade Practices Act and the ASIC Act are currently enforced through civil remedies such as injunctions and other orders and, in certain circumstances, criminal sanctions. The explanatory memorandum states that the lack of availability of civil pecuniary penalties and disqualification orders for enforcement of consumer law represents a significant gap in the range of enforcement options available to the ACCC and ASIC. At present, the ACCC and ASIC are unable to obtain compensation for consumers when bringing criminal action alone. If a matter is serious enough to warrant a penalty the ACCC or ASIC must institute both civil and criminal proceedings in order to secure any type of compensation. Civil pecuniary penalties and disqualification orders are designed to provide an alternative to this duplicative process and provide timely and proportionate resolutions to instances of illegal conduct that do not call for criminal sanctions to be sought.

The proposed civil penalties will apply to unconscionable conduct, misleading or deceptive conduct, participation in pyramid selling, product safety and product information and substantiation notices as defined by the provisions of the sections of the Trade Practices Act. The maximum penalty will be \$1.1 million for corporations and \$220,000 for individuals. The enforcement provisions of this bill greatly increase the powers of the ACCC to act not just as a cop on the beat but also as a judge and jury. The coalition has not been impressed with the recent performance of the ACCC and there must be concerns about the way in which it would apply these powers in a quasi-judicial role. Its recent application of anti-cartel measures and the criminalisation aspects of the measures continues to cause some concern. There are existing legal remedies for most of these areas covered by the bill and the extended

powers can be seen as unwelcome and unnecessary intervention by government agencies. Again, quoting the Law Council's submission to the Senate Economics Committee:

... the new enforcement powers should only be introduced where there is a sound policy basis for doing so and where existing enforcement measures are clearly insufficient to achieve the same outcomes. The Committee—

the Trade Practices Committee—

remains unconvinced as to the policy justification for introducing some of the proposed enforcement powers.

Once again, the coalition favours measures that result in appropriate and timely redress but we will watch very carefully the operation of these new enforcement powers.

In conclusion, in general we support the bill, both in its general aim of unifying Australian consumer law and its specific aim of strengthening the hand of the consumer when the ability to exercise choice is limited by the dominant use of standard form contracts. However, we have some specific concerns and we will seek to have these addressed when the bill is debated in the Senate.

We would propose to have discussions with the government with regard to the following changes: firstly, the deletion of the provision for prohibition of contractual terms—that is, clause 6 of the bill; secondly, the deletion of both the provisions providing for the reversal of the onus of proof—that is, clauses 3(4) and 7(1); and thirdly, in clause 3(2)(a) the omission the words 'or there is substantial likelihood that it would cause detriment (whether financial or otherwise)', substituting the words 'a significant disadvantage'.

We also have concerns with the implementation date and note that, given that it is currently late in the year, the implementation of standard form contract legislation will

provide difficulties for many firms which have large numbers of standard form contracts. The government should give consideration to deferring the commencement date for those contractual terms until perhaps the middle of next year, 1 July 2010.

Given that we accept the principle of taking action on the use of unfair terms, an opportunity has been lost in this legislation to extend the protection to small business. Consideration should be given to amending the bill to adopt the definition of 'consumer contract' used in section 4B of the Trade Practices Act. Again, this would provide more clarity, avoid creating a second legal definition of such contracts and, crucially, provide protection to small businesses in contracts where they are, in effect, acting as a consumer. We also seek more clarity on the issue of 'transparency' and its bearing on the unfairness or otherwise of contractual terms. The explanatory memorandum suggests that a lack of transparency indicates a lack of fairness but it appears that a contractual term may be both transparent and unfair.

More precision on these issues would greatly assist the legal and business communities, small business in particular, and lead to a speedy resolution of the issues in the courts. The consultation process for this legislation has revealed a range of problems in the area of business-to-smallbusiness contracts and particularly in government-to-smallbusiness contracts. We note the government's review of unconscionable conduct provisions of the Trade Practices Act and the Franchising Code of Conduct with regard to unfairness in business-to-business contracts. We also note the views of stakeholders that a similar review of the dealings of Commonwealth, state and territory governments with small business in particular with regard to unfair contract terms is necessary and we call on the government to set up such a review.

Certainly the coalition supports the broad thrust of this legislation and we look forward to ongoing negotiations with the government to further improve the legislation in the Senate.

Mr PERRETT (Moreton) (6.52 pm)—I too rise to speak in support of the Trade Practices Amendment (Australian Consumer Law) Bill 2009. This bill implements the Council of Australian Governments national consumer law reforms agreed to by all the state and territory governments in October last year. It is yet another example of the Rudd Labor government's commitment to cutting red tape, eliminating bureaucratic duplication and waste, and bringing about uniform laws across the country. And it has been done in a spirit of cooperation with state governments, not with the sledge-hammer approach of past years. In fact, if we look at the history of Federation with the evolving of colonies into states into a federation with a capital that has more and more power and more and more control with more and more cooperation, we note the Rudd Labor government has certainly taken the federation to a new level, particularly in terms of coordinating things with the states and territories, whether they be Liberal, Labor or whatever, making sure we agree and work together for a healthier country. Like so many of the laws which criss-cross state, territory and federal jurisdictions, consumer protection laws have evolved into an unholy mess in recent years. It is a little bit like the many-headed hydra that Hercules had to fight. I do not want to start my speech by comparing the Hon. Dr Craig Emerson MP to Hercules and I do not want the Minister for Competition Policy and Consumer Affairs to get too excited, but that is what he has been fighting. He pushes down somewhere and then something else pops up. Obviously, companies and consumers move between the states and territories so much

more readily so it is important that we have uniformity wherever possible. It makes good business sense and it looks after consumers. The various Commonwealth, state and territory laws have a similar intent. However, there are enough differences between these jurisdictions to create confusion for consumers, unnecessary costs for business and perhaps extra work for lawyers.

This bill is based largely on the recommendations of the Productivity Commission's review and will bring about the biggest change to consumer law and policy since moustaches were compulsory in the public service. It is the biggest change since long socks, short-sleeved shirts and ties were de rigueur, even stylish, or, to put it in more precise terms for those people that follow rugby, it is the biggest change in the 30 years since the St George Football Club won a grand final. This bill amends the Trade Practices Act 1974 to introduce a new national unfair-contract-terms law and new penalties and enforcement powers, as well as redress measures for the Australian Competition and Consumer Commission and the Australian Securities and Investments Commission to help consumers put their situation right in the event of an unlawful contract. It applies only to business-to-consumer contracts, not business-to-business contracts. I take issue with some of the points that the previous speaker made but, rather than waste time on those, I will talk about the positive things given the fact that it is business-to-consumer contracts that we are addressing with this legislation. This bill defines a consumer contract as one entered into by an individual 'for a supply of goods or services' or for 'a sale or grant of an interest in land' in circumstances where the individual acquires the goods, services or interest 'wholly or predominantly for personal, domestic or household use or consumption'.

Because of the level of business and consumer consultation that has gone into the drafting of this legislation, it strikes a healthy balance between protecting the rights of consumers and protecting legitimate business interests and practices. We have arrived at a very healthy balance. The major component of this bill is the introduction of unfair contract terms. Any contract that is deemed unfair will be void under this legislation. Where there is significant imbalance in the parties' rights and obligations under the contract and it is not 'reasonably necessary' to protect a party's legitimate interest, it will be deemed unfair. This is a commonsense approach to what any person in the street or any man on an omnibus would consider to be fair. The onus of proof will be on the business as to a term being not reasonably necessary. Businesses will receive infringement notices for minor breaches. However, for more serious breaches they will be required to substantiate claims. The bill before the House requires a court to consider the extent to which the terms cause detriment to a party who relies on the terms. But the unfair terms test does not apply to terms dealing with the main subject matter of the contract, the upfront price or any term expressly permitted by law.

I see that the bill also includes an indicative list of examples to help guide the courts in these matters. That will help as to the doling out of legal advice and that will also be a guide for the millions of small businesses and consumers when they are looking up what would be reasonable and appropriate in the circumstances. The bill also empowers the ACCC and ASIC to pursue civil penalties and disqualification orders for breaches of the law. A court may also award refunds to consumers as part of the redress measures in this bill. It is appropriate in 2009 that we have a range of enforcement actions. Gone are the days when if it was not criminal it was nothing. It is now much more appropri-

ate that we accept that there will be all sorts of behaviour out there and that you do not start by bludgeoning as you can actually guide and move people towards sorting out their disagreements.

As I have said from the outset, these laws will offer greater clarity and protection to consumers and will also help reduce compliance costs for business generally but particularly for small business. This is a good Labor Party policy. It is a win-win situation that at least we on this side of the House can all be happy with. Sometimes I wonder what the spokesperson for small business on the other side of the House is doing, given the situation of those opposite at the moment: a shepherd without a flock in terms of looking for a constituency. They do not seem to be able to strike the situation of any legitimate voice for small business. When I go around my electorate and talk to a lot of small businesses covering a range from manufacturing to retail, I note they are more than happy with what the Rudd Labor government has done over the last two years, particularly in the last year, in some of the most difficult economic times that we have ever faced. In summary, I commend this piece of legislation to the House given the balance it has struck as to the protection that it will offer to consumers and also the guidance it will offer to business.

Mr CIOBO (Moncrieff) (7.00 pm)—I am certainly pleased to rise to speak to the Trade Practices Amendment (Australian Consumer Law) Bill 2009. In principle, the coalition broadly supports this piece of legislation. As a number of speakers in this debate have already outlined, and as others will no doubt reiterate over the course of the next hour or more, there are two key limbs to this debate. The first is those aspects of unfair contracts concerning business-to-consumer transactions and the second is those that deal with business-to-business transactions. When the

government first announced that it would introduce measures to deal with unfair contracts, this legislation was to embrace both business-to-consumer and business-to-business transactions, with an emphasis on small-business transactions. Ultimately, though, with the change of minister from Chris Bowen to the member for Rankin, Craig Emerson, the government moved away from its commitment to Australia's 2.4 million small businesses with respect to business-to-business transactions so that now the legislation only embraces business-to-consumer transactions.

As the shadow minister for small business, independent contractors, tourism and the arts, I see this legislation from a number of perspectives. There is a need for increased scrutiny of the operation of standard-form contracts. This relates to situations where, for example, a consumer obtains a mobile phone, bank account, gym membership or some such service and is typically—and we all would be very familiar with this—faced with a standard-form contract. The terms and conditions are printed on the back. There is no negotiation and no discussion; just the standard terms and conditions. Typically, those standard-form terms and conditions include a number of elements that would be considered detrimental to the best interests of the consumer.

This legislation seeks to remedy that. It seeks to in some way empower consumers—and I must say that the coalition is certainly a very big believer in the empowerment of consumers. Insofar as this legislation and the relevant provisions within it pertain to empowering consumers over standard-form contracts, I think it is a step in the right direction, as indeed does the coalition. That is the reason we have indicated to the government that we want to work proactively, in bona fide good faith, with the government to

ensure we pass the best possible piece of legislation.

Unfortunately, there is still a little uncertainty with respect to business-to-business transactions. Having spoken with a number of small business advocates, I know there are elements of the small-business community that retain the view that this legislation is deficient because it does not deal with business-to-business standard-form contracts. For example, the Council of Small Business of Australia, COSBOA, holds the view, and certainly made it very clear from the get-go, that it would like to have seen business-to-business transactions included in this legislation. And there are others who have expressed that point of view.

I am someone who feels that the best thing we can do is ensure that we impose as little regulation as possible on the marketplace and, where we do impose regulation, ensure that we do so in a light-touch way. Therefore the notion of a business-to-business transaction or a business-to-business standard-form contract being included within the ambit of this legislation was not immediately attractive to me. Rather, I thought that perhaps a more advantageous way to move forward—and I believe this viewpoint is shared by the Minister for Small Business, Independent Contractors and the Service Economy—is to look at remedying imperfections that exist under the Trade Practices Act, because at its core the Trade Practices Act is meant to deal with exactly these kinds of situations. At its core, the Trade Practices Act should deal with unfair contract provisions in business-to-business transactions. In that respect, especially when it comes to, for example, provisions such as unconscionable conduct, I would have thought that a more appropriate policy remedy would be to ensure that unconscionable conduct provisions work in a more adequate way to address any perceived

or actual imbalance in business-to-business standard-form contracts.

I heard, and to some extent welcomed, the government's comments that it will be looking at reviews of the Trade Practices Act and the Franchising Code of Conduct, but I urge Australia's small-business sector to exercise caution. This government certainly has a very strong track record when it comes to reviews, but unfortunately that is not what counts. What counts is your track record with respect to reform and execution of recommendations from reviews. I have raised in this chamber on a number of occasions the great concern that exists over the small-business minister dragging his feet over reform of the franchising sector, one of the key and most fundamental small-business sectors in the Australian economy. People in that sector have been waiting for months and months for the minister to respond to a standing committee report into franchising—yet here we are, still waiting.

So I am a little concerned when the government says that it intends to deal with business-to-business transactions or standard-form contracts through reviews of the Trade Practices Act and the Franchising Code of Conduct. I implore the minister to acknowledge that this is too important to simply let through to the keeper. We should not allow a situation to arise, and on behalf of the coalition and other members I certainly will not allow it to arise, where this government drags its feet for another year or two years or longer, which it has form on when it comes to business-to-business transactions and, in particular, amendments to the Trade Practices Act and the Franchising Code of Conduct. That is why we will continue negotiating with the government in the Senate to get a workable series of amendments in place that make this legislation even better. That fits very nicely within the overall focus of the coalition to support the introduc-

tion of a single national consumer law that replaces the various regimes that currently operate in each state and territory. It is clear that the pursuit of this goal brings benefits to both businesses and consumers, helps to reduce costs and provides more clarity about the obligations on and rights of parties that exist wherever goods are bought or sold.

When it comes to these kinds of transactions I know there is a lot of angst in the community with respect to business-to-consumer standard form contracts. I regularly hold listening posts in my Gold Coast seat of Moncrieff for the opportunity to be out there on a weekend and to talk to my constituents. Most recently, I had a lady approach me at my listening post to outline her concern over some events that had taken place with her son. Her son was 17 years of age and had been, to use her information, bullied into purchasing five mobile phone contracts on one day. He was not bullied by the mobile phone operators; he was bullied by the peer group with which he was hanging out. That peer group encouraged him to go out and take a number of contracts across a number of different carriers for mobile phones, and he did. On that day, he took out five contracts. As he walked out with the five mobile phones at the end of this process, he was robbed. The phones were stolen from him and the phones no doubt were misappropriated for other purposes. But, that situation notwithstanding, we had a situation where the actual liability that existed as a result of these standard form contracts for this particular individual amounted to thousands and thousands of dollars, far beyond his and that of his household's ability to pay.

As a matter of principle, this constituent came to see me to share with me her concern that this situation should be allowed to arise, but recognising at the same time that some fault of course did lie with her son, and in addition to express her dismay at the intransi-

gence of the mobile phone carriers to waive certain charges and penalty charges that had been put in place notwithstanding the circumstances. I had a great deal of sympathy for her and worked closely with her through the Telecommunications Industry Ombudsman and others to try and resolve that matter. I think to myself that the legislation before the House today may address in some small way those kinds of circumstances should they arise again. In that way, I think it is a positive that the government is taking this initiative, and that is the reason why the coalition is certainly supportive.

There are, of course, some legal concerns that may potentially mount off the back of this legislation. For example, the financial services industry is particularly concerned about this proposed contracts regime. Reservations include there being no burden of proof with the complainant, that there is no provision for a court to consider the consumer benefit that may flow from an impugned term, that there is no requirement for the consumer to show actual detriment in seeking to have a term of a contract declared void and that there will be potentially high compliance costs and confusion that arises from the application of the law to existing contracts that may be renewed or varied after commencement. These are all matters that certainly the coalition would be looking for the government to provide clarity on.

It is important that the government displays a clear sense of vision and explanation around these kinds of issues. That has not been the case with this piece of legislation over the lead-in period to this bill before the House. As I said, there was a lack of clarity about whether or not business-to-business contracts would actually be included. It is very important when these legitimate concerns are raised about the potential legal ramifications of this legislation that the government puts it very clearly on the table ex-

actly the situation with especially contracts entered into prior to the royal assent of this legislation which would then subsequently be reviewed or varied after the commencement period.

I simply wanted to raise those matters not only on behalf of my constituents on the Gold Coast but also on behalf of Australia's small business sector. The coalition continues to work, and I as the delegate of the coalition continue to work, closely and collaboratively with Australia's small businesses and small business advocacy groups to ensure that we develop a policy that reflects their very genuine needs and desires and to ensure that we do not unjustly increase compliance for small businesses. It is clear that there is a benefit that flows from unfair contracts legislation, but it is also clear that if it is wrong it will simply mean more red tape, more compliance and, potentially, lost sales for Australia's small business sector. In that respect, I think it is important that we work in a proactive and bona fide way with the government to ensure that this legislation is made into the best possible piece of policy that can be achieved.

Mr ADAMS (Lyons) (7.12 pm)—The purpose of the Trade Practices Amendment (Australian Consumer Law) Bill 2009 is to amend the Trade Practices Act 1974 to establish Australian Consumer Law as a schedule to that act, including provisions to address unfair contract terms; to introduce into the Trade Practices Act new penalties, enforcement powers and consumer redress options; and to introduce into the Australian Securities and Investments Commission Act 2001 corresponding provisions that will apply to financial services in unfair contract terms, penalties, enforcement powers and consumer redress options. The legislation has come about as a result of a request in 2006 to the Productivity Commission to undertake an inquiry into the Australian consumer policy

framework. The principal legislative provisions which regulate Australia's consumer policy framework are contained in the Trade Practices Act and equivalent state and territory fair trading acts. On 17 February 2009, the Treasury issued a consultation paper entitled *An Australian Consumer Law: Fair Markets—Confident Consumers* which was intended to explain the nature and scope of the proposed reforms and seek views on some aspects of those reforms. The Treasury received 101 submissions, of which 87 were public submissions.

In addition to the consultation process about the broad issues surrounding the introduction of an Australian consumer law, the Treasury also launched a more specific consultation about unfair contract laws on 11 May 2009. The Treasury received 96 submissions, of which 88 were public submissions. The primary concerns expressed in the submissions to Treasury related to unfair contract provisions, particularly the potential effects of the applications of those provisions to business-to-business transactions. The basis of the bill introduces a national unfair contract terms law as the first element of the ACL and it will apply to business-to-consumer contracts. It will also apply as part of the as part of the ASIC Act. The government has taken account of stakeholder views in preparing the bill for introduction and has limited the scope of the unfair contract terms provisions to business-to-consumer transactions. It does not cover purely business-to-business transactions.

The provisions have a number of elements. A term in a consumer contract is void if the term is unfair, the contract is a standard-form contract and, in the context of the ASIC Act, the contract is a financial product or a contract for the supply or possible supply of financial services. A consumer contract is defined as a contract entered into by an individual for a supply of goods or ser-

vices or a sale or grant in an interest in land in circumstances in which the individual acquires the good, service or interest wholly or predominantly for personal, domestic or household use or consumption.

In the ASIC Act, a consumer contract is defined as a contract at least one of the parties to which is an individual and whose acquisition of what is supplied under the contract is wholly or predominantly an acquisition for personal, domestic or household use or consumption. This would exclude all but sole trader businesses, which may operate on the basis of common personal and business use of goods and services. In relation to the ASIC Act, the provision may not cover certain businesses undertaken on a for-profit basis, such as investment in property, the share market, or borrowing for those purposes. Such activities would be covered, however, to the extent that they have a personal, domestic or household nature.

A term is unfair if it causes a significant imbalance in the parties' rights and obligations under the contract and it is not reasonably necessary to protect the legitimate interests of the party who is advantaged by the term. A term is presumed to be not reasonably necessary to protect the legitimate interests of a party unless that party can prove otherwise. In applying the test, a court may consider any relevant matter, but must consider: the extent to which the term causes detriment to a party who relies on the term, or a substantial likelihood thereof; the extent to which the term is transparent; and the contract as a whole.

The unfair terms test does not apply to terms dealing with the main subject matter of the contract, the upfront price payable under the contract or a term that is required or expressly permitted by law. The upfront price is the amount paid for the goods, services or land supplied under the contract. It does not

include further payments which depend on the occurrence or non-occurrence of a particular event. The bill sets out a non-exhaustive, indicative list of examples of unfair terms, which is a very good thing. The bill also allows for a power to prohibit terms which are considered unfair in all circumstances. No terms will be prohibited from the commencement of the unfair contract terms provisions.

The bill sets out the meaning of a standard-form contract. A contract is presumed to be a standard-form contract if a party to the proceeding alleges that a contract is in a standard form, and the onus is on the other party to rebut this presumption. A court must also have regard to a list of factors in determining whether a contract is in a standard form. The bill excludes certain contracts from the operation of unfair contract terms provisions, including certain shipping contracts and contracts that are the constitution of a company, managed investment scheme or other kind of body.

The exposure draft of the unfair contract terms proposed that these provisions would apply to business-to-business contracts as well as consumer contracts. This was in line with comments by the Productivity Commission that small businesses have a dual role in consumer policy and that, as well as being suppliers of goods and services, they are consumers in their own right. Indeed, in their dealings with larger businesses, small businesses can face many of the same issues as individual consumers, particularly relating to unequal bargaining power and the lack of resources to effectively negotiate contracts. That is so true. That has not happened in this bill, which applies the provisions only to business-to-consumer contracts. The removal of business-to-business contracts from the bill was largely in response to the submissions from business to the Treasury consultation paper. Many of those submissions indi-

cated that applying the proposed unfair contract provisions to business-to-business contracts would create widespread commercial uncertainty and would undermine the efficiencies to big business brought about by the use of standard-form contracts. That is a pretty standard response that one always seems to get when one is dealing with this sort of law.

There may be some difficulties for some small business. However, it may be that they will get some protection from the proposed pecuniary penalties also contained in the bill and which will apply to, amongst other things, the prohibition against unconscionable conduct. It has come to my attention that many franchise and licensed agents have contracts in which it would be hard to run a case of unconscionable conduct as there is no definition clearly stated. So there may be some more attention to be paid to the language in some of the legislation that pertains to these most difficult of contracts.

It would be useful, too, if we could help the many ordinary people who run small business and who have franchise type arrangements to understand more clearly how these contracts work and what to look out for. There are many in my constituency of Lyons who have little knowledge of how to deal with contracts, despite having lawyers look at them and advise. I guess lawyers have to specialise in their own areas of law and there do not seem to be too many that specialise in franchise law or give good advice. That is what I have found in the cases that have come before me in my work as an MP.

There needs to be clearer instructions, advice et cetera—perhaps from consumer affairs offices—to help small business operators look out for the pitfalls of contracts and to help them understand what to look for in get-out clauses and termination payments,

because a lot of franchisees seem to get caught at the end of a term. I believe that some franchises—like those for United Petroleum which operate in my electorate—have some very questionable practices and bias in their contracts for their agents. In my electorate I have seen franchise arrangements used to exploit very vulnerable people. I am sure that there are also many franchises that work extremely well, where people have mutually good opportunities and get good business from them.

I believe this bill goes some way in addressing some of the problems raised, but it would certainly be useful to have some plain language interpretation of this type of legislation as it could be circulated as a simple guide to contract signing before they send it off to a lawyer for checking. As the Productivity Commission stated:

There is persuasive evidence that notionally unfair terms are commonplace in Australian contracts.

So even the Productivity Commission is saying that there are a lot of unfair terms within Australian law. The commission continued:

However, the rationale for action principally rests on the unreasonable use of unfair terms, not their existence. This is because, perceptions of their inherent unfairness aside, dormant unfair terms often do not cause detriment to consumers.

But the evidence that the commission had to go through was often anecdotal and of a great variety so it is obvious that those who have been caught have not been able to prove ‘unconscionable conduct’ because of the difficulty in defining it. I think we really have to come to grips with that term and define it in a way which is fair.

So I support the bill and I am very pleased that my colleague from Western Australia has arrived. I look forward to her contribution to the debate. I believe that we should work on some ideas for simplifying the lan-

guage to make it available for many of the people who operate small businesses, because they wish to operate their businesses but get caught up in some very nasty contracts and cannot achieve what they wish to achieve in business. I support the bill.

Ms JACKSON (Hasluck) (7.27 pm)—I am pleased to speak in support of the Trade Practices Amendment (Australian Consumer Law) Bill 2009. This bill is the first component of the Australian consumer law, which will deal with a patchwork of 13 pieces of legislation scattered across the nation and establish a single national consumer law. I think it is a wonderful change to see a national law that simplifies the system as well as strengthens protections for Australian consumers.

The legislation seeks to achieve two very important things. Firstly, it considerably strengthens the ability of the Australian Securities and Investments Commission and the Australian Competition and Consumer Commission to protect consumers. Secondly, it voids terms in business-to-consumer standard-form contracts if those terms are unfair.

Generally speaking, I would say that contracts are an excellent way of doing business—to record in writing the agreement between the parties—and it is even better if companies are prepared to use their resources to prepare written contracts properly so that all a consumer has to do is to sign. We have seen the introduction of many of these standard-form contracts in many industries. They are called ‘standard form’ because they are generally drafted by one side—ordinarily the business, ordinarily by a lawyer—and generally to protect the interests of the side doing the drafting. There should not be anything wrong with that, except that, as the previous speaker pointed out, many ordinary consumers are not necessarily in a position to, or are highly unlikely to, seek legal

advice. Indeed, in some cases consumers may not even read the contract but rely on some general notions of good faith between the consumer and the supplier. This is despite stories of buyer beware and all of the rest.

What we have seen develop in Australia in some circumstances is an evolution of standard-form contracts that have got to the point where risks, rights and/or responsibilities are being shifted to an unreasonable and indeed unfair extent onto one party only. In these circumstances it is usually the consumer.

I think if there is a strong message in the Trade Practices Amendment (Australian Consumer Law) Bill 2009 to businesses in Australia it is this: if you are going to insert self-serving or unfair terms into your contracts, be prepared to defend them in court.

I know that there was some criticism of the legislation despite the fact that there has also been a call from many representatives of business in Australia for a seamless economy and for standard consumer laws across the country. We saw, for example, the Business Council of Australia, in March 2008, protest the multi-jurisdictional regulation imposed on businesses in Australia and call on the government to allow business to operate in a consistent environment.

This particular legislation—very sensible proposed legislation—has still managed to create, it seems, in some quarters, the need to run fear campaigns about what the legislation may mean. For example, the legislation has been criticised for creating uncertainty in a challenging economic climate. Frankly, I think that overstates things a bit. The contracts will stand; it is just that any unfair term of a contract will be void. The legislation provides clear guidance as to whether a particular term will be unfair and the circumstances in which it would be voided, and that is if the term causes a significant imbalance in the party’s rights and obligations under the

contract and if the term is not 'reasonably necessary' to protect the legitimate interests of the supplier.

So I think you can draw two points from this. First, guidance as provided in this bill is not about creating uncertainty but about requiring business to take some care in the contracts they offer and to assess their risk properly. Second, it provides better protection for consumers from unfairness, and this is a very positive outcome in challenging economic times. Rather than creating uncertainty, it puts in place the groundwork to create greater certainty and greater surety about these consumer contracts.

Another argument raised by business representatives is that increased uncertainty will be an inevitable outcome of these new laws, but I think if you are in business and asking yourself, 'Will I get away with this particular clause?' rather than, 'Do I need to include this clause to protect my legitimate interests?' you can expect that this legislation will get you unstuck—and I think that is a very good thing.

The Western Australian treasurer has also criticised the legislation, if we accept the recent article in the *Australian Financial Review* indicating that he had written to the minister complaining that business-to-business contracts had been removed from the bill. Whilst I can accept that in some circumstances business-to-business contracts could be covered—or should be covered, and hopefully it may get to that point—the minister has made it very clear that there are better ways to protect small business, in particular, than with this law. It seems to me that in some circumstances the definition of 'consumer' is pretty broad and there may indeed be some independent contractors or subcontractors that may fall within the definition of 'consumer'.

This bill, however, is primarily about consumer protection. The nature of the body of contracts between business and consumers is vastly different, in the main, from the collection of contracts between businesses. Consumer contracts span the range from the purchase of whitegoods, mobile phone contracts, gym memberships, rent-now-buy-later contracts, hire car insurance and car purchases to home loans and home building contracts.

However, as I have said, I think there are better and more specific ways of dealing with business-to-business contractual issues which avoid unintended consequences such as access-to-finance problems. Access to finance is already challenging for small business. Labor is not about to make it more difficult for small business to access critical finance by imposing ill-fitting, broad-brushed legislative obstacles. Labor is trying to do its job properly by looking at the specific issues facing small and medium enterprises, making sure that any legislation is appropriate to the needs of small business rather than lumping them in with the broader category of consumers. The government has undertaken an extensive consultation process on this legislation which has highlighted these differences.

In relation to the scope of business contracts, the government has identified that it is appropriate to further examine the unconscionable-conduct provisions within the Trade Practices Act that need to be considered along with a franchising code of conduct, and I support that course of action.

I think it is also fair to say that it would be unreasonable to have further consumer protection delayed while the specific issues affecting small business are considered. Some people have asked why consumer reform is necessary. I have heard many anecdotal stories in Western Australia from agencies and

organisations such as the Consumer Credit Legal Service in WA, which provides advice and assistance to consumers. I have heard of consumers being charged as much as \$20,000 to get out of their current credit contracts. What is worse, the formulas often used to calculate these exit fees are utterly incomprehensible. There is no way that a consumer can have an understanding of their likely cost at the time they sign the contract.

The unilateral change clauses are also cause for some concern, and we have seen this increasingly in some consumer contracts in Western Australia. These clauses are increasingly being entered into standard-form consumer credit contracts, which allow businesses to radically change the contents of the contract without having to reach or have specific agreement from the consumer. This is something that is unfair and needs to be made unlawful or improper.

There are also concerns in Western Australia about rent for purchase agreements or 'rent try buy', where a consumer can rent a product and then purchase it if they like. This can often be an attractive proposition, except where the consumer ends up paying more than double the market price for the particular item. It really is critical to put in place legislation that ensures that if consumers are going to enter into standard form contracts for these kinds of purchases then the contracts are transparent and fair. It should also be stressed that this bill exercises our constitutional powers to cover postal, telegraphic or telephonic services and, in particular, mobile phone contracts. I know a number of my constituents will be very pleased to see this included in the general law regarding consumer protection. Anecdotally, we have been advised that the Telecommunications Industry Ombudsman has a large volume of complaints and that the industry does not seem to be improving, so I think it will be a really powerful improvement to bring the tele-

communications industry, and mobile phone contracts in particular, under the umbrella of this legislation.

The other limb to this bill for which the government ought to be congratulated is the additional powers being given to the national regulators—the Australian Securities and Investments Commission and the Australian Competition and Consumer Commission—to protect consumers. Until recently the existing ACCC powers were described in a brochure available on its website, and I have to say it did not necessarily describe a comprehensive system of consumer protection. Indeed, whilst it did deal with issues such as unconscionable conduct and misleading or deceptive conduct as well as bait advertising, the brochure went on to say:

In enforcing consumer protection laws, the ACCC generally acts only against conduct that is industry-wide or that affects many consumers. This ensures it uses its resources effectively.

The brochure then explained in the next section, which was entitled 'Private action', that a consumer had the ability to take a company to court if they believed they had been ripped off. This seemed to be a fairly clear signal, I think, to unscrupulous operators that there were a lot of obstacles to ordinary consumers taking action against unfair or unconscionable conduct. The bill introduces a number of sensible, practical measures to enable the ACCC and ASIC to better protect consumers.

I note the introduction of infringement notices. The national regulators will now be able to deal with the minor breaches of the law which unfortunately seem to be partly ignored at present. The infringement notices provide a simple mechanism to impose a penalty before and potentially in substitution for legal proceedings, rather like a traffic infringement—something I am of course not that familiar with, I might say! I understand

that, like with a traffic infringement, the accused can either choose to cop the penalty, for want of a better description, or defend the charge in court. This simple fact seems to have been overlooked by those who criticise the ACCC's new ability to punish minor breaches of the law without tying up large amounts of resources. I think the critics believe that the ACCC will suddenly embark upon a spree, issuing infringement notices with gay abandon. Of course, that is not what is intended by the legislation, and I am confident that is not going to be the conduct of the ACCC.

The bill will also allow the ACCC and ASIC to impose substantiation notices. This gives the ability to require a person to substantiate claims advertised or represented—for example, in the real estate industry, or the ability of the supplier to supply goods or services advertised. This is sometimes described as 'bait advertising', where an item is advertised for sale but when the consumer goes into the shop the consumer is informed that the item is out of stock and is offered a similar, more expensive replacement. I note that substantiation notices, which will protect against bait advertising, have been criticised for enabling regulatory authorities to go on 'fishing expeditions'. I suspect this criticism is only coming from those who might have a different idea of what is fair and proper conduct in the business world, and it is not a serious concern for people who are conducting their business in a fair and appropriate manner.

The bill will also allow the regulatory authorities to issue public warnings which have been christened 'name and shame' warnings. This is a sensible and, I believe, powerful measure to protect consumers without needing to have resource-intensive recourse to the courts. There is also the capacity for ASIC or the ACCC to apply to the courts on behalf of non-party consumers for the remedy of re-

dress but not for damages. They cannot go for claims where the merit of the individual claim needs to be assessed, which is why damages are not available. This is an exceptionally practical tool for consumer protection. It creates a real threat against parties who rip off large groups of consumers for amounts which are relatively small enough that individual consumers will not take legal action to recover the sum. We also have the introduction of disqualification orders: ASIC and the ACCC are empowered, where a person disregards consumer protection laws, to seek a ban on that person being a director of a company if circumstances warrant it.

I think this is fantastic consumer protection legislation and I am pleased to support it. It reflects a broader package which will see the ACCC taking up leadership of the International Consumer Protection and Enforcement Network, which enhances the ACCC's ability to protect Australian consumers in the global marketplace, such as from online deceptions. The government has also increased emergency relief funding and funding for more financial counsellors, with an extra \$80.4 million over the next two years. I am delighted to see additional resources going into that area. Unit pricing becomes mandatory from 1 December 2009 for food retailers with areas of 1,000 square metres or more, and the Retail Grocery Industry (Unit Pricing) Code will be of great assistance to consumers.

We also have the review of implied warranties and 'no cash refunds'. This bill will implement a legislative regime where the states agree that the Commonwealth legislation will apply, and therefore any amendments at Commonwealth level will automatically apply to the states. That way, it is hoped that we will not end up with a hash of inconsistent consumer laws operating across the Commonwealth.

As I said, I am delighted to speak in support of the Trade Practices Amendment (Australian Consumer Law) Bill 2009. I look forward to it being passed expeditiously by the parliament and to Australian consumers enjoying the benefits that it contains.

Mr RAGUSE (Forde) (7.45 pm)—I rise to speak in support of the Trade Practices Amendment (Australian Consumer Law) Bill 2009, a historic reform to consumer laws across Australia. This bill combines into one system the 13 different sets of consumer laws that are in place across Australia. As members would be aware, this national consumer law is to be called the Australian Consumer Law. This is important on the basis that it is a historic reform. It is about having one national system. There has been broad consultation with stakeholders, in collaboration with the state and territory governments. This is about balancing effective provisions and business concerns and it is part of the generational overhaul of Australian consumer laws.

A national consumer law system is not a new concept. Incredibly, the last attempt was back in 1983. It took seven years to implement, before each jurisdiction began to make changes and diverge. Clearly, it is no easy task to combine all of the different priorities, issues and concerns that can be found across the country. For this reason, these reforms have been on the way for some time. An inquiry into Australia's consumer policy framework began back in December 2006. The Productivity Commission presented its final report, 'Review of Australia's Consumer Policy Framework', in April 2008. This report was tabled in parliament in May 2008 by the then Minister for Competition Policy and Consumer Affairs. The Council of Australian Governments became involved from March 2008, and detailed recommendations for a new consumer law and enforce-

ment mechanisms were ratified in October 2008.

After all this work, the bill before us today is only the first of two substantial reform bills. The second bill is expected to be debated in the parliament in early 2010. The goal, as described in the COAG National Partnership Agreement to Deliver a Seamless National Economy, is for the national system to be in place by the end of 2010. For this to occur, the states and territories will also put in place legislation and repeal relevant existing provisions in their jurisdictions.

In his second reading speech, the Minister for Small Business, Independent Contractors and the Service Economy, Minister Assisting the Finance Minister on Deregulation and Minister for Competition Policy and Consumer Affairs noted that a single national law is a means to achieve better results for both consumers and business. This is about drawing a line in the sand and putting in place a clear set of national standards that all consumers and businesses can operate by, irrespective of where in the country they reside.

My electorate of Forde, in Queensland, is one of 10 electorates that share the Queensland to New South Wales border. The other electorates are Farrer, Calare, Parkes, New England, Page and Richmond, in New South Wales, and Maranoa, Blair and McPherson in Queensland. With its close proximity to New South Wales, many Forde residents often do business in New South Wales. For residents of areas like Running Creek, travelling to a town could just as well mean Beaudesert, in Queensland, as Casino in New South Wales. Many Forde residents are originally from interstate, particularly Melbourne and Sydney. As a result, many residents retain interstate business relationships and/or travel interstate regularly to catch up with friends and family. Technology has changed how people do business in this country, certainly in my

electorate. The internet and related technologies have brought us all closer together and, to a large extent, have overcome the vast distances.

Consumer affairs issues within Queensland are simple enough. The Queensland Office of Fair Trading provides helpful advice and assistance. Yet interstate consumer law issues can be complicated, certainly if you are used to one particular state's system. Since laws and arrangements differ between states, it is not easy for people to know where they can go and what rules apply to their situation. It gets even more difficult to explain when individuals are aggrieved by laws which are under the jurisdiction of a minister in another state.

It is not just consumers that will gain from having one national set of rules. Businesses that operate throughout the country, or in cross-border situations like the Gold and Tweed coasts, currently have to tango with multiple different consumer law arrangements. Having just one set of consumer law arrangements to comply with will save time and money for businesses. Businesses will face lower levels of complexity, resulting in lower compliance costs. Growing businesses will also face fewer barriers to growth beyond their state or territory borders. Cross-border issues are a nightmare for business efficiency, and this reform is a firm step in the right direction.

The Productivity Commission believes that a national consumer law could benefit consumers to the tune of \$1.5 billion to \$4.5 billion per year. The benefits would accrue through a number of important mechanisms, including increased consumer confidence through consistent consumer laws and clearer contracts, and businesses passing on to consumers part of the savings from lower consumer law compliance costs. And on many other occasions in this chamber the

Rudd government has looked at how we can break down the barriers in terms of cross-border arrangements. We remember well the debates in this chamber about national measurements and other processes and effects of trade.

To implement the Australian Consumer Law, the bill seeks amendments to the Trade Practices Act 1974 and the Australian Securities and Investments Commission Act 2001. The ACL is proposed to be a schedule to the Trade Practices Act. Provision is made for the application and amendment of the ACL. Within the ACL, provisions are made to address unfair contract terms. New penalties, enforcement powers and consumer redress options are built into the revised Trade Practices Act.

The Australian Securities and Investments Commission Act modifications are similar but they are for financial services. These provisions also cover unfair contract terms, penalties, enforcement powers and consumer redress options. The formation of one national law has allowed extensive consultation and the positive cherry-picking of the best consumer law practices around Australia. It is a credit to the Victorian government that the reforms are heavily influenced by those implemented in Victoria.

While I am aware of the debate surrounding business-to-business contracts, the laws currently apply only to consumer contracts. A consumer contract is defined as 'a contract for the supply of goods or services or a sale or grant of an interest in land to an individual whose acquisition of the goods, services or interest is wholly or predominantly for personal, domestic or household use or consumption'. A consumer contract is to be considered void if 'the term is unfair and the contract is in a standard form and, in the context of the ASIC Act, the contract is a financial product or a contract for the supply, or

possible supply, of services that are financial services'.

The references to contract terms being 'unfair' make it important to define and understand what constitutes 'unfair'. An unfair contract term is therefore defined as one that causes a significant imbalance in the parties' rights and obligations under the standard-form contract and is not reasonably necessary to protect the legitimate interests of the party who would be advantaged by the term. When a court is considering whether a contract term is unfair or not there are three specific issues that must be considered. Firstly, detriment: the court must consider the existence of any detriment, or substantial likelihood of a detriment, on the claimant. Secondly, transparency: the level of transparency of the term, which is reflected by characteristics such as its prominence in the contract. Thirdly, contract context: terms must be viewed in the context of the overall contract, given the diversity of contract types in existence. These measures strike an important balance between effective provisions and business concerns by giving business clarity in how the ACL will operate.

In conclusion, this bill represents 13 sets of consumer laws that are being combined into one national system—the first of two parts of a substantial and important overhaul of Australia's complex consumer law system. It provides certainty, efficiency and lower costs for businesses, and it provides certainty, lower costs and simpler resolution of issues for consumers. I therefore commend the bill to the House.

Ms MARINO (Forrest) (7.54 pm)—I rise to speak on the Trade Practices Amendment (Australian Consumer Law) Bill 2009. This bill will give the Australian Competition and Consumer Commission new powers, but not powers to assist small business in business-to-business contracts. The coalition supports

a move toward a single, national consumer law, replacing the 10 or so separate laws currently operating in each state and territory. It is intended that this legislation will bring benefits for both businesses and consumers by reducing costs and providing greater clarity about rights and obligations, wherever the goods are bought or sold. However, the coalition has specific concerns relating to this bill which we will seek to have addressed in the Senate.

The use of standard-form contracts in Australia is widespread. A majority of constituents in my electorate of Forrest have a mobile phone, a bank account, gym membership or one of any number of other standard-form contracts—often contracts that consumers do not think about too much, other than when they want a particular product and sign the contract to access the product. These contracts, which are presented to consumers on a take-it-or-leave-it basis, are non-negotiable. If the consumer wants the good or service, he or she must accept the contract as it stands. Many constituents in my electorate have told me they have tried in certain circumstances to shop around for a better or a less onerous contract; however, there is often a reasonably standard type of contract with very little flexibility and, in real terms, no choice or no better contract on offer. This demonstrates the consumer's diminished ability to source actual alternatives, which highlights the weak position of consumers when confronted with standard-form contracts.

The *Financial Review* reported on 19 September that the Australian Competition and Consumer Council has recognised the power Coles and Woolworths have in shopping centres and have brokered a deal to stop them abusing these powers. The deal between the two supermarket giants and the ACCC will see the restrictive clauses in 750 existing leases being phased out over five years in an

attempt to encourage competition and lower prices. In the same article the Chief Executive Officer of the National Association of Retail Grocers of Australia, Ken Henrick, stated that creeping acquisitions laws were needed in Australia as we have the most concentrated supermarket industry in the world.

In its submission to the Senate Economics Legislation Committee, the Law Council of Australia raised the question of the definition of a 'consumer contract'. The Law Council favoured using a definition which hinges on whether the good or service being supplied is 'of a kind ordinarily acquired for personal, domestic or household use or consumption'. The coalition believes the benefit of this definition would be that it would remove the need for an additional and potentially difficult inquiry into the purpose for which the good or service was acquired, therefore removing some of the burden and limiting the potential unintended consequences of this bill. It would also provide some protection to businesses when the goods or services were not being acquired for sale to a consumer.

Another part of this bill is about the issue of insurance contracts. The coalition does not support the imposition of a further legislative layer on the insurance industry. However, we support the Senate Economics Legislation Committee's view that a review of the Insurance Contracts Act would be timely, taking into account the new measure on other standard-form contracts. In general, this bill aims to assist in alleviating these contract issues by providing increased protection for consumers through voiding unfair terms in standard-form contracts between businesses and consumers—for example, the unfair contracts component of this bill, where a new provision will be incorporated in the new national generic consumer law that voids unfair terms in standard-form contracts. This legislation will prevent the use of unfair terms in a very broad range of circum-

stances. The bill also extends the enforcement options for ACCC and the Australian Securities and Investments Commission for specified consumer protection matters, effectively increasing the powers of the ACCC.

The coalition has concerns with the new enforcement powers and potential unintended consequences of this bill. I understand that the lack of availability of civil financial penalties and disqualification orders for the enforcement of consumer law represents a significant gap in the range of enforcement options available to the ACCC and ASIC. The enforcement provisions of this bill greatly increase the powers of both of those agencies. I have been unimpressed with the recent performance of the ACCC and will watch the operation of these new enforcement powers very carefully. Having directly been through a process with the ACCC, I have a sound reason for this lack of confidence.

Another area that affects my electorate of Forrest, which was originally linked to this legislation, is the business-to-business as well as business-to-consumer contracts. The government originally agreed to include small business and consulted on the application of unfair-contract provisions of this bill on both business-to-business contracts and business-to-consumer contracts. However, it was only after the majority of stakeholders had made their submissions that the government removed the business-to-business provisions. Why? This is just another example of the devil in the detail, with the Labor government and a minister being unwilling or unable to deal with the tough issue of small business and their capacity to challenge what they believe to be unfair contracts. Small businesses need an affordable, effective process to use to deal with market concentration and market power issues.

As we know in the coalition, so many businesses are family owned and run, which means family members are taking on the cost, the risk and the majority of the work in the business, as well as employing nearly half of Australia's workforce. They are physically engaged in that small business on a daily basis—for instance, the newsagent behind the counter, the franchisee in a bakery or in a kitchenware shop, the farmer milking the cows, the fruit grower picking and packing the fruit, the accountant with their practice and the home business operators. The majority are hands-on with their business on a daily basis. When they have a serious problem with a contract, how do they effectively and affordably manage it and who do they go to for help? Is there also incapacity on the part of the ACCC and the Labor government to deal with the issues faced by small business in Australia? Everyone but the government, it seems, is aware that small business has been struggling since the introduction of the government's flawed bank guarantee terms—the terms of which did not consider the impact this measure would have on banking competition and, in particular, its flow-on impact on small business—and its support for the four major banks. A recent article in the *Financial Review* stated:

... the average cost of bank finance to small business before the rate rise earlier this month was 7.2 percentage points, a margin over the cash rate of 4.2 percentage points. The margin for large business was 2.4 percentage points while mortgage customers are borrowing at only 2.15 percentage points above the cash rate.

Later, the same article quotes a banker as saying:

There's a sense that because of political pressure and because householders vote, much of the attention is on making sure the mortgage holder gets the best deal ...

The lack of clarity in this complex bill before the House is a reminder of the rushed and

impractical legislation such as the Youth Allowance, home birthing, Grocery Watch, Fuelwatch and the CPRS that the Labor Party continues to put forward. The CPRS legislation will significantly increase costs to small businesses, many of whom do not have the capacity to pass on increased costs.

A number of small businesses in my electorate have very serious issues with business-to-business contracts. As I said, this is an issue that the government originally agreed to include in this legislation but has now walked away from. Unfortunately for the nearly 14,000 diverse small businesses in my electorate of Forrest—many of whom are affected by business-to-business contracts—the Labor Party has failed them yet again in this legislation. I am referring to the small businesses that are dealing with and making contracts with major multinationals and other corporations. From my experience, the ACCC does not have the capability and it will certainly not have any increased capability through this bill to address these issues.

Effectively, the minister and the Labor government have walked away from the issues concerning small businesses. For instance, my electorate has a number of farmers—horticulturalists and winemakers—and other small businesses. The majority of them often enter into business-to-business contracts to sell their products. When many of these businesses are entering into these contracts with supermarkets and processors, they are presented with a 'take it or leave it' situation. In addition, for many items of stock and required inputs, growers have only one or a few limited business options to choose from when entering into a contract. The Western Australian Farmers Federation President, Mike Norton, said:

Farmers operate from a weak negotiating position which is often severely compromised when entering into contracts with other businesses. Furthermore when prices are increased or demand is low,

the business these growers are supplying their product to can increase the price they sell the product for, to cover the additional costs. However, farmers and horticulturalists are unable to pass these costs on to anyone.

We have seen this clearly demonstrated in the dairy and horticultural industries—the fruit and vegetable growers find themselves in the same position.

An article in the *Weekly Times* on 30 September discussed the problems that farmers face with monopoly and oligopoly power. The article quoted farmers as saying ‘not only are our views not taken into account, we are not even part of the debate’. The article suggests that farmers, like other businesses, should use template contracts to help ensure that the power is more balanced and also to use processes that are already available to resolve disputes when they arise. So here we have farmers needing to be educated on the ways available to try to ensure that there is balance between themselves and those to whom they are selling their products. It is of concern that the writer of the article, who is a producer, states ‘when disputes arise’ not ‘if disputes arise’, therefore implying that this is a commonly occurring problem facing growers, such as those in my electorate. This has had and will continue to have a detrimental impact on the businesses in my electorate and throughout Australia. This is why I am encouraging all those in the dairy industry to make submissions to the Senate Economics References Committee inquiry into milk price contracts and the composition of the market in Australia.

As we all know, dairy farmers are price takers and, at times, they are forced to take prices close to or even below their costs of production, or to take prices that force them into greater and sometimes unsustainable debt levels and to lose equity in their businesses—as we saw for many years following deregulation. Very importantly, the Senate

inquiry will look at the market concentration in Australia—the amount of retail share controlled by Coles and Woolworths, the generic milk tendering system and its impact on the prices paid to farmers. Market failure is where there are a few selective buyers and a multitude of sellers with limited or no options to sell their product or to supply to an alternative buyer.

Other small businesses, such as the news-agencies in my electorate, have serious problems with the legislation for business-to-business contracts. Like consumers and other small businesses, they do not have easy or affordable access to legal advice or representation and, even if they did have access, their market position would not allow them to negotiate a better deal. In the absence of a business-to-business provision in this bill, the government must release a clear and comprehensive strategy to address and manage the wide range of concerns of small businesses. These issues must be addressed in the government’s review of the unconscionable conduct provisions in the Trade Practices Act and the Franchising Code of Conduct with regard to fairness in business-to-business contracts.

The coalition supports this bill in its general aim of unifying Australian consumer law and its specific aim of strengthening the hand of the consumer when the ability to exercise choice is limited by the dominant use of standard contracts. I am concerned about the potential unintended consequences of this bill. Also, the coalition has very specific concerns, as I said, with the bill, which we will seek to address when the bill is debated in the Senate.

Mr RIPOLL (Oxley) (8.07 pm)—I take this opportunity to speak on this bill, even if it is earlier than planned on the *Notice Paper*. I am always glad to assist the House and to speak at any time. I am particularly pleased

to speak on the Trade Practices Amendment (Australian Consumer Law) Bill 2009 bill because I think it forms part of any decent government's progressive way forward in dealing with consumer protection, with industry policy and with a range of business matters, all in concert and in a proper manner, and delivering to the Australian economy. That should always form the basis of these types of bills. For the Rudd government, since coming to government, this is not new. This bill, along with a number of bills, forms part of the first step in bringing Australia forward into the future in implementing much-needed reforms on consumer protection and ensuring that, while ordinary Australians enjoy the benefits of an open and free economy, the worst of market abuse or abuse by individuals is measured in a proper way through law and through legislation. For this to be achievable, there must be cooperation at a number of levels—it is not something which can just be dictated by governments at the Commonwealth level. There needs to be cooperation right across and filtering through the economy. None is more important than the cooperation of the state and territories. Of course, I am speaking of the Council of Australian Governments process.

Quite importantly, the government is implementing a new national consumer policy framework and it is doing that in partnership with the states and territories, regardless of their political colour or persuasion. I believe and I know that this government believes it is important to have uniform, consistent and fair laws and frameworks which apply right across this country of ours. This was agreed by COAG in October last year. I think it is fair to say that these reforms will mark what will be heralded in the future as a generational change in the approach that governments take to consumer law and to consumer protection and policy, and also in the way

that large corporations and businesses act towards their customers and clients. I think this is particularly important.

I acknowledge that the work I am currently undertaking through the Joint Committee on Corporations and Financial Services looking at the financial services sector is particularly relevant in the case of this legislation because many of the issues are similar. They are issues of consumer protection—how it should work, how it should be implemented. I am always conscious in mentioning the fine balance which needs to be struck between providing a regulatory framework protection consumers and their rights and the regulation placed on business. There is an appropriate level at which the two meet and an efficient point where you can say that a balance exists—somewhere between enough regulation, the appropriate regulation and the correct regulation, all of which provide that consumer protection, and enough freedom, flexibility and openness of our economic system, our markets and the ability for people to trade and do business, so that everybody enjoys the fruits of their labour and feels there is a fair system in place that operates for everyone concerned. That is the approach that I take not only in the inquiry which my committee is undertaking but also, very importantly, in the type of legislation we are debating tonight.

Providing a program which delivers a seamless national economy, which is being coordinated by business, regulation and competition working groups, all part of COAG, is a key part of the success of any type of new program that any government would want to implement. I am pretty happy to say that we have that balance as close as possible to right as you would want to hope. I am confident of that because I know that we have had an open process. I know that we have consulted with the community and with business. I know that we have dealt with a

range of people across different sectors. The states and territories all have separate regulations and laws for consumer protection or fair trading which offer a level of bureaucracy and complexity to business. I know they want them to become uniform and consistent across the country. This will provide a great reduction in regulation for a lot of businesses in Australia. If nothing else, the mere fact of having these changes at the Commonwealth level will reduce the regulatory burden on business in this country.

This bill marks the first step in implementing these vital reforms. It has been developed in close consultation with the states and territories and our national consumer regulators, the twin peaks system which we enjoy in this country—the Australian Competition and Consumer Commission and the Australian Securities and Investment Commission. They are part of the success of this country's economy. Australia's having been able to minimise the impacts of the global financial crisis better than any other country in the world is a reflection of the good regulatory system existing in this country.

Credit must go to past governments—the reform years of the Hawke-Keating governments and the good sense of the previous government—for not going too far in allowing unmeasured or unfettered competition or allowing regulatory constraints to be removed. You hear plenty of loud voices in the boom years and the good economic times, when people say that we no longer need those regulatory restrictions or those competition measures in place because the market is able to be the regulator; the market is able to deal with issues of competition and it is best left to the market. In good economic times it is hard to resist those voices but I am very cautious when it comes to reducing those barriers because when the economic tide turns, as we saw in 2007-08, those measures become vital. They become critical

to our economy to ensure that we can sustain the global forces that are dealt to us. There would not be too many voices today that would speak against many of Australia's regulatory processes, against its competition policy, against its restrictions to unfettered competition or, in fact, against the view that our twin peaks regulatory system of the ACCC and ASIC is vital to the way in which we have managed our economy.

Credit must go to those governments for all those reasons and for all the good work that has been done over 20 years of progressive reform in a range of areas. I cast my mind back to those early days of vital reform in this country and some of the basic principles of our competition and regulatory policy: the four pillars policy in the banking sector; the creation of ASIC, and the many challenges it faces in dealing with a very large consumer base; and the ACCC and the very difficult circumstances it faces in trying always to provide equal justice in a competitive environment where everyone is always trying to take full advantage of their own circumstances, as they are entitled to do within the rules and regulations.

This bill will introduce a national unfair contract terms law and new penalties. It will introduce enforcement powers and consumer redress options for both of our regulatory bodies, the ACCC and ASIC. It will make provision for an application of law scheme to give effect to the Australian Consumer Law and will allow the states and territories to apply the new unfair contract terms provisions from its commencement. I would say that every member of parliament receives in their electorate offices weekly, if not daily, complaints of somebody being robbed in a particular manner through some unscrupulous operator or some unfair clause in a contract, whether it be a mobile phone contract or a banking term contract for a loan, which they did not quite understand because it was

so complex; or perhaps a franchise agreement that had some unfair clause that tied them into an event or set of circumstances that they could not fully appreciate and which was completely unfair both at the time and when a situation arose. I think there is no better way of dealing with it than by regulating so that when those situations arise we can do something about it in law and give clarity to people, so they know when they are entering into a contract that just because it is a complex, detailed, lengthy contract that involves lots of legal terms and lots of clauses that they may not be able to appreciate fully at the time they sign—they might do it in good faith but might not be able to appreciate the impact of that contract until they discover how unfair a particular clause is—their interests will be at least to some extent protected. I do not think that it is right or fair for any country or system to allow this sort of unfair action to take place.

What takes place is that one person, who has full knowledge, takes advantage of another person, who does not have full knowledge. That should not be the basis of doing business. People should be able to make a profit and they should be able to take advantage of their own knowledge but they should not do it at the expense of another person in an unfair or abusive manner. This is particularly so in relation to contracts because they are so complicated and so costly to redress. One of the key areas in which this legislation will make a big difference is that it provides for upfront redress for people rather than their having to seek some compensation or redress through the court system, which is very expensive to do.

When we talk about unfair contract terms we are not breaking new ground. This is not some sort of innovative program that we have just dreamt of. What we are doing is following the suit of other great democracies such as the United Kingdom. Similar legisla-

tion currently exists in Victoria, for example, and in the European Union, South Africa, Japan, the United States, Canada and a range of other countries around the world. This is not new. This is something that is much needed and has been proven to work, and I think will form the basis of a new culture. It will form a new approach to how people do business: you may not simply take advantage of someone through a complex legal contract just because you can. You need to approach contracts with fairness. These laws will cover business-to-consumer transactions and will protect consumers by making contracts clearer. It will remove terms that are not needed to protect legitimate business interests. It will enhance competition by letting consumers make real choices based on clear information. In a way, it will redress the power imbalance that exists. This is often an information imbalance between the people who offer a particular service or product that is very complex or that is contained in a particular contract that the consumer has no possible way of understanding unless it is specifically explained to them or written in a way that they can understand.

These reforms will introduce new enforcement powers, which are necessary. There is no point in having regulations if there is no means of enforcing them or there are no penalties attached or there is no mechanism to make it clear that these are not just regulations for the sake of regulations but carry some weight of law. I think that is exceptionally important. Regulators, in having these new powers and by implementing them, will be able to issue infringement notices for minor breaches and will also be able to issue substantiation notices requiring businesses to substantiate claims, putting the onus back on a business: if your contracts contain a clause which is disputed as unfair you will need to substantiate it; you will need to prove that it needs to be there. I think

that is an important part of dealing with this. It will keep the regulatory burden to an absolute bare minimum while having a clear focus on consumer protection.

There will be a new power for redress for consumers who are not party to proceedings, so where there is a contract to which they are not a party. It will allow the courts to order refunds in situations where many consumers are affected. There are many examples right across the community of where this is vitally needed, whether it is to do with young people or older, more vulnerable people who might be harassed into entering particular contracts or handing over money, in cash or cheques. There is specific protection for those members of the community. The bill will also enhance consumer protection to allow for more effective enforcement. It will reduce regulatory complexity by making clear what is acceptable and what is not. At the same time it will reduce business costs. Business will be able to get on with doing what it does—making products and selling them to consumers or providing services to consumers—in a clearly understood way.

It will also encourage the development of a seamless national economy. I cannot emphasise enough how important this is in a regulatory sense, given the efficiencies that are created, the savings to the economy and the savings to consumers and to businesses. Also there are the productivity gains or increases that can be achieved. I think one of the great pillars of this government, the Rudd government, and something that will be seen as a great achievement in many years to come, is its ability to work in partnership and cooperation with the states and territories, through the Council of Australian Governments, to deliver uniform consumer protection laws. This applies to other areas, working in the regulatory environment and being able to provide, for example, a uniform consumer credit code and being able to provide

uniform licensing regimes across the country, transport systems and rail networks. It is about looking at where we as an economy and as a country are able to provide better services, better assistance and better consumer protection and a whole range of other systems in a cooperative manner. While it is important to acknowledge the role the states play, I know and understand that the states are more than willing to participate and play their role in having a more effective, efficient and productive national economy. So tonight this government is putting forward, as part of the Trade Practices Amendment (Australian Consumer Law) Bill 2009, much more than just simple consumer protection, as vital as that is and as important as that is and as critical as that is to a body of work that has been taken very seriously in this parliament. A greater good will come out of this, which will be different to measure immediately but I know that such work is done by a range of organisations which will be able to measure the national impact or effect of these types of uniform regulatory changes.

As I said at the outset, this is a new national consumer policy framework in cooperation with the states and territories. It really will be a generational change. I think it will mark for the first time in Australian history a significant progression towards having a seamless economy, with all the benefits that can be derived from that. It will cover the most basic of services and products that are provided to people—what we take as very simple today as perhaps being mobile phone contracts or simple services that may be provided to consumers in the home or agreements that are struck between consumers and tradespeople providing particular services—right through to more complex matters such as mortgages, particular loans or other dealings with lending institutions and banks. These are often the subject of complex contracts and agreements where

normally either the only remedy ordinary consumers might have is through an ombudsman's office—or, more often than not, no remedy exists and the consumers find themselves in a difficult legal predicament of either not following through their complaint as to a particular unfair clause that affects them directly or having to take very expensive legal proceedings. I do not think that is an effective mechanism by which an economy should operate.

In summing up, I congratulate the government and the minister responsible for implementing this much-needed reform. I wish well all those who will now take a different cultural approach and look at this regulation in a positive sense, the sense in which its benefits are meant to be delivered, which is, most important and foremost, to protect ordinary people and consumers and also to provide for a seamless national economy.

Mrs MOYLAN (Pearce) (8.27 pm)—I recognise the late hour and that I have perhaps just a couple of minutes in which to begin to participate in the debate on the Trade Practices Amendment (Australian Consumer Law) Bill 2009, in which case I will look forward to continuing my remarks at another hour. I am very pleased to follow the member for Oxley in this debate. I acknowledge the work that he has done in chairing the committee that looked into franchising. While this bill is not about that, I was interested in the comments he made about fair and equal justice. I could not agree more. I would certainly like to see his labours and the labours of that committee come to fruition in a similar way to look after the interests of the franchising sector.

It is not often that we consider legislation which has such a substantial effect on Australian consumers as the legislation that we are considering this evening. It has far-reaching and comprehensive changes de-

signed to protect consumers from so-called 'unfair contract terms'. Similar legislation, as the member for Oxley alluded to, has existed in Victoria for six years. What is significant is that this bill starts a reform process which will hopefully see uniformity in all consumer protection across all Australian jurisdictions. This reform process started back in 2006, when the member for Higgins commissioned the Productivity Commission review which has been instrumental in shaping this legislation that we are debating in this place tonight. While on the face of things it might appear that the 13 separate consumer laws currently in place in Australia are similar, in reality even small differences can have a substantial compliance cost for businesses and can create confusion amongst consumers. Australian businesses are increasingly operating across state and territory boundaries and as such it is of growing importance that there be uniform national consumer protection laws. It is hoped that having nationally consistent laws will reduce long-term compliance costs.

The DEPUTY SPEAKER (Hon. DGH Adams)—Order! It being 8.30 pm, the debate is interrupted in accordance with standing order 34 and will be made an order of the day for the next sitting. The member for Pearce will have leave to continue speaking when the debate is resumed.

PETITIONS

Mrs Irwin—On behalf of the Standing Committee on Petitions, and in accordance with standing order 207, I present the following petitions:

National Marriage Day

To the Honourable The Speaker and Members of the House of Representatives:

We, the undersigned citizens of Australia draw to the attention of the House of Representatives, the undeniable correlations between family breakdown and the other pathways to poverty, educa-

tional failure, serious personal debt, crime, welfare dependency and addiction.

In recognition of the positive contribution that intact, stable marriages make to the well-being of children and society we call upon the House of Representatives to demonstrate its support for marriage by declaring the 13th August each year as National Marriage Day.

by **Mrs Irwin** (from 2,521 citizens)

Postnatal Depression

To the Honourable The Speaker and Members of the House of Representatives:

These petitioners of the Division of Shortland and adjoining areas request that a National initiative be instigated to promote recognition of the serious illness of postnatal depression with medical practitioners, and to raise awareness within the community.

Postnatal depression has a significant effect and long-term consequences for women, their partners the infant and other children.

Your petitioners therefore respectfully request the House to do everything in their power to help fight this illness.

by **Mrs Irwin** (from 231 citizens)

Youth Allowance

To the Honourable The Speaker and Members of the House of Representatives:

The petitioners believe that the Youth Allowance changes proposed in the Federal Budget place another barrier to university participation for students in regional areas; unfairly discriminate against students currently undertaking a 'gap' year; and contradict other efforts to increase university participation by students from rural and regional Australia. We therefore ask the House to retain the 2nd and 3rd elements of the workforce criterion so that tertiary education is accessible to regional students.

by **Mrs Irwin** (from 692 citizens)

Aircraft Noise: Sutherland Shire

To the Honourable The Speaker and Members of the House of Representatives:

This petition of the: Residents of Kareela, NSW, 2232, & Surrounding Suburbs of the Sutherland Shire, Sydney.

Draws to the attention of the House:

Aircraft Noise Regulations under Civil Aviation Legislation

We therefore ask the House to:

Review and immediately remove or reduce the amount of Aircraft Noise recently and suddenly introduced to our suburb since the beginning of July 2009, and in particular:

- (a) Remove the greatly increased -volume of increased aft traffic from early morning until late in the evening,
- (b) Remove the increased length of aircraft flight times which has extended to hours of 5.30am to 11.00pm,
- (c) Remove the introduction of regular jet aircraft flight paths over our suburb.
- (d) Remove the introduction of smaller craft after the curfew, which although produces a lower amount of noise, lasts longer due to the slower speed of the aircraft, and is more noticeable in the quiet of the night (12.00am to 5.30am).

by **Mrs Irwin** (from 44 citizens)

Petitions received.

Responses

Mrs Irwin—Ministerial responses to petitions previously presented to the House have been received as follows:

Pensioners

Dear Mrs Irwin

Thank you for your letter of 8 May 2009 enclosing a copy of a petition submitted by the Member for McPherson, Mrs Margaret May MP, which was presented to the House of Representatives on 19 March 2009. I apologise for the delay in responding.

The petition stated that pensioners were struggling to make ends meet and that the Australian Government had overlooked senior Australians in the 2008-09 Budget. It called on the Government to acknowledge the situation and address it immediately. The Government has responded to the

growing concerns that people on fixed incomes, including age pensioners and other seniors, found it increasingly difficult to meet the cost of living, especially single pensioners.

On 15 May 2008, following the 2008-09 Budget, I announced a review to examine ways to provide seniors with genuine and sustainable longer term financial security. As part of the review, the Secretary of my Department, Dr Jeff Harmer, investigated the appropriate levels of income support and allowances, the frequency of payments, and the structure and payment of concessions or other entitlements as part of the Review. The Pension Review was one of the most comprehensive investigations into Australia's pension system, which is currently celebrating its centenary.

There was an extensive consultation process to inform the work of the Pension Review. Over 1,800 written submissions were received during the submission process, which closed on 26 September 2008. In addition, the Review was informed by a reference group of representatives from seniors, carers and disability groups, as well as academia.

The Review's findings led to a comprehensive restructure of the pension system and a raft of Budget measures aimed at improving the living standards of pensioners.

In the 2009-10 Budget, the Australian Government announced the new Secure and Sustainable Pension Reform package. The reforms, commencing on 20 September 2009, ensure that all 3.3 million age pensioners, disability pensioners, carers, wife pensioners and veteran income support recipients benefit from increases in their pension payments.

The pension reform package delivers a total increase of \$32.50 a week for singles on the full rate and of \$10.15 a week for couples combined. The increase is delivered:

- for singles: by an increase of \$30.00 a week in the base pension, and an increase of \$2.50 a week in a new Pension Supplement; and
- for couples: by an increase of \$10.15 a week in the new Pension Supplement.

Annually, this represents a total increase in permanent payments of \$1,690 for singles, and \$527.80 for couples combined. The increase is in

addition to the extra \$2.91 a week for singles and \$4.81 a week combined for couples resulting from cost of living adjustments.

The increases mean that pensions now address the additional costs faced by singles, as well as providing additional assistance to couples. Across all pension payments, singles will receive two-thirds of the rate of couples.

The new Pension Supplement brings together the value of four existing allowances, and provides an increase on top of the value of these payments. From 20 September 2009, the existing payments incorporated into the Pension Supplement are the Utilities Allowance, the Telephone Allowance, the Pharmaceutical Allowance and the current GST Pension Supplement. On top of the total existing value of these payments, the new Pension Supplement provides pensioners with increases of \$10.15 a week for couples combined and \$2.50 a week for singles.

The pension reform package also includes:

- a \$600 annual carer supplement payable to all Carer Payment and Carer Allowance recipients;
- measures to better target pension payments, including tightening income test rules to target the largest pension increases to those with the lowest incomes;
- improved incentives for age pensioners to do part-time work by allowing them to keep more of their earnings from employment;
- reform to make the pension system sustainable in the face of the ageing of the population by increasing the Age Pension age from 65 in 2017 to 67 by 2023;
- a new Pensioner and Beneficiary Living Cost Index to ensure that future increases in the pension reflect the cost of living changes experienced by pensioner households; and
- an increase in the effective benchmarked rate of the pension from 25 per cent to 27.7 per cent of Male Total Average Weekly Earnings. This has now been guaranteed by legislation.

These reforms give pensioners more financial security and flexibility in how they receive their payments. The reforms simplify the complex

maze of pensioner payments and make the system fairer and sustainable into the future.

The pension reform package builds on the Government's October 2008 Economic Stimulus Package, which provided pensioners, seniors, carers and people with disability with a one-off payment of \$1,400 to singles and \$2,100 to couples. This payment was in addition to the Government's earlier increases in the value of the Utilities Allowance and Telephone Allowance.

More information about the pension reform package and the Pension Review can be found on my Department's website at www.fahcsia.gov.au.

from the **Minister for Families, Housing, Community Services and Indigenous Affairs, Ms Macklin**

World War II Sex Slavery

Dear Mrs Irwin

Thank you for your letter dated 20 August 2009 referring to me a petition requesting the House of Representatives to urge the Government of Japan to apologise to the former 'comfort women'.

The 'comfort women' system of World War II was one of the darkest episodes in modern history and inflicted significant physical and psychological hardship on those affected. The Australian Government extends its deepest sympathies to the victims and supports all efforts to achieve reconciliation between the victims and the Government of Japan.

Reconciliation is a long-term process, and complete reconciliation in this case remains unfinished. The wounds from that period of history are so deep that, for many victims, full reconciliation may never be possible. For its part, the Australian Government considers the "Kono Statement" made in August 1993 by Japan's Chief Cabinet Secretary Yohei Kono to be a clear, official and definitive Japanese expression of apology for the 'comfort women' system. The Kono Statement addressed formally the issues of responsibility and apologies, and committed Japan to reflect on the issue. Subsequent Japanese Prime Ministers have also reaffirmed the statement, including Prime Minister Taro Aso on 15 October 2008.

With regard to compensation, in 1995 the Government of Japan established the Asian Women's

Fund (AWF) and offered long-term organisational and administrative support for its activities. Between July 1995 and March 2007 the AWF offered financial payments, medical assistance and letters from the then Japanese Prime Minister to former 'comfort women'. In taking this action, the Government of Japan accepted moral responsibility for the wrong done and directed steps to ensure that compensation was offered to the victims.

The Australian Government considers that Japan has discharged its reparations and other obligations towards Australia and its nationals as part of the 1951 San Francisco Peace Treaty. The Australian Government has offered payments and other benefits to Australian citizens who were interned by Japanese military forces, including to former 'comfort women'. That said, it does not stand in the way of individuals or groups who choose to pursue private legal action against the Government of Japan.

Thank you for referring the petition to my attention. I trust this information is of assistance.

from the **Minister for Foreign Affairs, Mr Stephen Smith**

Statements

Mrs IRWIN (Fowler) (8.31 pm)—This evening I am pleased to continue my reports to the House on the work of the Petitions Committee. As a new committee, we have been monitoring developments associated with petitions in other parliaments and using them to consider innovations we might seek to make in the future. The Scottish Public Petitions Committee has been an important contact for us and generous with its interest in our work. This was demonstrated again recently in our committee's videoconference with the Scottish Public Petitions Committee—and I thank the committee for that videoconference. One of the issues that interests both our committees, and I am sure many parliamentary colleagues, is the challenge of ensuring a broad section of the community, particularly young and disadvantaged people, is interested in the work of the parliament

and knows how to make contact and express its views clearly and constructively.

The Scottish committee is very active in seeking out new ways to engage with the community. It is always valuable for our committee to be informed about these developments and to consider how they might fit our own environment. The issue of engagement with parliament is something we all need to think about and work on, and I am pleased that the Petitions Committee has a chance to play a role in contributing to the way this House relates to Australians.

Our committee is presently bringing to a close its inquiry into electronic petitioning and will report to the House. Naturally enough, one of the issues that arises is the question of how the House engages with the Australian community and what role petitions can play in improving that interaction. I am sure as members of parliament we all want to work towards ensuring we have a good understanding of what matters to Australians and, in turn, that they might have a good understanding of the work of the House.

I have mentioned in previous statements the place and history of petitions to the House, in the current parliament and over the longer term. This evening I want to discuss the diversity of petitions that are presented and what they reveal about what prompts Australians to make direct contact with the House. I believe it is well known that the biggest petition ever presented to the House—the petition with the greatest number of signatures—expressed concern at the price of beer under the GST. Almost 800,000 citizens signed this petition, in 2000—and I will drink to that! It would be misleading, though, to suggest that this kind of issue dominates interaction with the House. Australians are well-rounded characters. Their petitions over the years reveal a sustained

interest in matters such as healthcare funding, nuclear policy, the family and foreign affairs. Hundreds of thousands of Australians have signed petitions—for example, on private health care funding in 1993, on the Pharmaceutical Benefits Scheme in 1999, on storage of nuclear waste in 2000, on a proposal for a homemakers allowance in 1995 and on the war in Croatia in 1992.

This 42nd Parliament has also seen some ‘popular’ petitions presented to the House. Recent petitions, with signatures in the tens of thousands, have raised issues such as arrangements for the building and construction industry, requests for road upgrades and a public radiotherapy unit in regional Australia, university funding, and matters such as changes to support for tertiary students.

Petitions are not just about the numbers of signatures they attract. The committee frequently considers smaller petitions. Again, these display diversity: some raise concerns that affect only one or a handful of individuals. Others raise issues that affect society more broadly and in some cases identify new matters that perhaps we should be concerned about but have not been much discussed yet. On occasion views are expressed that parliament is somehow removed from the Australian public. Whether that perception is correct or not, the petitions that come to the House are a very public reminder of things we may not have thought about or that we may not have realised matter greatly to numbers of Australians.

The committee is well aware of the trust that petitioners have when they make that direct contact with the House. The committee will continue to refine and develop its role as a body that the House has appointed to facilitate contact between the House, the government and all Australians. As we see it, petitions, if taken seriously, contribute to the

vitality of parliaments and to a healthier system of government.

COMMITTEES
Procedure Committee
Report

Ms OWENS (Parramatta) (8.37 pm)—On behalf of the Standing Committee on Procedure, I present the committee's report entitled *The display of articles: an examination of the practices of the House of Representatives*, together with the minutes of proceedings.

Ordered that the report be made a parliamentary paper.

Ms OWENS—On 1 June 2009, the Speaker wrote to the Standing Committee on Procedure regarding the practice of members displaying articles in the House. His letter followed a sitting week in which the display of articles in the chamber, and the behaviour associated with the display of those articles, attracted considerable attention from the media and members of the public. It is fair to say that the attention did not reflect positively on the reputation of the House.

In his letter, the Speaker asked the committee to consider the practice of members displaying articles. The Speaker also referred to the larger picture and the way that technological developments have changed the way the public engages with the parliament. The committee agrees with the Speaker that there is a need for a larger inquiry into the way that parliament relates to, and with, its constituency. Such an inquiry might examine the potential for more effective communication between the parliament and the people that it represents, including elements that attract considerable attention because of those changes but also those aspects of parliament which do not engage the community in the way that they might if they were designed to operate in the contemporary technological framework.

The committee has inquiries currently underway and it is beyond the resources of the committee to undertake such a major inquiry at this time. However, the committee has responded to the Speaker's letter by conducting an investigation into the practice of the House and the events of the week beginning 25 May 2009 and I am pleased to present its findings.

During debates in this House, members sometimes hold up articles to illustrate their speeches. From time to time, this appears to be perfectly appropriate and gives audiences—both inside the chamber and those following proceedings on television or online—a better understanding of the message being conveyed. For example, in the past, members speaking in this House have held up a bionic ear, a sample of superconducting ceramic and a silicon chip. These sorts of visual aids tend to enhance debate, promote understanding and tend not to disrupt proceedings. Similarly, a member may seek leave to include material such as graphs and tables in *Hansard*, and such materials have been incorporated in the past.

In contrast, on occasion, some members have displayed articles during their own speeches as well as during the contributions of colleagues in a way that is clearly not intended to promote understanding but appears to seek to make a political point, disrupt proceedings or attract attention. These 'stunts', including items such as life-sized cardboard cut-outs and a rubber chicken are more likely to disrupt proceedings and may also have a negative impact on the public's perception of the parliament.

The Procedure Committee acknowledges that the distinction between a legitimate visual aid and a stunt is not always straightforward and that this can put the chair in an unenviable position. Although the tightening of standing orders might appear to be one way

of giving members and the Speaker some additional certainty about the sort of articles that would or would not be appropriate, the Procedure Committee does not favour this approach for three reasons. Firstly, the committee would not like to pre-empt a mature debate about the use of visual materials in the context of changing technology. Secondly, in many cases, the events that generate the most negative coverage and bring the House into disrepute are clearly outside current standing orders and Speakers past and present have ruled accordingly. It is questionable whether one can stop mischievous rule-breaking by making a better rule. It is worth remembering that the onus is on members representing their electorates in the parliament of the nation to behave in a manner consistent with the spirit of this institution, their responsibilities as elected representatives and the explicit rules of the House. Thirdly, the acceptability of a member displaying a particular article depends so much on contextual factors and rigid rules might not be helpful. The occupant of the chair needs to have the flexibility to respond to different situations appropriately.

The committee therefore supports the occupant of the chair continuing to use his or her judgment in ruling whether particular articles are appropriate for display in any given circumstance. Of course, there is a need to ensure consistency in the approach taken by various occupants of the chair. *House of Representatives Practice* makes a significant contribution in this regard and rulings made by successive Speakers have established a sound basis for the ongoing practice of the House in relation to the display of articles. The Procedure committee therefore provides the following summary of the current practice of the House: (1) the display of articles to illustrate a speech is tolerated but not encouraged, (2) a member must have the call in order to display an article,

(3) the article must not contravene the standing orders or contain unparliamentary language and (4) a member's use of articles must not be excessive.

Turning to the events of the week beginning 25 May 2009, the Procedure Committee has considered the proceedings carefully and concludes that, although the events received considerable media attention and may have had a negative impact on the public's perception of the House, the Speaker's rulings were entirely consistent with the established practice of the House.

**GEOTHERMAL AND OTHER
RENEWABLE ENERGY (EMERGING
TECHNOLOGIES) AMENDMENT
BILL 2009**

Debate resumed from 14 September.

Second Reading

Mrs BRONWYN BISHOP (Mackellar)
(8.43 pm)—I move:

That this bill be now read a second time.

When I presented my private member's bill entitled Geothermal and other Renewable Energy (Emerging Technologies) Amendment Bill 2009 and explanatory memorandum, I did so because in moving amendments to the Renewable Energy (Electricity) Amendment Bill 2009, which had been dealt with earlier, the amendments which I included in my bill had been rejected by the government as amendments to that bill. The two amendments relate to the fact that we believe that there should be room left for particularly geothermal, wind and wave power to get access to the 20 per cent target for renewable energy sources and not be crowded out by wind power in particular.

With regard to the second amendment, that related to allowing relief to be given to food processing activities so that the additional costs, which would hurt farmers and the income of farmers, would be covered in

the same way that costs in aluminium and other industries are covered. In this context, it is very important to realise that in Australia our baseload power comes from black coal and brown coal. In fact, 75.6 per cent of all electricity production in Australia comes from coal, 54.5 per cent black coal and 21.1 per cent brown coal. After that, there is 15 per cent from gas, 1.8 per cent from oil and 7.6 per cent from renewables. That is targeted to rise to 20 per cent.

We also should remember that the original Renewable Energy (Electricity) Amendment Bill 2009 was coupled with the ETS establishing bill, the bill that imposes the cap and trade scheme and indeed imposes a new ETS tax, a broad based consumption tax that will be in addition to the GST and which will tax everything. In the much heralded negotiations on the government's bill establishing the ETS—I think to call carbon a pollutant is a misnomer, so I will not do it—it is important to realise that the imposition of this new tax is really going to hurt people. If the government's current bill went through in its present form the imposition on Australia's economy would be untenable. The impact on jobs, the cost of living and the standard of living would be such that the people would really start to hurt. This debate is only now being embraced.

It is very important that we realise that in the negotiations that are taking place we are also seeking to have 94.5 per cent relief from the ETS tax for the food processing industry. So it is perfectly consistent that I should be moving the second reading of this bill, as it will give relief from the renewable energy target to the food processing industry as well to protect farmers from the adverse consequences of the renewable energy target. The second part of the bill makes sure that access is possible for newly emerging technologies.

In the very short minute that I have left, it is perhaps important to put on the record some of the terms that are being bandied about and just what they mean. A paper has been prepared in the Parliamentary Library by the science, technology, environment and resource section which has nuggets of gold in it which are very important to us. The extraction of energy from coal by burning only releases about 30 per cent of the coal's intrinsic chemical energy. It would thus appear that there is the potential to develop more effective ways of generating power from coal, which would then reduce the amount of it that you had to use in order to produce the same amount of energy. The paper gives a very good definition of what baseload is and the continuity that is needed in order for us to run the sort of society that we have. I commend my bill to the House and I hope that we are able to have a vote upon it.

Mr DREYFUS (Isaacs) (8.48 pm)—We oppose the Geothermal and other Renewable Energy (Emerging Technologies) Amendment Bill 2009. This bill is a pretence by the opposition that it is in any way genuinely concerned about either renewable energy targets or renewable energy sources or indeed tackling climate change at all. The opposition's real level of concern about renewable energy was shown by its attitude to climate change and its attitude to renewable energy while in government. That attitude was to do next to nothing about it, to refuse to ratify the Kyoto protocol and to refuse to engage with dangerous climate change in any real way.

I want to give some context to this particular private member's bill. The government's package of legislation, the renewable energy target legislation package—which consisted of the Renewable Energy (Electricity) Amendment Bill 2009 and the Renewable Energy (Electricity) (Charge) Amendment Bill 2009—passed through the parlia-

ment in August and became law in September. Both these pieces of legislation are amendments to the Renewable Energy (Electricity) Act 2000. It is important to note that context, because what the piece of year 2000 legislation did was to establish the present mandatory renewable energy target scheme at 9,500 gigawatt hours.

The context for this private member's bill and the failed amendments that were put forward by the opposition when the government's legislation was being debated is that the government has massively expanded the renewable energy target by four times the figure established by the former government—from 9,500 gigawatt hours to 45,000 gigawatt hours by 2020. That vastly expanded renewable energy target will encourage the deployment of renewable energy without picking winners within the target, which is the intent of the private member's bill that has been forward by the member for Mackellar.

The other point to note—and this is what the opposition and the member for Mackellar are refusing to engage with—is that it is not merely the size of renewable energy target that will encourage a whole range of technologies, including wind, biomass, solar and geothermal energy. The other part of the scheme—and these measures fit together—is the Carbon Pollution Reduction Scheme. That scheme, when it is passed by this parliament, will be the primary driver of renewable energy and will work with the renewable energy target to provide significant support and encouragement for the development of new technologies.

The renewable energy target, which this private members bill—if not rejected—would tinker with, is complemented by a whole range of government programs that are providing direct support for the development, commercialisation and deployment

of emerging renewable technologies. I will mention just a few of them, because this is the context in which the opposition are putting forward these tinkers with the renewable energy target and its program. In the 2009-10 budget it is worth noting that the government committed some \$15 billion to climate change related initiatives. One of the most significant of those is the \$4.5 billion clean energy initiative, which was announced in the budget. That includes \$1.6 billion to support research and development of solar technologies as well as \$465 million to establish the Australian Centre for Renewable Energy. I could mention also the \$100 million for the Australian Solar Institute or the \$480 million for the National Solar Schools Program.

All of these measures show that this government—unlike the former government, which in its 11½ years was unable to come to grips with the need for firm government action in respect of climate change—is committed to reducing Australia's greenhouse gas emissions and to engaging with dangerous climate change. The renewable energy target that has been set represents a massive increase on the one that the former government was content to leave in place for the whole of its term in government after bringing it in in 2000. The massive increase will, in itself, encourage the development of new technologies, as will the complementary effect of the carbon pollution reduction scheme, as I have already indicated.

The DEPUTY SPEAKER (Hon. BC Scott)—Order! The time allotted for this debate has expired. The debate is adjourned and the resumption of the debate will be made an order of the day for the next sitting.

PRIVATE MEMBERS' BUSINESS

Millennium Development Goals

Ms OWENS (Parramatta) (8.54 pm)—I move:

That the House welcomes the news of recent progress toward the Millennium Development Goals (MDGs), in particular:

- (1) recognises there has been a substantial decline in the proportion of people living on less than US\$1 dollar a day and a substantial increase in the proportion of people with access to clean water;
- (2) acknowledges that despite some progress, a number of MDGs are off track and that a business as usual approach will mean the MDGs will not be met globally by 2015;
- (3) notes its concern that in a world of plenty there are still unacceptably high child and maternal mortality rates in the developing world;
- (4) recognises that progress toward the MDGs is being hampered by the global financial crisis, the global food crisis and the global effects of climate change;
- (5) welcomes Australia's progress on developing a global partnership for development while recognising that our progress falls short of the aspirations we expressed when joining with the nations of the world to set the MDGs; and
- (6) acknowledges Australia needs to turn its aspirations into actions that draw us closer to achieving the MDGs by 2015.

The Millennium Declaration set 2015 as the target date for achieving the Millennium Development Goals, which established quantitative benchmarks to halve extreme poverty in all its forms. With less than six years to go the world finds itself dealing with the worst financial crisis in more than 75 years. The GFC means that the MDGs are now threatened by sluggish or negative economic growth, diminished resources and fewer trade opportunities for developing countries. The United Nations *Millennium Development Goals Report 2009* provides a snapshot of global progress towards achieving these goals. It confirms that while progress has been made the international community must

redouble efforts to ensure the goals are achieved by 2015.

The report estimates that the global recession will lead to 90 million more people falling into extreme poverty and threatens to slow or halt progress in developing countries towards achieving their MDG targets. Despite the global economic crisis the target for reducing income poverty remains within reach at the global level, based on current growth projections. The goals for gender parity in primary and secondary education and for access to safe water have also seen relatively good progress and are expected to be met at the global level by 2015.

Of greatest concern are the non-income human development goals. Based on a business-as-usual approach, most human development MDGs—especially for child and maternal mortality, but also for primary school completion, nutrition and sanitation—are unlikely to be met at the global level. On 11 September, UNICEF announced the results of a tracking study by the World Health Organization, World Bank and UNICEF. Their study shows that the number of children dying from hunger and disease has fallen 28 per cent since 1990. In 2008, 8.8 million children died—down from 12.5 million in 1990. This is 10,000 fewer children dying every day, but that still leaves more than 20,000 children dying each day.

A key to this reduction in child deaths has been immunisation for measles, use of insecticide-treated bed nets to prevent malaria and vitamin A supplements to prevent blindness and to fight infection. Despite such progress more still needs to be done to help countries reach the MDG target of cutting child deaths by two-thirds by 2015. The Rudd government recognises that our efforts must be redoubled and has put accelerating progress towards the MDGs at the centre of Australia's aid program. Australia is making greater

investments in the key MDG sectors, such as education, health and environmental sustainability, and we are directing resources to support economic growth and infrastructure development, which in the long term also helps address poverty.

We are working with developing countries to support achievement of the MDGs through assistance at country, regional and global levels. Following the Prime Minister's 2008 Port Moresby declaration, Australia is establishing partnerships for development to achieve better development outcomes in the Pacific, including more rapid progress towards MDG targets. The Cairns compact adopted by Pacific Islands Forum leaders in August 2009 provides a vital platform to improve government effectiveness and better coordinate development resources to advance the MDGs. Australia is also broadening and deepening our engagement in Africa, with increased development assistance to support Africa's progress towards the MDGs.

In 2009-10 Australia will provide an estimated \$3.8 billion in official development assistance, comprising 0.34 per cent of gross national income, on track to the government's on-going commitment to increase official development assistance to 0.5 per cent of GNI by 2015-16.

The Pacific Partnerships for Development will be a mechanism to provide better development outcomes for the Pacific island nations and to accelerate progress towards achieving the Millennium Development Goals. Partnerships have been signed with Samoa, Papua New Guinea, Kiribati, Solomon Islands, Vanuatu, Tuvalu, Tonga and Nauru. Australia's estimated official development assistance to Africa in 2009-10 is \$163.9 million to support Africa's achievement of the MDGs and to contribute to humanitarian assistance and support in Zimbabwe.

In 2009-10, Australia will continue to implement the 2008-09 budget measure, UN partnerships for the MDGs, which provides \$200 million over four years in core contributions to key UN agencies to support the MDGs. It was my privilege, on 14 September, as co-convenor of the Parliamentary Friends of the Millennium Goals to welcome delegates from the 2009-10 Micah Challenge Voices for Justice conference. Thank you.

The DEPUTY SPEAKER (Hon. BC Scott)—Is the motion seconded?

Mr MORRISON (Cook) (8.59 pm)—I second the motion and I commend the member for Parramatta on her moving of it. The global financial crisis highlights more than ever the central role that economic development and economic growth have in our fight against poverty. The recent report of the World Bank on the Millennium Development Goals and our progress towards them makes this point crystal clear:

The impact of the global financial crisis on developing countries is reflected in sharp reductions in their projected GDP growth to rates that are the lowest since the 1990s. Average projected GDP growth in developing countries in 2009 is now only about a quarter of what was expected before the financial turmoil intensified into a full-blown crisis in the latter half of 2008 and a fifth of that achieved in the period of strong growth up to 2007. For developing countries as a whole, growth is now projected to fall to 1.6 percent in 2009, from an average of 8.1 percent in 2006-07. Growth in Sub-Saharan Africa is projected to slow to 1.7 percent in 2009, from 6.7 percent in 2006-07, breaking the momentum of the region's very promising growth revival of recent years.

When you add to this the issue of what is happening with food prices, the report states: The sharp slowdown in growth can seriously set back progress on poverty reduction and other MDGs. Food price increases between 2005 and 2008 pushed around 200 million more people into extreme poverty, and about half of them will re-

main trapped in poverty in 2009 even as food prices recede from their peaks.

The truth here is that, as we see these economic events unravel and while we have been incredibly fortunate here in this country for many reasons which we have debated in this place, for those not in this place and not in this country the situation is very desperate. I refer to the impact on the lives of individuals who will be lost as a result. I quote the report again:

Experience suggests that growth collapses are costly for human development outcomes ... Countries that suffered economic contractions of 10 percent or more between 1980 and 2004 experienced more than 1 million additional infant deaths. It is estimated that the sharply slower economic growth resulting from the current financial crisis may cause as many as 200,000 to 400,000 more infant deaths per year on average between 2009 and the MDG target year of 2015, which translates into 1.4 million to 2.8 million additional infant deaths during the period.

These figures are extremely disturbing and, as I said at the outset, I think they highlight just how important economic growth is to releasing people from poverty. It has been the process of economic reforms, the growth of trade, the growth of our economies and the pursuit of policies that have pursued growth that have lifted literally hundreds of millions of people out of poverty like nothing else. It is these policies that we must once again rely on to ensure these people have a future, because we can do all we can through our own efforts, but if their economies do not grow and the jobs do not come then children will die. That is the absolute lesson of history when it comes to these matters. Failure of their economies will lead to a drastic failure in human outcomes, which can be translated into nothing other than the deaths of children at the most extreme level.

A few weeks ago youth representatives of the Micah Challenge came to visit me here in

Parliament House. As we know, the Micah Challenge is a church based campaign that promotes action on global poverty and in particular on the Millennium Development Goals. I think one of the great achievements of movements like the Micah Challenge is that they have raised global awareness of this issue. While there will be debates in this place about the need to do what we are doing or not do what we are doing, and on what the government is doing in terms of expenditure, one thing that I am pleased has not become a debate in this place is whether we should be rolling back our aid commitments to overseas countries. I think it is a proud statement for all in this chamber that we have been able to commit ourselves continuously to the support we provide to others in other places.

Poverty, when we are exposed to it, should horrify us. It should cause us great grief and we should not seek to walk away from that or try to suppress it because it has a purpose; a purpose which should prompt us towards action. I commend the government on the actions they have taken in this area, and with the support of the coalition we will continue to support these countries, but the question remains for each of us: we can look at countries and we can look at governments and ask what they should do, but what we should do? There are many things we can do in our own right. (*Time expired*)

Mr SIDEBOTTOM (Braddon) (9.05 pm)—Will Durant, the Pulitzer Prize winner, wrote in *Heroes of History*:

Human history is a fragment of biology. Man is one of countless millions of species, and, like all the rest, is subject to the struggle for existence and the competitive survival of the fittest to survive. All psychology, philosophy, statesmanship and utopias must make their peace with these biological laws. Man can be traced to about a million years before Christ. Agriculture can be traced no farther back than to 25,000 B.C. Man has lived forty times longer as a hunter than as a

tiller of the soil in a settled life. In those 975,000 years his basic nature was formed, and remains to challenge civilization every day.

The tillers and the hunters in the most civilized of communities have developed an economic and social system that allows them to feed their own and to look to a future that is sustainable. There are hunters and tillers in other civilizations in our world who are unable to develop an economic and social system that allows them to feed themselves and to sustain their future.

The millennium goals are an attempt by developed countries, along with undeveloped countries, to seek goals and targets that will allow all communities to have a social and economic life that is both sustainable and enables individuals to lead a fulfilling life. We would do well to remember those goals: eradicate extreme poverty and hunger; achieve universal primary education; promote gender equality and empower women; reduce child mortality; improve maternal health; combat HIV-AIDS, malaria and other diseases; ensure environmental sustainability; and develop a global partnership for development. They are the goals, and each of those contains targets.

In our world today we have experienced and continue to experience food crises, the financial crisis, a climate crisis and trade crises, but the same countries and communities experience poverty and hunger and want and pestilence and war and terror while the most developed countries, in comparative terms, do not. What the millennium goals seek to do is to share the good fortune, the wealth, the knowledge, the experience and the expertise of those that have with those that have not. Yet, as a world we try to do this but fail poorly.

Australia is part and parcel of both a cause and a solution. We need to do our bit, and it does not hurt to remind ourselves in com-

parative and relative terms what real poverty is, what real hunger is, what climate change can really do in the world, what poor mental and physical health can do to people, what a lack of education and of basic resources like water can do to communities. I think we in this place ought to seriously remind ourselves of that when we get carried away with some of the debates we have. We ought to remember how lucky we are and remember the responsibilities we have, not just to our own nation but to the world.

There are almost 1.4 billion people living in extreme poverty in our world. That means they live on less than US\$1.25, which is insufficient to meet their most basic needs. They are hungry, susceptible to disease and lack access to things we take for granted such as clean water, decent sanitation and access to health care. I think we all know we could do a lot more. I thank the member for Parramatta for raising this issue and I hope we keep giving it a comparable relationship to the things we talk about it in this place.

Mrs HULL (Riverina) (9.10 pm)—I commend the member for Parramatta for raising the issue of the Millennium Development Goals, the MDGs, in the House this evening. I will start by saying that the statement of the parliaments of the world on actions for the MDGs was most definitely ambitious but, sadly, the outcomes have not been so impressive, particularly in our Asia-Pacific region. It is and should be of grave concern to this parliament of Australia that the report in August this year from AusAID titled *Tracking development and governance in the Pacific* has outlined that the progress in the Millennium Development Goals in three nations we have very close contact with and responsibilities towards is of grave concern. On every millennium development goal, Papua New Guinea is sadly off track. The Solomon Islands is having difficulty with many of the Millennium Development

Goals. Fiji is most definitely off track and Timor-Leste is significantly off track in MDG outcomes. I speak specifically about progress on MDG 6 which is causing me major concern, and that is to do with the issues of HIV. PNG is off track on MDG 6 and so is Timor-Leste. This is a significant concern.

It is essential that members of parliament understand that they have a role and responsibility in actively delivering the MDGs. I question the way in which the reporting is done on MDGs. I do not know how many parliamentarians on both sides of the House, in the government and in the opposition, are acquainted with the reporting of the MDGs through the department. How is the parliament involved in this reporting process? How is the parliament apprised of the reporting process? It was statements of the parliaments that were to outline the actions to be taken to meet the MDGs. Instead, we have little involvement. That must change. Parliamentarians must engage themselves in the debate and engage themselves in actively understanding how the MDGs are reported and exactly how we are meeting the tasks.

In relation to MDG 6, it is essential that members of parliament understand that they have a role and responsibility to actively ensure the delivery of rights and the dignity of those who are living with HIV, including reducing stigma and discrimination; but that is not what is happening. Stigma, discrimination and marginalisation are still happening in every corner of the world, particularly on issues covered by MDG 6. It should be mandatory for departments to brief relevant parliamentary committees and actively interested members and senators on the MDG reporting procedures and progress statements. It is very important that parliamentarians become involved in how the MDGs are delivered. I speak specifically of areas that are of grave concern to me in the way in

which some of our funding is being delivered, particularly in Asia-Pacific nations, in Timor-Leste, PNG and the Solomon Islands. We must start to do more than just put together capacity statements. We must enable delivery on the ground. We must engage with those countries that are preventing delivery on the ground to meet the targets of significant development goals. I again speak about MDG 6. I look at all the outposts that have been closed in areas like PNG and I wonder how we are engaging with Papua New Guinea to see that those health outposts are reopened so that people can get access to diagnosis, testing and treatment. There is so much we can do was parliamentarians. There is so much we should be doing as parliamentarians. We must engage ourselves in delivering outcomes because unless parliamentarians get involved in this delivery process and reporting process we are going to see a continuing demise of the MDG outcomes.

Ms PARKE (Fremantle) (9.15 pm)—I thank the member for Parramatta for her motion concerning the Millennium Development Goals, which are the means chosen by 189 member states of the United Nations to tackle global poverty. There are many causes of poverty in the world, but in part they can be traced to two key themes—indifference and injustice. Today I want to talk particularly about indifference and injustice towards women. In my view we will not end poverty until we prioritise the needs and voices of women.

Of all the MDGs, it is goal 5, on maternal health, where the least progress has been made. More than 500,000 women die each year as a result of complications during pregnancy. Half of these maternal deaths occur in sub-Saharan Africa and another third occur in southern Asia. Together, these two regions account for 85 per cent of all maternal deaths. We know that more than half of all births in these regions take place

without the assistance of trained personnel. Most of the deaths could be prevented with good quality reproductive health services, antenatal care, the provision of appropriately skilled birth assistance and access to emergency obstetric care. In this context I am happy to note that both the United States and Australia have this year dispensed with the harmful restrictions that previously stopped the provision of aid for family planning and reproductive health.

Of course, all the MDGs are linked and intertwined. Improvements in maternal health would positively impact upon the chances of a child reaching his or her fifth birthday, reduce the number of orphans and keep more young women alive. The Australian government has committed to doing more in child and maternal health and is looking at ways to build up the skills of health workforces in Africa and in the Asia-Pacific region, including by training midwives.

Clean water and sanitation is another fundamental pillar of development that has been demonstrated to lead to better health and welfare all round. The Australian government has committed to helping improve the delivery of water and sanitation services to local communities. This will directly benefit women, to whom the task of fetching and carrying water generally falls. Research in sub-Saharan Africa suggests that women spend some 40 billion hours a year collecting water. The recent UNIFEM report on the progress of the world's women 2008-09—entitled 'Who Answers to Women?'—cites an example in Nazlet Fargallah, in Egypt, of women gathering water up to four times a day and using sewage-contaminated water for washing. Without proper latrines, these women would commonly wait until dark to relieve themselves, leaving them ill and also vulnerable to attack. The situation changed when a local government water and sanita-

tion project introduced female health visitors and enabled women to participate in community and household decisions about how to improve health and livelihoods. The 700 households now each have two taps and a latrine, and those women spend less time gathering water and have gained dignity and security.

MDG 3, which seeks to promote gender equality and empower women, is one of the most important of the MDGs because it directly impacts upon women's and children's access to services, their voice in decision-making and their vulnerability to violence. Indeed, women are agents of change but they largely operate outside the formal political systems of their nations. Grassroots volunteerism in NGOs is the starting point for many women and, in the international community, NGOs are playing an increasingly important role.

I was in Bangladesh in January and visited some projects being run by the incredible development organisation BRAC in a rural area outside of Dhaka. BRAC has a holistic approach to poverty alleviation and the empowerment of the poor through health, education and microfinance programs. It has so far disbursed US\$5.27 billion in small loans, with a 99.3 per cent recovery rate. The women told me how the loans had helped them to transform their lives, given them their dignity back and empowered them within their own families and community. The efforts of Bangladeshi women are transforming Bangladesh from the ground up, and NGOs like BRAC and UN agencies like UNICEF have had a lot to do with it because they target their programs towards women.

There is obviously a long way to go to ensure that all the world's people have the basic conditions for a stable life. These include freedom from violence; freedom from poverty; access to health care and, specifically,

reproductive and maternal health care; access to education; and access to employment. The MDGs are our signposts to tell us how close we are—or how far away we are—to achieving these goals by the target date of 2015.

As I have noted, one of the most effective ways to get there is through the empowerment of women. By focusing on the MDGs relating to maternal and child health, water and sanitation and gender equality, we will help poor women everywhere to help their communities and to make poverty history for themselves. In the words of Ellen Johnson-Sirleaf, who became Liberia's and Africa's first elected woman president three years ago: 'Women can.' They can overcome old barriers, can seize new opportunities, can aspire to leadership and can lift their families, communities and economies.

I thank the member for Parramatta for her motion.

Mr BILLSON (Dunkley) (9.20 pm)—I commend the member for Parramatta's motion. I also acknowledge our guests who have been in Canberra in recent days for the Micah Challenge. I was invited to participate in the TEAR advocacy panel at their workshop in early October with Kelvin Thomson. I also acknowledge the VGen activity that Vision has been running in Melbourne and the young people's commitment to highlighting the need for the MDGs and also their work to achieve them.

The motion before us today recognises some of the challenges, but a cartoon that was shown at the TEAR advocacy conference at Phillip Island captured it well. It shows a young person from the developing world standing on a globe out in space. There is a soccer goal and the young person has to kick the ball through space to that goal. It captured what the MDGs are—clear goals to focus our efforts but not a prescription for how to get there. As a nation and a

donor community, we need to turn our minds to what the pathway is to achieve these goals. While we see some encouraging signs and spotty progress against a number of the targets, we also see some worrying signs about what is happening where growth is impacting in a very vicious way on the opportunities for developing countries and concern about the ongoing support of ODA from developed countries.

So I would be saying to those who are really committed to the MDGs: let's not fall into the habit that some in the corporate world fell into. In this place we have debated about people running finance companies, banks and investment institutions who target their efforts specifically to meet KPIs but ignore the long-term health, durability and sustainability of the organisations that they are overseeing. We have highlighted how that can diminish the effort and devalue the organisation.

We need to be mindful of that risk with the MDGs. We can transfer wealth from developed countries to developing countries, specifically aimed at targeting the MDGs, and we can be comforted that progress is being made, but are we actually enhancing the opportunity for those developing countries to support and sustain their own living standards, to determine their own directions as a nation and to be free of the ailments, the pain, the suffering and the mortality of poverty that are captured in the MDGs? That is a more difficult question but one we need to turn to.

We also need to make sure we are mindful of what we are doing. Too often these campaigns are run out of offices in Europe and the United Kingdom and sometimes the United States. They can be very Africa focused. I am not here to say that Africa does not face its challenges, but two-thirds of the world's poor live in our neighbourhood. Half

a billion people have been lifted out of poverty in our region during my adult life. Seven-hundred million people are still living in poverty in our region, yet so much of the focus is on Africa. We need to be very mindful that in our own backyard are the biggest challenges of poverty alleviation and not see our efforts diluted. It worries some, me included, that the Rudd government's efforts to secure a temporary UN Security Council seat may see money that many argue, me included, should be increased, in terms of our funding for overseas development assistance, being even further diluted as we try and put resources into regions of the world that the Europeans, the Americans and others see as their priority, leaving our own neighbourhood, where two-thirds of the world's poor live, disadvantaged as that aid money is spread too thin.

Let me give you some examples. About 37 per cent of the population of least developed countries live in our region, the Asia-Pacific, yet least developed countries in our area receive 20 per cent of overseas development assistance. Let me put it more simply: two in five people living in least developed countries live in the Asia-Pacific region, yet one in five of the dollars available for overseas development assistance is put into that effort. In terms of debt relief, we have seen the Asia-Pacific least developed countries miss out again. So we need to be absolutely focused on our region because there is much work to be done.

It also provides us with a template for how to achieve poverty alleviation. There is only one proven, durable formula, and that is economic growth. There is no example in human history where poverty has been alleviated on a sustainable basis by simply transferring wealth from one country to another. The only remedy is economic growth. In our region we see example after example where countries have had national strategies and have

taken on board the challenges of poverty within their countries, embracing aid, support, technical assistance, know-how and the goodwill of hundreds of Australians who share their expertise and have mapped a way out. They are to be congratulated for it. So in our region we have a huge challenge, but we have wonderful experience to draw from. I urge people, when they are considering MDGs, to think about MDGs in the Asia-Pacific region first.

Ms OWENS (Parramatta) (9.25 pm)—by leave—I would like to thank the members of the House who have spoken so passionately on this motion. Global poverty is an issue that should be of concern to us all. I am co-convenor, with Senator Guy Barnett, of the Parliamentary Friends of the Millennium Development Goals, and it is gratifying to both of us to see so much interest on this very serious issue. But the interest is not just within parliament. There are many people out there in the community who have been working very hard for a long time to raise the profile of this issue. We met quite a few of them a couple of weeks ago, on 14 September, when around 300 delegates of the Micah Challenge Voices for Justice descended on Parliament House and made sure that we were all well and truly aware of how concerned they were and how much work there was to be done. I would particularly like to thank John Beckett, who is the director for Micah Challenge, and Carlyn Chen, the co-ordinator for Voices for Justice, for the incredible amount of work they did in organising that event and for the wonderful ways they found to express their concern.

The MDG speed dating event was particularly successful, where each of us got to spend a few minutes with a group of incredibly passionate people and were grilled about our views on various things. One of the best ideas that I heard at the speed dating event was from one of the Australian communities

which had imposed a toilet tax to remind people that many people in the world do not have toilets. So every time you use a public toilet in that community you are charged a fee, known as the toilet tax. It sounds quite frivolous, but of course it is not—in education, for example. There are 75 million children still not in school—most of those girls. If you build a school without a toilet, only the boys go. You realise how important it is when you visit villages, as I did, in Cambodia and the Philippines, that have no toilets. You realise that for women in particular it leads to other medical issues—urinary tract infections et cetera—which are quite dangerous. It sounds frivolous, but I think the toilet tax was quite an interesting way for one of our local communities to raise the profile of a very serious issue.

I also attended a wonderful function a couple of weeks ago, where a group of young soccer players and representatives of the Socceroos and the Matildas launched One Goal in Australia—a particularly good idea that uses the World Cup in Africa in 2010, one of the greatest and best-known sporting events in the world—to focus attention on education. Again, as I said, there are 75 million children in the world who are not in school, and around half of those are in Africa. Football, as it is now called—I still call it soccer, I am afraid—is played all over the world. It is played in city stadiums but it is also played in the dust in small villages and refugee camps. It is played everywhere. The World Cup is an event which well and truly attracts the attention of the world. What an extraordinary idea to use that event to promote the need for education around the world.

One has to ask why so many people are so passionate about this. The answer is very simple: the story of poverty in the world is truly appalling. Because of the global financial crisis, between 200,000 and 400,000

additional children will die each year in the next five or six years before we reach the 2015 target. These are appalling figures: 1.4 billion people living in extreme poverty. It is gratifying to see—and I know that every member of parliament would agree with me—that our communities, particularly young people, do not let us forget it.

Debate interrupted.

ADJOURNMENT

The SPEAKER—Order! It being 9.30 pm, I propose the question:

That the House do now adjourn.

Bali Peace Park Association

Mr IRONS (Swan) (9.30 pm)—I rise to speak tonight, a week after the seventh anniversary of the Bali bombings, which took the lives of 202 people in the tourist district of Kuta on 12 October 2002. In this cowardly act of terrorism, among the dead were 88 Australians, many of whom were from Western Australia, holidaying in Bali. Many other tourists and Indonesian residents were injured in the attacks.

Last Monday at dawn, I stood beside my state parliamentary colleagues, the families, the friends, the survivors and the supporters who were affected by the terrorist attacks on 12 October 2002 and also those affected by the bombings in 2005. This annual gathering takes place on the anniversary at a specially designed Bali Memorial in Kings Park. Community support for the annual service has continued to grow and it is a sign of the Australian spirit.

Out of this tragedy, the relationship between Australia and Indonesia has strengthened, and we stand by them as they face further challenges ahead. Western Australia in particular has established strong trading relationships with Indonesia in areas such as agriculture and mining. And although there has been a drop in tourists visiting the island

of Bali, more and more Australians are now starting to head back and are not letting this terrorist act deter them.

I would like to acknowledge the work of one particular organisation based in Western Australia—the Bali Peace Park Association. The association has a mission to create a spiritual garden on the ex-Sari Club site, where the attacks took place. The garden will allow people to reflect on and acknowledge the events of 12 October and it will look to help build a future without fear by promoting tolerance, understanding and freedom for generations to come, irrespective of nationality, culture, religious belief or race.

I support the work and the mission that this organisation is committed to delivering in honour of those killed in the attacks. A committee has been set up to drive and coordinate this project, and I would like to acknowledge a few of those people. The Bali Peace Park Association's spokesperson, Phil Britten, was one of the many injured in the bombings and suffered third-degree burns to around 60 per cent of his body. He also sadly lost many of his close friends in the attack. Phil and his wife, Rebecca, both sit on the committee. Phil is an inspiration to us all and is now a motivational speaker on his experiences and his journey. Gary Nash, vice chairman of the association, is also a survivor. Gary suffered burns to over 51 per cent of his body, as well as suffering shrapnel wounds that will see him having to wear pressure garments on his legs for the rest of his life. His partner, Sharon Kermac, is also sitting on the committee as treasurer.

I was pleased to see representatives from the Kingsley Football Club also involved in the association. This local football club in Western Australia was deeply affected by the bombings and lost many of its loyal young clubmen during the attacks, while the boys were on their end of season footy trip.

I would also like to acknowledge one of the patrons of the Bali Peace Association, Dr Fiona Wood. Dr Wood is known as the 'burns specialist' and heads up the Royal Perth Hospital burns unit and the Western Australia Burns Service. Dr Wood, who was Australian of the Year in 2005, worked with many of the injured during the Bali bombings and led a courageous and committed team.

The Bali Peace Park Association was incorporated on 2 September and is an established not-for-profit organisation. I support the association's efforts to seek a special application for deductible gift recipient status from the government. This would allow for donations to be declared as a tax deduction for Australian residents. Efforts to raise the necessary funds for this project will be made easier this way. If you are listening, Mr Swan, please have this processed as soon as possible. I did promise the association that I would ask you this. I see the Assistant Treasurer in the House tonight and I would ask him as well.

Mr Bowen—Not anymore.

Mr IRONS—You did such a good job; I thought you were still in that position. Well, pass the message on for me. It is anticipated that the Bali Peace Park will be handed over to the Balinese community and the local government to manage and to maintain, once it has been set up by the association. A peace park or spiritual garden will provide the district of Kuta with many benefits beyond just a unique tourist attraction. Local jobs will be created not only during the construction and development of the park but also in the ongoing maintenance of the park, with security, cleaners and landscape staff.

As we remember and reflect on the events of the Bali bombings seven years later, we should recognise how far our two countries have come and acknowledge how much we

still have to offer one another. As a nation, we will know further tragedies but we will never lose our spirit or forget this tragic event in Australian history.

Economy

Mr PERRETT (Moreton) (9.34 pm)—Today Access Economics released its latest quarterly business outlook. It was interesting to go through it and look back on the year that was and to see how much and how rapidly the economy has changed from one year ago. If we go back one year, Mr Speaker, I think you will also remember another event that occurred, which was the publication of my book. You were involved in that. Not that I am at a loose end when it comes to writing, but it was a little bit interesting that, when word got around that I was able to write, I was approached by the member for Wentworth to start ghostwriting his biography.

Opposition members interjecting—

Mr PERRETT—Come in, Spinner. We do not know the release date for it, obviously. He wanted to get a few words down. We did not know whether it was going to be coming out in five days, five weeks, five months or five years. But we have a tentative title: ‘My way then the highway’. We wanted to kick around the year that has been—what has taken place over the last year.

It is interesting to look at the Access Economics report to see what things have happened over the last year in economic terms. The global financial crisis is significant. I can remember that, in 1982, there was 0.9 per cent growth. They were very tough times. I do remember that. In 1991, there was 1.5 per cent growth. When we look at the initial 2009 prediction, we see that it was for negative 1.4 per cent growth.

Opposition members interjecting—

Mr PERRETT—I will take some of the interjections from those opposite. They still

do not get what we have come through. They talk about it quite flippantly. I am reminded of the rabbits in *Watership Down*. I have not seen the movie but I have read the book. The rabbits go on their journey and end up in a place called Cowslip’s warren, where there are all these prosperous and pampered rabbits that have an artificial view of the world. They have plenty of food and protection from predators but they do not realise that when they go outside they will be caught and eaten by humans.

What did we do? We did not vote ‘no’ to every one of the economic stimulus strategies which kicked off a year ago last Wednesday. What did those opposite do? They voted ‘no’. We look at all of the strategies: they voted against them time and time again. They obviously do not understand the role of government, the difference between a guiding hand and a dead hand. It may be more appropriate to talk about a fist because their policies would have been like a fist to workers. They would have bludgeoned workers. We would have had much higher unemployment rates. I remember, when we were looking at the predictions of unemployment rates going up to 10 per cent, those opposite were licking their lips at the thought. But because of the government activities, we see the Access Economic report today predicting the current 5.7 per cent unemployment rising maybe to a gentle peak of 6.8 per cent by 2010 and hopefully a little less if we continue with some of the good economic stimulus activities.

The Access Economics report out today forecasts the economy will expand by 1.9 per cent this financial year, rather than the budget forecast for a contraction of 0.5 per cent—miraculous when compared with the rest of the world. The report’s author, Chris Richardson, said:

Australia has dodged the bullet of a deeper downturn and that is a grand achievement.

We have the only advanced economy to do that, I say to the bunnies opposite. We need to remember that over 70 per cent of the economic stimulus is going into infrastructure. Why? Because we inherited a government which had a productivity of zero. We know how to invest in ports, in infrastructure, in computers, in schools and in broadband, things which will develop our productivity in the years to come, rather than the short-sighted approach of the rabbits in *Watership Down* in Cowslip's Warren. (*Time expired*)

Gippsland Electorate: Gippsland Lakes

Mr CHESTER (Gippsland) (9.39 pm)—I rise to highlight the Victorian Labor government's complete contempt for the people of Gippsland and to appeal to the federal Minister for the Environment, Heritage and the Arts to take action to protect the environmental health of the Gippsland Lakes. Last month, the state Labor government announced that it would take another 10 billion litres of water per year from the Thomson River to water the gardens of Melbourne. I believe Melbourne Labor MPs are playing Russian roulette with the environmental health of the Gippsland Lakes as there have been several reports which have indicated the Gippsland Lakes are at an ecological tipping point and the further reduction in freshwater flows, particularly at the western end of the catchment, could prove disastrous.

We have already witnessed many signs of a system under stress. There are major problems with salinity in the western end of the catchment and diverting more fresh water will add to the pressure on the environment. The health of the Gippsland Lakes is fundamental to the \$200 million tourism industry and the government knows this decision will have a significant negative impact on a variety of species throughout the catchment.

In 2006, the former state environment minister, John Thwaites, recognised all of these concerns when he proudly boasted about returning environmental flows to the Thomson River. In a media release on 3 October 2006, Mr Thwaites said environmental flows were being returned to the stressed Thomson River in Gippsland, 'which will also help the health of the Gippsland Lakes, which are so economically, socially and environmentally important for the region'. It is one thing to do the wrong thing in ignorance; it is an entirely different matter to commit an act of environmental vandalism with full knowledge of the likely consequences.

When will someone in Melbourne Labor realise that there is not a bottomless bucket in Gippsland for the city to keep taking water? When will Melbourne get fair dinkum about water recycling, stormwater harvesting and upgrading leaking infrastructure? The decision to take extra water also follows the Labor party's failure to provide any ongoing funding for the Gippsland Lakes Taskforce in this year's state budget. Gippslanders will not lie down and accept these appalling decisions.

A newsletter that I recently distributed in the electorate of Gippsland invited people to have their say on this issue and to date 1,600 people have written to me and expressed their concerns. I have also written to the federal Minister for the Environment, Heritage and the Arts and sought his intervention in this issue. In my letter, I highlighted the importance of the Gippsland Lakes. The Gippsland Lakes and wetlands are recognised under the Ramsar convention and the entire catchment is experiencing stress related to the ongoing drought and a range of settlement activities.

There have also been media reports suggesting that threatened fish species such as the grayling would be endangered by the

removal of more water from the Thomson River. The Gippsland Lakes have experienced frequent algal blooms and have been the subject of significant investigation by the CSIRO, resulting in a concerted effort to improve water quality and reduce the amount of nutrients entering the system. Indeed, the federal government, to its credit, has made a financial commitment of \$3 million over three years to tackle some of these tasks. What a ridiculous situation we find ourselves in where the federal government is spending \$3 million—which is nowhere near enough in any case, and I have raised those points with the minister—to improve water quality while the state Labor government is ripping another 10 billion litres of fresh water out of the system.

Given that the state government's decision is likely to have a significant impact on the environment of the Gippsland Lakes and catchment, I am seeking assistance from the minister to discharge the federal government's responsibilities in this matter. I would like to know whether the minister will intervene under the Environmental Protection and Biodiversity Conservation Act 1999. The minister has written to me on other issues relating to the Gippsland Lakes. In his letter, which I stress was not directly in relation to the Thomson issue but a related Gippsland Lakes matter, the minister wrote:

Matters of national environmental significance include the ecological character of a wetland listed under the Ramsar convention. In considering the impacts of any actions on the ecological character of Ramsar wetlands, consideration is given to indirect impacts, such as catchment related impacts, as well as those which are caused directly within the wetland boundary.

I am waiting for the minister's response regarding the Thomson issue in particular but the EPBC Significant Impact Guidelines provided to my office by the minister indicate that an action will require approval from

the minister if the action has, will have, or is likely to have, a significant impact on a matter of national environmental significance.

The activity in this case is removing an additional 10 billion litres of fresh water and environmental flows which, I contend—and the CSIRO has previously stated—is likely to have a significant impact on the future of the Gippsland Lakes and its Ramsar-listed wetlands, not to mention the potential impact on an endangered species. I call on the minister to investigate this decision by the state Labor government to assess whether approval should be sought from the Commonwealth under the EPBC. A total of 1,600 Gippslanders have already raised their concerns. I hope the minister is prepared to listen and take action to help protect the largest inland waterway in the southern hemisphere and its catchment areas.

In closing, the minister certainly has not heard the last of this matter. I have been supporting a petition, with my state parliamentary colleagues, which is available on my website and will also be distributed throughout the region. I will continue to fight to protect our waterways and the future health of the Gippsland Lakes and I encourage local residents to support my campaign in the weeks ahead. Gippslanders are very passionate about the environment of our local waterways and they are passionate about the future of the Gippsland Lakes. They know when they are getting a raw deal.

Afghanistan

Mr DANBY (Melbourne Ports) (9.44 pm)—As honourable members will recall, on 20 August Afghanistan held the second free presidential elections in its history. President Hamid Karzai was officially reported to have polled 54.6 per cent of the vote, while his nearest rival, Dr Abdullah Abdullah, polled 27.8 per cent. Unfortunately, there are credible allegations that President Karzai's victory

was the result of widespread electoral fraud. The EU Deputy Chief observer, Dimitra Ioannou, has alleged that 1.5 million of the 5.5 million votes cast, or 27 per cent, were suspect. If all the suspect votes were invalidated President Karzai's vote would drop to 46 per cent, which would force a run-off under Afghan law.

President Karzai is now under great pressure from the US, the UK and, I hope, Australia to agree to a run-off election. I hope he does so because neither he nor his country can afford to have the legitimacy of his position further weakened. The United States is spending between some \$55 billion and \$70 billion a year fighting the Taliban and al-Qaeda in Afghanistan. More important than the money are the human lives lost. Over 1,300 coalition troops have been killed in Afghanistan, including 11 Australians—I have attended some of their funerals. Support in the US Congress, this parliament and among the public in free societies will fall rapidly if the view takes hold that the war is being fought to prop up an undemocratic regime. That is why the support for the Vietnam War was lost in the 1960s. It would be a tragedy if the same syndrome took hold in relation to Afghanistan.

President Obama, who was elected in part because of the unpopularity of the Bush administration's war in Iraq, now has a difficult decision to make. The NATO commander in Afghanistan, General Stanley McChrystal, supported by General Petraeus, has recommended that the US send 30,000 to 40,000 more troops to Afghanistan. In my opinion, it would be a tragedy if President Obama rejected General McChrystal's recommendation. But we need to remember why we went into Afghanistan in the first place. It was because the Taliban regime knowingly provided a base for Osama bin Laden from where the September 11 attacks were planned. As British Prime Minister Gordon

Brown told the House of Commons in question time yesterday:

It is where the groups who carried out Bali, Madrid and the London and Jakarta bombings received funding, trading and inspiration.

If the international security force were to admit defeat in Afghanistan and allow the Taliban and its foreign friends to regain control of the country this would be a betrayal of the people of Afghanistan, particularly of Afghan women, minorities and all those who enjoy freedoms that they would not under Mullah Omar's version of Islam from the sixth century. It would give a propaganda victory to al-Qaeda and to every anti-Western, antidemocratic terrorist group on earth, including Jemaah Islamiah and Lashkar-e-Taiba. It would once again give all those groups a base in which to plan even bolder terrorist attacks, which would place the lives of Australians directly at risk.

Finally, it would cause another huge exodus of refugees from Afghanistan. During the last period of Taliban rule over seven million people fled Afghanistan, of whom a fairly large number washed up on our shores. Over five million were successfully repatriated, but they will again flee for their lives if the fragile Afghan experiment in democratic government collapses. Even talk of the US downgrading its role would have sent a tremor into the heart of minorities like the Afghan Hazaras. Australia may have to accept part of the burden of taking care of those people, including accepting some of them here as refugees. This is why we have a stake in what takes place in Afghanistan.

I am confident that our cause in Afghanistan is a good one and that we are right to go on making a contribution in support of the NATO and ISAF forces. But the public in the US, Australia and other democracies will not pay the large price in blood and treasure in Afghanistan if they see blatant election rig-

ging from the government we are fighting to support. That is why I hope President Karzai does the right thing and agrees to a run-off. If he is re-elected in this run-off, which should be conducted fairly, cleanly and under international supervision, it would be good if he were to broaden the base of his government as President Obama's Chief of Staff, Rahm Emanuel, suggested today. A national unity government in Afghanistan would provide a more solid basis from which democratic countries like Australia would be able to continue their support for the people of Afghanistan.

Paterson Citizen of the Year Awards

Mr BALDWIN (Paterson) (9.49 pm)—On 15 October, I announced the 2009 Paterson Citizen of the Year Awards, which were presented by the Deputy Leader of the Opposition, Julie Bishop. It was fitting to acknowledge some of the unsung heroes in the Paterson electorate who assist so many people in their day-to-day lives. I would like to share with you a brief background of each of the category winners, outlining just a small sample of their extraordinary contributions and achievements.

The 2009 Paterson Citizen of the Year is Vacy resident Doris Brooker. Doris is a wonderfully generous lady, who for over 30 years has opened her home to small groups of women in isolated rural areas. These women, coordinated by Doris, make small craft items to sell to raise money for the Red Cross. Doris served as president of Vacy Red Cross for 18 years, vice-president for three years, publicity officer for four years and has been the patron since 1991. An extremely selfless individual, Doris has always gone out of her way to empower the many women she comes across, assisting them to realise their own potential.

Doris has also served as the secretary for the St Johns Anglican Church Ladies Guild

and is very active in her local CWA branch, where she has been treasurer for approximately 30 years. An outstanding community member, 96-year-old Doris is an inspiration to everyone she meets. When asked why she continues to give so much back to the community she simply replies, 'I do it because I love it.' What a wonderful lady.

The Paterson Young Citizen of the Year, Skye Bortoli, should serve as an inspiration to us all. It has been said that when Skye speaks, the world listens. Skye, a young teenage eco-warrior, has a list of achievements that any diplomat would be proud to claim. At the age of 11 she quickly decided on her primary goal: the protection of whales. Skye has been around the world in a bid to protect whales, visiting places as far a field as Japan, Chile and even Alaska. Skye has ensured that Australia's anti-whaling stance is being heard far and wide. I congratulate Skye on her proactive stance and wish her all the best in pursuing her passion.

The Corporate Citizen of the Year is the Tilligerry RSL Sports Club, which has been described as a small but friendly club that is extremely generous to all the groups on the Tilligerry Peninsula. As a very socially aware club the RSL often assists the Cancer Council, Torchbearers for Legacy and the RSL Women's Auxiliary as well as its own theatre group. In the past 12 months the club has donated to Legacy, Little Athletics, Tilligerry Habitat, Mallabula Panthers Junior Rugby League Club, Tainilba Bay Public School, the Hunter Koala Preservation Society, the Salvation Army, and the Port Stephens Rural Fire Brigade. A very big thank you goes out to everyone who in some way contributes to the RSL, as it is your contribution that assists the club to be such a wonderful community staple.

The Paterson Sports Person of the Year, Callum Leahy, is an exceptional sportsman

and outstanding competitor. His chosen sport is canoeing, in particular the slalom. This year Callum has competed in a number of competitions, including the Australian white-water championships in Tasmania, and I congratulate him on his continued dedication and commitment to achieving his personal best.

The Paterson Young Sports Citizen of the Year, Allix Jones, is a true equestrian champion and endurance rider. At 16 years of age, Allix has been selected to represent Australia at the world youth championships and has competed overseas. She is one of just five riders selected. She has been riding for over 10 years and Allix regularly competes in a range of distances, including the 160-kilometre endurance rides. This accomplishment is the first step in realising her dreams of one day representing Australia at the Summer Olympic Games. Congratulations, Allix—I have no doubt that you will conquer all that you set out to achieve.

An honourable mention also goes out to the finalists: Lynette Batterham, Reverend Frank Duffy, John Lynch, Councillor Julie Lyford, Patricia Sims, Ron Parkes, Ted Mowbray, Loraine Pevitt, Lloyd Cropper, Noel Jupp OAM, Diane Bennett, David Summers OAM, Laraine Dickson, Keith Brabham, Sean Doudle, Garth Wheat AM, Lesley Reynolds, Ruth Arnall, Patsy and Dave Bradshaw, Ann-Marie Argent, Keiran Corry, the Soldiers Point Bowling Club, the Dungog-Clarence Town CWA, Jesse King, Brittany Hepburn, Hayley Follett, Mindy Latimer, Gavin Thorby, Morgen Kafer, Tayla Kafer, Brenton Chambers, Ramsey Vane-Wood, Samantha Simmonds and Shane Illgen. It goes without saying that each of the finalists and winners of the Paterson Citizen of the Year 2009 awards is a truly exceptional person who was nominated for their outstanding contribution to their local community. I thank them all for making Paterson

a better place in which to live and also thank those who live in the electorate and are committed to assisting others but have not been mentioned. To selflessly assist others is a truly noble gesture.

Bonner Electorate: Centrelink

Ms REA (Bonner) (9.54 pm)—I rise tonight to pay tribute to Pauline Stevens, who is the manager of the Centrelink office at Wynnum, one of the eastern bayside suburbs of Brisbane, and to the staff of the Centrelink office. Last Wednesday, 14 October, I had the great privilege of attending a morning tea that the Centrelink office put on to present Pauline Stevens with an exemplary service award that had been initiated by the former Minister for Human Services, Senator Ian Campbell, in 2007, a tradition that is being carried on by the two human services ministers in the Rudd government, Senator the Hon. Joseph Ludwig and the Hon. Chris Bowen, who was in this chamber this evening. It is a great opportunity for the government and for us local members to pay tribute to the incredible hard work and dedication of Centrelink staff across the country.

I want to pay tribute in particular to the staff of Wynnum Centrelink. Pauline Stevens has worked for the Department of Human Services and the department of social security for some 20 years. The vast majority of her work has been in the southern bayside suburbs of Cleveland, Capalaba and Wynnum. I think Pauline is a perfect example of Centrelink staff. After 20 years of what many would consider to be a very difficult job at the coalface of providing government services, often not in easy circumstances, she continues to be a very enthusiastic and a very dedicated person who continues to care very much for both the people whom she serves as customers and the people who work for her. Indeed, when I was having a chat with several staff on the day of the morning tea, to

a person they all praised Pauline and declared what a pleasant person she is to work for. We all know that in Centrelink offices it is absolutely important that the teams have a good manager who supports the staff and creates a good feeling amongst the teams. Pauline does that extremely well.

The bayside suburbs of Brisbane, in particular the southern ones of Wynnum and Manly, are very old suburbs of the city. They are also traditionally very working class suburbs with a number of people from very diverse backgrounds who bring with them a vibrancy and a sense of community that I do not think can be rivalled anywhere else. We know that at the same time those older areas also bring with them many challenges. There is a significant Indigenous population, there is a very high demand for public housing and affordable rental accommodation and there are many people with mental health problems and family difficulties. All of these issues are presented to the staff at the Wynnum Centrelink office every day. They deal with them in often very stressful circumstances and I can say that they deal with them very well.

We local members all know that often there can be tensions between our offices and Centrelink offices. Often we are the last port of call after people have gone to Centrelink and have tried to have their problem solved. They come to us because there is no other option. As I have said, often that can create some tensions and conflicts. But I am pleased to say that since being elected as the member for Bonner whenever I have been in touch with or approached the Centrelink office for assistance its staff have always been most helpful. It is important to note that while sometimes we may be trying to help people who unfortunately, for one reason or another, fall between the cracks there can be some frustration between the workers of our office and those of Centrelink. But it is really

important, despite those frustrations sometimes emerging, that we work together and acknowledge that these Centrelink people are the people at the coalface delivering services that are so important to the local community. We make the policies and we make the laws but we rely upon Centrelink staff to implement them and to assist people wherever possible. I pay tribute to Pauline Stevens and her staff because at Wynnum Centrelink they do that extremely well. I would like to put on the public record my congratulations to them and also the fact that I believe that there is a very good working relationship between my office and Wynnum Centrelink and that the people of Wynnum benefit greatly from their hard work. *(Time expired)*

House adjourned at 10 pm

Monday, 19 October 2009

The DEPUTY SPEAKER (Ms AE Burke) took the chair at 4 pm.

CONSTITUENCY STATEMENTS

Tangney Electorate: Medical Workforce

Dr JENSEN (Tangney) (4.00 pm)—Just two weeks ago, a major doctors surgery in my electorate abruptly closed its doors after giving its 4½ thousand patients only a few days notice. Only a short distance away is another major clinic which closed last year, again leaving thousands of patients without access to their GPs. In both cases, the closures were ordered by their corporate owners—major enterprises which have bought up local surgeries across Australia. These closures have caused immeasurable distress, particularly to older constituents who are not able to travel to more distant clinics, which are increasingly turning away new patients anyway because they are so overloaded.

The most recent to close its doors was the Murdoch Centre, which has been providing for the local community for some 40 years, including a major retirement complex for RAF veterans and their widows. The corporate operator has told patients to travel to another clinic in a different suburb or, alternatively, pay \$22 for copies of their own medical records so that they can go to another GP—pay for their own records. The previous clinic to close was the Farrrington Medical Centre, whose doctors sought to continue operating privately but were told they would be in breach of their contract if they did so.

In all, thousands of my constituents have lost access to their GPs in just a few months and thousands more are unable to get appointments with doctors in their areas. The system is simply not working. While I accept these corporate health enterprises must satisfy their shareholders, there are bigger issues at stake. It is simply unacceptable that patients, some of whom have attended the same surgery for more than 30 years and are now in their eighties, are told with only a few days notice that they will no longer have access to their doctors. It is simply unacceptable that people are being told that their local surgeries are overloaded and that no new patients will be accepted for the foreseeable future.

Medical centres are commercial enterprises but they are also public services, and with that comes an obligation to the community. It is bad enough that these clinics are being closed and that those which remain are so overwhelmed by demand that they are unable to meet community need. But to then discover that doctors at the corporate practices are contractually barred from setting up new surgeries in the same area for some years is abhorrent. When will this government act? When will this government care?

Kingston Electorate: Hallett Cove Preschool

Ms RISHWORTH (Kingston) (4.03 pm)—I am very pleased to rise today to wish a very happy birthday to the Hallett Cove Preschool, which I visited on 22 September when they held their 20th birthday celebration. It was very nice to see a lot of people there who in fact had attended that kindergarten and whose children were now attending that kindergarten. It was a very special day. I had the pleasure of unveiling a beautiful mural, which was created by the enthusiastic children under the leadership of John Whitney. DECS officials were also there.

I wanted to talk a bit about the Hallett Cove Preschool, because there is a unique and special element to the school: they have an incredibly strong environmental focus and have long been considered leaders in this area. They have a great motto, which is 'Reducing, reusing and recycling'. This strong environmental focus has encouraged all the children there to engage in activities that develop ecologically sustainable practices, skills and ideas. The preschool's environmental focus is evident through their environmental policy: they have set a target to become carbon neutral by 2011.

The environment has been a key focus of the director and staff at the Hallett Cove Preschool since its opening in 1989. Awareness was established by planting waterwise native plants, particularly those native to the local area of Hallett Cove. In addition, they have been encouraging children to take care of their preschool's private vegetable garden, the produce from which is sold to the local community. The Hallett Cove Preschool is an ecologically sustainable site, storing and using sunshine and rain. The rainwater is collected and saved in a 22,000-litre tank and is used to water the vegie patch and surrounding lawns. Power is generated by the 24 solar panels on the roof and is used to provide electricity for the centre, and remaining power is fed back into the grid.

It is great to see that the children attending the Hallett Cove Preschool are learning some very important environmental values at such an early age. I am sure that these children, as we have often seen previously, will take some of these environmentally friendly ideas back home and teach their mums and dads a few handy tips. I would like to take this opportunity to congratulate the director, Heather, all the staff, the board of management and all the parents and children. It was a wonderful day.

McMillan Electorate: Medicare

Mr BROADBENT (McMillan) (4.06 pm)—One thing we remember in this place is that, whether you are a frontbencher, a minister, a Prime Minister or a Deputy Speaker of the House, we are all backbenchers reliant on our constituents' support. Those that hold leadership in this place are backbenchers with a job. Even former Prime Minister John Howard was still seeing constituents regularly in the position of Prime Minister. That is why for me the Moe and District Residents Association's plea for a Medicare office in Moe has to be heeded by us and this government. For a long time since the removal of the Medicare office in Moe, 13 or more years ago, they have been pleading for its return. I would like to table two documents where this association and its secretary have written to the chief executive officer of Medicare, in Tuggeranong, and asked a range of questions so that they can set themselves up properly to ask again for the reinstatement of a Medicare office in Moe.

There have been major constituent calls to me, and I made application to the previous federal government on this issue. They have not given up now that there is a new government in place. As a community that is large, resourceful and responsible they would like to think that they would be rewarded with a Medicare office in their area. They do not even mind if it is joined with another agency. They do not mind if they have other federal agencies come in and share it. They talk to me about wanting better post office facilities. They talk to me about wanting access to other facilities that are given to people in Morwell and to people in Pakenham but not to people in Moe. It is only reasonable that as a community of 17,000 people they have the same facilities that we offer people in the cities or in other areas.

All of you know about the difficulties of public transport in regional areas; I could talk to you about that for hours. But the most important thing here is that it is a \$40 round trip for people to come from Yallourn North to Moe or up to Morwell to go to the Medicare office there. So it is not an unreasonable request. They have not had a response to their correspondence and they have written again to the chief executive officer of Medicare. I would like to table these two documents and offer my respects to the Moe and District Residents Association for their genuine requests for a Medicare office.

The DEPUTY SPEAKER—There is no objection; the member can table the documents.

Solomon Electorate: Housing

Mr HALE (Solomon) (4.09 pm)—I rise to speak briefly on some of the activities I have been engaged in in the last four weeks. While door knocking in my electorate of Solomon, focusing on the satellite city of Palmerston outside Darwin, one of the issues that was raised a lot with me was about affordable accommodation and rental prices within my electorate and how the cost of housing in the Darwin and Palmerston areas will hinder our future prospects in the north, with Inpex and other major projects coming online. That was one of the issues that were coming up a lot on the doorsteps.

I held a housing forum and I had great support from the local industry with the major stakeholders that came along and spoke. There were a raft of different ideas that came up, from the Northern Territory government continuing to roll out more land to greater access to cheaper land for people who want to buy into the market. Certainly the federal government's incentive for first home owners has been very popular in the Northern Territory, with some 1,100 of those options taken up. Also, the federal government has committed \$60 million to crisis accommodation in my electorate, as well as 185 houses to the Defence Housing Authority in the suburbs of Lyons and Muirhead which will take some of the Defence Force people out of the private rental market and free that up a little bit for other people.

It is opportune that, at a time when we have a shortage of skilled tradesmen in Australia, the Deputy Prime Minister has announced \$100 million funding to help get more apprentices. It was really disturbing to see a 20 per cent drop in traditional trades over the past 12 months. Not having tradesmen to work on houses puts extra costs on the industry and extra costs on building a home, and these costs are obviously passed on to the consumer. So it is really important that over the remainder of this year incentives are put in place so that businesses can go ahead and put on apprentices. The rebate has basically been tripled. It used to be around \$1,500. The bonus is now almost \$5,000; it has gone up to \$4,850. This is about stimulating the apprenticeship industry—21,000 additional apprentices. That can only be a good thing. I would like to commend the Deputy Prime Minister for the contribution that she has made. It is very important. It is certainly very important to the building industry and it is very important to the consumers in my electorate of Solomon.

Paterson Electorate: Higher School Certificate

Mr BALDWIN (Paterson) (4.12 pm)—Tomorrow marks the beginning of the final schooling chapter for more than 70,000 students across New South Wales, with the start of the Higher School Certificate. It will be one of the most challenging yet rewarding exam periods in their lives, and I wish them all the very best. I believe access to a proper education is the

most important gift in a child's life, as it provides them with a greater opportunity to make informed decisions, and this knowledge can never be taken away from them.

As the parent of a child who is one of the many thousands of students set to commence exams tomorrow, I would like to share with the House the same advice I gave to my son, Robbie, and his friends: the importance of the Higher School Certificate cannot, and should not, be understated. However, the exams are not the be-all and end-all. For some, the results of the exams will provide the pathway to university, college or TAFE; for others it will mark the conclusion of their formal education. However, whatever the result of the exams, nothing is set in stone; there is always the opportunity to forge new paths and engage in further learning.

Some of my greatest learning experiences are a result of the circumstances that I found myself in during day-to-day life events and in conversations I have had with many people I have come across. I encourage all students to remember this as they prepare to embark on a new chapter of their lives, post exams, as they never know in what direction life might lead them. I left school when I was 15 and, as such, never had the opportunity to complete the Higher School Certificate. While I would love the opportunity to continue my schooling, my personal circumstances have made it difficult to do so. However, I never did let this get in the way of what I wanted to achieve later in life. I feel very privileged in my role as the federal member for Paterson. It is a true honour to represent the constituents in the electorate of Paterson.

Many people would probably assume that to become a politician you need a degree or a diploma, and it is true that most politicians have such qualifications. However, I want to remind all students that they can do whatever they put their minds to. My message to the students is this: believe in yourselves with the same faith that you place in your friends and families because you are just as worthy of your own love and encouragement. My best wishes to the students of the St Philip's Christian College, Medowie Christian School, Hunter Valley Grammar School, Maitland Christian School, Bulahdelah Central School, Tomaree High School, Hunter River High School, Dungog High School, Gloucester High School, Maitland High School, Irrawang High School, St Mary's Maitland, Maitland Grossman High School and Great Lakes College Tuncurry senior campus—and to all students completing their final exams.

Lastly, as you prepare for the Higher School Certificate exams and for the next chapter of your lives, remember to commit to achieving your own personal best, not someone else's, and to be content in knowing that you gave it your all. It is all that can be asked or expected of you.

Adelaide Electorate: Northfield Primary School

Ms KATE ELLIS (Adelaide—Minister for Early Childhood Education, Childcare and Youth and Minister for Sport) (4.14 pm)—I rise today to draw to the attention of the Main Committee of the House, and indeed to pass on my congratulations, to a wonderful school within the electorate of Adelaide that has recently been given an invitation for two of its year 7 students as well as one of its teachers to represent Australia as the only representatives from Australia to attend an international youth conference in Italy. Earlier this month I was fortunate enough to meet with the two year 7 student representatives from Northfield Primary School, Cassandra Marin and Mira Abushama, who will travel to Italy to attend the Europe and Beyond: Talks about Frontiers conference. This is a five-day conference focused on building intercultural dialogue amongst students from around the globe who will share their ideas and share their work towards action on a whole range of issues, from animal rights and cli-

mate change to education perspectives and a whole lot of the issues which are important to these amazing young people. We know that conferences such as this are vital in shaping our future leaders to have unique perspectives, useful insights and important opinions. Particularly for these two young girls, but also for their teacher Jennifer Rossiter, this will be a life-changing experience. They will meet young leaders from around the world who I am sure they will build contacts with and stay in touch with for many years to come.

This is a tremendous tribute to Northfield Primary School. It is a school that flies the United Nations flag as a United Nations Global Peace School. It is an achievement that through this conference some of the school's key values will be taken to the international stage. I have had the opportunity to work with this amazing primary school on a range of issues, including when I have previously informed the House of the campaign that their students ran to use sports, in this case soccer, to raise both funds and awareness of the plight of victims of natural disasters in our region. The kids themselves put on charity soccer games to raise money to send overseas.

The relationship that Northfield Primary School has had with many of these issues is part of an online friendship with a school in Italy that was built some years ago. It is important that we recognise as a parliament just how far these collaborations between our local primary schools, local students and those on the other side of the planet can have towards breaking down cultural barriers and uniting individuals with a common vision. I would like to take this opportunity to wish the Northfield Primary School students all the very best in their travels as they fly the Australian flag for us at the conference, and I commend the school for another fantastic achievement.

Swan Electorate: Southcare

Mr IRONS (Swan) (4.18 pm)—At the beginning of Carers Week 2009 it seems fitting that I rise to talk about Southcare, a community based organisation in my electorate of Swan which provides caring services. Last Tuesday I attended Southcare's AGM and was pleased to hear about the progress being made on a project that I feel privileged to have played a part in—the construction of a new building to help Southcare expand its services to frail and Indigenous people. Members may recall that in Labor's first budget in 2008 it revoked \$273,000 worth of funding which had been allocated to Southcare by the Howard government under the Regional Partnerships scheme. At the time Southcare was informed via a letter in the post that they would have to do without the funding. That was after they had purchased the land for \$640,000 from fundraising and donations, had \$490,000 committed from Lotterywest and had outlaid \$20,000 themselves in architect fees, planning approvals and project proposals.

I immediately wrote to Minister Albanese to express my concern and lobbied extensively Gary Gray, the member for Brand, for funding to be reinstated. A couple of months later the lobbying paid off, with Mr Albanese announcing that Southcare would be provided with funding for its project. At Tuesday's AGM we saw in the annual report the sound financial position of Southcare and the state of the construction project as a result of this funding. Last financial year \$75,000 was provided to Southcare by the Department of Transport and Regional Services, and the project:

... has completed up to the installation of footings, concrete slabs for office and garden stores and the completion of brickwork for ground floor to plate height.

At the request of Southcare, asking which government member they should have at the AGM, I suggested they invite the member for Brand, Gary Gray, to be the guest speaker for the AGM. The member for Brand had been influential in getting the funding. I suggested the member for Brand so he could see for himself the results of the funding and the good work that it will do in the local community.

The member for Brand, to his credit, recognised the worthiness of the project and congratulated the Howard government for initially providing the funding. The member even gave me credit for getting the funding reinstated. His honest and non-partisan speech was refreshing and appreciated by the audience and I would like to publicly thank him today for attending. The member also reminded us of all the hit songs from 27 years ago when Southcare was first formed. Thankfully, the member only spoke about them and did not actually sing them!

I would also like to acknowledge the presence of Inge Dahmers, who I nominated for a senior's award last year for her outstanding work as a director of aged-care programs. She was recognised as a runner-up in her category. It was good to see Vice Chairman Kevin Trent, CEO Graham Hope, Volunteer Coordinator Vicki McBeth and Chief Financial Officer Gordon Chong also in attendance. I will continue to support Southcare as I believe it is important to support the organisations that care for our older people, particularly in the midst of an aged-care crisis in Western Australia.

Corio Electorate: Heritage Listings

Mr MARLES (Corio—Parliamentary Secretary for Innovation and Industry) (4.21 pm)—Last week, some of Geelong's most treasured heritage buildings were extended a lifeline by the Rudd government when the Minister for the Environment, Heritage and the Arts, Peter Garrett, visited our city and announced funding for conservation projects from the \$650 million jobs fund. This is great news for Geelong.

We are a city with remarkable early heritage, but it is often overshadowed by our development as a city of industry. Because of that, we do not regard ourselves as a heritage city in quite the same ways that some other cities do, but in my opinion we have just as much and, in some ways, even more to be proud of. Geelong has the best collection of heritage buildings adjacent to Port Phillip Bay. Many of our buildings are unique to our city and to the settlement of the colony. In our Botanic Gardens, a small Gothic style weatherboard building was Geelong's first customs house. It was prefabricated and shipped from Sydney in 1838, and it is now considered to be the oldest authenticated building in existence in Victoria. A more substantial customs house, dating from 1856, is one of the few examples of the colonial Georgian style to have survived in Victoria. Our old telegraph station is another colonial gem and one of the first buildings in Victoria to be built of barable free stone. We have Victoria's oldest church in continuous use. Our town hall is one of the oldest centres of local government and our train station is one of the largest from its era. The list goes on.

Sadly, our failure to value heritage at times has seen us lose some significant buildings over the decades. This has led some of us to believe that our city is not beautiful, and that is a real shame because our city is exceptionally beautiful. Some think that we do not have the boom time boulevards to compare with Bendigo or Ballarat, but I believe that ours could be even better, and I am bold enough to say it in the presence of the member for Ballarat. To look at the buildings that lie in Ryrie Street between Yarra and Gheringhap streets is to see a treasure

trove of architectural magnificence buried under signage and verandas in keeping with the style.

There are heritage buildings that can show us the way forward. The Fletcher Jones building in Moorabool Street is a great example of a retail building that celebrates its character. We think of Corio Bay as our best asset, but our city's built heritage is potentially our greatest tourist attraction. It tells the story of Geelong better than any history book, but it just needs some care and attention, and that requires effort. We need a whole-of-city commitment, and today I call upon the owners of our city centre's buildings and the council to work together to meet this challenge of restoring our city's heritage. Our city forefathers had a vision; the city streets that sweep down toward the bay were built for a reason; they show pride in a town that quickly established its credentials as a major commercial centre.

Herbert Electorate: Police and Community Youth Clubs

Mr LINDSAY (Herbert) (4.24 pm)—This morning in the parliament I was talking about the best tropical university in the world which, as you know, is James Cook University. This afternoon I want to refer to the Townsville Police Citizens Youth Welfare Association, affectionately known as PCYC. It is the best PCYC in Queensland, and I think there is universal recognition of that through the police service and also through the community. It is wonderful to be able to report that to the parliament this afternoon.

Under the very capable leadership of Sergeant Gil Napper, the organisation has just blossomed. In 2008 the branch had a 37 per cent growth in membership, but it has doubled again in the last year and there are now 2½ thousand members. And it is wonderful to see all the programs. PCYCs are often seen as entities that look after young Australians, but the Townsville PCYC in Wellington Street in Aitkenvale has the whole gamut, from the youngest to the oldest. Seniors enjoy it as much as youngsters do. It has a family feeling. Everybody knows one another by their first name, and that is wonderful thing.

The PCYC have introduced some key programs. For example, the successful Support and Strengthening Program looks at youth from nine to 14 years of age who are at risk of disengaging, or have disengaged, from learning or are experiencing significant behavioural issues. Through sport and recreational platforms, the program helps these youth to re-engage. It rescues them. Gil and his team have achieved a success rate of 88 per cent, which is wonderful. The PCYC welcomes these young people, whom nobody else wants to know about—the education system does not want to know about them and the police force and the community have trouble with them—with open arms. The kids have a wonderful time re-engaging and gaining life experience.

Thank you, too, to the Chairperson of the Branch Management Committee, Christine Allderson. She has been doing a wonderful job leading the committee and supporting the police officers. The family atmosphere that has developed there, with mothers, fathers, grandparents and children regularly spending time at the branch, is a wonderful outcome.

Other community organisations are also involved, like the Smith Family, the Gambling Community Benefit Fund, Perpetual Funding, the Townsville City Council, Community Renewal Townsville, the Australian Federal Attorney-General's Department, the Queensland government, the North Queensland Fury Football Club, the Townsville Basketball Associa-

tion, Townsville Fire and the North Queensland Cowboys. Thank you so much for engaging with the PCYC in Townsville to make it the best in Queensland.

Ballarat Electorate: Health Reform Consultation

Ms KING (Ballarat) (4.27 pm)—Last Tuesday I had the opportunity to discuss the National Health and Hospitals Reform Commission’s final report with the local branch of the Australian Medical Association in Ballarat. In attendance were local GPs, surgeons, cancer specialists, obstetricians and emergency department physicians. I want to thank them for their engagement and interest in what has been the most significant set of reform proposals that I have seen in the time that I have been involved in the health sector.

The purpose of the discussion was, firstly, to go through the key recommendations of the commission’s report and, secondly, to gain a local perspective on how they may or may not work on the ground. The report focuses on tackling the major access and equity issues that affect people now; redesigning our health system to meet emerging challenges; and creating an agile, responsive and self-improving health system for future generations. Not all 123 recommendations were discussed by the local AMA branch, but the issues raised included the challenge emergency departments face as they become increasingly busy. Continued concerns about managing workforce shortages were raised. Members looked at how we may tackle the increasing demand for elective surgery and the growing numbers of public dental waiting list patients. We recognised the lack of scope in terms of preventive health strategies.

The discussion was broad and dynamic. The group agreed on many points and disagreed on others. In particular, there were a range of perspectives on the practicalities of separating out emergency and elective surgeries in a regional setting. Whilst emergency physicians felt that this would be a sensible option to ensure beds for emergency patients, others were concerned about surgeons losing the capacity to work across elective and emergency cases and the potential dangers if elective lists were shifted to larger metropolitan centres. I have undertaken to pass these concerns on to the Prime Minister in the Minister for Health and Ageing’s consultation process.

The 123 recommendations contained in the report represent a significant challenge, particularly as we consider the costs of reform and the options that may be available to offset these costs. There are an enormous amount of vested interests and politics in health, and it has been important that the discussions around the proposals have been occurring in community settings with a wide diversity of health professionals. I commend the Prime Minister and the minister for health on the level of consultation they are personally undertaking, with some 58 consultations undertaken so far. I am pleased that my community has been able to contribute in a small way.

The reform of our nation’s health system is important and we are determined to get it right. The conversation in health is happening across the country and it is particularly important that health professionals and consumers contribute. I want to encourage those who have an interest and who have not yet done so to have a good look at the report, to jump on the website www.yourhealth.gov.au and contribute their views to this important health reform.

The DEPUTY SPEAKER (Ms AE Burke)—In accordance with standing order 193, the time for members’ statements has concluded.

AUSTRALIAN NATIONAL PREVENTIVE HEALTH AGENCY BILL 2009**Second Reading**

Debate resumed from 10 September, on motion by **Ms Roxon**:

That this bill be now read a second time.

Mr DUTTON (Dickson) (4.30 pm)—The preventative health initiatives touted in the Australian National Preventive Health Agency Bill 2009 are intended to alleviate pressure on hospitals and the health system—a health system this government said it would have fixed by mid this year. Kevin Rudd’s supposed miracle cure for the hospital system has turned out to be nothing short of snake oil—not that this Prime Minister seems to care. A central plank to his election win was his takeover carrot, and now he is setting himself up to repackage it at the next election. Rather than having fixed the system as promised, it is now almost unanimously accepted that Australia’s health system is under unprecedented pressure. Our state public hospitals are at capacity and in many cases nearing breaking point. The most recent public hospital report card of the AMA claims that major metropolitan teaching hospitals operate with a bed occupancy rate of 95 per cent or above—a long way from being fixed. Notwithstanding additional expenditure the report states:

Waiting times are still increasing and waiting lists are still too long.

This is evidence of the Prime Minister pouring money into a system he knows is broken yet refuses to fix. The Prime Minister’s six months of consultation on the National Health and Hospitals Reform Commission review is not going to reveal anything different and is clearly just a stalling tactic.

Ms Hall—Madam Deputy Speaker, on a point of order: I understand that members can talk on things other than the legislation, but we are actually talking about the Australian National Preventive Health Agency Bill and the member has made absolutely no reference to it.

The DEPUTY SPEAKER (Ms AE Burke)—The member for Dickson has just commenced his remarks and I will allow him to continue, but he will draw himself back to the bill or I am sure the member for Shortland will do it for us.

Mr DUTTON—My old friend, my old stalking partner, the member for Shortland is always hand-wringing and never has anything positive to say.

The DEPUTY SPEAKER—The member for Dickson I think should know that he does have to be relevant to the bill.

Mr DUTTON—Certainly, Madam Deputy Speaker. The objective of preventative health measures to alleviate pressure on the public hospital system is rightly supported by both sides of politics. However, it is the policy measures employed where stark differences arise. There is a fine line for government in such a debate. Informing people of risks associated with certain lifestyle choices can easily drift into telling people how to live their lives and attempting to socially engineer a homogenous lifestyle for the latest government citizenry.

The Minister for Health and Ageing penned an article in the *Punch* recently by the title of ‘I’m no nanny, it’s about saving lives and the system’ and, in doing so, acknowledged the Orwellian-like concerns associated with government going down this path. The issue is complex. As unpalatable as it may be, the taxpayers should pick up the bill through the health system for someone who lives their life with reckless disregard for the health consequences.

Government intrusion into an individual's life and lifestyle should always be closely scrutinised.

This bill states the functions of the agency through the CEO will include the following: first, advise and make recommendations to the minister, ministerial council and various governments on matters relating to preventive health; second, gather, analyse and disseminate information; third, conduct awareness campaigns; fourth, make financial assistance grants on behalf of the Commonwealth; fifth, develop national standards and codes of practice; sixth, manage schemes and provide awards; and, finally, any other function as determined by the minister. Quite a wide scope.

So, whilst we have been given an initial indication of the reach of the agency, it is by no means an exhaustive list. The statistics on the impact of obesity, tobacco and alcohol on quality of life and on our health system are confronting. With 32 per cent of Australia's burden of disease attributable to modifiable risk factors, there is capacity to alleviate pressures on hospitals and the health budget. Preventative health measures which deliver tangible health outcomes assist in ensuring the viability of the health system as we move forward. I was surprised to hear the minister state in her second reading speech:

In the past the prevention effort was neglected.

I would strongly disagree with that statement as, I suspect, would other members on both sides of the House. I would suggest to the minister that we are fortunate in Australia that the objective of preventative health, fundamentally the reduction of premature illness and death, is generally supported by both sides of parliament.

If we look objectively at the efforts of previous governments, improvements have been made by both sides through changes in tobacco excise, education and awareness campaigns, immunisation, bowel cancer screening and breast and cervical cancer screening to name just a few. Significant gains have been made. From 1996 to 2007 the coalition government also invested \$1.8 billion in immunisations; a further \$704 million in 2006 for the HPV and rotavirus vaccination program; \$211 million from 1999 to 2007 to fight HIV-AIDS, hepatitis C and sexually transmitted infections; and \$18.5 million in 2006 for the nation's first national skin cancer awareness and education campaigns.

The previous coalition government commenced funding of the Bowel Cancer Screening Pilot Program in 2000. Following the pilot, as part of the 2005-06 budget initiative Strengthening Cancer Care, the coalition provided \$43.4 million for the phasing in of the National Bowel Cancer Screening Program. I acknowledge and give credit where it is due to the current government for continuing this important Howard government initiative, which reduces morbidity and mortality from bowel cancer. With respect to tobacco, the final death knell for tobacco advertising in this country—a complete ban on all international sport and cultural events—was announced by the then Minister for Health and Aged Care, Dr Michael Wooldridge of the Liberal government, on 2 November 2000.

Interestingly also, this government refused the coalition's proposal this year to increase the tobacco excise by 12.5 per cent to fund the proposed cuts to the private health insurance rebates. Instead, the minister pushed ahead with her attack which would have led to insurance downgrades and higher premiums and pushed people into the public system, hardly helping to build a sustainable health system.

Preventative measures cannot work in isolation. The health system needs to support early interventions in order to avoid disease progression. It is of little use spending \$102 million in social marketing over four years, as proposed by this bill, if the government's other policies increase the burden on public hospitals. The \$102 million for social marketing that is proposed in this measure dwarfs the mere \$16 million over four years the minister was trying to save by capping the Medicare safety net for injections into the eye.

The minister boasts about her supposed efforts in preventative health—the new preventive health agency and its huge taxpayer investment in advertising. However, if you look at the tangible action that this minister has taken in this area, the reality quickly deflates all her embellished rhetoric. This minister has proceeded against all sensible advice and reasoning to halve the Medicare rebate for cataract surgery. Whilst the minister likes to silence any scrutiny of her ideological crusade, it is important, in the context of this bill, that we scrutinise this government's record on preventative health.

There are over 200,000 cataract operations annually in Australia and cataracts are currently the leading cause of blindness in the world. As elected representatives, we need to question whether it is right that this government spends an additional \$102 million on marketing and \$17 million on additional administration under this agency when they claim they cannot afford to continue providing mostly older Australians with a full rebate for this very important preventative procedure. The minister stated on 25 August 2009:

If we are to embark on a next stage of health reform—to improve the health system for all of us—we will need to find further savings and efficiencies to fund our priorities.

It should be very concerning to the Australian public that this minister believes areas to be targeted for savings should include vital life-changing—and in some cases life-saving—and preventative surgery, with those funds now to be used to fund advertising.

Ms Hall—Madam Deputy Speaker, I rise on a point of order going to relevance. I have been most patient. I have allowed the member for Dickson to talk at some length about an issue that has absolutely no relationship at all to this legislation. I would ask you to draw him back to the discussion on preventative health care.

The DEPUTY SPEAKER (Ms AE Burke)—The member for Dickson has the call.

Mr DUTTON—The minister continues to roll out the same old rhetoric of doctors being overpaid to justify changes. However, this minister only ever seems to quote the gross revenue of the top 10 per cent of medical practitioners. The minister does not elaborate on overheads, significant outgoings for technological upgrades and for equipment maintenance, staffing costs, the extensive training required and ongoing education for such specialties. Most importantly, this minister never acknowledges that the Medicare rebate is for patients, not for doctors. It is the patients who will be out of pocket, not the doctors. Not only does cataract surgery help prevent blindness; it endures any scrutiny that this government can apply in terms of the benefit to older Australians. These are people who are able to—

The DEPUTY SPEAKER—The member for Dickson is now straying exceptionally from the bill. I understood where you were linking it before—

Mr DUTTON—But cataract surgery is a preventative measure. It stops people from going blind, it stops them from falling—

The DEPUTY SPEAKER—The member for Dickson will recognise the chair and allow me to make the point I was going to make. I understood where you were going before with the analogy of prevention. I allowed it to continue and I did not allow the intervention from the member for Shortland. But I think you have strayed from the mark, going on to another bill, one that we have already debated in the parliament. I would call you back to the Australian National Preventive Health Agency Bill that is before the Main Committee at this point in time.

Mr DUTTON—Further to your ruling, which I am completely happy to abide by, just by way of clarification, the rebate which is proposed to be cut by half has not been the subject of a bill before the parliament. That has not been part of the effective Medicare safety net.

Mr Dreyfus—Madam Deputy Speaker, on a point of order: this repeated mentioning of cataract surgery has nothing to do with the bill that is before the House—

Mr DUTTON—It shows your ignorance. Cataract surgery prevents people from going blind.

Mr Dreyfus—and the member for Dickson demonstrates his complete lack of understanding of the matter before the House by this repeated assertion that preventative medicine might include cataract surgery. On that basis, open-heart surgery would be preventative medicine.

The DEPUTY SPEAKER—The member for Isaacs will resume his seat. The point I was attempting to make to the member for Dickson is that the standing order requires relevance to the bill—the bill before us that we are debating at this point in time. I understand the point he is making, but he has to be relevant to the bill.

Mr DUTTON—In relation to the bill that is being debated at the moment, there is a proposal to spend over \$100 million on advertising, on social marketing. I am suggesting to the House that as people who are responsible for the administration of the taxpayer funds that are proposed to be spent under this bill we should question whether or not that is an appropriate expenditure of money compared to other measures which this government could spend money on in the health portfolio. That is the point that needs to be made today.

This government is intent on building health bureaucracies. That is exactly what state Labor have done for the last 10 or 20 years. The difficulty for this government is that it has very great problems explaining to the Australian public why it is that it continues to bloat a health bureaucracy—not with people on the front line, not with doctors and not with nurses, not with people who are performing procedures that make life-changing events take place, such as cataract surgery for older Australians in particular—but by spending money on new agencies and putting money into advertising. That is what this bill proposes.

For argument's sake, this bill does not propose anywhere, on my reading of it, that they would abolish equivalent numbers of positions within the department. They do not propose that there would be an offset of a number of places within the department, many of which are already performing this same work. That is the difficulty that the government has in relation to this bill.

There have been a number of recent comments which are relevant to this debate, and I think they are worth noting. Another member of the House of Representatives stated, as recently as last week:

The indiscriminate creation of new bodies, or the failure to adapt old bodies as their circumstances change, increases the risk of having inappropriate governance structures.

This in turn jeopardises policy outcomes and poses financial risks to the taxpayer.

The member went on to say:

Incorporating a new function within a department is almost always the preferred option because of the difficulties a small body faces in meeting its own needs.

Those opposite may be very interested—even the member for Shortland, with her limited understanding on this topic—to learn that those comments belong to the Minister for Finance and Deregulation, the Hon. Lindsay Tanner, in a speech that he made to the Australian Institute of Company Directors on 14 October 2009. Quite obviously the left hand does not know what the right hand is doing in the Rudd government. It is quite extraordinary a week after the finance minister calls for a reduction of government agencies that the health minister creates another one.

The finance minister is quite correct though. How can the establishment of another agency, the employment of more bureaucrats and the expenditure of hundreds of millions of dollars for advertising be a priority when our hospitals are overflowing? The government cannot afford to provide cataract patients with a full rebate when they have tried to remove funding for macular degeneration patients. Will the agency, for argument's sake, be assessed in terms of its contribution towards achieving the targets and benchmarks of the National Partnership Agreement on Preventive Health, or is this funding unconditional? Reviews, agencies and more bureaucrats should not be your priority, Minister. Patients should be.

We learned that the advisory council of the agency will consist of up to 11 members, one member representing the Commonwealth government, one or two members representing state and territory governments and between five and eight members with expertise in preventative health, as nominated by health ministers or their delegates. Whilst the EM alludes to business and industry inclusion, it certainly is not specified. It is important that industry and business is very much a part of this process and that they are engaged. One of the most challenging aspects of preventative health is reaching a consensus on policy that will actually drive change. For policy to work in this area, it is important that engagement in the process is broad and inclusive. It will not succeed if a polarising us-and-them approach develops between academia, industry and business.

Today I have highlighted a number of reservations the coalition has with this bill. Firstly, there is the future reach of this agency—how far will it intrude into individuals' rights to make their own lifestyle choices? Secondly, there is the duplicity of generating savings by cutting rebates for things such as cataract surgery and trying to remove assistance for people being treated for macular degeneration and then spending \$102 million on lifestyle advertising and marketing. There is the lack of reasoning for another layer of bureaucracy. What savings will be made in the Department of Health and Ageing if preventative health is to be administered separately? Finally, there is the lack of engagement with industry to drive change.

Clearly, from all of our consultation with stakeholders in this area, we can see that this is a government that refuses to consult. They do not consult because they do not like what people are saying. This is a government, now two years into its term, that has not lived up to its election promises in relation to health. This is a crucially important area, because for over a dec-

ade there has been a complete neglect and indeed in some cases trashing of the health system by state Labor governments.

Preventative health is important—of course it is important. We all recognise that. But we do not need a government which is intent on building bureaucracies for the sake of doing it. We need tangible outcomes. We need for people to be engaged. We need there to be an idea of exactly how it is this group is going to engage with business and with industry and how it is that the Preventative Health Taskforce is going to deliver to the government the sorts of ideals that the government has not yet been able to enunciate. That is of course part of the problem with this government in relation to health. There is a lot of promise but very little delivery. Those are the concerns that the coalition expresses today in relation to this bill. We put the government on notice in relation to the areas that we will be looking at as we go forward. We would ask for the government to provide answers and responses to the legitimate questions that have so far been asked.

Mr DREYFUS (Isaacs) (4.50 pm)—The Australian Labor Party committed, in opposition, to making the prevention of chronic disease a priority for our country's health system. In opposition, the then leader of the opposition and now Prime Minister, Kevin Rudd, spoke about the need for the Commonwealth government to invest a great deal more in prevention in order to 'help deal with the rising incidence of chronic diseases', 'help prevent Australians from getting sick in the first place' and reduce 'their need to end up in hospital'. In the course of the election campaign in 2007, the Australian Labor Party outlined a number of promises, including making prevention a focus within the health system by developing a national preventive healthcare strategy and by broadening the focus of Australian healthcare agreements between the Commonwealth and the state and territory governments so that they included a preventive healthcare partnership.

In government, the Labor Party have acted on the commitments that we made from opposition and acted on the commitments that we made during the 2007 election campaign. In April 2008, the government commissioned an inquiry by the Preventative Health Taskforce, which reported on 30 June 2009, and preventive health care was the subject of an extensive agreement at the Council of Australian Governments in November 2008 to establish the Australian National Preventive Health Agency.

The Australian National Preventive Health Agency Bill 2009 establishes the preventive healthcare agency and, in doing so, it will establish an important component of the enabling infrastructure under the National Partnership Agreement on Preventive Health. The Commonwealth, as was outlined by the minister in her second reading speech, will provide funding of \$133.2 million over four years for the agency, \$102 million of which will be for a national-level social marketing campaign to reduce rates of obesity and smoking. There will be the opportunity for states to contribute financially to the agency's operations. The agency will be headed by a chief executive officer who will advise and make recommendations to the minister for health and, as the legislation makes clear, there is to be an advisory council, which is to provide advice but not direct the chief executive officer on preventive health. It will be charged with developing a triennial strategic plan and it is one part of a much broader framework for a national approach to preventive health.

This legislation has the support of a number of interest groups and bodies in the health field, including the Heart Foundation, which has indicated its direct support for this bill, say-

ing that it 'heralds an important and proactive focus for preventative health care, especially in the major health risk areas of tobacco and obesity, that could potentially shift the significant burden of cost that accompanies chronic diseases such as cardiovascular disease'. And there has been direct support offered for this legislation by the Public Health Association of Australia and by the Royal Australian College of Physicians.

It is a fact that the increased rate of chronic illness in the Australian community has a significant and detrimental impact on the quality and span of life for individual Australians. Chronic illness places an enormous burden on our health system and other government services and it diminishes economic productivity by reducing participation rates in the workforce. The shift of focus to preventive health will play an important role in reducing the disease burden that is experienced by individual Australians and their families and will reduce the costs of health care in an ageing community, which as we know is coming in Australia. The shift of focus to preventive health should also, as I said, improve labour market participation. The shift of focus is a vital recognition that, as well as a health system which provides excellent acute care, we need to focus on the ongoing wellbeing of all Australians.

It is regrettable that the opposition spokesman for health, the member for Dickson, who spoke immediately preceding me, seems to have no understanding of the difference between acute care, which would be the category that cataract surgery comes under, and preventive health or a focus on ongoing wellbeing. There is a distinction to be made. Acute health encompasses matters like cataract surgery or, as I said in my intervention, open heart surgery. We need to keep the two concepts very much separated because it is impossible to conduct an intelligible debate about the future of the health system if we are going to get basic concepts like that mixed up, as the opposition spokesman for health seems to have done.

The initial focus of the Australian National Preventive Health Agency will be on three significant risk factors—obesity, smoking and alcohol consumption—and, as I have indicated, this bill to establish the agency follows on from the task force report that was delivered on 30 June 2009. This task force report outlined the most comprehensive plan yet devised in Australia to advance a prevention agenda. The report makes numerous recommendations about prevention, focusing particularly on obesity, tobacco and alcohol use, which is why it is appropriate that the Australian National Preventive Health Agency adopt those particular focuses as well. The task force outlined four ambitious prevention targets which are aligned with previous interim targets that had been set by the Council of Australian Governments in November 2008. One of the task force's recommendations was to establish the national prevention agency that is the subject of this legislation. It is a notion that was also foreshadowed in the national partnership agreement.

The task force report is something that the members of the task force should be commended for. The task force was headed by Professor Rob Moodie, with Professor Mike Daube as deputy chair, and had as its members Kate Carnell AO, Dr Christine Connors, Dr Shaun Larkin, Dr Lyn Roberts AM, Professor Leonie Segal, Dr Linda Selvey and Professor Paul Zimmet AO, who is a noted expert in a range of preventive health areas—notably in diabetes, an area in which I have had some personal contact with him. I do have a particular interest in diabetes and I will return to that later. In its report, the task force indicated very directly the appropriateness of setting some ambitious targets. The task force identified the following targets, and I am quoting now from the overview of the task force report:

Halt and reverse the rise in overweight and obesity

Reduce the prevalence of daily smoking to 10% or less

Reduce the proportion of Australians who drink at short-term risky/high-risk levels to 14%; and the proportion of Australians who drink at long-term risky/high-risk levels to 7% ...

The task force went on to point out what current trends in Australian health statistics will deliver for us if action is not taken in this preventive area to reverse or at least lessen those trends. They point out in their overview:

Recent trends predict that the life expectancy for Australian children alive today will fall two years by the time they are 20 years old, representing life expectancy levels seen for males in 2001 and for females in 1997.

It is unacceptable that we as a nation are leaving this legacy to our children and grandchildren.

If these health threats are left unchecked, our health systems will find it increasingly difficult to cope.

They go on to give a number of examples—the effect of the prevalence of obesity, the effect of ongoing smoking in the numbers that we are seeing and the effect of harmful consumption of alcohol. To sum up, we are going backwards if we continue at these trends, particularly bearing in mind the ageing of our population.

What we do know—contrary to, I think it is fair to say, the veiled mockery that was contained in the speech we just heard from the opposition's spokesman on health and contrary to what he said—is that large-scale public health campaigns work. That has been demonstrated by the enormous success that our country has had in reducing rates of smoking and the success that we have had in limiting the spread of HIV-AIDS. We have had a much better experience than quite a number of other developed countries, without even mentioning the enormous challenges that are now being faced by a range of developing countries, where the kinds of large-scale public health campaigns that Australia has been able to mount have not been mounted. We have had a very good experience of this kind of campaign. As I said, HIV-AIDS is a very good example.

Another area where there has been a very good experience of large-scale public health campaigns is in relation to reducing the road toll. Those of us who are old enough can remember, as I do, the horrific road tolls that we experienced in all states of Australia in the 1960s and 1970s. We have produced a reduction in the road toll, not merely by introducing laws like compulsory seatbelt laws or the wearing of helmets for cyclists but also through large-scale public health campaigns or public education campaigns, which do produce results.

As I indicated earlier, I have a particular interest in diabetes. When I became a member of this House I joined—at the invitation of the member for Pearce, who is with us here in the chamber and who is the chair—the Parliamentary Diabetes Support Group. Diabetes is, of course, a great concern throughout Australia and is particularly a concern in my electorate and throughout south-east Melbourne. Just some of the stark facts about diabetes—and this is something that the Preventative Health Taskforce deals with at length in its report—are that, according to the Australian Institute of Health and Welfare, type 2 diabetes is expected to become the leading cause of disease among Australian men and the second leading cause of disease for Australian women within 15 years; and annual healthcare costs relating to diabetes will increase from \$1.3 billion in 2002-03 to \$8 billion by 2032. The driving factor in this alarming increase is the expected growth in the prevalence of obesity.

One can look at the facts we already know about diabetes, including the fact that in 2003, six years ago, diabetes and its complications were responsible for around eight per cent of the total burden of disease in Australia. The prevalence of diagnosed diabetes more than doubled between 1990 and 2005. There are severe complications associated with diabetes. There is a great risk of cardiovascular, eye and kidney diseases. Someone with diabetes is twice as likely to have had a heart attack, three times as likely to have had a stroke and twice as likely to have had cataracts or glaucoma.

That brings me back to the opposition spokesman on health. Preventing cataracts is something that preventative health is directed at—things like preventing people from getting diabetes. Surgery for cataracts is acute treatment at the other end, when the debilitating condition has already arisen.

To return to a few more of these stark facts, diabetes has an even greater impact on Indigenous Australians. The prevalence of diabetes in Indigenous Australians is three times that in non-Indigenous Australians. Diabetes hospitalisation rates for Indigenous Australians are 11 times that for non-Indigenous Australians and the death rate from diabetes for Indigenous Australians is 12 times that for non-Indigenous Australians. Diabetes prevalence and deaths due to diabetes among people in the fifth of the population with the lowest socioeconomic position is nearly twice as high as it is for those in the top fifth. Those are the stark facts. The reason I am going on at such length about diabetes is that diabetes is largely preventable. Control of modifiable risk factors, such as being overweight and obese, and encouraging physical activity are critical to controlling the rise in type 2 diabetes. If someone already has type 2 diabetes there are still benefits and advantages to be obtained from changes in lifestyle because it is possible to reduce the complications associated with diabetes by such changes.

So, while we have had real successes in some other areas of public health promotion, we are experiencing a continuing increase in the rates of Australians being overweight and obese. There have been alarming increases in overweight and obesity rates in children over the last two decades. Among both boys and girls aged seven to 15, rates of obesity more than doubled between 1985 and 2007.

It is because of measured changes in the Australian population, in the health of Australians, that there is such an important role for government in improving the health of all Australians through preventative strategies. There is no doubt that government can play a key role in better research and can play a key role in sharing information, and that is why the agency that is being established by this legislation can play an important role as a clearing house. There is no doubt that effective social marketing efforts—and that is what the \$102 million that is earmarked in this legislation is directed to—can help in improving, through prevention, the future health of Australians, and governments can also play a very direct role in establishing programs that support healthy lifestyles.

The actions required of governments, identified by the Preventative Health Taskforce, need to be, in their words, ‘progressive, staged and comprehensive’. I am looking forward to seeing this agency start up its operations. I am looking forward to the kinds of social marketing campaigns that this agency is going to be directed to oversee. I am confident that social marketing campaigns in the health area, as in other areas, can be useful. We know that social marketing campaigns help consumers make better choices because they give them better information in

imperfect markets. We know from past experience that in the health area this sort of campaign is likely to be able to achieve a change in behaviour.

Just to finish off, I am hoping that the opposition spokesman for health, the member for Dickson, puts a bit more time and effort into studying the report of the Preventative Health Taskforce because it might explain to him the difference between acute care and preventive health campaigns. It is an important difference. The Rudd government is committed to improving preventive health measures throughout Australia.

Mrs MOYLAN (Pearce) (5.09 pm)—From the outset can I acknowledge the member for Isaacs. He is part of the Parliamentary Diabetes Support Group and I greatly appreciate the contribution he has made to that group since he was elected to parliament. I would also like to acknowledge as part of that group the member for Moore, the member for Lyons, Senator Barnett and, indeed, all the members and senators in this place who regularly contribute and take an interest in the problems and challenges that diabetes poses to us as a chronic health matter. We have worked very closely with Diabetes Australia, with the Juvenile Diabetes Research Foundation, with the Diabetes Educators Association and many other organisations. I think that on one occasion we had the department from the Canberra Hospital do a renal dialysis here to demonstrate to members one of the high risks of diabetes that goes undiagnosed and untreated. Sometimes, even with the best treatment, people still get severe renal complications requiring them to go onto dialysis. So we have greatly appreciated the contribution of many, many health professionals who have come to this place and who have given their time and expertise to speak. So I am glad that the member for Isaacs raised this at the very outset of this debate. There are just too many people to mention individually, but they have been generous with their time, with keeping us informed and educating us more about the serious matter of diabetes within our community.

Indeed there has been a rising incidence of chronic illness in Australia, diabetes among others, and we are now amongst the most obese nations in the world. In November 2008 there was a COAG agreement to establish an agency dedicated to preventative health. In principle, I have to say that I personally welcome that move. I think that it is a very important step forward. This agency is to coordinate multilevel government measures to prevent chronic disease, and in the second reading speech the Minister for Health and Ageing commented:

This agreement funded by the government as \$872 million provides the largest single investment in health promotion in Australia's history.

This figure refers to the National Partnership Agreement on Preventive Health and the amount will come from a total commitment over four years of \$133.2 million.

The Australian National Preventive Health Agency Bill 2009 establishes the Australian National Preventive Health Agency made up of a chief executive officer and staff who will be directly accountable to the Commonwealth Minister for Health and Ageing. This bill also establishes the Australian National Preventive Health Agency Advisory Council to provide advice to the chief executive officer. It will consist of a member representing the Commonwealth, one member for each state and between five and eight members with expertise in preventative health.

The functions of the Australian National Preventive Health Agency will be to support the Australian health minister to prevent chronic disease including the following: providing evidence based advice to health ministers on key national level preventative health issues; pro-

viding national leadership and stewardship of surveillance and data on preventative chronic disease and their lifestyle related risk factors in order to improve the availability and comparability of evidence; collating evidence available from a range of sources in order to assess and report biennially on the state of preventative health in Australia; supporting behavioural change through education, promotion of community awareness programs relating to preventative health; providing grants of financial assistance to state and territory persons for a variety of purposes pursuant to preventative health including research grants in aid of population level interventions or grants paid as sponsorship to organisations.

It is to support and facilitate partnerships with relevant groups, industry, non-government, community sectors and to encourage cooperative action leading to preventative health gains, promulgating national standards and codes to guide preventative health initiatives, interventions and activities. And finally in that list it is to manage schemes and reward best practice in preventative health interventions and activities.

Of the \$133.2 million allocated to the ANPHA, \$17.6 million will be spent establishing and maintaining the organisation, \$102 million has been allocated for national level social marketing campaigns targeting obesity and smoking with a further \$13.1 million having been allocated for a preventative health research fund focusing on translational research to support policy development.

The shadow minister for health, the member for Dickson, has outlined some of the coalition's concerns. I think these concerns should be taken seriously, because it is a lot of money and we want to get the very best outcome. In essence, as I said earlier, I totally support the general direction of this measure. I think it is a very important health measure, as the member for Isaacs quite rightly pointed out. It has precedence in the road toll program, which has drastically reduced death and injury from road accidents. There are many other programs that I could talk about but will not because time does not permit.

I think it is a very important program and the issues that the shadow minister has raised are also very important. One concern is that the agency and advisory council are adding yet another layer of bureaucracy that could be incorporated into the existing health department at a lower cost. I think that needs to be looked at fairly closely. When I am out there engaging with my constituents, the complaint I constantly get is that so much of the money is taken up in the administration of programs—whether they be health programs, environmental programs or mental health programs—that they never get the shovel in the ground, so to speak. That means they never get to actually deliver a level of service that is acceptable to the public. I think an issue that is worth bearing in mind is to always make sure that the expenditure of money that we allocate in this place is as effective as it can be and is not just setting up another layer in a bureaucratic process that gobbles up the dollars before the benefits can be delivered—and sometimes they are never delivered—to the public. That is my concern also, and the shadow minister and the coalition have raised a valid point.

The ANPHA also will need to report to the minister and will be accountable for its performance against agreed triennial, strategic and annual operational plans. That is what it says. Nevertheless, there are still concerns that there are no assurances of outcomes for expenditures. Again, this goes to the heart of the problem that concerns me that there are measurable public outcomes from the money that is being expended in this place. It is not money that belongs to us. It is not money that belongs to the bureaucrats, as good as they often are, who are

charged with administering. It is the money of the Australian people, and I think they deserve to know that there are accountability measures in the way that money is expended in producing better public health outcomes.

In addition, the other concern that has been raised by the coalition is that the government is yet to respond to the Preventative Health Taskforce. The member for Isaacs mentioned this and how important it is for us to read and understand the report of that task force. A lot of time and money has been expended on it. I agree with the member for Isaacs that it is an important document that we should be drawing from. We have not yet seen a response to that task force by the government, yet we are prepared to commit a very large sum of money to a preventative health agency before that process has taken place. I think it is fair to ask the question: can we be sure that the government has a coherent game plan for tackling preventative health if it is not yet in a position to respond to that report? I think it is a valid question, and I think the government members and the minister have to be able to answer it.

Apart from my concerns about the government's approach, I am personally very committed to dealing with the issue of chronic disease. The Parliamentary Diabetes Support Group puts out an activity report, which goes through the history and outlines why the group was established. In that first publication, I wrote:

... the greatest health-care challenge of the 21st Century ... is the management of CHRONIC ILLNESS. It is the new frontier.

Medical science has found ways of preventing a multitude of childhood diseases that in previous decades stole the lives of so many children.

In the catalogue of CHRONIC ILLNESS no condition is more needful than the world-wide scourge of diabetes. Its management and prevention is a responsibility of the whole of society.

The catalogue of chronic disease was the subject of the National Public Health Partnership's paper 'Preventing Chronic Disease: A Strategic Framework'. That paper identified 12 of the most significant chronic diseases in Australia. I will not read out the whole list or I will run out of time. If you look at that list, you will see that, almost without exception, those diseases are brought on or exacerbated because somebody has diabetes that has remained undiagnosed, untreated or unsatisfactorily treated. We should not lose sight of the fact that diabetes is a very serious disease which leads to some of these other chronic illnesses in our community.

The Australian Institute of Health and Welfare has found that more than half of all potentially preventable hospitalisations are from selected chronic conditions. In 2007-08, 19.24 per cent of hospitalisations per 1,000 separations—and I am not quite sure what that means—were for chronic conditions such as diabetes, asthma, angina, hypertension, congestive heart failure and chronic obstructive pulmonary disease.

I was glad to hear the member for Isaacs mention Indigenous health, particularly diabetes, because the Australian Institute of Health and Welfare found:

Indigenous Australians experience higher levels of certain chronic conditions than non-Indigenous Australians. In 2004-05, more Indigenous Australians experienced hypertensive disease, other diseases of the heart and circulatory system, asthma, diabetes, arthritis and kidney disease.

Again, I say that many of those other conditions experienced by Indigenous people come about from untreated, undiagnosed or poorly treated diabetes.

Diabetes left undiagnosed and untreated dramatically affects quality of life and certainly shortens life span. Its malevolent cause may lead to heart disease, renal failure, limb amputation and blindness, just to name a few of the complications. It is estimated that every 30 seconds, somewhere in the world, someone has a limb amputated due to diabetes. Furthermore, unless national governments act to deliver comprehensive policies, the implications for health budgets will be calamitous. Prevention and effective policymaking are essential to confront the diabetes pandemic.

The cost of dealing with chronic illness will become a major drain on health budgets unless there is a serious effort made to prevent chronic illnesses. In a speech I gave in Rome, Italy, at the European symposium on diabetes, I made the point that, well before this century reaches its half term, the global affliction of diabetes will have seriously challenged the health and the budgets of all nations. Diabetes is not just a matter of concern to health professionals; it will have wrought incalculable harm to the quality of life of individuals, with consequences for the social fabric of this nation and of all nations.

There sometimes exists a gulf, as I mentioned in Rome—and I am not making a point about any particular government—between the government's grand action plan and action itself. It goes to the heart of the point I made at the beginning of this speech about the need to make sure that the money is spent wisely. For many years, for example, representations were made to successive governments in this place about the need for subsidised insulin pump consumables—the devices that are used with the pump to deliver insulin—for children. That fell on deaf ears. Diabetes was made a national health priority back in the nineties by our government and the Labor government, but delivering best-practice medicine to children with diabetes did not seem to be a huge budget priority.

That gave rise to the establishment of the Parliamentary Diabetes Support Group. It was started because we were not delivering best-practice health care to children. We were successful in getting the government to allocate money for insulin pump consumables. People have to understand that if diabetes goes unsatisfactorily treated then other chronic health conditions prevail. So it is enormously important that children particularly get the benefit of the best technology and best practice-medicine. Their whole quality of life is affected. It is not just a cost issue; it is a quality of life issue.

Following our success with insulin pump consumables, we approached the government about subsidising insulin pumps for children, because many families cannot afford them. These devices are around \$8,000. We have written to the health minister, the member for Isaacs and other members on a bipartisan basis. What we want to see is effective policy. The fact is that, although the government allocated money to that program—we welcome that progress; it is a beginning point—there are more than 11,000 Australians under 18 with type 1 diabetes, which is not easily preventable. It is not something that can be fixed with diet and exercise. There are 1,000 new cases each year. These are young kids whose lives are inexorably impacted by diabetes. We have seen them in this House through the Kids in the House program.

The program that was implemented is not really working as effectively as it might. The current government allocated \$5.3 million over four years to provide a subsidy of between \$500 and \$2,500 to offset the cost of an insulin pump. We understand that, since that program started in November 2008, the government has received about 2,000 hits on its website, which

is fantastic. There have been 200 subsidy inquiries. As at February this year, 65 applications had been made and I think fewer than 10 families—that would be generous—had actually taken advantage of the subsidy. Because it is means tested, families that are eligible for the subsidy are simply earning such a low income that they cannot afford the device, even with the subsidy. Others just kick over that threshold. Certainly for those under the income threshold the device is still unaffordable.

There are other matters like that that I could talk about, but in conclusion can I just say that when I was in Tonga my good friend Dr Viliami Puloka said:

... if we do not act decisively and act now, we may well be the first generation for several decades where parents will bury their children.

It is a sobering message, but it will come true unless we can deal effectively with this chronic illness. In that respect, I support these initiatives but ask that the government consider the coalition's recommendations to ensure that the measures in this bill are effective and that the money that we allocate is used to best effect. It is, as I said, a very sobering message, and each of us has a responsibility to make a difference. (*Time expired*)

Ms RISHWORTH (Kingston) (5.30 pm)—I rise to support this very important bill, the Australian National Preventive Health Agency Bill 2009. I think one of the key facts that came out of the National Health and Hospital Reform Commission's review recently is that only two per cent of the federal health budget is spent on preventative health care. The consequence of this is a toll not only on our health but also on the long-term budget of the nation. With the cost of health care for preventable diseases almost \$6 billion per year and the loss of productivity of approximately \$13 billion, the burden of disease is too great for us not to take action. I congratulate the Minister for Health and Ageing for starting a conversation about preventative health care in Australia and also for starting real preventative health care solutions.

The actions of this government in all areas, whether they are education, workplace relations, agriculture, the arts, the economy or communications are to incorporate three themes: (1) building a stronger Australia, (2) building a fairer Australia, and (3) preparing Australia for the future. In health it is no different. The government is determined to make Australia healthier, making Australia fairer by addressing socioeconomic differences in health problems and preparing Australia for the future by tackling preventative health problems. The bill before us creates the Australian National Preventive Health Agency, which will lead Australian health ministers to implement feasible, preventative health care measures. It will place preventative care at the forefront of health policy, planning and spending. This proactive approach will have a significant effect on our health budget: by spending more on preventative health measures we will have to spend less on health problems down the track.

More important than fiscal management is the fact that focusing on preventative health care will make Australians healthier in the long term. The agency that is to be created by this bill is the primary outcome of the task force into preventative health for Australia that was commissioned by this government. The discussion paper entitled *Australia: the healthiest country by 2020* begins by stating that the goals of preventative health are aligned with the values of Australia. It states that our universal value of fairness will guide our commitment to preventative health because the people who are most at risk of basic health problems are those at the lower end of the socioeconomic scale. By prioritising preventative health we are tackling the ine-

quality between those with money and those without. Health care should not be unaffordable or exclusive. Any opportunity to prevent health issues before they become long-term problems should be fully embraced by governments.

The task force has set a series of ambitious goals to make Australia the healthiest country by 2020. The turnaround required in our nation's health in just over 10 years will require serious commitments by government and health professionals and the task force report points a way forward to achieving these goals. The creation of the agency picks up on the key recommendation of the task force and will continue the work of promoting preventative health.

The task force picked up also on the work already achieved by federal, state and territory governments informing a significant partnership agreement on preventative health. In November last year, the Council of Australian Governments made a national agreement on health problem prevention, which allocates funding to improve the health of all Australians. The initial agreement set the policy parameters of the Commonwealth, state and territory governments as well as agreeing to the funding levels of the required programs. COAG committed itself to finding means to increase the proportion of healthy adults and children and to reduce the high rate of obesity. That meeting also set funding to increase the access to services for children, to increase their physical activity, to improve nutrition, to improve the quality of community awareness campaigns, and to fund the National Preventive Health Agency.

The COAG agreement shows a willingness of governments of this country to reverse the inertia of the previous federal government. This government knows that it has a duty to make every effort to provide access to quality health care to Australians, not only to those who can afford it but also to those in need. The bill is concerned with creating an agency, as I have mentioned before, which will give advice on preventative health care. In supporting this bill I also support the work objectives of this agency.

A large part of preventative health is addressing chronic disease. The previous member spoke very passionately about the prevention of diabetes, which is one of the key chronic diseases. In tackling chronic disease, we also need to tackle some of the causes of that chronic disease. Therefore, issues such as obesity, smoking and alcohol, as well as that of mental health, are core issues that we need to address in the preventative healthcare space. With obesity, smoking and alcohol being in the top percentile of risk factors contributing to disease, taking action to reduce the impact of those factors is essential business for government. The Rudd Labor government understands that responsibility and holds work in this area to be very important.

Recently, the House of Representatives Standing Committee on Health and Ageing, of which I am a member, conducted a wide-ranging inquiry into obesity. There was also a separate inquiry into the issues of overweight and obesity. One of the key messages coming out of these inquiries was that obesity is increasing in prevalence in Australia. Between 1990 and 2005 there has been an increase of 2.8 million obese adults. In total, 60 per cent of our nation's adults and one in four of Australia's children are considered overweight. These figures are quite staggering.

Further, the impact of obesity in our Indigenous communities is higher than in non-indigenous communities, with Indigenous Australians being three times more likely to be morbidly obese than non-indigenous peers. It became clear in our inquiry that this issue is very complex. There are many factors, some at the societal level, some relating to understand-

ing by individuals and some just arising from the complexity of our lifestyles. There are many factors affecting this area of obesity, but we must acknowledge that it does pose a serious risk to our health. It can shorten life expectancy through chronic diseases such as diabetes and cardiovascular disorders. Other impacts include severe muscle, bone and joint problems in the form of osteoarthritis, not to mention the mental repercussions and social stigma that come along with obesity.

These diseases are serious, with over 242,000 Australians suffering from type 2 diabetes and 644,800 Australians from cardiovascular disease. This is a serious issue. The total economic cost of obesity and associated diseases in 2008 was estimated to be \$58.2 billion, and that does not include the quality of life cost to sufferers. This is an obvious place to start when it comes to attacking and trying to prevent disease.

Tobacco use, once again, has been known for a long time now to have very harmful effects on one's health, yet people still smoke and people still die from smoking. It is an addictive epidemic which, within the next decade, will have killed one million Australians. For long-term smokers, death in middle age is common and middle age is often the time when their families rely on them the most, when they are most productive to our country and when they are in fact in the prime of their lives. Smoking also has an impact on the household budget.

Lung cancer still tops the list as one of the biggest killers of Australian men and women. I think we really do need to shift our focus to prevention, so we need to look for ways to deal with this problem. By following the recommendations of the task force report, the agency created by this bill will be able to work towards cutting smoking to a prevalence of only nine per cent of the population by 2020. This decline will see smoking fall to a level which would remove it from contributing to the greatest preventable diseases and make it controllable for health professionals. This type of dramatic target and action is needed to cut through to a real reduction in smoking levels.

The other area that is addressed is one to which many Australians are exposed on almost a daily basis, and that is alcohol. In Australia, alcohol consumption is trending upwards and the level of alcohol consumption places us in the top 30 consuming nations of the world. Up to 40 per cent of the population aged over 14 years are likely to drink on a weekly basis. What is worrying is the dangerous levels of drinking amongst Australians. One in five people drink at risky levels on a monthly basis, with a high prevalence amongst adults aged between 20 and 29 years. These are worrying figures and we have seen some of the health consequences of excessive alcohol usage. Whilst the short-term effects of binge drinking are visible pretty quickly, the ongoing effects of alcohol, including long-term disease and illness, are often overlooked. The social cost of alcohol, whether it be damage to the community or the more serious effects that a heavy-drinking family member will have on the rest of their family, cannot be measured. Living with a problem drinker can have significant effects on the general health of the family and this will continue to have an effect throughout their lives. I think these are definitely determinants that can affect chronic disease and are preventable. These are things that are critical for the health prevention agency to address.

I have also spoken regularly in this place about the important role of supporting and treating mental health issues. Mental health is in a continuum between healthy and unhealthy. There is not a moment when suddenly an individual becomes mentally ill overnight. It is a process in which an individual slides along a continuum and there is a lot that health profes-

sionals and governments can do through the investment of money to prevent people from being at their most unwell at the lower end of the spectrum. We heard about the effect of uncontrolled diabetes and the many other health factors that can come into play. That is certainly the case when you have an acutely sick person with mental health difficulties and there are many health and disease issues that come into play. So keeping people suffering from mental health issues as well as possible is incredibly important. Therefore, preventing acute sickness is really critical, not only in its impact on the person suffering from mental health issues but also in its impact on their families and health budgets in general. We need to be able to maintain people so that they do not need to be hospitalised but are able to function well in the community. Taking some preventative health measures and early intervention measures can work hand in hand and is critically important. When it comes to mental health, we cannot stand by and allow a system that encourages only last-minute action in acute situations where people have deteriorated because they have not been able to access early intervention. That will play a big role. There are certain investments and awareness campaigns that can enable people to access some help in these areas early on and stop it from spiralling out of control.

I have outlined the problems of preventative health illness and disease in detail and, in looking at these figures, it is important that we do act to be able to achieve these goals. This bill will allow for the most significant shift in our approach to health care in decades. It will place emphasis onto the health care system, individuals and the government to act in the short term for long-term interests. We will be able to make Australia healthier, more productive through preventative health measures. I commend the government for looking into this. Preventative health did come up in the government's independent root and branch review of the health and hospital system that the government has commissioned. Preventative health is only one facet.

I thank both the prime minister and the health minister for visiting one of the major hospitals that service my electorate to begin this conversation about how we can reform our health care system. I would also thank all the health care professionals that came to my own health and hospital forum that was held at Noarlunga hospital. They have been a significant part of talking about where we might go into the future to make Australia healthier.

In addition, the government has not just opened this conversation to those who work in the area of health but is engaging the nation through the website yourhealth.gov.au. This is a site where people can put their ideas, inputs, suggestions and experience, and I know many people in my electorate have put submissions onto the site. The feedback that I received at Noarlunga hospital will be put into that process.

Finally, turning to the detail of the legislation and how the agency will work, the new agency will be governed by a chief executive officer who will be appointed by the minister for health in consultation with the Australian Health Ministers Conference. It will be the responsibility of the CEO to provide national leadership on the data of preventative health solutions as well as developing the body of research around preventative care. The team under the CEO will be Public Service staff focused on areas of population health, health promotion, health economics, social marketing and general corporate support units. The staff will work at the direction of the CEO to perform the research and corporate work required by the agency. Further, the agency will have an advisory council comprised of Commonwealth and state government representatives, as well as preventative health experts, to be part of the agency's

overall approach to guiding and advising preventative health policy. The bill sets out provisions for the selection and appointment of these members. Thus, in accordance with government policy, the candidates will be selected on meritorious and transparent assessment processes, with consultation by the minister with the cabinet.

The bill also establishes the funding provisions for the agency. The Commonwealth will be dedicating \$133.2 million over four years to this agency. These funds will go towards the establishment and maintenance of the agency, its research, social marketing and support for preventative health research, particularly research with practical applications. A further \$692 million of COAG agreed funding will support intervention programs for Australians to modify their lifestyles. This will be a statutory authority under the provisions of the Financial Management and Accountability Act and will support the previous COAG agreements on preventative health to give advice to the health ministers.

As mentioned, the initial focus of the agency will be in providing leadership, coordination and monitoring needed to support and implement many of these initiatives. In addition, this agency will support health ministers to meet the challenges of preventable chronic conditions and other lifestyle-caused risks. The framework of the bill is designed for the agency to have the best possible resources to support the highest level of policy and research input to Australian health ministers. The agency will be invaluable in supporting a shift to preventative health solutions for the nation's future.

The Rudd Labor government takes the task of addressing Australia's long-term health care needs with great seriousness. We have decided to make historical reforms to the healthcare system and to get it working for all of us again. It means making tough decisions, working progressively through the issues and consulting with the country to bring them along with us. I therefore commend the bill to the House. (*Time expired*)

Mr CRAIG THOMSON (Dobell) (5.50 pm)—The Australian National Preventive Health Agency Bill 2009 establishes the Australian National Preventive Health Agency to support Australian health ministers in tackling the complex and growing challenge of preventable chronic disease. The bill specifies the functions, governance and structure of the Australian National Preventive Health Agency, including the interaction with the Commonwealth Minister for Health and Ageing and the Australian Health Ministers Conference.

In reaching the National Partnership Agreement on Preventive Health in November 2008, COAG recognised that supporting or enabling infrastructure, such as the Australian National Preventive Health Agency, and research and surveillance capacity was required to support the Commonwealth and the states in their attempt to tackle the complex challenges associated with preventable chronic conditions. It is in this context that the Australian National Preventive Health Agency is being established in order to support Australian health ministers as they attempt to achieve outcomes specified in the National Partnership Agreement on Preventive Health. Through the prevention NP, the Commonwealth government is providing \$872.1 million over six years for a range of initiatives targeting the lifestyle risk factors of chronic disease, including settings based interventions in preschools, schools, workplaces and communities to support behavioural change in the social context of everyday lives and focusing on poor nutrition, physical inactivity, smoking and excessive alcohol consumption including binge drinking; social marketing aimed at obesity and tobacco; and enabling infrastructure to monitor and evaluate progress made by these interventions, including the ANPHA.

A key initial role of the ANPHA will be to provide the leadership, coordination and monitoring required to support the successful implementation of initiatives funded through the prevention NP, including \$692 million provided for interventions to help Australians to modify their lifestyles. Beyond this, the ANPHA will more broadly support Australian health ministers in meeting the challenges posed by preventable chronic conditions and lifestyle related risk factors. The ANPHA will have an advisory council which will be appointed by the minister and which will consist of state, territory and Commonwealth government representatives and individuals with expertise related to preventative health.

Under the prevention NP, the Commonwealth will provide funding of \$133.2 million over four years for the ANPHA. Of this, \$17.6 million will be provided for the establishment and maintenance of the ANPHA. As this body is a COAG mandated body and has a function of supporting all Australian health ministers, the minister will be required to consult with the Australian Health Ministers Conference when considering candidates for the CEO's role and for membership of the advisory council and to seek the agreement of the AHMC when setting the ANPHA's strategic directions and operational plans.

Historically, federal governments have established inquiries to reconfigure our health systems with the aim of placing larger emphasis on preventative health. We know, though, that only two per cent of the national health budget is actually spent on preventative health. In 1973, the Whitlam government established the National Hospitals and Health Services Commission. The Fraser government initiated the Davidson inquiry into health promotion in 1979 and the Hawke government created the Better Health Commission in 1985. Despite these repeated attempts, disease prevention and health promotion have never gained the same priority as acute healthcare services in Australia.

Poor health affects the quality of life of Australians and their families and can have significant economic effects by reducing their ability to participate in the workforce and through lost productivity and higher costs of business. Our health system is struggling to deal with the longer term pressures of an ageing population, the increasing cost of pharmaceuticals and new technologies, the rise of chronic disease in our community and the increased expectations of access to high-quality health services in the community. Improving preventative health services and chronic disease management will deliver better health outcomes for Australians and their families and help contain growth in demand for hospital services in the future. It will also promote greater workplace participation and productivity. Too many people who, with coordinated and preventative health care, need not be admitted to hospital end up there. Too many older Australians who have been admitted but assessed as requiring aged care or transitional care remain in acute hospital wards waiting for a more appropriate bed and denying another person a place.

One of the other issues with preventative care is making sure that there is adequate access to care. Primary care and the role that GPs play in our community are vitally important. I would like to acknowledge here the good work that Dr Godden and Mr Bill Parker of the Central Coast Division of General Practice do in my community in preventative care and working with the government as closely as possible in terms of that particular agenda. There has also been an issue in my electorate with access to GPs. That problem has exacerbated the situation with chronic disease and early identification of disease.

One of this government's election promises was the implementation of a GP Superclinic to be located in the fast-growing area of Warnervale in the north of my electorate. The tender has been let for that. It was my pleasure a little over a month ago to attend the opening of the temporary GP Superclinic, which will be in use while the final super GP clinic is being constructed. This GP Superclinic has a team of professionals which currently run the Toukley medical practice and another practice at Tuggerah. They will operate the new Superclinic, which will be known as the North Central Coast GP Superclinic. The government's agreement with the Warnervale medical service sees an already operating interim clinic in Wongarra while preparations are made for the permanent state-of-the-art clinic in Warnervale city, which will be up and running by 2011.

The North Central Coast GP Superclinic will bring together additional GPs, specialists, allied health professionals and pharmacists, together with radiology, pathology, rehabilitation, dental, physiotherapy and psychology services, all in one convenient location, with many of these services being bulk-billed. As well as providing families and people with chronic diseases access to affordable care by general practitioners and health professionals, the new GP Superclinic will relieve pressure on the Wyong accident and emergency department, which is now the fourth busiest accident and emergency department in New South Wales. It is this access to care that has led to the hospital at Wyong becoming so busy. Issues of access have also led to Wyong Hospital being the second busiest for child admissions, after the Children's Hospital at Westmead. So the issue of access in terms of preventable disease is very important and the GP Superclinic at Warnervale will go some way to helping improve that access and helping to deal with some of the preventative issues that we need to deal with.

One of the issues that I wanted to raise relating to chronic disease is obesity and the increasing trend for obesity to be a problem for children. This bill sets up an agency, one of the main tasks of which is to tackle that particular issue. To highlight one of the ways in which it can operate, I was recently at Killarney Vale Public School attending a Commonwealth funded program of after-school activities and talking to the kids and asking them what they enjoyed about this particular program. One of them said, 'What I really enjoy about this program is that I am actually out doing things and enjoying the activity and that makes me healthier.' I said, 'What would you be doing if you weren't doing this?' He said, 'I would be sitting at home watching TV or playing on the computer.' One can see the pressures of the lifestyle that we lead nowadays, particularly for kids, that makes it more difficult to get the exercise that is needed to prevent obesity. That was an example that really brought it home to me that programs are needed to be put into place that address this issue of childhood obesity. Without that, our children are going to be left to the devices of our modern society that do not lend themselves to exercise but do lead to obesity and the problems it causes in terms of chronic disease.

Hospitals are, of course, the most visible face of the health system, and it is no secret that many of our public hospitals—and I have spoken about Wyong Hospital—are under severe pressure as our population ages and the burden of chronic disease takes hold, without us addressing this issue of preventable disease. The Rudd government recognised this increased pressure on hospitals and took action at COAG last November. The 2009-10 budget implements that historic agreement. It includes the biggest ever funding bill for our public hospital

system—\$64 billion over five years. This is nearly \$20 billion more than the previous health-care agreement—a massive increase of nearly 50 per cent in funding for our public hospitals.

These reforms are about improving health systems—not just about money, important though that is after years of neglect by the previous government. We have already seen the results from our \$600 million blitz on elective surgery waiting lists, with an extra 41,000 procedures last year, which is 16,000 procedures above the target. However, the problem that we have is that, no matter what amount of money we continue to pour into the acute sector, while we do not tackle preventive health, these numbers are going to continue. The percentage of cost to the economy in relation to maintaining quality health services is something that all state governments are struggling with in their health systems and it can only be addressed by putting in place the types of programs that this legislation looks to do in terms of preventive health strategies, by making sure that those who are more vulnerable to particular chronic diseases are given the incentives and programs that will mean that those chronic diseases do not eventuate and end up in our public hospital system.

This legislation has the dual benefit of making sure that there is a better quality of life for those who are susceptible to chronic disease and may suffer chronic disease, but it also has the economic benefit in terms of both productivity in the workplace, as I have already mentioned, and in taking the stress and increasing cost burdens off our public hospital system as it struggles under the increasing weight of chronic disease that could have been prevented from attending at public hospital emergency departments.

I would like to briefly talk about a particular issue with health on the Central Coast, an issue that is probably unique to the Central Coast and which looks at the difference between the way in which the acute sector is organised on the Central Coast and the primary sector. While the Central Coast has over 300,000 people, we have an acute system that is organised in such a way that we are part of the northern Sydney-Central Coast area health system.

I have been part of a campaign, called 'I Love the Central Coast', which looks at all of our institutions on the Central Coast and how they can be better arranged to provide better service for those of us who live on the Central Coast. In terms of primary care, the division of general practice is organised on the Central Coast and has been providing first-class service to residents who live there, but unfortunately the area health service, by being organised in such a way that we are part of northern Sydney, is providing problems for us. I have called on the state government to look at addressing this issue and changing it so that, as part of the 'I Love the Central Coast' campaign, we can have an area health service that addresses the acute needs of the area, rather than an acute health system that is based out of north Sydney and the Royal North Shore Hospital.

Chronic diseases already account for almost \$34 billion each year and nearly 70 per cent of allocated health expenditure. Left unchecked, this figure is expected to increase to 80 per cent of allocated health expenditure by 2020. Reducing avoidable hospitalisations by investing in robust primary health services, focused on preventative health care and improved management of chronic disease by working to reduce non-urgent accident and emergency presentations by providing families with high-quality after hours alternatives; reducing readmissions by providing proper discharge planning and post acute care; and striving to reduce waiting times for such services, we can address some of these issues that are putting pressure on our health system. This piece of legislation is part of that jigsaw puzzle in setting up a structure

that focuses on preventative health care. By putting resources into that, this government has acknowledged that this is a problem that we cannot just talk about and make good speeches about; it is a problem that we have to tackle head-on if we are to address the issues that are not only affecting the health and lifestyle of Australians all over the country but also putting pressure on our acute care hospital system.

Access Economics has undertaken a number of studies which seek to quantify the cost of individual diseases and conditions. These studies are significant in that they reveal that chronic, preventable diseases carry a substantial health cost and are having an increasing impact on productivity and participation. These studies demonstrate that the costs of not addressing the pressures on the health system caused by the growing burden of chronic disease extend well beyond the health system itself, because the burden of chronic diseases takes a huge toll on our economy and national productivity.

For example, Access Economics has estimated that the annual financial cost of cardiovascular disease in Australia is \$14.2 billion, or 1.7 per cent of GDP. This figure includes lost productivity costs of \$3.6 billion caused by lower employment rates and premature mortality. In addition to the financial costs, Access Economics estimates the value of suffering and premature death from cardiovascular disease alone is a staggering \$94 billion.

The total cost of obesity in Australia in 2005 was \$21 billion. This includes productivity losses of \$1.7 billion as a result of absenteeism, lost management productivity, long-term lower employment rates and premature death, as well as the cost to the health system of obesity related illnesses and a range of indirect costs, such as lost wellbeing.

The member for Isaacs and the member for Pearce made particular reference to diabetes and its effect on the Australian health system. The total cost of diabetes is around \$21 billion. This figure includes lost productivity, health and carer costs, taxation revenue forgone, and welfare and other payments. People with type 2 diabetes have significantly lower productivity in the workplace and lower workforce participation rates and are more likely to suffer from heart disease.

The government are getting on with the job of fixing our health system to make it sustainable for future generations. While those opposite have to hold a four-hour meeting to give their leader permission to speak to the government, the Rudd government are getting on with the job of nation building and fixing our decaying health system. This bill is an important piece of legislation that places the emphasis on preventative health care and it should be supported. I commend the bill to the House.

Mr SYMON (Deakin) (6.08 pm)—I rise tonight to speak in support of the Australian National Preventive Health Agency Bill 2009. The rate of growth in the cost of health in Australia is significant and exponential. Every year in real terms we spend more and more money on health. As the technology and expertise grows, so do the costs, but a significant contributor to the cost of health is the lifestyle choices that we as individuals and as a community make. It seems to me that it does not take much insight to know that this sort of exponential growth in health costs will be unsustainable in the long term. Prevention of ill health and disease is the best way of tackling the ever-increasing health costs in Australia.

In Australia, one-third of the burden on our health system relates to the health behaviour and lifestyle factors of individuals. These behaviours and factors can be modified. When we

encourage individuals to make different choices about their health habits and their behaviour, we start to make inroads on the costs of health as well as making for a healthier and happier community.

The Australian Institute of Health and Welfare has identified the seven risk factors that contribute the most to the burden of disease. They are tobacco, high blood pressure, obesity, lack of physical activity, cholesterol, alcohol and the low intake of fruit and vegetables. It is difficult to overstate the risks that these factors pose to the level of ill health in our community. Obesity and tobacco alone, at seven per cent each, constitute 14 per cent of the contribution to the burden of disease, while lack of physical activity contributes 6.6 per cent. The financial cost that these factors pose to our health system is significant, while the cost to our community in terms of mortality and morbidity is considerable.

For instance, in the 2004-05 financial year, the health costs associated with tobacco were estimated at \$31 billion. We know that we spent \$1.9 billion on health in relation to the harmful consumption of alcohol in 2004-05. Also associated with the overconsumption of alcohol is the loss of workplace productivity, estimated to be worth \$3.5 billion, according to the Australian Institute of Health and Welfare. While there have been significant reductions in tobacco usage in Australia, we know that it is still too high and far too many people are still smoking. The message has not got through as well as we would like. We know that we can and should do more to prevent young men and women taking up the habit of smoking, as well as to help existing smokers quit.

The National Heart Foundation has conducted studies in the last few years and has found a clear upward trend towards greater obesity. We know that obesity is already a significant health issue in our community, and it is only set to grow if we do not do something about it now. Earlier this year, the OECD predicted that in the next decade almost two-thirds of our population would be either overweight or obese, while the World Health Organisation has labelled obesity a worldwide epidemic.

In 2006 the Australian Institute of Health and Welfare found that half of all adults in Australia are not undertaking enough physical activity. This issue, combined with our inadequate consumption of fresh fruit and vegetables, makes for a very serious problem. The *National Preventative Health Strategy: the roadmap for action* says that by 2032 the leading cause of disease for males and the second leading cause of disease for females will be type 2 diabetes. This will result in an increase in direct healthcare costs for type 2 diabetes to \$8 billion annually from the current \$1.3 billion. As we just heard the member for Dobell describe, these costs are magnified many times when you take into account the effects on other sections of the community.

The rise in diabetes rates is mainly because of the significant increase in rates of obesity in our community—again, mostly related to poor nutrition and lack of physical activity. I know that at Monash Medical Centre, located in the south-east of Melbourne, the Nutrition and Dietetics Unit are seeing children as young as 10 and 12 who have been diagnosed with type 2 diabetes. This is a very disturbing anecdote about what is a lifelong disease. Similarly, there are particular workplaces where type 2 diabetes is prevalent. The one that springs to my mind in particular is the construction industry, where workers on building sites quite often make very poor choices of meals and consequently have a higher rate of type 2 diabetes. We need to

make healthier choices easier for people to make, not have available only junk food but have healthy food that is good for you today and helps you to live a longer and healthier life.

There is good reason to do so. We know that prevention works and we know that prevention makes sense socially and economically. Deaths from cardiovascular disease have dropped dramatically since the 1960s and 1970s because as a community we are more aware of the harmful effects of high blood cholesterol and poor nutrition. The incidence of HIV-AIDS has decreased in regions—mostly western, to the great detriment of poorer communities around the globe—where prevention programs have been conducted. The rate of immunisation has increased over the last few decades, resulting in a decrease in the incidence of preventable illnesses such as measles, mumps, polio and tetanus. Reports estimate that we prevented 400,000 deaths and saved \$8.4 billion due to the 30 per cent decline in tobacco consumption between 1975 and 2005. Tellingly, studies in the United States indicate that the return on investment is \$5.60 for every dollar spent on community based disease prevention, including things such as encouraging a better diet and increasing physical activity.

The establishment of the Australian National Preventive Health Agency is a recommendation of the National Health and Hospitals Reform Commission. Its main aim will be to provide national leadership on health promotion as well as conduct relevant research in these vital areas. A key role of the Australian National Preventive Health Agency, as has already been outlined by the Minister for Health and Ageing, will be to provide the leadership and coordination required to support the implementation of the National Partnership Agreement on Preventive Health, an agreement with the Council of Australian Governments. This agreement between the state, territory and federal governments recognises that greater coordination is required in our efforts to tackle preventable chronic conditions.

Initially, the Australian National Preventive Health Agency will focus its efforts on social marketing campaigns to reduce the risks posed by tobacco consumption, alcohol consumption and obesity. The Rudd government are committing \$102 million to those campaigns. We are also committing \$13 million for a preventative health research fund. Overall we are funding this new agency to the tune of \$133 million over four years, a clear indication that the Rudd government are serious about tackling the risk factors of preventable chronic illness and disease in our community. Given that the evidence shows the role that lifestyle and behavioural factors play in individual health outcomes and it has been known for some time now, the question that could well be asked is why previous governments have not done anything about it. When you think about it, it is a wise investment: spend now to prevent greater expenditure in the future. But that was not a goal of previous governments.

In contrast, the Rudd Labor government are in the business of taking action on preventative health. We will listen to the experts like the people involved in the National Health and Hospitals Reform Commission and like the practitioners on the ground, and we will look seriously at the recommendations given to us. We will take the necessary action to bring about change in our community. We all have stories of someone known to us or close to us who has suffered the effects of a chronic illness that might have otherwise been prevented. I am sure that we all know someone who might benefit from preventative health measures in our local communities. Sometimes that person may even be us.

Health choices should be easy choices. While it is never the role of government to make decisions for people, it is the role of government to facilitate the opportunity for the decision

to be made. We need to make the healthy choice the easy choice. It is my hope that the leadership that will be provided by the Australian National Preventive Health Agency will help maximise the opportunities we have in our local communities to make healthy decisions and that not only the young but also those of us who are older will all benefit from these ventures. I commend this bill to the House.

Mr RAGUSE (Forde) (6.19 pm)—I rise today to speak in support of the Australian National Preventive Health Agency Bill 2009. This bill establishes the Australian National Preventive Health Agency, the ANPHA, to tackle the challenges of preventing chronic disease. The ANPHA is planned to support the Australian Health Ministers' Conference and the Council of Australian Governments, COAG, in preventing chronic disease. Many of the chronic diseases common in our society can often be prevented. Prevention makes sense. As a society, we want our friends and family to live long and productive lives—free from unnecessary suffering—and as taxpayers we do not want unnecessary costs imposed on our expensive health systems if they can be otherwise avoided.

Through the National Partnership Agreement on Preventive Health, the Rudd government is putting \$872 million over six years into initiatives targeting chronic disease. These initiatives include programs focusing on poor nutrition, physical activity, smoking and alcohol. There will be social marketing aimed at obesity and tobacco, and infrastructure to support these interventions. When the last two speakers were discussing their issues about this bill and mentioned obesity they looked long and hard at me, so I was a bit concerned! Maybe we all have to take a little bit of care in terms of our own preventative health measures.

Other measures proposed in the bill amount to \$133 million over four years. This is comprised of four main components: \$17.6 million for the creation and ongoing costs of ANPHA; \$102 million for a national campaign targeting the important preventative health issues of obesity and smoking; \$13.1 million towards a preventative health research fund; and \$500,000 to auspice current preventative health arrangements to address gaps and avoid duplication.

I would like to particularly note the importance of funding for preventative health research. Despite the knowledge of lifestyle choices and their health consequences, many people still make poor choices—including smoking, drinking excessively and consuming a poor diet. These are problems broadly acknowledged by governments of all nations but are challenging to resolve. While many of us speculate on the best messages to put forward and the various carrot-and-stick approaches, there is no perfect solution. Research is therefore important for us to determine and deliver the best approaches for preventative health. We need to be able to review and conduct research to support the best possible policy development.

The ANPHA will complement our strong health treatment systems. In my electorate of Forde, the Logan Hospital, which is a major regional hospital, is facing increasing pressure from population growth in Logan and the northern Gold Coast regions. This makes investment in these vital services more important than ever. Logan Hospital recently received \$44 million from the federal government to expand the emergency department. For this announcement, I was honoured to be joined locally by Minister Roxon, the Minister for Health and Ageing, by the Queensland Deputy Premier and Minister for Health, Paul Lucas. Health care and affordable health care is an issue of importance for the people of Forde.

Every day in my electorate the office deals with situations of individuals who are badly afflicted with preventable chronic diseases. It is a problem that not only negatively affects these people but has an economic impact as well, through reduced capacity to work. If not addressed, many individuals will end up incapacitated—on the Disability Support Pension—due to diseases that could have been prevented. Many people in this situation also experience depression and other mental illnesses, which is a reminder that preventative health must have both a physical and a mental component. To give some examples, both historic and current, we can look at vaccination—a very simple yet effective preventative health measure in Australia. Decisions on vaccination need to be based on solid science. Valid scientific work, research or ideas, amongst other characteristics, should be replicable. Any scientific tests or analyses must be able to be repeated by other experts in the field. They should also face a peer review process in which other experts in the field closely examine the work.

Unfortunately, what often passes as research in the popular media and on second-rate internet sites is not valid research. One of the results is that there remain popular movements that oppose vaccination in our society. Recently my office received large quantities of emails entitled 'Stop mandatory swine flu vaccination'. The content is extraordinary in a number of ways. Not least is the fact that they refer to the tamiflu vaccine when tamiflu, oseltamivir, is not a vaccine but an antiviral drug. The vaccine history provided is an exercise in the selective reproduction of information that would even make most members of the House blush. This could be amusing if it was not being taken seriously and not about such a fundamentally serious issue. One random reported fact from the email—an interesting fact—states that:

In 1977, Dr Jonas Salk who developed the first polio vaccine, testified along with other scientists, that mass inoculation against polio was the cause of most polio cases throughout the USA since 1961.

The vaccines for polio were developed by Jonas Salk in 1952 and Albert Sabin in 1954. In 1952 there were some 57,600 reported cases of polio in the US with over 3,145 deaths and 21,269 people left with a form of paralysis. The actual number of cases would have been far higher as most polio infections cause no symptoms at all. However, by the year 1961, there were only 161 cases that year in the US. There are now less polio cases in the entire world each year than there were US deaths in 1952. The misleading statement in the standard email suggests that, rather than preventing polio, the vaccine creates it. Yet the statistics speak for themselves. Polio levels, along with related paralysis and death levels, have collapsed around the world because of vaccination. The interesting thing is that we do know that vaccination is about an exposure to a threat, but certainly not in the terms suggested by this email—that is, all vaccinations are bad.

In the minds of most people, polio is not a threat. This is largely correct, if only due to effective immunisation programs. Worryingly, the lack of a visible threat appears to breed complacency. For some, the risk of something going wrong during immunisation becomes more real than the disease itself. It is important to remember that polio is real. There are many people in Australia who still suffer from the affects of polio today. There are people who were born before the mass immunisations in the late 1950s. It is not uncommon to be approached by wheelchair-bound constituents in Forde who are still suffering from the consequences of polio. This is not a virus that we want back in Australia and complacency about serious diseases must not take precedence over solid science.

Further to that, there are issues about hepatitis C—again, unknown some years ago—and the importance of research when we look at any medical application. I have personally been involved in the case of Mr Graham Crust, a constituent who suffers from hepatitis C, which is an infectious disease of the liver. Mr Crust appears to have been infected through a blood transfusion after a work accident in a time when very little information was known about the disease we now know as hep C. This was as late as the early 1980s. The conditions Mr Crust experiences from hep C are severe and impact on every aspect of his life. His conditions include macronodular cirrhosis, hypertension and gout. His capacity to work was substantially compromised and his condition poorly understood by the community.

Twenty five years after Mr Crust contracted hep C, we are fortunate to know a lot more about it. We know how people contract hep C, such as through sharing needles and through blood, and in the case of Mr Crust, through a blood transfusion that went horribly wrong. So people do have to endure this dreadful disease and, once again, research into areas like hep C and polio is important. That is why our legislation looks at preventative medicine and health and also the research that goes with it.

I have my own experiences with preventative health care. In fact, 25 years ago my father died very suddenly at home. It was quite surprising and, you know, the terrible situation that occurs around an untimely death. It took an autopsy to reveal what had actually happened to him. These severe consequences were caused by lifestyle choices. He was a man who was not necessarily overweight, but certain lifestyle choices, including smoking, were part of the problem. Unfortunately little was known then about the full contributing factors of smoking on cardiac health. It is something that we understand very well these days, but in those days smoking and smoking advertising were still very much a part of our everyday culture. Men in the 1980s were even less aware or motivated than they are today about prevention or lifestyle diseases. I can say that my own experience with my father's untimely death was something that gave me a wakeup call in my early 20s about the sorts of decisions we need to make. I thought of myself as a well educated person, but I did not know the consequences of high cholesterol and all the other effects. Twenty-five years on, I am much more informed and so is the community.

That is a good example of prevention and preventative health. It is so important, and we heard the other speakers today talking not only about the need for an understanding of prevention, but also about the necessary research that should go with that. I am sure my story about unnecessary deaths due to a missing piece of information or a lack of understanding in our community at the time can be repeated tens of thousands of times in this country. In conclusion, preventative health is important for the wellbeing of the Australian people. This bill establishes the Australian National Preventive Health Agency, the ANPHA, which will coordinate actions tackling preventative health in cooperation with states and territories. Important programs will be delivered, including coordinating research and tackling obesity and smoking. I commend this bill to the House.

Ms NEAL (Robertson) (6.30 pm)—I rise to speak in support of the Australian National Preventive Health Agency Bill 2009. It is high time that Australia strengthened its framework for delivering better health outcomes for our people. In particular, Australia needs a fresh strategy to tackle the problems caused by the increasing incidence of chronic illnesses in our society, many of which are preventable. That is why I am particularly pleased to support the

government's present initiative to establish the Australian National Preventive Health Agency, which will coordinate preventative health measures across the country.

The Council of Australian Governments agreed to establish the agency in November 2008 as part of the National Partnership Agreement on Preventive Health, also known as the prevention NP. The creation of a national preventative health agency was also recommended in the National Health and Hospitals Reform Commission's report released in July 2009, with the National Preventive Health Strategy submitted to government on 30 June 2009. As part of agreements forged under the prevention NP, the Commonwealth government committed to provide \$872.1 million in funding for six years for a range of preventative health activities, including the establishment of a national body to oversee preventative health.

The government also commissioned three major inquiries into the health system: the National Health and Hospitals Reform Commission, the Preventative Health Taskforce and, through the Department of Health and Ageing, the National Primary Health Care Strategy External Reference Group. All three reports reinforce the view that more vigorous efforts in the field of prevention are needed. The Preventative Health Taskforce made numerous recommendations on prevention, focusing particularly on obesity, and tobacco and alcohol use. One of the task force's main recommendations was to establish a national prevention agency.

The bill before us outlines the broad approach to the challenges posed by preventable chronic disease. It also sets out the functions, governance and structure of the Australian National Preventive Health Agency—I do not know if we can call it ANPHA, but I am sure someone will along the way. ANPHA will play a key role in delivering the new national approach that this country needs. Under the prevention NP, the government will invest \$133.2 million over four years to establish the agency. This includes \$17.6 million to set up and maintain the agency itself; another \$102 million will be allocated to national social marketing campaigns, targeting obesity and smoking; \$13.1 million will be invested in a preventative health research fund which will focus on the translation of research into practice; and a further \$500,000 will be used to audit the preventative health workforce and to address any identified gaps.

A key initial role of ANPHA will be to provide the leadership, coordination and monitoring required to support the successful implementation of initiatives funded through the prevention NP. This will include \$692 million to provide for interventions to help Australians to modify their lifestyles. The agency will support Australian health ministers in tackling the complex and growing challenges of preventable chronic disease. ANPHA will be a statutory authority under the Financial Management and Accountability Act 1997. A chief executive officer will manage ANPHA and will be directly accountable to the minister for its financial management. The CEO will also be responsible to the Australian Health Ministers Conference, via the minister, for the agency's performance against agreed strategic objectives and operational plans. ANPHA will have an advisory council comprising between seven and 11 members with preventative health expertise in a variety of disciplines and from a variety of sectors.

The agency will supply evidence based advice to health ministers on key national-level preventative health issues. It will also provide national leadership and stewardship of surveillance and data on preventable chronic diseases and their lifestyle related risk factors in order to improve the availability and comparability of the evidence. Evidence available from a

range of sources will be collated to assess and report biannually on the state of preventative health in Australia.

The agency will support behavioural changes through education, promotional and community awareness programs relating to preventive health. Financial assistance to third parties will help support the development and evolution of evidence around preventable health interventions and will achieve preventive health gains—for example, through grants supporting research. Partnerships will be formed with relevant groups, including industry and the non-government and community sectors, to encourage cooperative action leading to preventive health gains. The agency will promulgate national guidelines, standards, codes, charters and other frameworks to guide preventive health initiatives, interventions and activities. It will also manage schemes for awarding best practice preventive health interventions and activities. The agency staff will consist of people with a wide range of professional skills and will also deal with health promotion, health economics, social marketing and corporate support.

The health challenges that are facing Australia are particularly daunting at this time. We have an ageing population combined with problems caused by obesity, smoking, alcohol and unhealthy eating. These are posing serious problems for the health of Australians. Australia currently spends less than two per cent of its health budget on preventative health. This is very much an indication of some of the pressures that are placed on our primary healthcare system. The time to act on this particular problem is now.

Any action to address the challenges presented by preventable health conditions must be done in a coordinated way through a national body. The ageing of the Australian population is perhaps one of the greatest challenges facing this nation in the coming decades. By 2050 the number of people aged 70 years and over will triple to more than six million. On the Central Coast of New South Wales, where my electorate is situated, there are currently 43,000 people aged 70 years and over, representing 13 per cent of the region's population. In New South Wales the proportion of people aged 70 and over is approximately 10 per cent, so it is clear that the measures contained in this bill will be of vital interest to my constituents. That is why I am particularly concerned that this bill receives the full support of all members of this House and that it is passed quickly so that the Australian National Preventive Health Agency will begin its important work on 1 January 2010, as is planned. The challenges posed to all governments by the long-term demographic change in Australia's population will be enormous. The costs associated with this trend will also be enormous. If we fail to act now to put in place appropriate policy settings to account for our ageing population, the costs will be far greater down the track.

Smoking and obesity are major lifestyle factors that will be a focus for the new agency. Both smoking and obesity are preventable health risks that continue to burden our people both in human cost to people's health and in lost productivity. Between 1950 and 2008, an estimated 90,000 Australians died of smoking related diseases. Today, approximately three million Australians continue to smoke despite endless evidence of the health risks that are associated with it and the other stresses and strains it causes our lives. I do not wish to suggest anything here.

Lung cancer remains the biggest killer of any cancer affecting our society today. Approximately 25 per cent of cancer deaths are attributable to tobacco and alcohol use. The Preventative Health Taskforce has called for a target of reducing smoking rates to less than 10 per cent

of the population. This would mean one million fewer smokers in Australia and would result in 300,000 fewer premature deaths. While smoking rates have fallen over time, uptake rates among young Australians are still too high. I am constantly amazed, when meeting my young son's friends, how many of them still smoke and how horrified I am by that. Tobacco remains the single biggest preventable cause of death and disease among Australians. This is a societal impediment to improving the nation's health that must be tackled. Alcohol consumption in Australia is still high by world standards. About 10 per cent of people in Australia drink at levels which put them at risk of long-term harm.

According to the Preventative Health Taskforce, obesity trends in Australia are also alarming. If left unchecked, the life expectancy of Australia's children living today will fall by two years by the time they turn 20. Constructive steps must be taken to ensure that this retrograde legacy is not visited upon future generations. The Rudd government is determined to meet this challenge.

The DEPUTY SPEAKER (Hon. KJ Andrews)—Order! The debate is interrupted in accordance with standing order 192. The debate is adjourned and the resumption of the debate will be made an order of the day for the next sitting. The member will have leave to continue speaking when the debate is resumed on a future day.

STATEMENTS BY MEMBERS

Gippsland Electorate: Princes Highway Road Toll

Mr CHESTER (Gippsland) (6.40 pm)—I rise to highlight the appalling road toll on the Princes Highway east of Sale and the need for additional funding to improve the safety of the road environment. Since 2004, there have been 24 fatalities and countless accidents and serious injuries on the highway stretching from Sale to the New South Wales border. The safety of local residents and visitors to East Gippsland is being compromised by the condition of the highway.

I am not the only person to hold this view. The RACV has repeatedly called on state and federal governments to increase funding for upgrading the highway, given its current two-star and three-star ranking under the AusRAP—the Australian Road Assessment Program. The star ratings highlight the failure to improve safety on this stretch of highway and, as AusRAP has indicated in previous reports, safer roads have the potential to save as many lives as safer vehicles and improved driver behaviour combined.

There is widespread concern within the East Gippsland community that funding for the Princes Highway has been diminished as a result of a strategy to upgrade an alternative route between Bairnsdale and Nowa Nowa. The concerns have been exacerbated by a number of serious accidents, particularly on the approaches to Lakes Entrance from both directions. In particular, there are concerns with the alignment of sweeping bends, the placement of overtaking lanes and the road surface itself. There are sections of the highway, particularly east of Orbost, where there are no shoulders on the sides of the road and the road surface is in an appalling condition.

Too many people are losing loved ones on East Gippsland's roads. I repeat my appeal to the Minister for Infrastructure, Transport, Regional Development and Local Government to work with my community to have the highway listed as a Road of National Importance to help secure additional funding for much-needed road safety upgrades. The stress and trauma

of road accidents affects vast numbers of my community. I call the minister to work with the people of Gippsland.

Deaths in Custody

Ms PARKE (Fremantle) (6.41 pm)—On 27 January 2008, a much-loved and respected Aboriginal elder from the Warburton community in WA, Mr Ward, died while being transported 360 kilometres from Laverton to Kalgoorlie by the government contractor GSL Custodial Services, now known as G4S. Mr Ward, who had been locked in the back of a prisoner transport vehicle with broken air conditioning for three hours and 45 minutes on a day when the outside temperature exceeded 40 degrees Celsius, died from heatstroke. The state coroner noted deep burns on Mr Ward's abdomen from contact with the boiling metal of the van's floor and found that Mr Ward had 'suffered a terrible death while in custody which was wholly unnecessary and avoidable'.

The appalling circumstances of Mr Ward's death remind us that we must do all we can to protect human rights and human dignity. I offer condolences to Mr Ward's family and encouragement and thanks to those in the community who are dedicated to ensuring that deaths in custody become a salutary lesson in history instead of something for which we as a community continue to bear the immense present shame.

Today I received from the Deaths in Custody Watch Committee of WA a petition of some 3,500 signatures calling for the federal parliament to ensure our criminal justice system meets our human rights treaty obligations, for the Australian Human Rights Commission to inquire into the extreme overrepresentation of Indigenous Australians in our justice system and for the government to work with the states and territories to ensure that all coronial and royal commission recommendations are promptly acted upon. I hereby present that petition.

The DEPUTY SPEAKER (Hon. KJ Andrews)—The document will be forwarded to the Standing Committee on Petitions for its consideration. It will be accepted subject to confirmation by the committee that it conforms to the standing orders

Homelessness and Young People

Mr SIMPKINS (Cowan) (6.43 pm)—On Friday I was at the Greenwood Senior High School and was handed a petition by the head boy and head girl of the school, Justin Micale and Ellen Collins. The petition was under the name of the principal, Joanne Harris, and signed by 170 members of the school community, including staff and students. I understand that the petition came about as a result of a study of poverty and the concerns that the students had about the need for permanent housing facilities for young people at risk of homelessness. I also understand that there are very few housing programs for those under 16.

The Greenwood Senior High School petition makes mention of Horizon House in Wanneroo, also known as Bendat House. Jack and Eleanor Bendat donated \$100,000 towards the operation of the house, although Jack has committed \$2 million in total for the Horizon House concept in Western Australia. The Rotary Club of Matilda Bay has also been involved, as has the St John of God Foundation, which secured a grant from Lotterywest to furnish the home. Providing not only accommodation but also skills training as a Work for the Dole program has resulted in a very big horticultural upgrade to the front section of this immense property.

Returning to the petition, I would like to thank Joanne Harris, the principal of Greenwood Senior High School; Liesl Mahood, the chaplain; and the staff and students for their concern

in highlighting this issue. Although the petition cannot be accepted by the parliament in its current format, I seek leave to present it as a referenced document and I will also forward a copy to the minister.

Leave granted.

The DEPUTY SPEAKER (Hon. KJ Andrews)—The document will be forwarded to the Standing Committee on Petitions for its consideration. It will be accepted subject to confirmation by the committee that it conforms to the standing orders

Oxley Electorate: Ipswich Motorway

Mr RIPOLL (Oxley) (6.44 pm)—I take this opportunity to update the House on the most significant piece of infrastructure being upgraded in the western corridor and in my electorate of Oxley. The Ipswich Motorway will soon celebrate its first completed section, that of the Ipswich-Logan motorway interchange. This section of the upgrade was the most complex part of the overall project and it has been done under full traffic conditions. It involved a major upgrade of the interchange and a 2.2-kilometre stretch of the Ipswich Motorway between Gailes and Goodna.

The project is due to be completed by the end of the year. I put on record the great work that has been done by the project partners: Leightons as the contractors, Main Roads, the state government and Ipswich City Council. I make special mention of Leightons for their community engagement and the way in which they have worked very well with the local community during a very difficult period.

Recently I attended a Legacy event where some 200 trees were planted as part of a Woogaroo Creek restoration project. This project was a way of thanking the local community for their patience and understanding during construction of this integral capital work. The Ipswich Motorway upgrade is technically difficult, it is geographically complex and it comes at a high cost in testing the patience of local community. I congratulate all the residents, all the people in the community along the motorway upgrade, for their patience and cooperation in dealing with the project. The Ipswich Motorway upgrade has spanned some 10 years since I began to lobby for its full upgrade, and it is finally being fulfilled under this government. *(Time expired)*

Kangaroo Harvesting and Processing

Mr BRUCE SCOTT (Maranoa) (6.46 pm)—I rise tonight to ask the federal government to provide assistance to the kangaroo harvesting industry and processing sector, which has been virtually crippled by the Russian ban on roo meat imports. Russia's imports accounted for around 70 per cent of the market and their ban has resulted in 2,500 jobs being lost across the nation and more than 10 kangaroo processing facilities being forced to close. The kangaroo meat industry is worth \$270 million to regional Australian economies and if you take into account the multiplier effect the industry has a total value of in excess of a billion dollars.

The proposed new regulations to improve hygiene standards are being discussed with harvesters, and they understand that for the industry to continue and for the Russian market and new markets to open, world's best food hygiene standards will have to be implemented. These new changes will cost the industry more than \$20 million. That is why I am taking this opportunity to request the minister to provide some assistance.

Last week I attended an industry consultation meeting in my home town of Roma, which was organised to discuss the new regulations. There are more than 2,000 registered professional roo harvesters in Queensland and more than 1,200 of those live in my electorate of Maranoa. That is 1,200 working families in my electorate who are suffering from this major blow to the industry. As you can understand, I am quite passionate about this issue. I therefore ask this government to provide the industry with the assistance they need to get back on their feet so that these 1,200 harvesters and the processing sector in my electorate of Maranoa can continue to provide—*(Time expired)*

Petition: Carbon Pollution Reduction Scheme

Petition: Restrictions on Parallel Importation of Books

Mr BEVIS (Brisbane) (6.48 pm)—I present two petitions that have been approved by the Standing Committee on Petitions as in order petitions. The first of those petitions deals with the Carbon Pollution Reduction Scheme and requests the parliament to support the bill. It calls on the Liberal and National parties to be constructive rather than negative, as they have been so often in the debate in respect of carbon reduction programs. It is obviously an issue of great concern to constituents in Brisbane. More broadly, it is clearly of great concern to constituents around this country and elsewhere.

The second petition is signed by 2,097 Australians and asks that the parliament retain the current restrictions on parallel importation of books. This is a petition which I and a number of members of the parliament received from a group of authors and others involved in the Australian creative arts industries. It is clearly an important issue and I urge all members of parliament to give it proper regard.

The petitions read as follows—

To the Honourable the Speaker and Members of the House of Representatives

This petition of certain residents of Australia draws to the attention of the House the threat posed by greenhouse gas emissions and the failure of the Liberal Party, the National Party and the Independents to support the carbon Pollution Reduction Scheme Bill 2009.

We declare our support for a carbon pollution reduction scheme and express our concern at the failure of the opposition to support the Bill.

We therefore ask the House to call on the members of the Liberal Party and the National Party and the Independents to support the Government's Carbon Pollution Reduction Scheme Bill 2009.

from 134 citizens

To the Honourable The Speaker and Members of the House of Representatives

This petition of concerned citizens draws to the attention of the House the recent Productivity Commission's report on the Parallel Importation of Books.

We, the undersigned, ask the Parliament to retain the current Restrictions on the Parallel Importation of books for the following reasons:

1. There is no guarantee books will be cheaper, but removing the Restrictions will cause severe job losses in the publishing, book printing, packaging, and distribution industries.
2. The diversity of local and international book titles will diminish as publishers are forced to make smaller print runs, and take fewer risks with new authors.

3. Australian authors should not be forced to rely on unspecified extra taxpayer funded grants and subsidies, as suggested by the Productivity Commission, to compensate income lost under Parallel Importation.
4. Imported versions of Australian-authored books will be in direct competition with authentic editions. Foreign versions often change drastically to suit overseas markets. (Removing Australian idioms, references, humour and spelling.) This is of particular concern for those Australian children who already struggle with spelling and literacy.

from 2,097 citizens

Petitions received.

Swan Electorate: Seniors Forum

Mr IRONS (Swan) (6.49 pm)—Last Thursday I held a seniors forum at Queens Park Homestay Village in my electorate of Swan. I am pleased to report that the forum attracted a lively and inquisitive audience of senior Australians and was supported by both the shadow minister for ageing, Margaret May, and WA Senator Chris Back. A number of issues were raised which I would like to mention briefly now.

Many seniors were unaware of federal government money they are entitled to. However, finding out about these entitlements is only half the battle. Feedback from seniors attending the forum indicated that simply completing these bureaucrat designed forms is too difficult for some. A lot of the seniors said they had to get other people to help them fill out many forms. They have many pages and they are too difficult for them to complete. Some of the bureaucracy seniors have to deal with seems ludicrous.

I know that the City of Canning offers services from time to time to assist seniors with their paperwork, but government also has a responsibility to make life easier and forms simpler. The mayor of the City of Canning, Mr Joe Delle Donne, came to the morning tea and also explained the services and facilities available from the city. I see Joe was re-elected on the weekend, and I congratulate him. Other issues raised included the aged care crisis, pensions, superannuation and changes to aircraft noise in my electorate. Five aircraft flew overhead during the morning tea. After the formal part of the forum, I enjoyed a cup of tea and good discussion with homestay residents Ruth, Brenda and Lorna. My thanks to the homestay village managers, Kevin and Gloria Stilling, for their hospitality.

Northern Rivers Bushfires

Ms SAFFIN (Page) (6.50 pm)—I would like to pay tribute in this House to firefighters from four agencies who have been working overtime to control bushfires in my federal electorate of Page, and the neighbouring electorates of Cowper and Richmond, since late last week. It is hard not to mention neighbouring electorates because the firefighters and the fires do not know the boundaries; they have been working over them all. Tragically, a retained Kingscliff fire brigade firefighter, Andrew ‘Packy’ Turnbull, died after battling a grass fire at Fingal Head last Friday night. Mr Turnbull leaves behind five children and two stepchildren. Our thoughts and prayers go out to his family and many friends in the Tweed shire.

Firefighting crews from New South Wales Rural Fire Service, National Parks and Wildlife Service, Forest New South Wales and New South Wales Fire Brigades have been working long shifts to battle the Centre Road fire near Brooms Head village on the Clarence Coast. I pay tribute to Superintendent David Cook, manager of Far North Coast team New South

Wales Rural Fire Service. Last Wednesday night this fire came very close to the popular Brooms Head Caravan Park, and now has burnt out 10,000 hectares of Yuraygir National Park towards Clarence Peak, a local landmark in the area. Residents at 'the Broom', Wooloweyah, where my adviser lives, Angourie, Sandon, Minnie Water, Wooli, Diggers Camp and Pillar Valley were on high alert over the weekend, but a massive effort by firefighters on the ground and from the air was helped by favourable winds and cooler temperatures. The danger is far from over as little rain has fallen. *(Time expired)*

North-South Perth Railway

Dr JENSEN (Tangney) (6.52 pm)—Through the middle of my electorate runs the main north-south Perth freeway and railway, an impressive project at first glance. The problem is that the government's state ALP cohorts, in designing this rail project, considered only superficialities and not such fundamental issues as where the passengers would park their cars before boarding trains. Now we have a situation where a high-speed rail line whiskers commuters from the suburbs to the CBD, but many of those commuters are forced to remain in their cars because of a lack of parking. Transport authorities say they should use feeder buses from their homes to rail stations, but this is obviously impractical for many, particularly families whose routine before and after work includes dropping off and picking up children from schools and childcare centres.

I am aware the new coalition state government is doing its best to remedy the problem, but where is the federal government's much vaunted largess when it comes to fixing problems created by its own party colleagues? It is all very well to extend funding to a few feel-good projects, but when will they fix the critical flaws in existing projects created by their own party, which are causing massive inconvenience to tens of thousands of people every day?

International Awards for Liveable Communities

Ms LIVERMORE (Capricornia) (6.53 pm)—The 2009 International Awards for Liveable Communities was recently held in the city of Pilsen in Czech Republic. The LivCom awards were launched in 1997 and endorsed by the United Nations environment program. LivCom is the world's only awards competition focusing on best practice regarding the management of the local environment. The objective of LivCom is to improve the quality of life of individual citizens through the creation of liveable communities.

Last week my home region of Rockhampton was awarded bronze in category C, which is for communities of 75,000 to 200,000 people. The Rockhampton region consists of the wonderful communities of Gracemere, Mount Morgan, Rockhampton and the Capricorn Coast. To quote from the Rockhampton Regional Council's submission:

The region's fundamental strengths, its people, its beautiful settings and depth of built heritage, its facilities and water reserves—will ensure a healthy future for generations to follow.

I would like to congratulate Mayor Brad Carter, the councillors and staff at the Rockhampton Regional Council and each person who contributed to this award for placing the Rockhampton region on the world stage in such a wonderful way.

The DEPUTY SPEAKER (Hon. KJ Andrews)—Order! In accordance with standing order 192A the time for members' statements has concluded.

CLEAN ENERGY SECURITY BILL 2009

Consideration resumed from 16 September.

Second Reading

Mr TUCKEY (O'Connor) (6.55 pm)—I move:

That this bill be now read a second time.

The Clean Energy Security Bill 2009 deals with amendments to the renewable energy target legislation and seeks to add two very important components. The first is a restriction on the amount of certificates available to any special or separate form of renewable energy—that is, wind versus tidal versus hot rocks versus solar. This is designed to make sure that a single technology does not dominate the marketplace due to its maturity, for instance. Therefore, it will make sure that investment will be attracted to other more efficient, reliable and suitable technologies.

The Kimberley tidal power region in Western Australia, on advice I received years ago from CSIRO, has the capacity to replace all of the energy, including energy of mobility, throughout Australia. What is more, that has been confirmed by the World Energy Council. That well-established international organisation highlighted just two inlets of the myriad inlets in that region that could produce 120 per cent more energy than is presently produced in Western Australia from the established technologies and the established generators. It could easily replace all of the energy consumed in Australia in times to come.

The second schedule relates to the efficiencies and, therefore, the renewable characteristics of a transmission system. The world has discovered that shifting electricity over longer distances—anything over 500 kilometres—is more efficiently achieved using currently available high-voltage DC transmission. The Chinese, who are not investing or participating in an emissions trading scheme, have been boasting to Minister Wong, who is in the Senate, about their attempts to build a 2,000 kilometre high-voltage DC transmission system to shift their renewable energies, such as from the Three Gorges Dam and some wind farms in their western deserts, to the manufacturing sector on their east coast. We, of course, in Australia have such a wire now running between Tasmania and Victoria, which interconnects the available power in those two states. This is very important.

The Europeans, with a highly qualified inquiry, have just established that they can shift from the Sahara solar generated power over 3,000 kilometres to Europe with only a 10 per cent line loss. They go on in that report to say that, if they attempted to do that with the established technology of Australia—high-voltage AC transmission—it would consume 45 per cent of the power generated. We should use this technology and recognise it as a virtual renewable resource because, if you can get twice as much electricity out of the other end of the pipeline, you have halved the relevant emissions associated with the generation of that power.

It is, therefore, most important that this sort of technology be given the recognition it needs. It is not cheap. By the way, it can all be installed underground and give great advantage to Australia. It should be included as a renewable resource, notwithstanding that it does not generate electricity; it simply saves it. I recommend this bill to the House and to members of the government as a worthwhile improvement in the renewable energy sector.

Ms LIVERMORE (Capricornia) (7.00 pm)—I am pleased to have the opportunity to participate in the debate on the member for O'Connor's private member's bill tonight. I can see

from his bill that he has given the proposed amendments to the renewable energy legislation a great deal of thought. While I do not support the proposals he has put forward, I know from hearing him speak at a number of events in this House over many years that his interest in and knowledge of various forms of renewable energy are very genuine and I can see that that is what has motivated the Clean Energy Security Bill 2009.

The reason that I am not supporting these proposals is that these are matters that were given quite a bit of an airing during the consideration of the latest renewable energy bill, which was debated not so long ago in this House. That bill is designed to greatly expand the amount of renewable energy being generated in Australia. It increases the current mandatory renewable energy target by over four times, from the current 9,500 gigawatt hours to 45,000 gigawatt hours by 2020. The advice and the evidence received during the discussions and consultation over the new RET legislation show that this increase will pull through a whole range of technologies including wind, biomass, solar and geothermal energy. In answering the member for O'Connor, no doubt tidal energy will have its role to play as well.

The question of banding, which is essentially what the private member's bill seeks to achieve, carving out a proportion of the increased renewable energy target to provide a greater incentive for particular emerging technologies, was looked at in some detail by the Senate Economics Legislation Committee when they had an inquiry into the renewable energy legislation. After listening to the arguments for and against, the committee did not support that banding proposal. I will quote from the Clean Energy Council's submission to the committee. The reason I picked this submission is that, if you look at the membership and sponsors of the Clean Energy Council, you see that they cross a broad range of industries and companies involved in the renewable and clean energy sector. So I suppose the council is not really pushing any particular barrow. In relation to banding, the council says:

The Council is aware of a number of representations to introduce banding to the RET to guarantee a share of the target to specific emerging technologies. Banding will undermine the integrity of the RET and seriously impede the deployment of least cost proven renewable energy technologies.

Banding is a complex addition to the RET and may not help an emerging technology push faster through the costs and risks of development and commercialisation ... Banding is little more than educated guesswork that will increase the cost of the RET without guaranteeing the success of emerging technologies.

The council finishes up by saying:

... there are significant issues being faced by emerging technologies that will not be solved by the RET alone. We think that this will require a separate policy measure to encourage these technologies to develop to a point when they are competitive.

The government agrees with that point of view and that is why in the budget earlier this year we put forward a \$4.5 billion Clean Energy Initiative. One of the measures within that is \$465 million to establish the Australian Centre for Renewable Energy. One of the programs that the Centre for Renewable Energy is in charge of is the Renewable Energy Demonstration Program, and I understand there will be announcements about the successful projects under that program. So the government is actively encouraging and promoting the development of these new technologies through those measures. We do not see the RET as being the vehicle that will do that. We have avoided picking winners in the RET legislation. The targets are there to

provide incentives. We do not want to pick winners within that but we are happy to consider proposals for new technologies under these other, separate government measures.

There is great news on renewables in my electorate of Capricornia with Mackay Sugar proceeding with its very significant investment into burning bagasse to provide up to 30 per cent of Mackay's electricity, which creates a great return and source of revenue for cane growers in central Queensland.

The DEPUTY SPEAKER (Hon. JE Moylan)—The time allotted for this debate has expired. The debate is adjourned and the resumption of the debate will be made an order of the day for the next sitting.

PRIVATE MEMBERS' BUSINESS
National Schools Chaplaincy Program

Debate resumed, on motion by **Mr Randall**:

That the House:

- (1) notes that in 2007, the Coalition Government initiated the National Schools Chaplaincy Program (NSCP);
- (2) acknowledges the important role of school chaplains in supporting the personal, spiritual and emotional wellbeing of students at schools throughout Australia;
- (3) recognises that school chaplains provide essential services to students of all ages, staff and the wider school community, assisting them resolve emotional, social and everyday issues and build relationships;
- (4) notes that the Government's failure to renew existing contracts awarded under the NSCP will impact student welfare, personal and academic development and place additional pressure on school resources; and
- (5) calls on the Government to:
 - (a) extend the NSCP beyond the life of the existing contracts due to expire in 2010;
 - (b) support an extension of the program to make chaplains available to more schools; and
 - (c) acknowledge that failing to renew funding for this widely accessed service will disadvantage students.

The DEPUTY SPEAKER (Hon. JE Moylan)—I understand the member for Cowan is going to propose the motion that was on the *Notice Paper* in the name of the member for Canning.

Mr SIMPKINS (Cowan) (7.05 pm)—Yes, I am doing that, Madam Deputy Speaker. Recently I was visited by a delegation of people in my electorate office to talk about school chaplains and ask me for my support to have the federal funding renewed and increased. I was told that there were 19 chaplains in schools within the electorate of Cowan. I appreciate that they came to see me, but they were already speaking to the converted because I see the excellent work that chaplains do in Cowan schools. And I believe so much in their work that I am coordinating a chaplathon, or a walkathon, next month.

YouthCARE runs the School Chaplains Program, and the chaplathon will involve a number of chaplain district councils gathering together at the Carine Open Space with supporters from throughout the northern suburbs. Representatives of the district councils have been organising the chaplains, their schools and local churches. I acknowledge the chaplains and local church

leaders that have been helping me organise this event: Peter Jackson, Fran Blamphey, Darrell Thatcher, Colin Zis, Zoe Clune, Joe Forde, Shirley Pyrc, Dianne Stephenson and Malcolm Rule.

With regard to the chaplathon, local businesses have been donating food for the sausage sizzle, and the Encounter Church will be donating use of their bouncy castle. This is a community effort and will demonstrate the strong support that exists for the chaplains. It will, however, not raise a sum of money that will enable more chaplains to be employed or to greatly increase the capability of chaplains to assist school students. The continuation and expansion of federal government funding for school chaplains is required, and that is why this motion has been moved by the member for Canning.

Funding chaplains in schools was commenced by the Howard government in 2007, an excellent decision. Although some elements objected and said funding should be for counsellors, the majority of this nation thought it was a good idea and embraced it. In preparing for today I asked for the views of school leaders across Cowan to see what they would say about the coalition's move for continued and more funding.

I can inform the House that support was overwhelming. I will begin with the cluster of schools comprising Ashdale Secondary College, Ashdale Primary School, Landsdale Primary and Madeley Primary School. These schools work closely together and have been acknowledged as independent state schools by the Barnett government in Western Australia. The schools have one chaplain between them, and I refer to Zoe Clune. Carol Strauss, the principal of Ashdale Secondary College, describes Zoe as, 'an integral part of our student services team as she provides emotional support for students who may not feel comfortable talking about some of their issues with a teacher or school psychologist'. Carol Strauss finishes a substantial letter with: 'I would strongly advise against a move to take away funding for this vital component of our school systems'—a point clearly made.

I also thank Dr Tony Curry, the principal of Mercy College, for his letter. Mercy College is a Catholic school that offers an education from K to 12. The school is located in Koondoola, and that is a suburb of challenging socioeconomic circumstances—as are the nearby suburbs. Dr Curry told me that the SES rating is low at 94 and that 35 per cent of families are eligible for the Commonwealth's healthcare card. Fifty-eight different nationalities are represented by the students. In these circumstances, complex and at times more severe problems face the students. Dr Curry says of his chaplain:

We believe that we have a responsibility to "reach out" to such students (and their families) and the chaplaincy funding has enabled us to do this. The existence of a chaplain has meant undoubtedly that many social problems are either minimised or negated completely.

I would also note in particular the strong support by Mr Noel Woodley, the principal of Girrawheen Senior High School, Dave Stevens of ALTA-1, as well as Gay Fortune, the principal, and Ian Maserai, the deputy, at Morley Senior High.

I have for some years known Peter Jackson and Fran Blamphey, chaplains and supporters of young people. If we talk about long-term commitment to an area and the children of an area, it is easy to mention these names—and so many people know them as well. These are good people, committed to a better community and dedicated to giving children and young people the best possible future. I finish by saying that in Cowan I have never heard a bad word said of the chaplains, only ever strong support. I have seen the way the chaplains work

and the way the children interact with them. This is an excellent program that adds great value, and I urge the government to commit to an expanded program immediately.

Ms OWENS (Parramatta) (7.10 pm)—I was in opposition for three years, as you know, and I have been on the government side now for a year and a half. Having been on both sides of the House, one of the things that I think would make governments even better would be if they did not have to actually make choices. It would be good if, every time we saw a program which a large number of people in our electorate liked or which we thought had some merit, we could just go with it and did not have to sometimes put one thing aside in order to support something else. I remember the epiphany I had within about four hours of us winning government when I realised that, when you are in government, there really are no excuses. If you do not do something, it is because you did not want to, as you really do have the power. Yet, when we are in government, we are continually looking at that infinite range of choices and deciding which of those options we will pursue and which we will set aside. Which choice we make on the National Schools Chaplaincy Program is not defined as yet. The review is still underway, yet I am very aware when I listen to the members of the opposition speak on this that there is considerable support for it, but we will, in time, have to consider whether it is a priority area or whether we have other priorities.

The National Schools Chaplaincy Program was a three-year program initiated in 2007 by the Howard government and it allocated \$165 million over three years for chaplaincy services in schools. Each school was able to apply for up to \$20,000 per year for three years. It recognised that for some religious affiliations the word ‘chaplain’ may not be appropriate and it uses that word as a generic term, but it can equally apply to imams, rabbis, lay leaders or religious workers. There were two rounds of the program in 2007 and around 2,700 schools were funded. On election, the Rudd government undertook to honour those commitments and will fund the schools for the program through its three-year term to 2010.

There have been some issues with implementation of the program and changes were made in early 2008. The main problem was that schools were able to apply for funding without having identified a chaplain, and a number of schools that had received funding reported difficulties with finding a chaplain. For this reason, the government decided to allow the successful schools to use an alternative worker if they could not locate a chaplain by July 2008. Such schools are able to use other suitable services such as appropriately qualified counsellors, youth workers and other secular support staff.

I am aware that many schools are making use of the funding in areas that are much broader than the original chaplaincy stream. These include organising sporting events, working with children who suffer trauma from their times in refugee camps, and working with children with drug-affected parents or children with language needs. The immediate needs vary considerably and the alteration of the program due to the difficulty in finding chaplains, I believe, has made the program much more flexible to respond to the needs of the local community.

I am aware that in some electorates—and the previous member referred to 19 schools in his electorate—the program has been widely adopted. In my electorate it is much more marginal as there are only four schools in the electorate of Parramatta that have taken up the chaplaincy program, although I do admit that there may be a couple of Catholic schools that I have missed because of the commonality of names such as St Pauls and the lack of addresses on the reports. But there appear to be only four schools in the program in my electorate, and I am

aware that those schools use those chaplaincy funds very well for the needs of their local community.

We are of course extremely well served by religious institutions in Parramatta which has a very strong Catholic community and has one of the largest proportions of Catholics of any electorate. We have the largest Sikh temple to the north, the largest Hindu temple to the south, the largest Buddhist temple outside of Wollongong just on the border and there is a brand new mosque opening very soon. In terms of religious institutions it is an extremely well-served community.

Money for education is not unlimited and the Rudd government, like all governments, will need to make choices. The process that leads to that choice is taking place now. The program will be reviewed and its effectiveness assessed. There is no plan for a further round at this time but the program will be reviewed and, as appropriate, the government will make a decision on whether the National Schools Chaplaincy Program delivers in a priority area and whether it is the most effective mechanism to deliver services to schools. Meanwhile, we can all acknowledge the hard work being undertaken in our communities by schools, chaplains and lay people who work with children, teachers and families in need.

Mr RANDALL (Canning) (7.15 pm)—I rise to speak today about the increasingly vital role that school chaplains play in schools across Australia. The program was the coalition's initiative, fostered by the wide support of local communities. This support has seen the National Schools Chaplaincy Program become a fundamental service in many Australian schools. Chaplains offer students support, advice and guidance across a raft of issues and in many cases they fill a void. But the highly successful program is in jeopardy, with funding set to run out. Existing contracts end next year and there has been no commitment by the Rudd government to extend the program. We have had that largely confirmed tonight.

I welcomed the coalition's initial investment of \$90 million to ensure that any Australian school that wanted a chaplain got one. That was \$20,000 to every school. In fact, the program was so popular that \$165 million was put into it. The success of the program speaks for itself. Since 2007, the number of school chaplains in Western Australia has tripled. The Rudd government must recognise that there are other means of nurturing students' wellbeing. There is nothing wrong with values based education. Chaplains are men and women who come from a trained background and bring a strong value into often complicated lives.

Schools back the program. It has been hugely successful in supporting not only students but teachers and the wider school community. I recently met with Stanley Jeyaraj, National School Chaplaincy Association convenor and Chief Executive Officer of YouthCARE, who could not speak highly enough about the results the program is delivering throughout the country. In Western Australia alone, more than 80,000 students have access to a chaplain and in 2008 more than 80,000 pastoral care appointments were made with YouthCARE chaplains.

A report recently released by Edith Cowan University and the University of New England confirmed that the government should re-fund the program for at least another three years because 'chaplains provide better pastoral care, support and guidance than school based staff'. A survey of 688 principals cannot be wrong. The study found that behaviour management, bullying, peer relationships, family relationships and self-esteem issues accounted for up to 90 per cent of the chaplains' work. More than half also reported dealing with drug and alcohol

abuse and mental health issues. Without chaplaincy there are limited resources to address these social issues.

The flow-on effect this outlet has had on communities must be acknowledged. Youth unemployment and antisocial behaviour are among society's top-ranking issues and the levels of youth depression are concerning. The impact a support base in school could have on curbing these problems cannot be underestimated. As a former school teacher, I have seen firsthand that the earliest years of life have important implications for a child's future. School communities are looking for support and certainty from the government on this issue. They have called for an investment of \$300 million over three years. They also want to see criteria expanded to allow more schools to access the funding.

More than 4,000 Canning families have access to a school chaplain, with 19 Canning schools having YouthCARE chaplains. A number of local schools secured funding under the program, including Serpentine Jarrahdale Grammar School, Carey Baptist College, Westfield Park Primary School, Kelmscott Primary School, Kelmscott Senior High School—and students from that school are here in Canberra today—Roleystone District High School, Halls Head Primary School and Armadale Senior High School. I recently met with Armadale Senior High School Principal Mary Griffiths and heard about the positive influence that chaplain David Karcheski has on the students. He is well respected, and students are comfortable speaking with someone outside the facility.

At the Kelmscott Show this weekend I met Glenda Morgan, the school chaplain at Neerigen Brook Primary School, who loves her job. Glenda was appointed when the program commenced two years ago and she was telling me about the huge success the program is at the school. The additional emphasis the school places on pastoral care really ties in with her work. Glenda is paid two days a week under the program, but the school stumps up the extra money itself. Obviously her job will be under threat next year if it cannot be funded. She is fortunate that the school finds a way to pay for the additional two days that she does a week.

Also at the show, it was great to see volunteers from the Anglican St Mary-in-the-Valley, Kelmscott Parish, manning a stall selling crafts, cakes and jams all to raise money for chaplaincy. These volunteers are to be commended on donating their time and effort to raise money to keep chaplains where they are needed—in the schools. If government funding is not continued, it will take some very successful cake stalls to raise the sums of money needed to keep chaplains in the schools.

I commend this program. Pinjarra Senior High School in my electorate recently wrote to the Prime Minister, calling on him to find ongoing funding for the program. I do not have time to read out the letter from Beth Aitkin, the principal, but she certainly endorses this program. It really does make a great deal of difference to students, and \$300 million is a small price for huge benefits. *(Time expired)*

Mrs IRWIN (Fowler) (7.20 pm)—When the funding program for school chaplains was first announced in 2006, it was broadly supported by the Labor Party. I know that because I was one of the few who raised objections to the funding in the caucus. The then leader, Kim Beazley, was very supportive of the proposal and made the same point as the member for Canning: that the program was well received in the state of Western Australia, where it had been in place for some years. I must say that I have not changed my view of the National Schools Chaplaincy Program. As I said in 2006—and it applies even more today—there is a

crying need for a boost to school counselling services and family support measures and these should receive priority over a program which, as far as I can tell, is poorly targeted and does not address the needs of disadvantaged schools in my electorate of Fowler and other electorates throughout Australia.

I have to say that in my 11 years in this parliament I have visited the full range of schools in my electorate. As members would be aware, visiting schools often leads to a wish list of resources and facilities that the schools desperately need. But in those 11 years I cannot recall one request—not one—for funding for a school chaplain. School staff are increasingly frustrated by the lack of response when mandatory notifications are made to the New South Wales Department of Community Services. It is clear that the crucial needs of so many students are not being met.

While some may see value in chaplaincy services, it is easy to see where resources are most needed. ‘Praise the Lord and pass the Ritalin’ is no substitute for well-resourced and professional intervention where children face a home life often dominated by alcohol and drug abuse, domestic violence and family tragedy. While such intervention is the responsibility of state governments, it makes no sense for any government to lavish funds on chaplaincy programs while denying children and families adequate support. In a similar way, personal support programs exist in every school but, again, in many cases a shortage of resources restricts the ability of these programs to fully meet the needs of the school community. It only remains for chaplaincy services to address the spiritual side of student welfare. This in itself is a contentious aspect of the chaplaincy program, with not all religious bodies being happy with school chaplaincy services being provided by another denomination or faith.

At a time when we are to compare the performance of schools nationally, we acknowledge that all schools are not created equal. Study after study in Australia has found that the most significant indicator of a student’s performance is the home environment. Good teaching can only make a difference when students are receptive to learning, but in many schools in the Fowler electorate teachers can spend most of their time dealing with behaviour problems and only a small fraction of their time on teaching. It is the good students who miss out because of the loss of teaching time. We must admit that classroom teachers can only do so much to deliver the stable and caring environment in which learning can take place. Teachers must first of all be educators, not social workers. Without backup resources, our poorest performing schools cannot be expected to improve.

So far, the proposed steps to follow the identification of poorly performing schools include little in the way of intervention which will improve the home and school environment, which is necessary to help students. While we talk of the cycle of poverty, as a nation we have done little to break that cycle. We know that education is the key to improving the lives of young Australians from disadvantaged backgrounds, but while ever we simply put the total responsibility on our schools and teachers we will never address the problem. We do not need school chaplains. We do need resources and professionals to improve the home, community and school environment to support our teachers to do what they should—and that is to teach. That would be a real education revolution.

Ms MARINO (Forrest) (7.25 pm)—I rise to speak on the National Schools Chaplaincy Program motion moved by the member for Canning. As we know, the program began under the Liberal government in October 2007 and was funded for three years until late 2010. In

Western Australia, this program is implemented through YouthCARE, who provide pastoral care, Christian religious education, personal and professional development staff and volunteers and, most importantly, put chaplains in schools where they are needed. In my electorate of Forrest, 34 schools have YouthCARE chaplains servicing around 12,826 students and over 5,000 families. The NSCP provides assistance not only to schools but also to their communities. It has been estimated that the chaplaincy service in Collie, a town in my electorate, is supporting 50 to 70 per cent of the community.

Recently two schools, Wilson Park in Collie and Busselton Senior High School, have been the target of arson and vandalism. In these circumstances, the chaplaincy program is a necessity to provide care and comfort to the students, teachers and parents. One school chaplain in my electorate named Adrienne has said:

I see anything from 4 to 10 students per day for a range of issues - mostly to do with family relationships, peer problems and behaviour management. Sometimes, I see pairs or small groups of students for mediation and often have a quiet smile on my face because kids will bring a friend when they think that friend needs some help.

Adrienne also shared a story that I will share:

A bright, attractive girl usually wearing a very big smile, Rebecca was given 2 minutes by the staff member to speak to me. After a brief chat, it quickly became clear that Rebecca was going to need more than a few minutes. I rescheduled her for the afternoon and spent an hour just chatting with her fairly informally. She disclosed that she was feeling sad all the time and was cutting herself on a regular basis. Rebecca has become a regular for me and as our relationship has developed, she has opened up even more, revealing some serious issues in her background. The good news is that I have been able to refer her to our School Psychologist and we are now working as a team in this case. Rebecca came to see me recently and very excitedly told me she hadn't cut herself for over 2 weeks. She said she was feeling happier in general but of course we will continue to keep her engaged.

A principal from one of the schools in my electorate who is part of the NSCP also shared a story:

The parent of a student passed away suddenly in the most unfortunate circumstance. The young family was traumatised by the passing and got through with the support of family and friends until the funeral. However after this time the family went into an emotional decline. After the schools response plan was initiated the chaplain was able to:

Approach the child at the school and establish a friendly rapport as a significant adult confidante

Establish a safe place for the student to run when grief issues arose during the day - and where they could talk and compose

Arrange for counselling for the child in school and for the remaining family adults out of school

Support the children in line with advice from these counsellors including liaising with teachers by offering advice

Help the family adult approach Centrelink for system support - a real issue here

Arrange for a meal roster with other families and

Arrange for the children to attend a local youth group one evening per week.

The family are travelling as well as could be expected but the child has been present each day since intervention and is keeping up with their school work.

As you can see, the National Schools Chaplaincy Program recognises that schools play a key role in providing support and assistance for all students as they cope with the challenges and stresses of life.

I recently met and discussed the significant impact chaplains are making with the NSCP Convenor and YouthCARE executive officers. Chaplains are particularly significant in regional and isolated areas, including in towns in my electorate, where chaplains are more likely to be living in the local community and are able to bring support within the school for community projects. A recent study found that approximately 53 per cent of chaplains are under the age of 30, meaning they are often more in touch with the issues and pressures facing students. To have access to a safe service that offers guidance and support for students is of immeasurable assistance.

YouthCARE has requested an increase in funding from \$165 million to \$300 million for the program to provide for two days of chaplaincy per school per year throughout Australian schools. I strongly support YouthCARE and their request for an increase in funding for the National Schools Chaplaincy Program and urge the government to continue funding this program past 2010. The Collie Rotary Club places such importance on the chaplaincy program that we conduct that I assisted them with a 'sleeping out with the homeless program' to assist in funding the chaplaincy program in schools in Collie. That is the value that the local rotary club and community place on this particular program.

Ms REA (Bonner) (7.30 pm)—I would like to inform the House about the very significant role that school chaplains play in the schools in Bonner in the bayside suburbs, particularly Wynnum and Manly. The school chaplains in the two key high schools in those areas—Wynnum State High School and Wynnum North State High School—have been there since the early 1990s. They are not there as a result of a program that was introduced by the previous government in 2007. In fact, there have been several school chaplains. Greg Deighton and Randall Gill, the current serving chaplains, are doing a wonderful job in supporting the students of those two high schools. They are doing that with the great support of the chaplaincy chairman for that area, Tom Andrews, who is a well-known character in the Wynnum-Manly area. He is a great supporter of the community. He has a very generous heart and he understands many problems through his own personal suffering and through his commitment to helping people whenever they are in need.

The local bayside area significantly recognises and values the chaplains. Every year there is a fundraising breakfast held at the local leagues club to raise money for the school chaplaincy service provided at those two high schools. It has now expanded, as a result of the 2007 funding, into several primary schools at Tingalpa, Wynnum North, Darling Point Special School, Manly State Primary School and Lota State School, where Nyree Mannion, Bruce Gowlett, Chrissie O'Brien, Chris Allen and Aaron Bligh all play a very significant role in supporting the students in that local community.

As we have already heard, the school chaplains play a very vital role, which is effectively a counselling role. They provide emotional support to students. They respond to crises. They attempt to prevent, and hopefully pick up early signs of, problems. They are able to work with the students, the school community and their families to try to deal with those issues.

I wanted to speak to this motion because, having met the school chaplains in my area, in particular Tom and those who serve at the high schools, I am very aware of how important

those individuals are. It may well be because they are school chaplains or it could well be because of the commitment they have made to religious service, but I think it is also because of who they are as people and their dedication to supporting the children and the students in that local community. That is why I believe that this motion, to a certain extent, while it is expressing support for school chaplains, is a little misleading.

I believe it is important that the government has committed three years of funding to next year, 2010, to this service. I also believe it is important that all schools and school chaplains acknowledge that they must be accountable for the money that is being funded to them through the government and the taxpayers of this country. Therefore, I believe a three-year time frame is an adequate period in order for the chaplains to provide an important service and to build up good relationships in the school.

At the same time we must always acknowledge that taxpayer funding cannot simply be never ending. There must be a period of review and evaluation. If we acknowledge that the role that chaplains are playing is primarily an important and significant one because of the counselling that they do then I believe the government should look through its budget processes at ways in which it can provide a broader service that may not necessarily just be faith based. There could be other forms of counselling and other opportunities for a school community to provide that support to its students.

Whilst I am very pleased to support the chaplains in my area and the work of the Scripture Union, particularly its CEO, Tim Mander, who is a great referee but primarily a person devoted to school chaplaincy—they have proved themselves to be very successful in the bay-side—I acknowledge there are many other schools in Bonner and across the country. I look forward to the government reviewing this program that provides a very important support service to students and seeing a way in which funding can be flexible and address the needs of individual schools.

The DEPUTY SPEAKER (Hon. JE Moylan)—The time allotted for this debate has expired. The debate is adjourned and the resumption of the debate will be made an order of the day for the next sitting.

Rail Infrastructure

Debate resumed, on motion by **Mr Ripoll**:

That the House:

- (1) notes that:
 - (a) a comprehensive and accessible rail transport system is an important link in the Australian transport chain that joins communities and strengthens industry; and
 - (b) the Australian Government has invested an unprecedented \$26.4 billion investment in road and rail infrastructure through the Nation Building Program over the six year period from 2008/09 to 2013/14; and
- (2) supports:
 - (a) the Australian Government's budget announcement of more than \$25 billion for key road, rail and port projects;
 - (b) fiscal strategies and major infrastructure projects that aim to create jobs and boost long term productivity; and
 - (c) the continued encouragement of private involvement in delivering new infrastructure.

Mr RIPOLL (Oxley) (7.35 pm)—A comprehensive and accessible rail transport system is a critical and essential link in the Australian transport chain that joins communities and strengthens industry. The Rudd government in its last budget continued its commitment to rail infrastructure by delivering important priority rail projects and spending to support job creation in the short term, and economic growth and productivity in the longer term. As we will see a number of local rail projects from around the country, it is pleasing to see a broad range of members representing different states and, with them, different priorities and needs. Tonight I want to focus on my home state of Queensland and the funding that was set aside for nation building from the Building Australia Fund.

Firstly, it is important to note that the \$668 million in this year's budget for Queensland road and rail projects is 80 per cent higher than the 2008-09 funding, with \$318 million provided immediately to keep key projects moving forward. Locally in South-East Queensland we saw initiatives such as \$20 million for a Brisbane inner-city rail feasibility study and \$365 million in equity investment in the Gold Coast light rail project. Work on the Brisbane inner-city rail feasibility study continues, and will see two new rail tunnel corridors being identified to meet growing demand for rail services in Brisbane. As I said, the Rudd government has committed \$20 million to make sure that that does take place, with the project due to begin in 2010.

Work on the \$850 million Gold Coast light rail project is expected to begin in 2011 and be completed by 2013. The planning and construction of the project is expected to support 2½ thousand jobs. The project will provide public transport to 20 per cent of the Gold Coast population, removing 40,000 cars from the road network and foster urban renewal and boost the local tourism industry. It is projected the Gold Coast light rail will cater for 80,000 trips a year, increasing public transport from four per cent of journeys to 10 per cent by 2026. Both of these are important nation-building projects and feature cooperation between all levels of government and the private sector for the good of South-East Queensland, one of the nation's fastest growing regions.

This leads me to a great example of where these partnerships truly do work in concert, and that is in the western corridor of South-East Queensland—particularly in my electorate of Oxley. We had the member for Blair here, who also mentioned that it particularly works well in the electorate of Blair. The Queensland government has been planning for the duplication of the Centenary Highway between the Ipswich motorway and Springfield, together with the extension of the passenger rail branching from the Ipswich line at Darra and then running along the Centenary Highway through to greater Springfield.

The rail project is one of the priority projects in the Queensland government's infrastructure plan, which supports the South-East Queensland regional plan and is designated as a vital piece of infrastructure for the western corridor. The project has now been broken up into stages, with stage 1 now progressing to completion. It will be part of the duplication of the Centenary Highway from the Ipswich motorway to the Logan motorway. As a result, we will see a new passenger rail line being built with 650-space commuter car parks. Stage 1 is due for completion in 2012. Stage 2 will also be part of the Queensland state government's and the federal government's commitment to the corridor.

Further to that, the cost of a rail component as part of the project to Springfield in the South-East Queensland regional plan is projected at \$872 million. If funding can be brought

forward, then we will see the great possibilities of what rail transport can bring to that corridor. This will then allow both the road and rail projects to be delivered together, and of course that would mean greater efficiency and a greater effective corridor for the area. The original delivery was for 2012, but it has now been pushed out to 2015. But many thousands of jobs can be expected to be created and millions of people moved along the corridor.

I believe that the western corridor will continue to drive strong residential growth for the next decade, with significant investment accompanying infrastructure needed to be delivered both in a public and a private manner. For South-East Queensland, we need environmentally sustainable transport environments of the future. In this place we often speak of better ways to find these sorts of projects; in the western corridor we are ready to deliver both through public funding and through private funding. What we need now is to bring forward these projects.

All members of parliament support more effective transport systems that provide growth in a sustainable manner. Often the critical missing components that are the hold-up are the political will to achieve the desired outcomes and political cooperation. That is not the case in the western corridor. The three levels of government work together in a most constructive manner, as does the private sector, including developers in the corridor. They are all prepared to make these projects technically feasible, and I know they can work in a great partnership together.

I commend the motion to the House and I encourage government at all levels to get more involved and provide the essential, critical environmentally sustainable transport systems for the future—and there is no better place to begin than in the western corridor of Queensland. *(Time expired)*

Mr SIMPKINS (Cowan) (7.40 pm)—Given that this motion is about rail infrastructure, I take this opportunity to speak of the value that railways have added in Western Australia and the fact that our future economic development will continue to depend on railway infrastructure serving the commodity sector. As I will outline, the great Western Australian success story, the way in which the hard work and commitment of the private sector has paved the way for Australia, is very much a story that could not have been written without railways.

Two of the major users of railways for the transport of iron ore are BHP Billiton and the Fortescue Metals Group, or FMG. They demonstrate the importance of private investment and of governments allowing these developments to take place.

BHP Billiton's iron ore has two railway lines and more than 120 locomotives. The Port Hedland to Newman line is 426 kilometres long, running out to the Mount Whaleback Mine but also with spurs to Mining Area C, known as the MAC iron ore mine; to Yandi 1 and 2; and to the Jimblebar Mine. Twelve trains a day operate on that line, normally with 208 wagons per train. Each wagon can carry 125 tonnes of ore, or 26,000 tonnes per train. Duplication of the line to Newman is well advanced. The smaller line is just 208 kilometres long and runs from Finucane Island near Port Hedland to the Yarrie and Nimgarra mines. It has one train a day, with a mere 90 wagons attached.

FMG is another example of private sector investment that has worked out very well. FMG operate a heavy-haul rail network between Anderson Point at Port Hedland and Cloud Break Mine. That is more than 250 kilometres of single standard-gauge railway line upon which

they operate as many as five trains a day, with up to 240 carriages per train. Each wagon can take around 40 tonnes of iron ore.

Although I have spoken about the successes and the future of private rail in support of commodities in Western Australia, this motion also made mention of the assistance provided by the Australian government toward rail. In 1997 the federal and state governments agreed to centralise control of the national interstate rail network. In 1998 the Australian government established the Australian Rail Track Corporation Ltd to manage and develop Australia's interstate track infrastructure. The ARTC owners have long-term leases of the interstate track. The ARTC currently controls interstate track from Kalgoorlie to the New South Wales-Queensland border, although its main focus is on the Melbourne-Sydney-Brisbane rail corridor.

The ARTC is a public company which is wholly owned by the Australian government. It is required under its charter to operate the interstate rail network on a commercial and sustainable basis. It does so through access fees to the track from commercial operators, proceeds from maintenance contracts, Australian government equity, commercial borrowings and direct funding from the federal government.

It was through the ARTC and AusLink that the previous government provided \$2.4 billion in rail infrastructure; \$820 million was also provided to ARTC for the Melbourne-Sydney-Brisbane rail corridor through untied grants. It should also be noted that the previous federal government helped with the second transnational railway line completed in 2004, with \$191.4 billion contributed by the Howard government. That being said, the vast majority of the funding for the project was actually provided by private enterprise. Between 2004-05 and 2008-09, over \$2 billion was allocated by the Howard government under AusLink. Between 1996 and 2007 an additional \$1.3 billion was invested in rail from outside AusLink, which included the Commonwealth part of the funding for the Adelaide to Darwin railway.

Infrastructure investment in 2007 amounted to \$56 billion for rail, which is more than 2½ times what it was in 1996 when it was \$15 billion. Against a backdrop of paying off \$96 billion of debt, these figures suggest responsible and effective investment. The reality in rail investment is that it is important for government to be involved, but it is vital for governments to facilitate private investment to meet the needs of industry. Rail is part of the great success story of Western Australia, and that will continue to be the case, but a measure of a government is how well it can successfully leverage private sector investment whilst also not running up huge debt. The coalition under John Howard succeeded. Peter Costello was able to do this very successfully.

Mr NEUMANN (Blair) (7.45 pm)—I am happy to speak in support of the motion moved by the member for Oxley, Mr Ripoll. I note that the member for Oxley has referred to both rail and road in his motion. The commitment of the Rudd Labor government to South-East Queensland in relation to the Ipswich Motorway upgrade and to the Gold Coast Rapid Transit rail is very welcome. The Brisbane future public transport network and the \$20 million in funding that the federal government will commit for a feasibility planning study of the Brisbane inner city rail capacity upgrade—to be completed, it is estimated, in 2012—will make a big difference. If the federal government chooses to actually fund that inner city translink, that will be of great help not only to the people of Brisbane but also to people on the Gold Coast and in Ipswich. Like any city, Brisbane is a place where people come to work, for recreation,

to get together to see a film, to have friendship and fellowship and just to shop. So that feasibility study will be most welcome and I urge the government to look seriously at funding it.

The Gold Coast Rapid Transit funding is particularly welcome not only for those people on the Gold Coast but also for other people in my area of Blair, in Ipswich and in the rural areas outside who use the Gold Coast regularly for recreation and holidays. Over the next four years, the federal government will invest \$365 million on 13 kilometres of light rail and transit infrastructure from Griffith University to Broadbeach. That is very important not just for linkages for students but also for access to Broadbeach for recreation, shopping and the beach.

The Ipswich Motorway upgrade is also critical and the federal government has put forward \$1.95 million in funding for it over the next four years. It will spend \$884 million in additional works between Dinmore and Goodna and you can see that happening right now. There is also a rail corridor, secured by the state government, which goes up from Springfield through to Ipswich, linking the University of Southern Queensland at Springfield to the Ipswich campus of the University of Queensland. That is an important infrastructure corridor and I would urge the federal government to look at that in the future.

This government has put an enormous amount of money into South-East Queensland for rail and road, but these things are particularly important. The member for Oxley mentioned the western corridor, the area between Ipswich and the south-west suburbs of Brisbane through to Forest Lake and Springfield. In 20 years, about 85,000 people will live in Springfield and it is estimated that Ipswich will have a population of about 434,000. This is all part of the South-East Queensland regional development plan, so road and rail infrastructure is particularly vital.

One in seven people in Australia lives in South-East Queensland. It is the area where the biggest regional councils are—big regional councils created through council amalgamations. Councils like Lockyer Valley, the Somerset Regional Council, the Scenic Rim Regional Council and the Ipswich City Council are large councils not only in the area they cover but also in population compared with some of the more rural and regional areas of our country. Local government plays an enormous role in this and the South-East Queensland Council of Mayors has played a strong advocacy role in getting South-East Queensland moving, but the federal government is strongly committed to road and rail infrastructure and the runs are on the board.

The Ipswich Motorway should have been funded many years ago by the previous, Howard government. There were 11½ years of inertia, idleness and ignorance on the issue. The people of the western corridor, from south-west Brisbane through to Ipswich and the rural areas outside it, were frustrated all through that time. It is the Rudd government that has put the money into South-East Queensland in terms of Gold Coast rail, the Ipswich Motorway upgrade and so many other roads, whether they be the Cunningham Highway south of Ipswich or the Warrego Highway west of Ipswich. We are seeing resurfacing everywhere. It is all part of the Rudd government's nation-building and stimulus strategy, sadly and regrettably opposed tooth and nail by those opposite, to their shame and discredit. I commend the member for Oxley for his motion. It is apt and appropriate.

Mr HAWKE (Mitchell) (7.50 pm)—I welcome this opportunity to reject the brash Labor statements about infrastructure in Sydney. Coming from an electorate which has the highest rate of car ownership in the country—that is, the highest number of cars per household of any

electorate in Australia—I can attest to the fact that rail is a very important link with communities as a transport option. I can also attest that the New South Wales state Labor government has failed to deliver a rail line for the north-west of Sydney for 16 years. That is 16 years of failure in an area that has the highest car ownership rate in the entire country. My area, one of the fastest growing communities in Sydney, has been left behind by governments which refuse to allow either a government option or a private sector option in the delivery of rail.

When you take into account the rhetoric that we hear from Labor members opposite about climate change and emissions and saving the planet, you would think that a rail line in north-west Sydney was one of the top priorities for a Labor government or indeed a Labor Party. In Sydney, the biggest city in Australia, with the highest rate of car ownership in the country, what did we get from the Rudd government? On 7 October 2008 last year, a date that will live in infamy, that belies this motion, we heard, ‘No votes in north-west metro, Rudd tells Rees’. That is what the Prime Minister said to the Premier. There are no votes in delivering rail to the north-west of Sydney—that is what we are to believe from a cabinet meeting leak last year that was revealed to the public. The New South Wales state government was rejected for federal funding for infrastructure for the north-west of Sydney because there were no votes in it.

When you look at the record of the state Labor government in New South Wales on infrastructure delivery to the outer suburbs of our major cities, you see that they have clearly failed them. They not only cancelled the north-west rail line; they cancelled the south-west rail line. In 2008, what we did not know when this story broke about the federal government’s refusal to build a much needed rail line in the biggest city in our country—because there were no votes in it—and what we do know now is that the federal government was planning to cut off Sydney completely from the infrastructure funding teat. There is plenty of money being spent on infrastructure in this country. That is absolutely right. I will be interested to hear what the member for Lowe has to say about this. But Sydney received virtually nothing in the infrastructure spend from the Rudd government. There are a number of possible reasons for this.

Of course, we know that the incompetence of the New South Wales Labor government is absolutely breathtaking and that you would not give them a dollar to save themselves. That is an acceptable argument, something that we on this side are prepared to entertain. However, if you consider the vast need of the people of Sydney—it is our biggest city, it is one of our most poorly planned cities, it has a desperate need for better public transport infrastructure—the Rudd government failed to deliver anything but the smallest amount of money for a study for a metro line. I am sure the member for Lowe will endorse that, because the inner city metro line is proposed to run from the city to his electorate. There is already an existing heavy rail line that runs from his electorate to the city. There are bus transport alternatives, there are light rail alternatives and it is only a short transport time. But all those who live in the outer suburbs of our major cities, such as in my community in the south-west of Sydney, in Lindsay, Macarthur and Macquarie, have been left in the lurch by successive state and federal governments. They have been given grants of land, they have been allowed huge corridors of development, but public transport infrastructure has been completely and utterly unplanned.

Before anybody on that side gets up here and tries to tell us that this was part of the Howard government’s failure, this was promised continually in the last 15 years by a New South Wales state Labor government—promised, promised, promised, promised. The people of New South Wales voted for it several times and it has not been delivered. Now it has been shelved.

Both the north-west and the south-west rail corridors in the biggest city of our country have been permanently shelved. It is to the shame of this Labor government that that has happened. It is a shame that it has spent no money on infrastructure in Sydney, and the voters of Sydney, the people of Sydney, the communities of Sydney, which are suffering from a lack of rail and transport options, should punish this Labor government for its absolute and utter mismanagement of rail infrastructure. *(Time expired)*

Mr MURPHY (Lowe) (7.55 pm)—I rise to support the motion moved by my friend and colleague the member for Oxley and thoroughly reject the assertions and scurrilous claims made by the member for Mitchell. I ask the member for Mitchell to put a search engine through his conscience and have a look at what Premier Fahey or Premier Greiner did on the very issues he has raised here tonight.

It is often said that the productivity of today is the prosperity of tomorrow. The Rudd government understand this, and that is why we are investing an unprecedented \$26.4 billion over six years to ease the infrastructure capacity constraints by building road, rail and port projects as part of our national building program. This investment will drive our productivity by promoting the efficient movement of goods within and between our cities. The Rudd government also acknowledges that supporting our economy and tackling climate change are not conflicting policy objectives. For this reason, the 2009-10 Commonwealth budget includes \$4.5 billion investment in the Clean Energy Initiative to assist Australia's transition to a low-pollution economy and help us create green jobs. This includes \$2 billion over nine years for carbon capture and storage, demonstration projects, \$1.5 billion over six years for solar electricity generation projects and \$465 million to establish Renewables Australia, an independent body set up to support leading-edge renewable energy technology research and development.

My electorate of Lowe has been affected immensely by the government's investment in infrastructure. Perhaps the member for Mitchell is listening to this. As part of the Regional and Local Community Infrastructure Program, the largest ever one-off federal investment in local infrastructure across Australia, local councils have received grants designed to improve social capital and support jobs by improving local infrastructure. For example, Canada Bay Council has received \$5.3 million for the upgrade of the Drumoyne oval, and that was very warmly received. In addition, some of Sydney's busiest roads are located in my electorate. The Rudd government's infrastructure investments are targeting dangerous black spots on these roads to improve the passage of vehicles, which in turn enhances our local productivity. As a result, the government is spending \$180,000 to upgrade Centenary Drive in Strathfield, Concord Road in Rhodes and Punchbowl Road in Belfield.

It is not only my electorate that is benefiting. I know that in suburbs throughout Australia local infrastructure projects are being carried out that will drive up productivity and boost our future living standards. One very exciting project which I wish to draw to the attention of the House, particularly the member for Mitchell, is the \$3.5 million investment for the University of Sydney's Clinical Education Centre at Concord Hospital's Clinical School, which was announced last week. Perhaps the member for Mitchell has not caught up with that. The funding is part of the Australian government's \$71.5 million Capital Development Pool Program. The Capital Development Pool Program provides funding for higher education institutions to build capital infrastructure. Concord Hospital's Clinical Education Centre will provide clinical teaching for undergraduate and postgraduate specialist medical, nursing, allied services,

pharmacy and dentistry students. The \$3.15 million in federal funding will assist the centre to develop world-class educational facilities in the field of medical science.

I spoke on Friday to Professor Robert Lusby, Associate Dean of the University of Sydney's medical school and Professor of Surgery at Concord Clinical School. I can assure the House that Professor Lusby and his colleagues at Concord Hospital and the University of Sydney are extremely excited about this infrastructure project which will improve the education experience provided to Australia's future doctors and medical specialists.

The \$3.5 million is an excellent investment in our nation's health infrastructure. A healthier nation boosts our productivity and prosperity, and that is what nation building is all about. The unprecedented level of infrastructure investment by the Rudd government stands in stark contrast to the indolence of the Howard government. The Howard government was idle when it came to our nation's infrastructure. Rather than investing in our roads, ports, railroads, schools, universities and hospitals, the Howard government's infrastructure policies constituted nothing other than bribery, as they spent millions of dollars on buying votes in marginal coalition seats whilst starving Labor seats of funds. The contrast between the policies of the Labor and Liberal parties could not be clearer, and I hope the member for Mitchell is listening. Labor is a party of nation building—*(Time expired)*

Mr MORRISON (Cook) (8.00 pm)—This is a motion of self-congratulation that we are used to receiving from this government. I am surprised that the member for Oxley has decided not to hang around for the accolades that he suspected would come but he probably just presumed they would come—as is so much the case with this government with motions of self-congratulation. But the truth about this matter, despite the arguments put forward by the government, is that Australia's infrastructure challenge is massive: it is estimated at somewhere between \$455 billion and \$700 billion. This government seems to pretend to the Australian people that they can meet that all on their own. It is absolute arrant nonsense. They also claim to pretend that they invented the notion of infrastructure, that they invented the notion of bricks and mortar and that they invented the notion of engineering construction on 23 November 2007, which is also untrue. Prior to the last election the coalition pledged \$31 billion on land transport infrastructure initiatives between 2007-08 and 2013-14. Labor is spending in response to that \$26 billion. So they are still \$5 billion short on what the Australian people would have got from the coalition government had they been re-elected.

If we go and look at AusLink back to 2004, the coalition government would have spent \$45 billion to improve our land transport infrastructure. In 1996 infrastructure investment in Australia accounted for only three per cent of GDP. That is what we inherited as a government and we left it at 5.6 per cent of GDP. That is from \$15 billion to over \$56 billion—so much for Labor's rewriting of history in relation to infrastructure investment in this country. A considerable component of achieving this objective, and I think this is why Labor fail to acknowledge it, was through harnessing private sector investment both in capital and in delivery of projects. Private sector investment in infrastructure increased under the term of the coalition government from 36 per cent of the total to over two-thirds. There is a good reason why encouraging private investment in infrastructure is a good idea, and that is because the surveys show time and time again that private sector delivered projects deliver on time and on budget more frequently. In fact, a survey by Allen Consulting concluded that under the model of traditionally procured projects through the government sector—and remember this is the

government that says the government should be at the centre of the economy, not the private sector—23.5 per cent of the time they were behind time on delivery of their projects compared with privately procured and developed projects on average being 3.5 per cent ahead of time.

So the idea of encouraging the private sector to invest in infrastructure under the coalition government proved to be a success. It harnessed massive investment of capital in Australia's infrastructure task, which still remains great. The coalition does not pretend it is somehow solved as the government pretends it is solved. There is a massive task that is still to be completed at the hands of governments of all persuasions in the future. The other point I would make is that, to achieve this, we not only harnessed private sector investment in this massive task but we also managed to pay off \$96 billion of Labor debt in the process—an extraordinary achievement. On the day that the former member for Higgins has departed this place, it is important to acknowledge his achievement in delivering this outcome. Of the \$22 billion in infrastructure that is boasted about in this budget, only \$1.7 billion is to be spent this year and only \$8.5 billion of this \$22 billion total is actually going to be on roads, rail and ports. The government are leading people to believe that they are out there building roads, rail and ports—well, they are not. They are building many other things but not too much of roads, rail and ports.

The infrastructure challenge remains significant. Tonight I want to draw quickly on one part of that challenge, and that is the freight challenge that we face as a nation. Infrastructure Partnerships Australia has produced an outstanding report called *Meeting the 2050 freight challenge*. I table the report. The report shows that the freight task, from current levels, will double by 2020 and triple by 2050. The Bureau of Infrastructure, Transport and Regional Economics estimates a cost of \$20 billion a year to our economy by 2020 if we do nothing, which is what this government is doing. Every one per cent increase in efficiency in this area will save \$1.5 billion.

The solutions to this are not just about bricks and mortar. The government likes to think only about bricks and mortar when it comes to these matters, but it is about planning, approvals, regulatory reform, partnering, pricing and competitive neutrality between modes. These are the reforms that would be part of a real infrastructure reform agenda—not parading around the country in hard hats and luminous vests pretending to solve a problem which will take many years to solve. (*Time expired*)

The DEPUTY SPEAKER (Hon. AR Bevis)—The time allotted for this debate has expired. The debate is adjourned and the resumption of the debate will be made an order of the day for the next sitting.

Airservices Australia and Perth Airport

Debate resumed, on motion by **Mrs Moylan**:

That the House:

- (1) notes that:
 - (a) substantial changes to air flight paths were made by Airservices Australia in November 2008 in relation to Perth Airport;
 - (b) Airservices Australia is a corporation which receives income from airlines and other corporate clients, and that it has control over the location of and changes to flight paths;

- (c) although the Perth Airport Noise Management Committee was advised that a Western Australian Air Route Review had commenced, the committee members were not advised of the commencement of the changes or the selection of the final flight paths;
- (d) Airservices Australia stated that the rationale for the changes to flight paths related to the Civil Aviation Safety Authority (CASA) Safety Review and were required due to the need to 'maintain safety, reduce complexity and cope with the rapid and predicted continued increase in air traffic';
- (e) Perth Airport has already exceeded traffic levels not expected until 2015;
- (f) prior to the changes, the CASA Safety Review and the noise impact statements were not made available to the committee;
- (g) there is no evidence of an open, accountable and effective public consultation process by Airservices Australia prior to the changes occurring; and
- (h) there has been:
 - (i) a high level of public disquiet about the changes that have been made and the lack of public consultation; and
 - (ii) no revision of the Noise Abatement Procedures since 2004; and

(2) calls on the Government to:

- (a) examine whether there is a conflict of interest in Airservices Australia's roles that may impact on the public;
- (b) implement an inquiry into the legislative arrangements governing airports with particular reference to the establishment of an open and accountable public consultation process before changes are made to aircraft flight paths;
- (c) establish a nationally consistent approach to the management of increased air traffic and changes to air flight paths with reference to noise abatement issues; and
- (d) consider appointing an Airport Ombudsman to provide an independent agency to examine public grievances in the management of changes to airport operations and their effect on the public.

Mrs MOYLAN (Pearce) (8.06 pm)—It is with great frustration and disappointment that I bring this private member's motion before the House today. Constituents in the electorate of Pearce and in the wider Perth metropolitan area could be forgiven for thinking that they live in some autocratic polity devoid of representative democracy that upholds the right of the individual. In essence, this motion highlights a lack of process, which denies fundamental democratic rights to a fair and consultative approach by government via a Commonwealth agency.

Airservices Australia holds within its power the ability to determine and change air-traffic routes without open and accountable public consultation, thus affecting the lives of people. Quality of life, health and wellbeing and property values are all denied consideration by an organisation that now has, it seems, unfettered power to make decisions to change air-traffic routes without considering the fundamental rights of citizens. As it stands, there is no remedy available to an aggrieved member of the public about decision-making processes. As Airservices Australia is a corporate entity, gaining its operating funds from industry, it seems that there is no separation of power. The public is left without recourse to a just hearing and without remedy.

This is why, along with the member for Canning and the member for Swan—whom I thank for participating in this debate—I am calling on the government to establish an inquiry into the current legislation and to establish an open and accountable public process that is nationally consistent. There must be some separation between a government agency with the power to make changes that so drastically affect people's lives and the airline industry from which it derives its considerable financial benefit. Airservices Australia have made significant changes to the flight paths in Western Australia without providing adequate information, even to the Perth Airport Noise Management Consultative Committee—and I spoke on that in this place at another time. They have not extensively consulted the public either, but they have extensively consulted the airline industry, on their own admission.

All efforts to obtain information to support the need for change, which we were told was based on safety, have been unsuccessful. It reminds me of the American linguist and philosopher Noam Chomsky's comment:

The most effective way to restrict democracy is to transfer decision-making from the public arena to unaccountable institutions: kings and princes, priestly castes, military juntas, party dictatorships, or modern corporations.

This certainly should not be the case in an Australian democracy, but it would seem that this statement fits perfectly this situation. It is incumbent on the government to re-examine the act governing Airservices Australia to ensure rigorous public accountability and to make provision for a more consistent approach to changes to air routes.

It is a pity that time is so restricted for this debate, because I have had a huge amount of correspondence and phone calls coming from the electorate of Pearce. People's lives have been dramatically impacted. There are people who have bought houses who checked to see where those air routes were and thought that they were buying free of aircraft noise up in the peaceful areas of Perth Hills. This is about people not being able to sleep. This is about people having to take time off work because they are sick because they have not slept. This is about people who bought five-star retreats in the hills area to find that they are faced with the prospect of having to sell. None of the public comments I have heard speak louder than those of one of my constituents who recorded 18 flights between 6.10 am and 7.10 am. She feels selling her house is the only option available to her. This is a very unsatisfactory situation. I think the public has a right to expect an open and accountable process. I call on the government to give serious consideration to the items incorporated in this motion before this House today. I would like to thank my colleague the member for Canning for seconding this motion and my colleagues for participating in this very important debate. *(Time expired)*

Mr GEORGANAS (Hindmarsh) (8.11 pm)—I am very pleased that I can speak on this motion, as I represent a seat that has the entire airport smack bang in the middle of a built-up residential area. Airport and aircraft noise and pollution and airport developments that are taking place all around Australia in major cities are affecting people's lives on a constant basis. The whole idea is to come up with a good balance that protects people's wellbeing and allows them to get a decent night's sleep whilst ensuring the management of viable airports in Australia's major cities.

The seat of Hindmarsh has an airport right in the middle of the electorate that is surrounded by thousands of residential homes. We have estimated approximately 20,000 homes are affected by aircraft noise or aircraft landing and taking off. There is also the added burden of

development that has sprung up all over the airport. Suburbs in my electorate, such as Brooklyn Park, Mile End, Richmond, Cowandilla, Lockleys and Glenelg North, constantly hear the movement of aircraft. Every plane that lands at Adelaide Airport takes off and lands in my electorate.

I have lived under the flight path my entire life. In fact, you get quite used to it after a few years. I suppose when you grow up in that environment, you do not take too much notice of it. As years go by, more and more traffic movements are taking place. I recall that once upon a time many years ago we would get a couple of flights a day and we would all run out to the front yard at four o'clock to have a look at the flight that was coming over. This is now constant: every two minutes. I do understand what it is like and certainly feel for people who live around airports.

In Adelaide we had some very active community groups and residential groups. We had the Adelaide Airport Action Group, which I was very pleased to chair many years ago before I was actively involved in politics. This was a group that campaigned and lobbied governments—in fact, it was a Labor government at the time—and continued to lobby into the Howard years for insulation, noise abatement and a curfew. At first the Howard government was not interested at all. We were told to go away and not worry about it. Through the strong actions of those residents, through their persistence and through their many protests and letters to the many transport ministers, they achieved both a curfew and insulation for houses that were affected by the noise.

I am pleased with the government's response at the moment. There are some good things happening. I am pleased to see the aviation white paper that has come out. It has many good things in it, particularly the proposed committee to deal with complaints and issues. The government is promoting and encouraging consultation between airports and local residents. I am very pleased that this consultation has been having good results in Adelaide, at least as far as I am aware.

We have the Adelaide Airport consultative group which meets on a regular basis which includes all the players—airlines, residents groups and councils. We get together every couple of months to discuss the issues that are affecting residents. I regularly take issues up with the consultation committee on behalf of my residents. I must say that Phil Baker, the CEO, and his staff at Adelaide Airport do undertake and try to solve every issue that I raise. The way to go is through consultation ensuring that people's voices are heard, because people do suffer under flight paths. As long as there is consultation where people's voices are heard and there is an avenue to resolve those complaints, then I think we are on the right track.

There is also the added burden of development occurring on airports, and another type of noise that is coming about. One of my local constituents recently contacted me regarding a warehouse that had been built close to their place with the constant noise coming from it. This warehouse obviously works 24/7—(*Time expired*)

Mr RANDALL (Canning) (8.16 pm)—The changes to flight paths to and from the Perth Airport last year as a result of the Western Australian Air Route Review are wreaking havoc on thousands of my Canning constituents and residents of other surrounding electorates. Residents are frustrated and fed up with the noise disruption but are mainly annoyed with being shut out of the process. The bottom line is that Airservices Australia and other agencies

involved went about these changes by stealth. It is the largest restructure of air traffic in Perth for 30 years, and no-one got to know about it.

Airservices Australia cannot seem to make up its mind about the consultation process involved in implementing the changes. In a farcical July meeting with ASA government relations manager David Moore, Perth Airport executives and my colleagues Steve Irons and Judi Moylan, we were assured there was consultation. But unsurprisingly ASA failed to verify dates and attendees. The only conclusion to be drawn is that the consultation was a figment of Airservices' imagination. In fact, it is a law unto itself. Airservices' own website claims it consulted the Perth Airport Noise Management Committee about the changes. It is true that committee members knew the review had commenced but they were taken aback when the route changes were made unbeknown to them.

Equally surprised were Canning residents in Roleystone, Bedfordale, Mt Nasura and Mt Richon and suburbs along the Darling Range when planes started bearing down on them. What were relatively peaceful neighbourhoods are now drowned out by northern arrival aircraft and runways 03 and 06 departures as planes fly so low my constituents tell me they can see people sitting in their seats through their kitchen windows. 'Residents of the Hills areas paid premium prices for peace and tranquillity which it appears is about to be taken away without any discussion with the local community,' one Roleystone resident emailed me recently. Almost certainly, a one-page press release in November 2008 boldly announcing the changes did not make it into the local Canning newspapers that affected constituents read. In another sidestep, a letter to the member for Pearce on 4 August said details of consultation could not be released without the minister's approval and such information was so 'highly technical in nature and not readily understood by non-aviation personnel'. These games are patronising and absurd. We are not looking for the launch codes; we just want a simple list of dates, times and attendees. It is perfectly clear that Airservices are trying to play affected residents and those representing them for fools.

If these changes genuinely are for air safety purposes as recommended by ASA, people would have likely understood when a proper and detailed case was presented to them. Perth air traffic has increased by 60 per cent in the last five years and has already exceeded 2015 projections, so some re-routing could have been expected. But rightly what has people hot under the collar is that they were not given an opportunity to be heard, and now it seems those decision makers have washed their hands of the issue essentially telling the affected residents to like it or lump it. Perhaps unaware of Airservices' line, I noted with interest the local newspaper *The Armadale Examiner* reported on 8 October that a spokesman for the transport minister, Mr Albanese, said consultation had been undertaken. I am still waiting for answers to questions on notice from the minister about this mysterious consultation process.

My constituents want answers. They want the minister to show them the same respect and consideration he showed his constituents in Grayndler when they were not notified about runway changes in 2007. My colleague the member for Swan has called for a noise insulation program for Perth, similar to the one operated in Sydney and Adelaide. Minister Albanese led the charge on this scheme around Sydney (Kingsford Smith) Airport and it is only fair that Perth residents get the same treatment.

ASA maintains that there has been a marginal increase in flights over the local Canning area and, believe it or not, the member for Armadale, in a bizarre comment, labelled the de-

gree of the problem only ‘small’ and that there were ‘limited alternatives’. Perhaps they need to actually take on board what residents are saying. They should listen to Mr McEachram from Bedfordale who has constant interruption from low-flying aircraft. He says:

They have done this without consulting anybody at all. This is simply outrageous. Our Commonwealth aviation regulations should not permit an airport operator to behave in such an arrogant and high-handed manner.

Or listen to a Roleystone resident who said:

No consultation, no advertisement—apparently there was something in the paper but I wouldn’t have thought to going hunting for that type of information. To hear that we were consulted is appalling—it did not happen!

People near the Perth Airport buy their homes in good faith. As the Roleystone constituents were not consulted, in my limited time I would just like to say that the people of Perth deserved better. They deserved a better consultation process and Airservices Australia needs to come clean and tell the truth about their consultation process. (*Time expired*)

Ms JACKSON (Hasluck) (8.21 pm)—I can agree in some large part with the sentiments expressed in the resolution that has been put forward by the member for Pearce. I understand that the changes to aircraft routes are having an impact on some Hills residents due to an increase in traffic along those routes during the past few months. For many, particularly those who had experienced no aircraft noise, this is having a significant and deleterious impact on them and on their lifestyles. I also agree with some of the concerns that have been raised about the consultation process with residents prior to the implementation of the route review. I believe it was inadequate—a matter that I have raised with the Minister for Infrastructure, Transport, Regional Development and Local Government asking for improved consultation processes in the future. I have also written to the Civil Aviation Safety Authority concerning the details of how consultation should occur when there is any review of aircraft routes. In addition to that, a number of steps are being taken by the local Perth Airport Aircraft Noise Management Consultative Committee to address these concerns.

It is clear that the consultation process was lacking, however unlike perhaps the member for Canning, I do accept that route amendments were required to deal with both congestion and with air safety concerns at Perth Airport. In the past five years there has been a 60 per cent increase in air traffic at Perth Airport. I was also informed, as a member of the Perth Airport Aircraft Noise Management Consultative Committee, that a situation had developed whereby aircraft were sharing two-way approach and departure routes, at times heading towards each other but at different heights. These conditions were clearly unsustainable and were a safety threat. It was to address these concerns that Airservices Australia was required to conduct a Western Australia Route Review Project, WARRP, which took place between 2006 and 2008. This resulted in the implementation of the route changes in November 2008.

As a member of parliament elected in November 2007, I was invited to join the Perth Airport Aircraft Noise Management Consultative Committee early in 2008—a situation I suspect is similar to that of the member for Swan. This committee is made up of representatives from local, state and federal governments, along with representatives of Perth Airport, Airservices Australia and local community groups. This committee meets three to four times a year and it is the role of elected officials to represent the views of their constituents regarding aircraft

noise in those meetings. I have raised concerns similar to those that have been aired tonight in previous meetings and I will continue to do so.

By the time I joined the committee in 2008 the WARRP project was well under way. Unfortunately, the committee, in my opinion, had not been fully briefed about the impact of the review and certainly not in the three meetings that I attended. For example, we were given maps of where the new aircraft routes were likely to be but they did not include information regarding suburbs or the likely impact on noise levels. This is clearly unsatisfactory.

I do want to point out, though, that the consultation process was established by the previous government. So it is a bit rich for members of the opposition to be so critical of both the current government and the bureaucracy. Indeed, I wonder where the member for Pearce and the member for Canning were when the previous Liberal government decided to establish brickworks in the middle of a residential area, on airport land, which to this day continues to upset my constituents who have to live with the pollution. I wonder where the Liberal Party was when those decisions were being made.

This motion also ignores the current steps that have been taken by the government—in particular, the issues paper that was published early in April 2008, the substantial consultation that has taken place since then, the publication in December 2008 of the green paper on the future of the aviation industry in Australia and even greater community engagement and greater transparency in decision-making. I would urge them to become involved in that process because I think they can add value to that. In the meantime, it is important for both them and me to work together in a bipartisan fashion to ensure that our constituents and their concerns are appropriately regarded by the relevant agencies and authorities.

Mr IRONS (Swan) (8.26 pm)—I thank the member for Pearce and the member for Canning for the opportunity to speak on this motion, and I also acknowledge the contributions of the members for Hasluck and Hindmarsh. I acknowledge the nine points in the member's motion and support the member's call to implement an inquiry and also to establish a nationally consistent approach to air traffic and changes to air flight paths with reference to noise abatement issues.

From the feedback I have received from local residents, it is quite clear that there have been substantial changes to aircraft traffic and noise in my electorate of Swan since November 2008. The changes were introduced by Airservices Australia, a department that reports directly to the Minister for Infrastructure, Transport, Regional Development and Local Government. There was little consultation with the local community on these flight path changes. The changes were made and signed off by the minister without my local community being aware of the extent of the changes. Given this, the flight path changes should have been stopped by the minister when they were on his desk. Section 10 of the Air Services Act clearly states that there is a requirement to consult. The changes could also have been stopped by the Minister for the Environment, Heritage and the Arts, Peter Garrett, under section 160 of the Environment Protection and Biodiversity Conservation Act 1999. That section states that, before a Commonwealth agency authorises 'the adoption or implementation of a plan for aviation airspace management involving aircraft operations that have, will have or are likely to have a significant impact on the environment', the plan must generally be referred to the environment minister for advice. However, neither minister has intervened and the result has been more frequent noise above households in my electorate of Swan. Residents continue to docu-

ment noise changes in my aircraft noise survey, and I have seen figures from Airservices Australia that show dramatic yearly changes for a one month sample. However, almost one year on, despite all of this evidence, the minister has not done anything. He continues to talk about a white paper.

Given that the government is sticking by these changes by the ASA, I have suggested that the Commonwealth compensate affected residents. As members will know, I have been advocating an airport noise insulation scheme for Perth, similar to the ones that operate in Adelaide and Sydney. Insulating affected residents' properties would be a good start and it will not cost this government a cent. The Sydney and Adelaide schemes were funded by a landing charge on aircraft tickets. Yet Minister Albanese has seemingly ruled this out too, effectively saying that Perth does not qualify for assistance because the ANF noise contours do not reach the required levels. He also stated that I was playing politics in a report by Lara Hyams in the *Southern Gazette*. This misses the point. The fact is that significant changes have been made to aircraft flight paths without any community consultation. People who bought houses in areas where the noise was tolerable or where there was no aircraft noise now suddenly have to cope with more aircraft noise.

This was before my time, but the previous member for Swan made the comment:

While noise still remains an issue, one of the reasons concerns about noise are not quite as acute as they were is that the Labor Party has made commitments that homes dramatically affected by noise, such as those in Queens Road, would be eligible for assistance under a noise amelioration program such as that which operates in Sydney.

What were these commitments, Mr Deputy Speaker, and why isn't the government honouring them? Is it because they were made in opposition? Let us not forget that Minister Albanese is the same member of parliament who, when in opposition, was a tireless advocate on airport noise in the Sydney area. The passion he showed for his electorate is just what I am doing for my electorate.

The DEPUTY SPEAKER (Hon. AR Bevis)—Order! The time allotted for this debate has expired. The debate is adjourned and the resumption of the debate will be made an order of the day for the next sitting.

GRIEVANCE DEBATE

Debate resumed from 14 September.

The DEPUTY SPEAKER (Hon. AR Bevis)—The question is:

That grievances be noted.

Broadband

Mr IRONS (Swan) (8.30 pm)—I want to speak about access to broadband in my electorate. It is an issue that is of some contention in Swan. In almost every corner of my electorate there are telecommunications problems, ranging from excruciatingly slow broadband to periodic outages. The problem affects thousands of families in the local area as well as businesses that are trying to survive in the modern economy.

At the last election the Labor Party told the people of Australia that it would fix their broadband problems. I can say today that this has not happened in my electorate of Swan. Perhaps one of the worst broadband black spots in the area is around Perth Airport in the City of Belmont. I know from my conversations with local residents and business owners that the

lack of broadband in the area is a daily frustration and has serious implication for lifestyle and commerce.

The Eastern Metropolitan Regional Council has done an excellent job investigating and reporting on this issue through its 2008 broadband black spot survey. In July, I had the pleasure of meeting with Rhonda Hardy of the EMRC, who was involved in the survey and was frustrated at the slow pace of change in the City of Belmont. The EMRC commissioned the survey after identifying that difficulties accessing affordable high-speed broadband acts as a barrier to growth for existing businesses and to the attraction of new business to Perth's eastern region. As a small business man myself, I know there is nothing more frustrating than when telecommunications slow down. Where my business was located, we had a terrible time getting broadband connected. Eventually, after Telstra had upgraded the exchange, we managed to get a very slow form of broadband which would always go out during heavy rain periods. I know the frustration that businesses have to deal with in not being able to access broadband. Some of these businesses can lose hundreds if not thousands of dollars a day because of this problem. In an electorate with over 20,000 small businesses, I certainly agree with the EMRC on this one.

I was pleased that a number of people in my electorate of Swan managed to make comments on the survey, and I want to take a moment now to read some of them out to give members an idea of the extent of the problem and of how valuable a good solution would be. Anne Davies from Ascot tries to use Skype to contact her family in Slovakia using wireless broadband. Janelle Edwards, who also lives in Ascot, and Helen Ainsworth of Cloverdale are part of the local small business community and expressed their frustration. Ian and Sandra Wallace of Cloverdale are frustrated at the lack of availability of ADSL broadband. John Wheldon of Cloverdale said:

I am 76 years old and recently decided to update to broadband. I tried numerous servers including Telstra and they all told me ADSL was unavailable.

Only last week, at the seniors' forum I held in Queens Park, local seniors were encouraged to take part in computer classes as a way to avoid isolation and connect in old age. The Mayor, Joe Delle Donne, told seniors that classes were available at the Harold Hawthorne Centre. Poor broadband is just another barrier to connecting people in old age. Other Cloverdale residents also complained of the slow nature of dial-up access.

The suburb of Kewdale, a hub of small business in my electorate of Swan, also reported problems. Mr Simon Hole said:

I tried to organize broadband when I first bought the property but was told it was not available. I am thinking of starting up a home-based small business and am extremely concerned that my lack of broadband will impact upon my success.

A local teacher said:

I am a primary school teacher and require a broadband connection to access the EDWA website and INTEGRIS—essential for lesson planning and preparation.

Edward Dique of Kewdale was told by a provider that he was too far away from the exchange which is in Ascot. Ascot residents may be surprised to know that they are at the centre of the local broadband network! Redcliffe resident Amanda Ridge said:

If I could get broadband I would be able to work from home and not be forced to put my baby into care. It is unfair that some in the area have access; in some cases it's your neighbour but you can't get it next door. We are being severely disadvantaged!

I hope the above gives the House and the government some idea of the extent of the problem and the benefits that would be reaped from improving broadband within the city of Belmont area. Yet Belmont is not the only area suffering from poor broadband and telecommunications in general. A recent survey by the Wilson Residents and Ratepayers Association found that most residents have broadband internet access and that about 50 per cent of them had a wireless connection and the other 50 per cent had a cable connection. Telstra is the main provider for the residents, but many residents use a variety of other providers, including Optus, Westnet, iiinet, AAPT and Amcom. The overwhelming majority—about 85 per cent—responded that their connections were very reliable.

A number of issues were also raised in the survey. Many wireless users said that they would prefer the cheaper option of cable connections but cable connections were just not available in their suburb. Many non-Telstra users commented that Telstra either had refused or were not able to provide a connection for their household, which is why they had gone to an alternative provider. Similarly, many respondents, particularly those living in the Cannington area of my electorate, commented that there was no ADSL2+ available to their household.

I could go on, but I have given you an idea of the problems in my electorate of Swan. I now want to turn to how the government is responding to the problem. A recent incident south of Canning River in the suburb of Langford shows how the federal government response has been disappointing. A lady from Langford contacted my office. She lives in a broadband black spot area. She had received a flyer from the federal government telling her that she lived in a broadband black spot area and offering financial assistance. After some investigation, my constituent found out that she could get a better service provided at cheaper rates by a local business.

This example tells me that the Labor government has not got to grips with the broadband problem facing my electorate of Swan. The government does not have its finger on the pulse. We have seen two years of confusion on the broadband issue that have culminated in a \$43 billion pledge for a NBN. As we speak, the Labor Party are busy working out how to split up Telstra to make the National Broadband Network proposal work. I have received calls in my office from confused Telstra shareholders, of which there are 1.4 million Australia wide, uncertain about what will happen and what they should do.

The main point is that we are still waiting for action. The people of Belmont are still waiting. The people of Wilson are still waiting. The people of Langford are still waiting. The coalition is waiting to find out how the NBN will be rolled out. I want Australia to have a 21st century broadband network, just like this government does, and I want the government to be successful in improving broadband for the local residents in my electorate of Swan.

Australian federal governments are elected for a maximum of three years, and the Australian people have a right to expect progress on issues in this time. As members opposite are aware, this was a big issue when the government of today went to the election. I think people in Australia are expecting action and want to see something rolled out. There has been no progress. The government should be condemned for this. I implore them to improve on their performance. Let us get broadband out on a national basis. Our local communities need results

now. The government needs to quickly invest in areas like Belmont, Wilson and Langford in my electorate to bring them up to speed. What better way is there to spur economic recovery than to enable businesses to grow with greater workplace flexibility? The opposition will continue to scrutinise the government's proposals. Let us get some action now and roll out broadband for all of Australia.

Forde Electorate: Awards

Mr RAGUSE (Forde) (8.38 pm)—I would like to speak today on something that certainly grieves me, my electorate and many other members: the lack of opportunity for the community to be recognised for some of their contributions. Whether it is in the media or other forms, this recognition is very important. Many members take the opportunities in this House to formally recognise people who have contributed to their communities. Tonight I want to do that.

There were four significant events in my electorate during the week. I have already spoken about one today. There were 10 winners in the inaugural youth lecture series. The local community bank recognised the talent of some of our young people and gave them awards.

There are three other events I would like to mention. It has become quite customary in the seat of Forde to hold a number of annual award ceremonies, and Queensland this year celebrated its 150th anniversary. On 6 June 1869, Queen Victoria signed the letters patent that formed the colony of Queensland, and Queenslanders generally celebrate around that date. But this year was a whole year of celebration, including the 150th anniversary award ceremonies that were held.

So this week, although it was a little bit later in the year than usual, I held my Forde Queensland Day Awards. I would like to recognise the recipients of those awards very briefly, under a number of categories. I will start with the final and major award, our Forde Queenslander of the Year, which was given to John Robinson, who this year took the award for being a significant contributor to the community—and I will talk about John a little bit more in the context of some work that he was doing in the electorate. Our Forde Young Queenslander of the Year award went to Katie Johnston, a high-school captain who is also heavily involved in a junior chamber of commerce, doing a lot of work with people in the community. There were four awards under the Queensland Community Group category: the Lamington Natural History Association, the Beenleigh CWA, Vitae Ltd and Quota International of Beenleigh. Our Indigenous and multicultural awards went to Isabel Tarrago and Lucretia Suciu respectively. There were three winners under our community spirit award: Stacey Ross, Denis Rowlands and Donna Merriman. Our Forde Greats awards went to Max Noble and Roger Bell, and our Forde Community Recognition Award went to Paul Cowan. So that was one event.

Later in the week we celebrated a major event that has been driven by the community radio station in Beaudesert, Beau FM, who have over the years provided community radio services to the region. They set out to encourage young people into the music industry in terms of songwriting and production and all the other aspects of performing arts. This week they had their Scenic Music awards ceremony and a whole lot of public events. John Robinson, who I mentioned was our Forde Queenslander of the Year, was one of the key people in making the award ceremony happen. So I would like to again recognise John Robinson, and Michael Bassett, who is part of that organisation, and also the Scenic Rim Regional Council, who supported those awards. I will very briefly mention those award winners: Bernie Carson from

Harrisville, Left of Center from Beaudesert, Kirk Lorange from Mount Tamborine, Jade Mel-lor from Beaudesert, Jackie McDonald from Beechmont, Tracey Davis and the Bushfire Band from Canungra, and the Beaudesert Country and Horse Festival. So that was another significant event.

The final event I would like to mention was on the Friday night before that. I have previously mentioned in this chamber an invitation I received some months ago, which I think started out as a bit of a joke but became quite serious: I was honoured to be asked to be a guest performer at the Voices from Heaven concert which was held at St John's Cathedral last Friday night. About a year ago, the Cantabile Choir, a renowned choir from Canterbury College—in fact, they won the gold medal at the 2008 World Choir Games in Austria—asked if I would at some stage sing with them and as a bit of a joke I said yes. Very recently it appeared on a program that I was one of the guest performers at the Voices from Heaven concert, singing with two well-known opera divas. It was one of the most challenging events of my life. It was certainly very similar to the feeling when we make our first speech in this House. It was a great night, a great event, and everyone tells me I should ditch the karaoke and go operatic! But I think I am going to hang up the sheet music. It was wonderful singing with the girls, and I want to recognise those very, very well-known opera stars Mia Daoud and Katie Stenzel, and Ritornello, the string orchestra that performed that night, directed by Belinda Williams.

Very quickly, in the time I have left, I do want to mention the girls who are part of Cantabile Choir. They do community fundraising, and at every performance they are exceptional in what they do. I was very honoured that they actually wanted me to sing a song with them. The director was Susan Gouchee and the choreographer Andrea Cooke. The accompanists were Yvonne Teo, Susan Gouchee and Norma Marschke. I will very quickly run through the girls: Natalie Renouf, Kelsey Martin, Jessica Bell, Kelsey McAlpine, Stacey Anderson, Monique Bowdler, Breanna Gerritson, Shannon Saunders, Clare Fotinos, Marina York, Ronja Markham, Natasha Hendey, Melanie Shulze, Lauren Steiner, Georgia Bell, Georgia Richardson, Jessica Taylor, Samantha Joyce, Emily Jones, Corinne McCulloch, Emma Simpson, Nicola Tedman, Tryphena Hunter, Ebony Rose and Kristie Chadwick.

On the evening of this event these girls, who started performing at seven o'clock at night and supported all of the guest artists through the night, probably sang for 2½ or three hours. The range of songs, their expertise and their professionalism—these are high school students who have now not only walked the world stage but become winners of the 2008 World Choir Games—were just sensational. I was very humbled by the experience. As I said earlier, for me to have the opportunity—as you know, I am a bit of a hack singer—to sing with these girls was quite an amazing event.

To come back to the initial grievance about the way that we publicly recognise people, we as members all get around our electorates and see so many amazing people and the community events that they are involved in. I would like to encourage the media to, where possible, be more understanding of the level and depth of what some of our community members are involved in. I would like to give recognition to all of these people tonight. There were four major events in the electorate in the previous week. The wonderful thing of course is that, through the involvement of other community organisations and me as a federal member, recognition ultimately comes to people who do such a wonderful job.

While Queensland celebrated its 150 years, the organisations and the people who are a part of all of these events this year are certainly proud Queenslanders. Their work with the community is well known and getting better known. For me as the member, the opportunity to get up here and speak about their successes and the sort of work they are doing for the community is very important.

In closing, the Canterbury College Cantabile Choir is an exceptional group, as is the Beau FM community radio station and their work towards community through music and performing arts. We know about the Gympie Muster and a whole range of other musical events. I think the Beaudesert Bash might become the location for a music event. The efforts of the young performers within our community are amazing to see. I recognise those other community organisations that I have mentioned tonight. It is important that we as members of parliament recognise them. Again, my concern is that our community groups do not get the sort of recognition that they deserve. It is important on every occasion, as I know members do, to come into this chamber and speak about and highlight the people who do so many wonderful things in our community.

Flinders Electorate: Mornington Peninsula

Mr HUNT (Flinders) (8.48 pm)—This evening I want to address a four-point plan for protecting and enhancing the Mornington Peninsula. The Mornington Peninsula is one of the most beautiful areas in the country. It is a UNESCO biosphere, which means that it represents the combination of human activity and an extraordinary environment being conducted in a sustainable way. Against that background, there are three immediate threats to the long-term environmental sustainability of and quality of life on the Mornington Peninsula and a fourth powerful opportunity for improving and enhancing the interrelationship between people, the environment and quality of life. The first of those issues is a direct, clear and absolute opposition to the proposal by the Victorian government for a Crib Point bitumen plant. This bitumen plant was expressly and clearly ruled out by the state Labor government immediately prior to the last election. This was expressly and clearly done in a letter to all Crib Point residents.

What we now see is that the election promise has been broken. A decision was taken by the Minister for Planning, Justin Madden, to overturn an independent panel's view that this plant would not be acceptable. It said that the plant was on the edge of a Ramsar wetland, that the plant would run 24 hours a day, that there would be trucks running in and out of Crib Point and that the plant would lead to the reindustrialisation of a town which has become a residential community. Against that background, the minister, Mr Justin Madden, in express defiance of an absolutely clear election promise, overturned the independent panel's decision to uphold the promise of the state Labor government in Victoria to block a Crib Point bitumen plant. Instead, what we are seeing is the election promise broken and the independent panel's recommendations overturned, ignored and debunked. We have seen the absolutely clear and strong will of the people of Crib Point defied—and this I believe is most important. They do not want their town reindustrialised. They do not want trucks—in many cases B-doubles—running through their town on a 24-hour basis. They do not want to experience the effects of odours on a Ramsar wetland, let alone on their own personal quality of life and the health of their children.

So I say today that the first pillar of protection for the Mornington Peninsula is for the state to uphold its promise and to reject the proposal for a bitumen plant at Crib Point, particularly

as there is an alternative: the northern port at Hastings. There is near-universal acceptance of that option, so it is not a 'not in our backyard' situation. There is another option, an industrial area which does not affect residents, which does not affect the Ramsar wetland and which could easily be done. It would be located between the Esso and BlueScope plants, on re-claimed land. That, however, is not being accepted. It must be accepted, and I put it very clearly to the state that they must accept such an option. If they will not then Minister Garrett should step in and enforce the Environment Protection and Biodiversity Conservation Act, which guarantees the protection of Ramsar wetlands.

The second element in the protection of the Mornington Peninsula is in relation to the town of Baxter. Baxter is a lovely town. There are people who live in Baxter because they love the aspect of being not only near to Melbourne but also on the Mornington Peninsula. But they are about to see a large overpass cut right through the heart of the town. That overpass will destroy the amenity of the town. It will destroy the environment and it will cut the town in two forever. There is a simple alternative which is achievable, and that is for the state to insist that the project involve an underpass or tunnel so as not to divide the town. Land has been set aside for the freeway for many decades. Use of that land would allow the underpass to proceed so as not to cut Baxter in half. It could be done in a way which is sensitive to the locals and which does not expose them to excessive noise and heavy traffic. It would not represent a visual blight and would not make an impact on their lives every moment of every day, as would otherwise be the case. So there is a clear, preferable alternative. My view is that the overpass should be rejected. The tunnel or underpass must be mandated. The entire Peninsula Link freeway should come into the Moorooduc Highway just south of Baxter, rather than cutting through the heart of the Mornington Peninsula's best farmland. Again, there is a clear, preferable alternative. I would not put up such opposition unless there was a clear, preferable alternative.

The third area of protection is in relation to the town of Dromana. Dromana is a seaside town. Its demographic is a mixture of permanent residential and holiday homes. Progressively, more and more people are living there permanently. A proposal for a high-rise has been put forward which is out of character with the sensible work that the Mornington Peninsula Shire Council has approved. The Mornington Peninsula Shire Council has, again, had its decision overturned by a state panel, so the position here is part of a continuing theme. Our job now is to ensure that this area, which is an environmental service area for Melbourne, is protected.

I call upon the state in all three cases to look to the 100-year future, to look to the next generation, to look to the next century in the decisions that they make, because to make poor-quality decisions will echo through the generations. On each of these three items—the Crib Point bitumen plant, the Baxter overpass and the Dromana high-rise development—there are sensible, lower impact alternatives, and they can all be done in an economically sensible way. Those are three points about protection.

The exciting opportunity is in relation to the Southern Peninsula Aquatic Centre at Rosebud. We have seen at Hastings the Pelican Park Aquatic Centre. We have seen the way in which an aquatic centre has transformed a waterfront and has transformed the ability of a town not just to exercise but to have a place of which they are proud and which has lifted up the entire town. The same thing is proposed for Rosebud to assist the people of Dromana,

McCrae, Rosebud, Rosebud West, Tootgarook, Rye, Blairgowrie and Sorrento, not to mention Boneo. All those towns will benefit from having an aquatic centre. We would have funded this aquatic centre in part under the Regional Partnerships program, which was abolished subsequent to the last election by the incoming Labor government at the federal level.

I hope that funds will be found for what is a project which we would have funded under the Regional Partnerships program. Most importantly, I lend my support to the idea of having an aquatic centre for Rosebud. My personal preference is that it be in some way linked to the area between the highway and the back of the dunes. What we see there is an area which has been largely closed off to the public but which has nevertheless been turned over and used for buildings or previously for an aquatic centre. So it is not pristine land; it is land which has been entirely and completely compromised and disturbed. It must and should be used, in my view, for the best possible community outcome. That community outcome—in one of the oldest demographics in Australia, in the oldest demographic in Victoria—is for an aquatic centre with hydrotherapy for our seniors, with the capacity for sports training for our juniors and with family facilities. This is a project which will transform Rosebud, Rye and Dromana, and it represents the fourth part of the plan to protect and enhance the Mornington Peninsula.

There is much work to be done, but at the end of the day we have to ensure that the Crib Point bitumen plant does not proceed, as was promised by the state government; we have an underpass or tunnel, not an overpass, in Baxter; Dromana is protected from high-rises; and we have the vision of an aquatic centre for Rosebud and the people of the Mornington Peninsula. *(Time expired)*

Kingston Electorate: McLaren Vale Region

Ms RISHWORTH (Kingston) (8.58 pm)—I rise today in this grievance debate to talk firstly about some of the strengths of the McLaren Vale region in my electorate but also about some of the challenges that this region faces and some of the areas in which it could really be helped. The area of McLaren Vale and associated areas of Willunga and Blewitt Springs are going from strength to strength. McLaren Vale is the gateway to the Fleurieu Peninsula and is home to some fantastic wines and foods and a spectacular coastline. I am always happy to boast about the success of the wines produced in the McLaren Vale region and sold at 76 local cellar doors dotted throughout the region. In fact, McLaren Vale is home to 9.8 per cent of the nation's grape and wine output. This is a significant contribution to both the nation and our local state of South Australia's economy. The area does not just produce a quantity of wine, though; it produces wine of significant quality, with many small family owned vineyards making world-class, world-renowned wine that punches above its weight. In addition to this there are many boutique wines. I was very pleased to attend recently the Vale Cru Expo, which showcased a lot of small-batch, high-quality winemakers. A great day was had by all. A high quality of wine was on display here, but other wine in the region is also renowned.

The region is not just thinking about what they do well in the present, they are also talking about what they can do in the future. I was very pleased a few weeks ago to represent the Minister for Agriculture, Fisheries and Forestry, Tony Burke, to launch the McLaren Vale generational farming sustainability project, which aims to build on the region's reputation for sustainable environmental practice. The launch was held at Oliver's Taranga Vineyard, which is an example of real generational farming having had five generations that have participated in the vineyard.

Already this region has been struck by drought. However, with the assistance of both state and federal governments but most importantly the industry—they are not just complaining about drought; they are not just saying, ‘What can we do?’—they have moved to use recycled water from the Christies Beach wastewater treatment plant to ensure that their crops grow. The generational farming project that I launched will further this by encouraging sustainable wine-growing practices in the McLaren Vale region by implementing an environmental benchmarking system for wine production. I have been informed this is the first attempt to do this anywhere in Australia. It will allow wine growers to self-record and assess their environmental performances according to their management of pest and disease, soil and weeds, water, biodiversity, waste and carbon pollution as well as continuing education for farmers on this issue. The objective of the project is to encourage sustainable wine-growing practice that will allow for farmers to pass their vineyards on to the next generation in better condition.

The community backed project is a good example of an industry-led initiative from the wine industry to address issues of sustainability, and it should be commended. I certainly add my voice to commanding this. Furthermore, the project is in line with the government’s policy of working with industry to build its capacity to respond to current environmental and economic challenges. Not only is this a forward-looking project for improving the environment but it is also critical to carving out a niche for McLaren Vale in the world wine market. As consumers around the world become more conscious of the impact that their purchasing choice will have, being certified sustainable will be another defining feature—not just the good quality of the wine—of McLaren Vale wine. This is an important project that locals will reap the benefit from.

McLaren Vale and the surrounding areas is not just known for its wine; it is also known for its great olive oil. We recently had the Prime Minister’s country task force meet down in McLaren Vale where we heard from olive growers firsthand on the significant export markets that they send to. They also have their challenges but they are doing a particularly important job in the region. In addition, the Willunga farmers market has recently been awarded the most outstanding farmers market in the country in the 2009 Vogue Entertaining and Travel Produce Awards. The Willunga farmers market draws on local produce from around the area, everything fruit, vegies, flowers, cheese, olive oil, bread—and that is just the start. The market has recently celebrated its seventh birthday and is going from strength to strength.

The region is also developing as a force in agri tourism. I was very pleased to visit with the minister for agriculture the Producers, which is one of these businesses in the electorate. This is a B and B that not only immerses visitors in the process of wine making—you can go there and make your own wine—but you can press your own olive oil; you can preserve fruits of the farm; you can learn how to bake and learn cheese making. This is an experience that connects people with the local area and the local food. We have an amazing area for wine, for food and for tourism. The region is going from strength to strength.

There are some challenges, though, and as this is a grievance debate I will highlight them. McLaren Vale is very close to the metropolitan area. As Adelaide has grown, the metropolitan boundaries have come closer and closer. We need to ensure that this unique tourism and wine-growing area is protected and does not become part of the urban sprawl. It is very important that we protect the horticultural areas of McLaren Vale to ensure long-term sustainability. I have previously placed that on public record in this place, and I do so again to reiterate its

importance. I am pleased that the state government's recent development plan for the region will examine ways to reinforce the long-term protection of this unique South Australian landscape. I would urge the state government to ensure that any solution especially protects this region, including the Bowering Hill site, from urban encroachment.

Another issue that has been raised with me is the naming of the region. In the South Australia tourism brochures, the region of McLaren Vale and the Fleurieu Peninsula is called the Fleurieu Peninsula, as that describes the majority of the area. But the people in McLaren Vale are presenting the McLaren Vale brand to the country and the world in their wine, and they feel that there is a mismatch between the Fleurieu Peninsula, which is considered a tourism region, and McLaren Vale, which is considered a wine-growing region, when in fact they are one and the same area. So they have expressed their wish that we look at combining 'McLaren Vale' and 'Fleurieu Peninsula' in the name of the region. It has certainly been done in other wine regions in South Australia. For example, the Barossa Valley and the Clare Valley are both wine-growing region and tourism regions. McLaren Vale growers are looking at incorporating into the name of the region the brand that they present to the world. It certainly seems to me like a sensible idea, and I will continue to work with them to see whether we can achieve that.

McLaren Vale and the associated areas of Willunga and Blewitt Springs are a beautiful part of the electorate. Although they do face some challenges, such as drought, urban encroachment and marketing themselves, this area will go from strength to strength. I would encourage members, staff and anyone else in this place to visit at any time. There will certainly be people welcoming them there.

Emissions Trading Scheme

Mr SIMPKINS (Cowan) (9.08 pm)—Those who question the science of anthropogenic global warming are derided as dinosaurs. Those who ask about alternative scientific viewpoints are dismissed, not with reasoned scientific detail but with abuse and condescension. The time of reasoned engagement on this issue is over and minds are closed in this place. That does not serve this nation well. It is not in the best interests of the people who look to this place for confidence and wider understanding of the issues.

The majority of Australians believe that something should be done about global warming. Our children have been taught that man is responsible for global warming, and they have not been offered alternative viewpoints. It is hard to get past what has been ingrained for so long. I do not expect that this speech will change any minds but I do hope that it may open some.

'ETS' is a term that everybody seems to know, but nobody seems to know exactly what it involves. Reasonably, Australians may well turn to Google for a simple summary, and they would be disappointed. There are some business related summaries—pretty heavy stuff and not exactly as understandable as many Australians would desire. There is no Australian government website that lays out in a simple to understand format what impact an ETS would have on Australians. There is a website where you can find out how much money the government will give you, while the ETS costs and figures are very hard to find because it is a cost with little return. What a contrast that is.

To make the point very clearly, it suits the Rudd government's political interests to ensure that the information that is available on the ETS is heavy in technical detail and not easy to

understand, because if it was easy to understand then the majority of Australians would say that this ETS will hurt Australians, will fail to achieve any benefits for global climate. I note in a recent report by the Australia Institute, a left-leaning think tank, that it has examined the ETS and found that emissions from black and brown fired coal electricity generation stations are estimated to be stable out to 2033, when Treasury has predicted clean coal technology will suddenly be discovered, at which point they will fall. Clearly this ETS is no panacea for CO2 reduction and its credibility is highly questionable.

We know that the government's ETS will lift prices. Flow through of this super revenue raising measure will add an estimated 12.5 per cent to the average cost of goods. The Victorian government estimates households will pay \$7 a week more for their electricity. There have been other estimates that electricity bills will rise by 20 to 25 per cent. So every time one of my constituents walks into a shop and buys something, they will face that increase. The government should set up a website stating in detail the effects on everyday items. How much will a loaf of bread, a litre of milk and, of course, a birthday cake rise in price?

Access Economics estimates that an ETS will cost 13,000 jobs in Western Australia, with losses from industries concerning black coal, oil and gas, petroleum, chemical rubber and plastics, iron steel and metals, electricity and gas distribution. The reality is that an ETS is not pain-free. It will cost in terms of prices to households, jobs for those households and will cost in terms of reduced business competitiveness, particularly if we adopt an ETS and our regional trading partners and neighbours do not. If we burden this country, its businesses and employers with increased costs, while China, India and others do not, then we risk business closures and those businesses taking jobs offshore, where the lack of controls on emissions and the lower wages make other countries more attractive. Yet the increased costs may be considered acceptable by Australian families if it achieves less CO2 and reduces global temperatures.

To take up the issue of the threat of carbon, with all the talk of human-produced carbon-driven climate change, many people would imagine that carbon dioxide is an increasing proportion of the atmosphere. What would Australians say? Would you find someone on the street who would save five per cent, 10 per cent or 20 per cent and climbing? Surely it must be a big percentage. The reality is that the greenhouse gases in total make up just one per cent of the atmosphere. That is an interesting point, and when I searched *Hansard* I could not find any mention of that fact.

To go further, of that one per cent of the atmosphere that is greenhouse gases, 95 per cent of that is water vapour. So when we talk of carbon dioxide, it represents just 3.6 per cent of that one per cent of the total atmosphere. But that is not the end of it, because human produced carbon dioxide represents just 3.4 per cent of that figure, and Australia produces 1.4 per cent of that figure. So if my calculations are correct, the carbon dioxide produced by Australians, or within this nation, represents 0.00000017136 per cent of the atmosphere, and that is what the Rudd government's ETS is trying to reduce—13,000 jobs in WA and price rises of 12.5 per cent on average to reduce that 0.00000017136 per cent by five per cent. So the question is: why would we want to pay that price for so little return?

A central theme to the way this debate is controlled by the government is to always harp back to the IPCC stating, '2,500 scientists say the science is settled, so it is settled'. Yet, when you look at the figures, only 600 actually looked at the carbon dioxide science, and then only

308 were part of the second review. In probably the most telling of all the figures, only 62 of the 308 reviewed the last chapter which attributed the cause of climate change. And when you take those with vested interests away, only seven could be described as independent, and two of those seven disagreed with the final statement that carbon dioxide was 90 per cent certain to be the cause of climate change. Well at least there were five independent scientists who agreed out of the 2,500.

There has also been a persistent line which derides scientists who disagree with the man-made global warming view. They are often said to be in the pay of big oil or fossil fuel corporations. I wonder whether that is so different to those on the opposite side of the argument that occupy professorial chairs in climate change or whose research is climate change related, and consequently funded, and who would themselves feel vulnerable if a majority of politicians had not just agreed with one side of the argument. I make the point that 31,000 independent US scientists disputed the findings of the IPCC, and that is worthy of our consideration. We are limited in this place, with very few scientific degrees amongst our number. It is therefore bad judgment to dismiss the views of those that are scientists and stop asking questions in this debate.

Another point to do with science is the matter of sea level. The IPCC predicts that by 2100 sea levels will rise by 59 centimetres. There have been suggestions that rises could be as much as six metres. They are based on modelling. What should be considered is that there is scientific disagreement on this. Swedish physicist and geologist Nils-Axel Morner was a former chair of the INQUA international commission on sea level change. Morner debates the modelling on sea level changes and in 2003 he wrote:

The late 20th century lacks any sign of acceleration.

Satellite altimetry indicates virtually no changes in the last decade ... The INQUA Maldives research project has revealed that there, on a regional scale, are absolutely no signs what so ever of any on-going flooding of the Maldives ...

In conclusions, there are firm observationally based reasons to free the world from the condemnation to become extensively flooded in the 21st century AD.

I would say that Morner's view has been questioned. However, Professor Cliff Ollier of the University of Western Australia also reports that sea levels in the south-west Pacific have been stable for about 10 years, and this is a highly concerning contrast to IPCC modelling when the primary data debates and contradicts the modelling. It is known that in the last 150 years of the use of fossil fuels it was only between 1975 and 1998 that fossil fuel use and global temperatures rose at the same time. No correlation existed before, as temperatures had risen and fallen in periods during increased use of fossil fuels. Yet it is the link to carbon dioxide that is the basis for the human induced global warming theory. It is known that since 1998 carbon dioxide has risen in the atmosphere from 365 to 385 parts per million. However, in the same period, the global temperatures, as measured by the Hadley CRUT3v surface temperature measurements and the MSU satellite lower troposphere measurements, have actually been shown to be declining. How, then, can anyone insist that the science is settled, that the argument is over, when there is no correlation between carbon dioxide and global temperatures, as demonstrated by those two measurements?

The science of man-made global warming is not settled. Questions must still be asked. The Rudd ETS will be bad for Australians, and the cost involved to reduce minute amounts of CO2 to fractionally smaller amounts only requires more questions and not blind obedience.

Blair Electorate: Roads

Mr NEUMANN (Blair) (9.17 pm)—I speak tonight because I am aggrieved at the failure of the Howard government in relation to road infrastructure in my area. Over 11½ long years they showed complete inertia, ignorance and idleness with respect to the Ipswich Motorway, the Warrego Highway and the Cunningham Highway—vital national roads in South-East Queensland. I speak now because I did not have enough time this afternoon when I spoke in relation to the member for Oxley’s motion. He correctly pointed out that the Rudd Labor government had invested an unprecedented \$26.4 billion in road and rail infrastructure through the nation-building program over a six-year period, from 2008-09 through to 2013-14.

The Rudd government’s budget announcement contained more than \$25 billion for key road, rail and port projects. These are creating jobs, they are improving traffic flow, they are improving safety on our roads, they are making it easier for farmers to take their produce to the markets in Brisbane and they are improving the reliability of travel times for commuters between Ipswich and Brisbane and the rural areas outside. It is important that we are improving the long-term productivity of our businesses, whether on farms, in small business or in big establishments like Bradken Engineering in Ipswich or JB Swift meatworks at Dinmore or the aerospace industry associated with the RAAF base at Amberley or the RAAF base at Amberley generally.

I am aggrieved that we had to put up with the absolute apathy of the Howard coalition government for such a long time and that we are now playing catch-up. My constituents talk to me all the time about the fact that they were so frustrated for such a long period of time under the previous government. We are now seeing significant improvements on our roads such as the Cunningham Highway between Aratula and Ipswich. The state of that highway was an absolute disgrace. Constituents spoke to me at shows and at mobile offices at Kalbar and Boonah and other places in the Fassifern. It was appalling what we saw under the Howard government. I had a look at the road many times because I drove upon it when I was door-knocking and campaigning for the 2007 election. I doorknocked businesses all through the Fassifern area around Aratula and spoke to the business operators there. Fortunately the Rudd Labor government has come up with the millions of dollars that we need to fix that road.

We have also seen that almost nothing was done in relation to the Warrego Highway under the Howard government except the Laidley overpass. But the Rudd Labor government is putting tens of millions of dollars into resurfacing that highway and recently we have seen some work in relation to the Haigslea-Amberley intersection. My predecessor was completely ignorant about that intersection for a long time. The Rudd Labor government came along and has put \$1.9 million on the table to fix that intersection. The new slip lane as you drive west along the Warrego Highway improves the safety of all the people who travel from Walloon and Rosewood and from the RAAF base at Amberley and who want to go on the Warrego Highway. They live at places like Hatton Vale and Glenore Grove, or up the Brisbane Valley or through Ipswich at Pine Mountain and North Ipswich and Karalee and places like that. They use that intersection all the time. About 50,000 vehicles a day use that part of the Warrego

Highway as it goes towards Ipswich near that intersection. It took the Rudd government, after 11½ years of apathy from the previous government, for that intersection to be fixed.

We are also seeing the resurfacing of the Warrego Highway and I commend the state government for the work they are doing there. You can see the difference it makes to the safety and reliability of traffic flow in the area. You can also see what is happening in terms of our local roads—\$1.75 billion for the nation's local roads—with the Roads to Recovery program. Black spot funding of \$5.153 million was provided in my electorate to, for example, the Ipswich City Council, the Lockyer Valley Regional Council and the Scenic Rim Council by 30 June this year under the nation-building funding. We are seeing record amounts of money being put into the work. I will give you an illustration, Madam Deputy Speaker, of the black spot funding and why it is so important: \$800,000 was given to improve the sightlines and signage as well as upgrade line-markings and extend the intersection of the Warrego Highway with Tallegalla Road and Lowood Minden Road at Minden. For years and years and years people have been complaining about that intersection. Almost nothing was done by the previous government in relation to it and it took a Rudd Labor government to do something.

That particular intersection happens to currently be in the federal seat of Dickson. The member for Dickson did nothing about that intersection during his tenure and the people are so frustrated about that particular intersection. It took a Rudd Labor government to actually put \$800,000 into that intersection to see it improved. I am pleased to say that that part of the Warrego Highway and the whole of the Somerset Regional Council will be in my seat in the next federal election now the redistribution has been finalised. Sadly the Fassifern Valley and the Lockyer Valley are no longer in my seat, but the Somerset region has been added to about 70 per cent of the City of Ipswich and it is now in my seat. I am pleased that the Rudd government has taken the steps to fix that intersection.

We have seen an enormous amount of money put into the Ipswich Motorway. There is the Ipswich-Logan interchange—\$255 million, fully funded by the Australian government. The Dinmore to Goodna section of the Ipswich Motorway—\$1.95 billion—is being undertaken. Then there is the Ipswich Motorway upgrade from Wacol to Darra—\$700 million. You can see all the work that is being done at the intersection of the Centenary Highway to improve the connectivity and the reliability of traffic flow. For the people who live on the south-west side of Brisbane, through Ipswich, the Lockyer Valley, the Scenic Rim and the Somerset region, it is simply a matter of safety and health. About an extra 1.2 million more people will live in that region of South-East Queensland in the next 20 years. That is an enormous number of people, and the Rudd government is putting an enormous sum of money into that particular area.

We are seeing a huge amount of money being put into the 18 kilometres of new road from Springfield to Yamanto—an extension of the Centenary Highway—by the state Labor government. We are seeing better local roads and nine new bridges. I commend the state Labor government for the Centenary Highway extension. I look forward to additional funding which might eventually make the Cunningham Highway four lanes to the RAAF base at Amberley.

There are other road projects in South-East Queensland, of course. We need to look at the intersection at Blacksoil. I am working hard in relation to that issue, along with the state member for Ipswich West, Wayne Wendt. We are working with local councils in Ipswich and the Somerset region to lobby for more funding there.

The Ipswich Motorway upgrade is perhaps the greatest demonstration of the failure of the Howard government and a demonstration of the commitment of the Rudd Labor government to the people of the western corridor. It is creating in excess of 4,000 jobs. That is 4,000 people who have jobs, pay taxes, feed their families, consume goods and services and make a contribution. The Origin Alliance has been involved in the Dinmore to Goodna section. A number of companies are involved in that project and it started in the middle of this year. The project is due to be completed in 2012.

In relation to the Wacol to Darra section of the motorway, it is the SAFElink Alliance who have been involved. Very complex traffic changes are being undertaken on this road, but they are so important because up to 100,000 vehicles a day use this motorway at its peak. It is unbelievable that the previous government and its local representative opposed the upgrade of that motorway. I commend the Rudd government for showing its commitment to the people of Ipswich and the rural areas outside by providing road infrastructure.

The DEPUTY SPEAKER (Ms AE Burke)—There being no further grievances, the debate is adjourned. The resumption of the debate will be made an order of the day for the next sitting.

Main Committee adjourned at 9.28 pm

QUESTIONS IN WRITING

Governor-General: Africa (Question No. 654)

Ms Julie Bishop asked the Minister for Foreign Affairs, in writing, on 18 March 2009:

- (1) How many AusAID staff are assigned to Australia's aid program for Africa.
- (2) Have any AusAID or departmental staff been assigned to support the Governor-General's trip to Africa during March and early April 2009; if so, for what length of time have individual staff members been assigned to the task of supporting the Governor-General's trip.
- (3) On what date/s did the Governor-General receive invitations from each African nation on the itinerary for the Governor-General's trip.
- (4) What is the estimated cost of the Governor-General's trip to Africa.
- (5) What is the estimated cost of the Government's bid for a temporary seat on the United Nations (UN) Security Council; and does this estimate include any or all of the estimated cost of the Governor-General's trip to Africa; if so, what is the amount.
- (6) How many staff are travelling with the Governor-General on her trip to Africa; and of these, how many are from (a) AusAID; and (b) his department.
- (7) In respect of the Government's request that the Governor-General undertake lobbying on its behalf to support its bid for a temporary seat on the UN Security Council: (a) on what date was this request made to the Governor-General; (b) how was this request made to the Governor-General; (c) what instructions were provided to the Governor-General; and (d) what restrictions, if any, were placed on the Governor-General for making commitments on behalf of the Government.

Mr Stephen Smith—The answer to the honourable member's question is as follows:

- (1) Eleven staff at Post (3 x Australian-based, 8 x locally engaged) are assigned to Australia's aid program for Africa. An additional officer is on short term mission to Pretoria to assist with aid program development and visits (January-June 2009).

Six staff in Canberra.

- (2) The Department of Foreign Affairs and Trade's Middle East and Africa Branch coordinated DFAT's support for the Governor-General's visit to Africa, with one EL2 employee dedicated to work on the visit from 27 January to 9 April; while AusAID's Africa Section provided briefing and coordination support for program components related to development.

Four posts in Africa supported the Governor-General's visit: Harare, Nairobi, Port Louis, and Pretoria. As is usual practice in supporting high-level visits, a number of the A-based and locally engaged employees at these posts were involved, including the AusAID staff posted in Nairobi and Pretoria.

To support the resources of posts in handling a major visit of this type - including to countries of non-resident accreditation - the Department of Foreign Affairs and Trade assigned a number of staff on short-term missions as follows:

Location	Dates
Harare	12.3.2009 - 24.3.2009
Pretoria	1.3.2009 - 31.3.2009
Tanzania	26.3.2009 - 1.4.2009
Tanzania	19.3.2009 - 1.4.2009
Ethiopia	15.3.2009 - 28.3.2009

Location	Dates
Ethiopia	22.3.2009 - 28.3.2009
Port Louis	1.3.2009 - 11.4.2009

To support the aid-related project visits, AusAID assigned staff from Pretoria and Nairobi posts to the following locations on dates as indicated:

Location	Dates
Zambia, Mozambique, Kenya	21.2.2009 - 30.3.2009
Namibia	18.3.2009 - 20.3.2009
Namibia, Botswana, Ethiopia, Tanzania	4.3.2009 – 7.3.2009 and 20.3.2009 - 1.4.2009
Kenya	24.3.2009 - 29.3.2009
Kenya	25.3.2009 – 28.3.2009
Mozambique	25.2.2009 – 1.3.2009 and 21.3.2009 – 26.3.2009
Zambia	6.3.2009 - 12.3.2009 and 17.3.2009 – 23.3.2009

- (3) The Governor-General's visit was agreed and welcomed by each nation on the itinerary during discussions through diplomatic channels in late 2008 and early 2009.
- (4) Estimated costs to the Department of Foreign Affairs and Trade and AusAID for supporting the Governor-General's visit are \$290,000. This was to support, amongst other things: airfares, salaries for employees on leave without pay who were recalled to duty, accommodation expenses, on ground travel and expenses.
- (5) The Government has allocated \$1.927 million for the UN Security Council campaign for 2008-09, \$5.416 million for 2009-10 and \$5.735 million for 2010-11. Approximately \$86,000 of the amount specified in (4) was drawn from this allocation.
- (6) The first part of this question is outside the portfolio responsibilities. (a) None (b) No Departmental officer accompanied the Governor-General from Canberra. Two Heads of Mission (HOM), and in two cases a mission official, had a seat on the official aircraft between some locations in the program.
- (7) This question is outside the portfolio responsibilities.

Productivity Places Program

(Question No. 790)

Dr Southcott asked the Minister for Education, in writing, on 22 June 2009:

In respect of the Productivity Places Program: (a) how many places have been allocated for apprenticeships in the financial years (i) 2008/2009, (ii) 2009/2010, (iii) 2010/2011, (iv) 2011/2012, (v) 2012/2013, (b) how many of these places have been accepted; (c) what is the estimated cost of the apprenticeship places for each financial year in part (a).

Ms Gillard—The answer to the honourable member's question is as follows:

- (a) 85 000 places have been earmarked for Australian Apprentices under the Productivity Places Program, funded from April 2008 to June 2012. The Australian Government has been administering job seeker places from April 2008 until 30 June 2009. Under the National Partnership Agreement for the Productivity Places Program, states and territories are now administering the program, including funding to support the training of Australian Apprentices;
- (b) Within the job seeker allocation, as at 1 May, 154 participants have commenced training as Australian Apprentices; and
- (c) The Productivity Places Program administered by the Australian Government funded Registered Training Organisations up to \$5000 per qualification at the Certificate III and IV levels. The Australian Government has funded state and territory governments \$5000 per qualification at Certifi-

cate III and IV levels for job seekers to undertake training as Australian Apprentices. This amount will be indexed over the life of the National Partnership for the Productivity Places Program.

Active After-School Communities Program
(Question No. 797)

Dr Southcott asked the Minister for Sport, in writing, on 25 June 2009:

In respect of the Active After-school Communities program: in the 2004-05, 2005-06, 2006-07, 2007-08, and 2008-09 financial years, how many

- (a) primary school students participated in the program,
- (b) primary schools were participating in the program,
- (c) out of school hours care services sites were participating in the program,
- (d) schools were on the pending list for the program, and
- (e) outside school hours care providers were on the pending list for the program.

Ms Kate Ellis—The answer to the honourable member's question is as follows:

- (a) The Australian Sports Commission (ASC) collects information concerning the number of primary school students participating in the Active After-school Communities program in a given term, rather than a cumulative total of students that have participated during the year. For comparative purposes, the number of students participating in the program in term 2 each year is:

2004-05	43,129 primary school students
2005-06	80,276 primary school students
2006-07	130,236 primary school students
2007-08	144,098 primary schools students

In 2008-09, the ASC revised its data collection to a semester basis. Participation data for the latter half of the 2008-09 financial year will not be available until schools and out of school hours care service sites return program feedback forms in September-October 2009. However, during the first part of the 2008-09 financial year (semester 2 2008), 213,715 primary school students participated in the program.

- (b) The number of primary schools participating in the Active After-school Communities program in each of the financial years since the program commenced is:

2004-05	422 primary schools
2005-06	875 primary schools
2006-07	1555 primary schools
2007-08	2039 primary schools
2008-09	1970 primary schools

- (c) The number of out of schools hours care service sites participating in the Active After-school Communities program in each of the financial years is:

2004-05	491 out of school hours care service sites
2005-06	967 out of school hours care service sites
2006-07	1442 out of school hours care service sites
2007-08	1634 out of school hours care service sites
2008-09	1438 out of school hours care service sites

- (d) The pending list for the Active After-school Communities program is a current 'point in time' measure. Whilst the ASC is not able to accurately provide historical information concerning pend-

ing list information at a point of time in previous financial years, previous ASC 'point in time' records have shown a pending list of between 500 and 600 schools and out of school hours care providers in 2004-05, 2005-06, 2006-07 and 2007-08 and 2008-09. This information was not subdivided into schools and out of school hours care providers. As at 20 July 2009, 365 schools were on the pending list for the program.

(e) The pending list for the Active After-school Communities program is a current 'point in time' measure. Whilst the ASC is not able to accurately provide historical information concerning pending list information at a point of time in previous financial years, previous ASC 'point in time' records have shown a pending list of between 500 and 600 schools and out of school hours care providers in 2004-05, 2005-06, 2006-07 and 2007-08 and 2008-09. This information was not subdivided into schools and out of school hours care providers. As at 20 July 2009, 320 outside school hours care providers were on the pending list for the program.

Sport Funding

(Question No. 798)

Dr Southcott asked the Minister for Sport, in writing, on 25 June 2009:

Further to her answer to question 538 (*Hansard*, 12 May 2009, page 3564), in respect of the 2008-09 Budget item Sport and Recreation facilities contribution to funding (*Budget Paper 2*, page 230):

- (1) Which of the 91 sporting clubs to be funded under this measure have:
 - (a) received funding, and
 - (i) what level of funding did each receive, and
 - (ii) on what dates; and
 - (b) not received funding, and
 - (i) why, and
 - (ii) are they still expected to receive funding under this 2008-09 Budget item.
- (2) Will any sporting clubs, other than the original 91, receive funding under this 2008-09 Budget item; if so,
 - (a) how many;
 - (b) in what suburbs and States or Territories are they located;
 - (c) what will the funding be used for;
 - (d) what level of funding will they receive;
 - (e) on what date/s did they contact the Government for funding, and how;
 - (f) on what date/s did the Government first announce these funding decisions; and
 - (g) have these clubs received funding; if so, on what dates and what sum.

Ms Kate Ellis—The answer to the honourable member's question is as follows:

- (1) (a) (i) and (ii) At 1 September 2009, a total of 82 of the 91 projects to be funded under the *Sport and Recreation facilities - contribution to funding* 2008-09 Budget Measure had received funding. A list of the projects with details of total commitment, payments and dates is provided at Attachment A.
- (b) (i) At 1 September 2009, a total of 9 of the 91 projects to be funded under the *Sport and Recreation facilities – contribution to funding* 2008-09 Budget Measure had not received funding. A list of these projects with details of why funding has not been received is provided at Attachment B.

(ii) Yes.

(2) No other projects, other than the original 91, will receive funding from this Budget Measure.

(a) to (g) not applicable

Attachment A

Projects under the *Sport and Recreation facilities - contribution to funding 2008-09 Budget Measure* that had received funds at 1 September 2009

Project	Commitment (GST exclusive)	Payment/s (GST exclusive)	Payment Date/s
Adelaide North East Hockey Club	1,000,000	300,000	21/05/09
		250,000	30/06/09
Aspley Hornets Sports Club	60,000	60,000	30/06/09
Batemans Bay Rugby Club	10,000	10,000	29/01/09
Bathurst Rugby Union Cricket Club	15,000	15,000	16/10/08
Bathurst City Council	15,000	15,000	02/06/09
Beauty Point Recreation Ground	100,000	45,455	13/02/09
		18,182	02/06/09
		27,273	02/06/09
		9,091	02/06/09
Binalong Park, Toongabbie	150,000	30,000	24/07/09
Blackstone Park Development	170,000	50,000	10/02/09
		100,000	09/04/09
		20,000	02/06/09
Blackwood Football Club	130,000	90,909	28/05/09
		39,091	30/06/09
Bridport Walkway	150,000	59,091	10/06/09
		90,909	30/06/09
Bunbury - Hands Oval	100,000	50,000	17/12/08
		40,000	28/05/09
		10,000	22/06/09
Bundaberg Cricket Association	79,500	70,000	12/09/08
		9,500	10/10/08
Bungendore Swimming Pool Upgrade	120,000	80,000	15/05/09
		40,000	30/06/09
Burpengary Jets Junior Football Club	120,000	70,000	17/12/08
		45,000	05/05/09
		5,000	10/07/09
Caboolture Snakes Rugby League Club	110,000	45,455	09/01/09
		10,000	28/07/09
		36,364	30/07/09
Caboolture Sports Club	200,000	190,000	11/06/09
		10,000	29/06/09
Campese Oval and Taylors Park – Queanbeyan	1,000,000	300,000	11/05/09
Cataract Gorge Walkways	500,000	50,000	29/01/09
		100,000	05/03/09
		100,000	25/06/09
Champion Lakes Recreation Site	100,000	90,000	14/05/09
		10,000	20/07/09
Clontarf South West Football Academy	50,000	50,000	25/03/09

Project	Commitment (GST exclusive)	Payment/s (GST exclusive)	Payment Date/s
Corio Bay Rowing Club	250,000	95,000	05/05/09
		30,000	29/06/09
Croydon Little Athletics Club	150,000	90,909	18/05/09
		59,091	25/06/09
Cygnet Gymnasium	35,000	35,000	21/07/09
Dennis Park, Tannum Sands	212,000	112,000	14/07/09
		100,000	07/08/09
Dolphins Football Club	112,000	70,000	10/03/09
		31,818	22/06/09
		10,182	22/06/09
Eurobodalla Netball Association	8,000	8,000	08/01/09
Forrestfield United Soccer Club	125,000	50,000	14/01/09
Gawler Soccer and Sports Club	200,000	100,000	14/07/09
Geelong – Feasibility Study into Regional Soccer Club	20,000	20,000	10/06/09
George Town Feasibility Study	25,000	5,000	22/04/09
		20,000	17/07/09
Glen Park Sporting Facilities	500,000	150,000	02/06/09
Golden Grove Central Districts Baseball Club	50,000	50,000	24/07/09
Gosnells Bowling Club	200,000	50,000	23/03/09
		50,000	03/06/09
		95,000	08/08/09
Helensburgh Tennis Club	15,000	15,000	28/07/09
Hidden Valley Motorway	3,000,000	1,000,000	06/03/09
		500,000	04/08/09
Jamison Park Netball Courts	84,000	84,000	30/06/09
Jindabyne Sports Field Upgrade	650,000	250,000	07/01/09
		100,000	17/06/09
Kingborough Lions United Soccer Club	10,000	10,000	10/06/09
Lapstone Netball Complex	100,000	100,000	30/07/09
Les Hughes Sporting Complex – Pine Central Holy Spirit	35,000	30,000	06/01/09
Rugby League Football Club		5,000	01/04/09
Les Hughes Sporting Complex – PCYC	40,000	28,000	08/12/08
Lowhead to George Trail	750,000	500,000	26/05/09
Macedonia Park	1,000,000	300,000	10/02/09
		200,000	25/05/09
Mallabula equipment for Rugby League Club	15,000	15,000	16/12/08
Mallacoota Pathways project	550,000	350,000	13/03/09
		100,000	28/05/09
		100,000	16/06/09
Marion Sporting Club	1,000,000	280,000	19/12/08
		170,000	24/03/09
		50,000	22/06/09
Moore Park Community Hall	66,000	59,636	03/03/09
		6,364	27/07/09
Morisset PCYC Outreach Centre	118,000	90,000	07/04/09
		28,000	30/06/09

Project	Commitment (GST exclusive)	Payment/s (GST exclusive)	Payment Date/s
Mt Gravatt Youth and Recreation Club	150,000	50,000	14/01/09
		45,000	29/04/09
Nabiac Pool	135,000	18,182	21/04/09
		44,091	22/06/09
		72,727	26/06/09
Oberon Recreation Facilities	100,000	70,000	28/05/09
		30,000	17/06/09
Onkaparinga Rugby Club	100,000	100,000	07/07/09
Para Hills West Junior Soccer Club	200,000	100,000	09/07/09
Penrith Valley Regional Sports Centre	250,000	250,000	05/08/09
Penrith Waratah Rugby League Club	50,000	50,000	16/07/09
Perth Football Club	90,000	50,000	19/12/08
		30,000	24/03/09
		10,000	17/07/09
Pine Rivers Lightning Baseball Club	35,000	33,250	06/01/09
Pine Rivers United Netball	30,000	27,273	22/12/08
Port Huon Sports Centre	10,000	10,000	19/12/08
Quay Lights Project	50,000	45,455	15/04/09
		4,545	08/07/09
Redcliffe PCYC	200,000	200,000	25/06/09
Redlands United Soccer Club	50,000	40,000	26/05/09
Rokeyb Cricket Club	10,000	10,000	08/12/08
Scottsdale Bowling Club	170,000	31,818	02/12/08
		3,636	19/06/09
Smithton Little Athletics Club	30,000	30,000	30/06/09
Somerset Soccer Facilities	125,000	35,000	16/01/09
		65,000	03/03/09
		25,000	22/06/09
South Barwon Football and Netball Club	70,000	63,636	15/06/09
		6,364	03/07/09
Sportsground at Smiths Lake	200,000	109,091	04/04/09
Sturt Baseball Club	20,000	20,000	15/01/09
Surf Lifesaving Education Program, NSW Central Coast	210,000	210,000	17/06/09
Tamar Rowing Club	150,000	60,000	19/12/08
		75,000	17/04/09
		15,000	22/06/09
Tea Gardens Skate Park	30,000	22,727	20/04/09
		7,273	30/06/09
Tea Tree Gully Football Club	500,000	250,000	30/06/09
Toohey Road Bikeway and Forest Guide	200,000	50,000	31/03/09
		40,000	07/04/09
		10,000	17/06/09
		50,000	19/08/09
Townsville and District Junior League Club	50,000	36,364	08/01/09
Townsville City Netball Club	100,000	100,000	25/06/09
Tuncurry Foster Football Club	20,000	16,364	04/04/09
		3,636	30/06/09

Project	Commitment (GST exclusive)	Payment/s (GST exclusive)	Payment Date/s
Walker Park Gymnastics	200,000	100,000	04/08/09
West Traralgon Sports Complex	160,000	60,000	27/05/09
WIN Stadium and Entertainment Centre	230,000	210,000	03/10/08
		20,000	13/03/09
Windsor Park Football Club	370,000	95,455	13/02/09
		38,182	26/05/09
		90,909	26/05/09
		72,727	26/05/09
Women's Sport Facilities - Stirling	546,000	296,000	22/06/09

Attachment B**Projects under the *Sport and Recreation facilities - contribution to funding 2008-09 Budget Measure* that had not received funds at 1 September 2009**

Project name	Commitment (\$)	Reason
Bathurst Soccer Club	170,000	Funding moved to 2009-10 at proponent request
Biloela, Rainbow Street Sporting Fields	50,000	Funding moved to 2009-10 at proponent request
Cook Park Soccer grounds	100,000	Funding moved to 2009-10 at proponent request
Gladstone Hockey Field	200,000	Funding moved to 2009-10 at proponent request
Helensburgh Netball Club	50,000	Awaiting further information from proponent
Ingle Farm Amateur Soccer Club	50,000	Awaiting further information from proponent
Lithgow Hockey	100,000	Funding moved to 2009-10 at proponent request
Palm Island, Community Sports Field	200,000	Funding moved to 2009-10 at proponent request
Parramatta Cycle-Ways project	1,500,000	Funding moved to 2009-10 at proponent request

Employment Services Purchasing Hotline**(Question No. 810)**

Dr Southcott asked the Minister representing the Minister for Employment Participation, in writing, on 25 June 2009:

In respect of the Employment Services Purchasing Hotline of the department: what total number of

- (a) calls have been received
- (b) emails have been received, and
- (c) calls and emails have been referred or directed by
 - (i) employees of the department, and
 - (ii) the former and current Ministers for Employment Participation and their staff.

Ms Gillard—The Minister for Employment Participation has provided the following answer to the honourable member's question:

The Employment Services Purchasing Hotline received, between 29 September 2008 and 3 July 2009

- (a) 7,130 calls
- (b) 8,317 emails.

Nation Building and Jobs Plan

(Question No. 813)

Mr Morrison asked the Minister for Housing, in writing, on 25 June 2009:

In respect of Schedule C of the National Partnership Agreement (NPA) on the Nation Building and Jobs Plan: (a) is she aware that her department receives monthly reports from the States and Territories in respect of progress under this NPA; if not, why not; (b) has she received the May 2009 report (due 23 June 2009) from all of the States and Territories; if not, which States and Territories are yet to submit their May 2009 reports; and (c) what is the total number of new social housing dwellings that have commenced construction under all elements of this plan as at 31 May 2009.

Ms Plibersek—The answer to the honourable member's question is as follows:

- (a) Yes.
- (b) Yes.
- (c) There were 439 as at 31 May 2009.

Youth Allowance and Abstudy

(Question No. 816)

Mr Pyne asked the Minister for Education, in writing, on 25 June 2009:

In respect of the Government's changes announced in the 2009–10 Budget—For student Income Support and Youth Allowance Workforce Participation criteria: how many of the 30,700 students, as referred to in her department's 2009–10 Budget fact sheet, will be affected by the tightening of the workforce participation criteria for independence (under Youth Allowance and ABSTUDY) classified under the Australian Standard Geographical Classification Remoteness Structure as from: (a) Major Cities of Australia; (b) Inner Regional of Australia; (c) Outer Regional of Australia; (d) Remote Australia; and (e) very remote Australia.

Ms Gillard—The answer to the honourable member's question is as follows:

On 26 August 2009 the Australian Government announced transition arrangements for commencement of the proposed changes to the workforce independence criterion in January 2010. These arrangements will assist approximately 4,700 gap year youth, taking the number of young people affected by changes to the workforce participation criterion to around 26,000 in 2010. It should also be noted that many of the remaining 26,000 young people affected by this change will be automatically eligible for Youth Allowance or ABSTUDY as dependants under the changes to the Parental Income Test (PIT).

Analysis of Centrelink administrative data based on the home addresses recorded for young people who established their independence under the workforce participation criterion and were granted Youth Allowance or ABSTUDY from the period April 2008 to April 2009 suggests that approximately 77 per cent come from families living in major cities. The remaining 23 per cent are estimated to come from families living outside the major cities. Of the non-metropolitan group, around 18 per cent come from families living in inner regional areas, about 5 per cent come from outer regional areas and less than 1 per cent from remote and very remote areas of Australia. These data take account of the impact of the transitional arrangements announced on 26 August 2009.

The table below applies this geographic breakdown to the estimated number of young people in 2010 who will not qualify as independent for Youth Allowance or ABSTUDY under the proposed changes to the workforce participation independence criterion (as indicated above, many will qualify as dependent students instead under the PIT).

Region*	No. Students [^]
(a) Major Cities of Australia	19,900
(b) Inner Regional of Australia	4,640
(c) Outer Regional of Australia	1,340
(d) and (e) Remote and Very Remote Australia [#]	120
Total	26,000

* Note: The home address provided by young people on Youth Allowance and ABSTUDY who gained independence through the current workforce participation criterion is classified according to the ABS Accessibility and Remoteness Index of Australia (ARIA) classification. The ARIA index measures the remoteness of a point based on the physical road distance to the nearest urban centre in each of five size classes—major city, inner regional, outer regional, remote and very remote. When interpreting the geographic breakdown it is necessary to consider that the home address provided by an independent Youth Allowance recipient may not indicate their parents' address in all cases.

[^] Some numbers are rounded.

[#] Remote and very remote categories are presented together given the low number of people from very remote locations.

Education, Employment and Workplace Relations: Programs (Question No. 823)

Mr Pyne asked the Minister for Education, in writing, on 25 June 2009:

1. What are the names of all of the programs administered by her department?
2. What is each program about and what is the policy objective of each program?
3. What are the projected overspends and underspends in each program for the financial year; (a) 2007-08; and (b) 2008-09 including where appropriate details elements or components of each program where over or underspends has occurred or will occur and the reasons for each?
4. What is the total expenditure for each program to 30 June 2009, including details elements or components of each program where over or under spending has occurred or will occur and the reasons for each?
5. In respect of programs where funding is provided to individual recipients (e.g. schools, schools systems, universities) has any over funding been recovered or is any expected to be recovered by 30 June 2009; if so, what sum (a) has been overpaid; (b) will be recovered; or (c) is expected to be recovered?
6. Is each program ongoing, if not on what date is each program due to expire?
7. What is the funding in each financial year of the forward estimates for each program including; (a) a break-down of administered and departmental expenses; (b) the sum of allocated funding; and (c) the sum of funding committed?
8. For each program has an evaluation of the programs effectiveness been conducted; if so when was the most recent one conducted; what were the conclusions and recommendations; if not, when will an evaluation be conducted and if one will not be conducted, why not?

Ms Gillard—The answer to the honourable member's question is as follows:

(1) and (2) From the 2009-10 Budget, all agencies were required to change their reporting framework to report financial outlays on a program basis. This is different to reporting arrangements for previous financial years, whereby agencies were required to report at an outcome level. The following responses are provided in accordance with the new budget reporting framework.

For Outcome 2 [Schools] please refer to pages 59-95 of the 2009-10 Portfolio Budget Statements for details on program names, administered items and policy objectives.

Program	2009-10 PBS page reference
Outcome 2 - Schools	
2.1 Government Schools National Support	64
2.2 Non government Schools National Support	67
2.3 Schools Support	70
2.4 Trade Training	77
2.5 Digital Education Revolution	79
2.6 National Action Plan on Literacy and Numeracy	81
2.7 Building the Education Revolution	84
2.8 Smarter Schools – Low SES School Communities National Partnership	86
2.9 Smarter Schools – Improving Teacher Quality National Partnership	87
2.10 Youth Support	88
2.11 School Student Assistance	93

For Outcome 3 [Tertiary, Youth and International] please refer to pages 96-132 of the 2009-10 Portfolio Budget Statements for details on program names, administered items and policy objectives.

Program	2009-10 PBS page reference
Outcome 3 – Tertiary, Youth and International	
3.1 Higher Education Support	103
3.2 HELP	111
3.3 Tertiary Student Assistance	114
3.4 Vocational Education and Training	118
3.5 VET National Support	119
3.6 International Education Support	126

3. For the 2007-08 financial year, please refer to the 2007-08 Annual Report as published on the DEEWR website:

<http://www.deewr.gov.au/Department/Publications/Pages/CorporatePublications.aspx> .

For the 2008-09 financial year, the financial statements and annual report are yet to be completed and published. As such, please refer to the 2009-10 Portfolio Budget Statements for details of estimated actual outcomes for each program, as per the page references noted in the response to questions 1 & 2.

4. For the 2008-09 financial year, the financial statements and annual report are yet to be completed and published. As such, please refer to the 2009-10 Portfolio Budget Statements for details of estimated actual outcomes for each program, as per the page references noted in the response to questions 1 & 2.

5.

Program	What sum has been:	(a) has been overpaid	(b) will be recovered	(c) is expected to be recovered
Outcome 2 – Schools				
2.1 Government Schools National Support	\$628,166 \$164,000 - has been recovered		\$464,166	\$464,166
2.3 Schools Support	\$2,800		\$2,800	\$2,800
2.4 Trade Training	\$3,923 - has been recovered			
2.10 Youth Support	\$860,883 – has been recovered			
Program	What sum has been:			
Outcome 3 – Tertiary, Youth and International				
3.4 Vocational Education and Training	\$72,320 - was recovered during 2008-09			
3.5 VET National Support	\$6,215,777 - was recovered during 2008-09			

6.

Program	Ongoing / Lapsing / Terminating
Outcome 2 – Schools	
2.1 Government Schools National Support	Program now held by Dept of Treasury from 1 January 2009 (National Schools SPP Government)
2.2 Non government Schools National Support	Mostly ongoing elements
2.3 Schools Support	Mostly ongoing elements
2.4 Trade Training	Terminating in 2016-17
2.5 Digital Education Revolution	Terminating in 2012-13
2.6 National Action Plan on Literacy and Numeracy	Mostly ongoing elements
2.7 Building the Education Revolution	Terminating in 2010-11
2.8 Smarter Schools – Low SES School Communities National Partnership	Ongoing
2.9 Smarter Schools – Improving Teacher Quality National Partnership	Ongoing
2.10 Youth Support	Ongoing
2.11 School Student Assistance	Ongoing
Program	Ongoing / Lapsing / Terminating
Outcome 3 – Tertiary, Youth and International	
3.1 Higher Education Support	Mostly ongoing elements
3.2 HELP	Ongoing
3.3 Tertiary Student Assistance	Ongoing
3.4 Vocational Education and Training	Terminating in 2008-09 – program now held by Dept of Treasury from 1 January 2009 (National Skills and Workforce Development SPP)
3.5 VET National Support	Ongoing
3.6 International Education Support	Ongoing

7. (a) & (b) For Outcome 2 [Schools] please refer to pages 59-95 of the 2009-10 Portfolio Budget Statements for details on allocated funding for programs.

For Outcome 3 [Tertiary, Youth and International] please refer to pages 96-132 of the 2009-10 Portfolio Budget Statements for details on allocated funding for programs.

The Department does not disaggregate departmental expenses further than outcomes.

(c)

Program	Sum of Funding Committed in the forward years			
	2009-10 \$'000	2010-11 \$'000	2011-12 \$'000	20012-13 \$'000
Outcome 2 – Schools				
2.1 Government Schools National Support	Appropriation now held with Treasury			
2.2 Non government Schools National Support	6,726,922	7,224,582	7,766,146	8,322,556
2.3 Schools Support	263,384	94,409	51,785	22,547
2.4 Trade Training	126,557	0	0	0
2.5 Digital Education Revolution	72,615	37,370	74,740	74,740
2.6 National Action Plan on Literacy and Numeracy	80,000	175,000	175,000	
2.7 Building the Education Revolution	2,304,508	1,524,629	0	0
2.8 Smarter Schools – Low SES School Communities National Partnership	151,875	205,000	375,000	363,750
2.9 Smarter Schools – Improving Teacher Quality National Partnership	13,250	34,000	216,000	175,000
2.10 Youth Support	81,525	154,262	155,783	158,176
Program	Sum of Funding Committed in the forward years			
Outcome 3 – Tertiary, Youth and International	2009-10 \$'000	2010-11 \$'000	2011-12 \$'000	20012-13 \$'000
3.1 Higher Education Support	6,658,893	6,333,653	6,164,470	3,218,830
3.2 HELP	N/A			
3.3 Tertiary Student Assistance	N/A			
3.4 Vocational Education and Training	Program now held by Dept of Treasury from 1 January 2009 (National Skills and Workforce Development SPP)			
3.5 VET National Support	498,067,987	384,929,166	169,595,00	0
3.6 International Education Support	58,045	23,504	15,341	13,016

8.

Evaluation of the programs effectiveness – Outcome 2 Schools

2.1 Government Schools National Support

When was the most recent evaluation conducted

Appropriation held with Treasury.

What were the conclusions and recommendations of the evaluation

N/A

If not recently evaluated, when will an evaluation be conducted

N/A

If an evaluation will not be conducted, why not?

N/A

Evaluation of the programs effectiveness – Outcome 2 Schools	
2.2 Non government Schools National Support	
When was the most recent evaluation conducted	Various components of this program have been reviewed individually, details can be found below.
What were the conclusions and recommendations of the evaluation	Implementation of the <i>Schools Assistance Act 2008</i> . Some of the Indigenous Education components of this program were reviewed in 2006. Findings from the reviews can be found at: http://www.finance.gov.au/oea/docs/FINAL-report.pdf and http://www.finance.gov.au/oea/docs/Performance-Audit-ESL.pdf .
If not recently evaluated, when will an evaluation be conducted	N/A
If an evaluation will not be conducted, why not?	N/A
2.3 Schools Support	
When was the most recent evaluation conducted	Various components of this program have been reviewed individually, details can be found below.
What were the conclusions and recommendations of the evaluation	Australian Government Quality Teacher Program – reviewed in 2005. Findings from the review can be seen at: http://www.qualityteaching.deewr.gov.au/NR/rdonlyres/1BFC079D-81E0-4FC4-A187-289002ABB01E/9425/agqtp_evaluation_1999_2004.pdf . Quality Outcomes – Other, reviewed in 2005. Findings from the review can be seen at: http://www.qualityteaching.deewr.gov.au/NR/rdonlyres/1BFC079D-81E0-4FC4-A187-289002ABB01E/9425/agqtp_evaluation_1999_2004.pdf .
	Schools Online Curriculum - review currently in progress. The Le@rning Federation element is part of an examination by external provider of national arrangements for eLearning service delivery.
	Values Education – Civics and Citizenship. An internal review was conducted in 2008. The review recommended continued national leadership in civics and citizenship education, less emphasis on one-off activities.
	Innovation in Science, Technology & Mathematics Teaching Program - reviewed in 2008-09. The evaluation was conducted by the Australian Council for Educational Research, is being concluded, with a draft final report being considered by DEEWR.

Evaluation of the programs effectiveness – Outcome 2 Schools	
If not recently evaluated, when will an evaluation be conducted	National School Drug Education Strategy Evaluation (NSDES) - An independent implementation review was conducted by Erebus International from 2004-2008 for internal consideration by DEEWR. National School Chaplaincy Program – review commenced in July 2009 and preliminary findings will be available in Dec 2009. Asia Education Foundation - An evaluation of the Asia Education Foundation (AEF) was conducted in May 2008 by Erebus International for consideration by DEEWR and the AEF. The evaluation recommended that the AEF continue to have a national leadership role in relation to studies of Asia and Australia. The review of the Framework for Open Learning program was concluded in June 2005. The review found that projects fostered national collaboration, were consistent with the Program's funding priorities and key Government strategic directions in the area of ICT to support learning outcomes. Australian History Prize – review planned following the 2009 Prize in 2010-11. Values Education – Drugs - Ongoing evaluation will be conducted if future activity approved. Parliament and Civics Education Rebate. An evaluation is currently underway with findings due 2009-10.
If an evaluation will not be conducted, why not?	N/A
2.4 Trade Training	
When was the most recent evaluation conducted	Nil
What were the conclusions and recommendations of the evaluation	N/A
If not recently evaluated, when will an evaluation be conducted	A comprehensive evaluation of the Trade Training Centres in Schools Program will be undertaken after Round Four (2011-12).
If an evaluation will not be conducted, why not?	N/A
2.5 Digital Education Revolution	
When was the most recent evaluation conducted	An evaluation of the Digital Education Revolution (DER) has not yet been conducted.
What were the conclusions and recommendations of the evaluation	N/A

Evaluation of the programs effectiveness – Outcome 2 Schools		
If not recently evaluated, when will an evaluation be conducted		A DER Evaluation and Monitoring Working Group has been established to look at the evaluation of the DER. This group is expected to report to the Australian Information & Communications Technology in Education Committee in November 2009. An evaluation of the DER is not expected to be completed until the end of 2011.
If an evaluation will not be conducted, why not?		N/A
2.6 National Action Plan on Literacy and Numeracy		
When was the most recent evaluation conducted		This initiative commenced in 2009.
What were the conclusions and recommendations of the evaluation		The Australian Education, Early Childhood Development & Youth Senior Officials Committee National Partnerships Implementation Working Group is developing an evaluation strategy for agreement later this year.
If not recently evaluated, when will an evaluation be conducted		N/A
If an evaluation will not be conducted, why not?		N/A
2.7 Building the Education Revolution		
When was the most recent evaluation conducted		This initiative commenced in 2009.
What were the conclusions and recommendations of the evaluation		N/A
If not recently evaluated, when will an evaluation be conducted		Review to be conducted in 2010-11
If an evaluation will not be conducted, why not?		N/A
2.8 Smarter Schools – Low SES School Communities National Partnership		
When was the most recent evaluation conducted		N/A
What were the conclusions and recommendations of the evaluation		The Australian Education, Early Childhood Development & Youth Senior Officials Committee National Partnerships Implementation Working Group is developing an evaluation strategy for agreement later this year.
If not recently evaluated, when will an evaluation be conducted		N/A
If an evaluation will not be conducted, why not?		N/A
2.9 Smarter Schools – Improving Teacher Quality National Partnership		
When was the most recent evaluation conducted		N/A

Evaluation of the programs effectiveness – Outcome 2 Schools		
What were the conclusions and recommendations of the evaluation		The Australian Education, Early Childhood Development & Youth Senior Officials Committee National Partnerships Implementation Working Group is developing an evaluation strategy for agreement later this year.
If not recently evaluated, when will an evaluation be conducted		N/A
If an evaluation will not be conducted, why not?		N/A
2.10 Youth Support		
When was the most recent evaluation conducted		See below.
What were the conclusions and recommendations of the evaluation		Career Advice Australia – A formative evaluation of the Career Advice Australia programs is in progress and will conclude in November 2009. Scholarships for Career Advisers – Evaluation is being conducted Career Education Lighthouse Schools Program – is being evaluated as part of the Career Advice Australia Evaluation. Youth Pathways an external evaluation is in progress with findings to be reported late 2009. Connections – an internal review is underway with findings to be reported at the conclusion of the program in early 2010.
If not recently evaluated, when will an evaluation be conducted		N/A
If an evaluation will not be conducted, why not?		N/A
2.11 School Student Assistance		
When was the most recent evaluation conducted		The <i>Youth Allowance Evaluation: Final Report December 2001</i> was released by the Department of Family and Community Services in 2002.
What were the conclusions and recommendations of the evaluation		Public release of the Youth Allowance evaluation—final report marked the completion of a three-year evaluation of Youth Allowance. The results show that more students are receiving income support since the introduction of Youth Allowance on 1 July 1998 and there is a significant and sustained increase among under 18 year-old income support clients in full-time education and training.
If not recently evaluated, when will an evaluation be conducted		N/A
If an evaluation will not be conducted, why not?		N/A

Evaluation of the programs effectiveness – Outcome 3 Tertiary, Youth and International		
3.1 Higher Education Support		
When was the most recent evaluation conducted	The Review of Australian Higher Education conducted in 2009 covered overall Australian Government support for higher education and higher education students Findings from the review can be found at: http://www.deewr.gov.au/HigherEducation/Review/Pages/default.aspx	N/A
What were the conclusions and recommendations of the evaluation		
If not recently evaluated, when will an evaluation be conducted		
If an evaluation will not be conducted, why not?		
3.2 HELP		
When was the most recent evaluation conducted	The Review of Australian Higher Education conducted in 2009 covered overall Australian Government support for higher education and higher education students.	
What were the conclusions and recommendations of the evaluation	Findings from the review can be found at: http://www.deewr.gov.au/HigherEducation/Review/Pages/default.aspx	N/A
If not recently evaluated, when will an evaluation be conducted		
If an evaluation will not be conducted, why not?		
3.3 Tertiary Student Assistance		
When was the most recent evaluation conducted	The Review of Australian Higher Education conducted in 2009 covered overall Australian Government support for higher education and higher education students. Findings from the review can be found at: http://www.deewr.gov.au/HigherEducation/Review/Pages/default.aspx	N/A
What were the conclusions and recommendations of the evaluation		
If not recently evaluated, when will an evaluation be conducted		
If an evaluation will not be conducted, why not?		
3.4 Vocational Education and Training		
When was the most recent evaluation conducted	Not applicable, the program ceased in 2008-09 as part of the new Federal Financial Framework.	N/A
What were the conclusions and recommendations of the evaluation		
If not recently evaluated, when will an evaluation be conducted		
If an evaluation will not be conducted, why not?		

Evaluation of the programs effectiveness – Outcome 3 Tertiary, Youth and International	
3.5 VET National Support	
When was the most recent evaluation conducted	Various, see below.
What were the conclusions and recommendations of the evaluation	N/A
If not recently evaluated, when will an evaluation be conducted	The Productivity Places sub element commenced in 2008 and will most probably be reviewed in 2011-12 when the current arrangements with the National Partnership are due to cease. For the Australian Apprenticeships Centres sub element, public consultations are undertaken prior to every new tender round for Australian Apprenticeships Support Services. Public consultations were last undertaken in 2005-06. The current contracts expire in September 2011 and public consultations will be undertaken prior to this. COAG commissioned a review of sustaining Australian Apprenticeships during a downturn in early 2009. The Taskforce has not yet completed its deliberations. COAG also commissioned in June 2009 a review by a Senior Officials Group of a number of aspects of Vocational Education and Training. The Senior Officials Group has not yet completed its deliberations
If an evaluation will not be conducted, why not?	
3.6 International Education Support	
When was the most recent evaluation conducted	Various, see below.
What were the conclusions and recommendations of the evaluation	An internal performance audit of the Endeavour Awards was finalised in February 2008. The overall audit result was favourable and the report raised no substantial concerns or significant recommendations. A separate review of the Assessment Subsidy for Overseas Trained Professionals Program, (ASDOT), in 2005 recommended that ASDOT continue as an ongoing funding program due to the critical role it plays in addressing Australian skills shortages and labour market mobility through the effective integration of skilled migrants. The Review identified that without ASDOT, overseas-trained professionals may be delayed or unable to undertake relevant skills recognition processes to enable entry to practise in Australia.

Evaluation of the programs effectiveness – Outcome 3 Tertiary, Youth and International	
If not recently evaluated, when will an evaluation be conducted	A separate review of the Professional Services Development Program in 2006 recommended that it continue as an ongoing funding program with its focus on improving international professional mobility through activity undertaken by professional assessing authorities and professional organisations to remain. The Deputy Prime Minister has recently commissioned a review of the ESOS legislation by Mr Bruce Baird, to report in early 2010.
If an evaluation will not be conducted, why not?	N/A

Climate Change: Resources and Energy (Question No. 836)

Mr Ian Macfarlane asked the Minister for Resources and Energy, in writing, on 25 June 2009:

- (1) When will the retirement of Australia's existing fleet of coal-fired power stations commence.
- (2) What will be the impact of the retirement of coal-fired power stations on electricity generation.
- (3) Is it a fact that, as stated in *Powering Australia: The business of electricity supply* (Focus Publishing, 2007, page 19), the Australian Bureau of Agricultural and Resource Economics predicts that energy consumption will increase by 2.3 per cent per annum until 2020 and it is thought that about 1,000 megawatts of generation capacity will need to be added to the National Electricity Market annually over the next ten years to meet demand.
- (4) What is the nominal indicator of commercialisation for a carbon capture and storage (CCS) project.
- (5) How many commercial scale CCS projects, under the Carbon Capture and Storage Flagships initiative, does the Government intend to see in operation by 2015.
- (6) What system/s is/are in place to ensure all emerging renewable technologies are considered for assistance under the Australian Centre for Renewable Energy.
- (7) What is the current situation of the revised ZeroGen project in Queensland.
- (8) What are the expansion prospects for Australia's aluminium production facilities.
- (9) What modelling has been done on the impact of the introduction of the Government's proposed Carbon Pollution Reduction Scheme on aluminium smelters.

Mr Martin Ferguson—The answer to the honourable member's question is as follows:

- (1) Retirement of coal-fired power stations is a commercial decision to be undertaken by owners.
- (2) The impact of the retirement of coal-fired power stations will depend on the timing of the retirement and the general supply/demand conditions existing in the electricity market.
- (3) The report *Powering Australia: The business of electricity supply* (Focus Publishing, 2007, page 19) referred to work from the Energy Supply Association of Australia citing the Australian Bureau of Agricultural and Resource Economics (ABARE) forecasts. The ABARE forecast was released prior to the announcement of the Government's climate change policies and other factors, such as the current global economic conditions, which would have impacts on the investment environment and demand for electricity.
- (4) The Australian Government has not adopted a universal nominal indicator on the scale of demonstration projects that is needed to support the commercialisation of carbon capture and storage

(CCS) technologies. A case by case approach will be taken in assessing the appropriate scale of proposals for industrial scale projects under the Government's \$2 billion CCS Flagships program. There will be requirements that projects will be at a size that can be rapidly and effectively escalated to commercial deployment in Australia; and be of a scale that will result in original equipment manufacturers, engineering procurement construction contractors and storage service providers having sufficient confidence in their technologies to offer performance and process guarantees to industry customers for fully-commercial plants.

- (5) The CCS Flagship program is expected to support at least two and possibly up to four industrial scale CCS projects to be commissioned from 2015.
- (6) The Australian Government has announced that it will establish the Australian Centre for Renewable Energy. The details of how ACREN will function will be developed in 2009-10.
- (7) Questions about the status of the ZeroGen project should be referred to the ZeroGen partners.
- (8) World aluminium prices averaged US\$1360 per tonne in the March quarter of 2009, the lowest since September 2002. Aluminium prices more than halved between September 2008 and February 2009 as the global economic downturn reduced consumption of consumer durables and motor vehicles, which are both significant drivers of aluminium demand.

The Australian Bureau of Agricultural and Resource Economics (ABARE) expects there to be no major additions to aluminium smelting capacity in Australia in the medium term given continued low prices and the decline in the global demand for aluminium.

ABARE forecasts Australia's aluminium production to decline by around 3 per cent to 1.90 million tonnes and exports to decline by 5 percent to 1.63 million tonnes in 2009-10.

- (9) As part of the development of the Carbon Pollution Reduction Scheme, the Australian Treasury modelled a number of greenhouse emission target scenarios to help gauge the impact on emissions intensive trade exposed industries, including aluminium. The results are detailed on page 166 and in Box 6.7 of The Treasury report, *Australia's Low Pollution Future: the Economics of Climate Change Mitigation*.

Education, Employment and Workplace Relations: Awards and Building Regulations (Question No. 837)

Mr Keenan asked the Minister for Employment and Workplace Relations, in writing, on 25 June 2009:

- (1) Has she conducted an analysis of the envisaged impact of the Fair Work Act on Employment levels; if so, what is the outcome of that analysis.
- (2) Has she conducted an analysis to determine the envisaged increase in costs to business arising from the application of the Fair Work Act; if so, what is the outcome of that analysis.
- (3) Has she conducted research on the expected impact of the Aged Care Award 2010 on the age care sector; if yes what is the outcome.
- (4) Has she conducted research on the impact on employment levels within the aged care sector arising from the Aged Care Award 2010; if so, what is the outcome.
- (5) Has she conducted research on the impact of the Aged Care Award 2010 on employer labour cost is in the aged care sector; if so, what is the outcome.
- (6) Has she conducted research on the expected impact of the Cleaning Services Industry Award 2010 on the cleaning services sector; if so, what is the outcome.
- (7) Has she conducted research on the impact on employment levels within the cleaning services sector arising from the Cleaning Services Industry Award 2010; if so, what is the outcome.

- (8) Has she conducted research on the impact of the Cleaning Services Industry Award 2010 on employer labour cost is in the cleaning services sector; if so, what is the outcome.
- (9) Has she conducted research on the expected impact of the Fast Food Industry Award 2010 on the fast food sector; if so, what is the outcome.
- (10) Has she conducted research on the impact on employment levels within the fast food sector arising from the Fast Food Award 2010; if so, what is the outcome.
- (11) Has she conducted research on the impact of the Fast Food Industry Award 2010 on employer labour cost is in the fast food sector; if so, what is the outcome.
- (12) Has she conducted research on the expected impact of the General Retail Industry Award 2010 on the general retail sector; if so, what is the outcome.
- (13) Has she conducted research on the impact on employment levels within the general retail sector arising from the General Retail Industry Award 2010; if so, what is the outcome.
- (14) Has she conducted research on the impact of the General Retail Industry Award 2010 on employer labour cost is in the general retail sector; if so, what is the outcome.
- (15) Has she conducted research on the expected impact of the Horticultural Industry Award 2010 on the horticultural sector; if so, what is the outcome.
- (16) Has she conducted research on the impact on employment levels within the horticultural sector arising from the Horticultural Industry Award 2010; if so, what is the outcome.
- (17) Has she conducted research on the impact of the Horticultural Industry Award 2010 on employer labour cost is in the horticultural sector; if so, what is the outcome.
- (18) Has she conducted research on the expected impact of the Hospitality Industry Award 2010 on the hospitality sector; if so, what is the outcome.
- (19) Has she conducted research on the impact on employment levels within the hospitality sector arising from the Hospitality Industry Award 2010; if so, what is the outcome.
- (20) Has she conducted research on the impact of the Hospitality Industry Award 2010 on employer labour cost is in the hospitality sector; if so, what is the outcome.
- (21) Has she conducted research on the expected impact of the Pharmacy Industry Award 2010 on the pharmacy sector; if so, what is the outcome.
- (22) Has she conducted research on the impact on employment levels within the pharmacy sector arising from the Pharmacy Industry Award 2010; if so, what is the outcome.
- (23) Has she conducted research on the impact of the Pharmacy Industry Award 2010 on employer labour cost is in the pharmacy sector; if so, what is the outcome.
- (24) On what date did she determine that she would issue a ministerial direction to the Australia Industrial Relations Commission to create a special industry award for the restaurant and catering sector.
- (25) On what date and at what time was the restaurant and catering sector representative body, being the Restaurant and Catering Australia, informed of the decision to exempt that sector from the provisions of the Hospitality Industry Award 2010.
- (26) Does the Government intend to ensure that there is always appropriate regulation of the Australian building and construction industry beyond 2015; if so, what is the extent of the regulation.
- (27) Has the Government committed to removing coercive power under the *Building and Construction Improvement Act 2005* after 2015.
- (28) Did she announce on 22 June 2009, by her comment in response to a petition tabled by the Member for Fowler, that the Government will always ensure that there is appropriate regulation of the Australian building and construction industry.

(29) Did the Government receive advice from the Australian Building and Construction Commission through the Hon John Lloyd, in relation to the ABC's view on the 'Wilcox Report'; if so, on what date.

(30) Can she indicate why this response was not made available to the public.

(31) Did she consult with the Australian Building and Construction Commissioner prior to making the decision to issue a Ministerial directive effective 3 August 2009 in respect of section 11 of the *Building and Construction Industry Improvement Act 2005*.

(32) In respect of the Act, and the associated code and guidelines which are to be re-drafted, has there been consultation with or distribution of, draft code or guidelines or amendments to code or guidelines, to persons other than those on the Workplace Relations Ministerial Council and or the Committee on Industrial legislation; if so, who are those persons or organisations to whom this information has been distributed.

(33) Has she or her office held briefings with construction sector bodies in respect of the construction building code and guidelines, other than through the Workplace Relations Ministerial Council or Committee on Industrial Legislation.

(34) Has she met with representatives from the aged care sector in relation to concerns about the impact of Aged Care Award 2010; if so, what were the dates of those discussions and who were the attendees.

(35) Has she met with representatives from the higher education industry, especially those who represent academic staff or general staff in relation to the concerns about the Fair Work Transitional Bill as they relate to the recommencement provisions in respect of taking industrial action commencement prior 1 July 2009.

(36) What steps will she take to address the increased unemployment levels arising directly from Award Modernisation.

(37) What steps has she taken to address concerns raised regarding increased costs to employers arising from the transition to modern industry awards.

(38) Has she met with representatives from the New South Wales Mineral Council, Queensland Resources Council or the Construction Forestry Mining Energy Union's Mining and Energy Division in respect of Coal Mining Industry Long Service leave reform; if so, what were the dates and who were the attendees.

(39) Is it the intention of the Government to create legislation to give effect to the matters raised by industry representatives mentioned in part (38).

Ms Gillard—The answer to the honourable member's question is as follows:

- (1) My Department undertook a 77-page Regulation Impact Analysis of the (then) Fair Work Bill 2008. This analysis appears in the Explanatory Memorandum of the Bill.
- (2) My Department undertook a 77-page Regulation Impact Analysis of the (then) Fair Work Bill 2008. This analysis appears in the Explanatory Memorandum of the Bill.
- (3) At my request, the Department of Education, Employment and Workplace Relations examined employer concerns relating to the proposed Aged Care Award 2010. On 26 August 2009, I wrote to the Australian Industrial Relations Commission (the Commission) attaching a variation to my award modernisation request. My letter reiterates that the Commission should provide for transitional provisions that utilise the full 5 year period that is available to it to ensure an orderly phase in of the new modern award standard and a reduced impact upon employers.

(4) No.

(5) At my request, the Department of Education, Employment and Workplace Relations examined employer concerns relating to the proposed Aged Care Award 2010. On 26 August 2009, I wrote to the Australian Industrial Relations Commission (the Commission) attaching a variation to my award modernisation request. My letter reiterates that the Commission should provide for transitional provisions that utilise the full 5 year period that is available to it to ensure an orderly phase in of the new modern award standard and a reduced impact upon employers.

(6) I have received correspondence regarding the proposed Cleaning Services Industry Award 2010. My Department provided my office with advice on the specific issues contained in the correspondence. My office has responded to the correspondents.

(7) No.

(8) I have received correspondence regarding the proposed Cleaning Services Industry Award 2010. My Department provided my office with advice on the specific issues contained in the correspondence. My office has responded to the correspondents.

(9) At my request, the Department of Education, Employment and Workplace Relations examined employer concerns relating to the proposed Fast Food Industry Award 2010. On 26 August 2009, I wrote to the Australian Industrial Relations Commission (the Commission) attaching a variation to my award modernisation request. My letter reiterates that the Commission should provide for transitional provisions that utilise the full 5 year period that is available to it to ensure an orderly phase in of the new modern award standard and a reduced impact upon employers.

(10) No.

(11) At my request, the Department of Education, Employment and Workplace Relations examined employer concerns relating to the proposed Fast Food Industry Award 2010. On 26 August 2009, I wrote to the Australian Industrial Relations Commission (the Commission) attaching a variation to my award modernisation request. My letter reiterates that the Commission should provide for transitional provisions that utilise the full 5 year period that is available to it to ensure an orderly phase in of the new modern award standard and a reduced impact upon employers.

(12) At my request, the Department of Education, Employment and Workplace Relations examined employer concerns relating to the proposed General Retail Industry Award 2010. On 26 August 2009, I wrote to the Australian Industrial Relations Commission (the Commission) attaching a variation to my award modernisation request. My letter strongly urges the Commission to provide for transitional provisions that utilise the full 5 year period that is available to it, in particular, to effect the transition from the Sunday penalty rates that currently apply in some states to the modern award standard. I have also amended my award modernisation request to ask the Commission to ensure that the hours of work and associated overtime penalty arrangements in industries, including the General Retail industry, do not operate to discourage employers from either offering additional hours of work to part-time employees or from employing part-time employees rather than casual employees.

(13) No.

(14) At my request, the Department of Education, Employment and Workplace Relations examined employer concerns relating to the proposed General Retail Industry Award 2010. On 26 August 2009, I wrote to the Australian Industrial Relations Commission (the Commission) attaching a variation to my award modernisation request. My letter strongly urges the Commission to provide for transitional provisions that utilise the full 5 year period that is available to it, in particular, to effect the transition from the Sunday penalty rates that currently apply in some states to the modern award standard. I have also amended my award modernisation request to ask the Commission to ensure that the hours of work and associated overtime penalty arrangements in industries, including the General Retail industry, do not operate to discourage employers from either offering additional

hours of work to part-time employees or from employing part-time employees rather than casual employees.

(15) At my request, the Department of Education, Employment and Workplace Relations examined employer concerns relating to the proposed Horticulture Industry Award 2010. On 26 August 2009, I wrote to the Australian Industrial Relations Commission (the Commission) attaching a variation to my award modernisation request. In my letter, I outlined variations to my request to:

- request that the Commission enable employers in the horticulture industry to continue to pay piece rates of pay to casual employees who pick produce, as opposed to a minimum rate of pay supplemented by an incentive based payment;
- have regard to the perishable nature of the produce grown by particular sectors of the horticulture industry when setting hours of work provisions for employees who pick and pack such produce; and
- provide for roster arrangements and working hours in the horticulture industry that are sufficiently flexible to accommodate seasonal demands and restrictions caused by weather as to when work can be performed.

(16) No.

(17) At my request, the Department of Education, Employment and Workplace Relations examined employer concerns relating to the proposed Horticulture Industry Award 2010. On 26 August 2009, I wrote to the Australian Industrial Relations Commission (the Commission) attaching a variation to my award modernisation request. In my letter, I outlined variations to my request to:

- request that the Commission enable employers in the horticulture industry to continue to pay piece rates of pay to casual employees who pick produce, as opposed to a minimum rate of pay supplemented by an incentive based payment;
- have regard to the perishable nature of the produce grown by particular sectors of the horticulture industry when setting hours of work provisions for employees who pick and pack such produce; and
- provide for roster arrangements and working hours in the horticulture industry that are sufficiently flexible to accommodate seasonal demands and restrictions caused by weather as to when work can be performed.

(18) At my request, the Department of Education, Employment and Workplace Relations examined employer concerns relating to the proposed Hospitality Industry Award 2010. On 28 May 2009, I decided to vary my award modernisation request to request the Australian Industrial Relations Commission (the Commission) to create a separate award for the restaurant and catering industry. In doing so, I asked the Commission to take account of the operational requirements of the industry in establishing a penalty rate and overtime regime, including the labour intensive nature of the industry and the industry's core trading times.

(19) No.

(20) At my request, the Department of Education, Employment and Workplace Relations examined employer concerns relating to the proposed Hospitality Industry Award 2010. On 28 May 2009, I decided to vary my award modernisation request to request the Australian Industrial Relations Commission (the Commission) to create a separate award for the restaurant and catering industry. In doing so, I asked the Commission to take account of the operational requirements of the industry in establishing a penalty rate and overtime regime, including the labour intensive nature of the industry and the industry's core trading times.

(21) At my request, the Department of Education, Employment and Workplace Relations examined employer concerns relating to the proposed Pharmacy Industry Award 2010. On 26 August 2009, I

wrote to the Australian Industrial Relations Commission (the Commission) attaching a variation to my award modernisation request. My letter strongly urges the Commission to provide for transitional provisions that utilise the full 5 year period that is available to it, in particular, to effect the transition from the Sunday penalty rates that currently apply in some states to the modern award standard. I also have amended my award modernisation request to ask the Commission to ensure that the hours of work and associated overtime penalty arrangements in industries, including the Pharmacy industry, do not operate to discourage employers from either offering additional hours of work to part-time employees or from employing part-time employees rather than casual employees.

(22) No.

(23) At my request, the Department of Education, Employment and Workplace Relations examined employer concerns relating to the proposed Pharmacy Industry Award 2010. On 26 August 2009, I wrote to the Australian Industrial Relations Commission (the Commission) attaching a variation to my award modernisation request. My letter strongly urges the Commission to provide for transitional provisions that utilise the full 5 year period that is available to it, in particular, to effect the transition from the Sunday penalty rates that currently apply in some states to the modern award standard. I also have amended my award modernisation request to ask the Commission to ensure that the hours of work and associated overtime penalty arrangements in industries, including the Pharmacy industry, do not operate to discourage employers from either offering additional hours of work to part-time employees or from employing part-time employees rather than casual employees.

(24) 28 May 2009.

(25) The afternoon of 29 May 2009.

(26) Yes. The future regulation of the building and construction industry is subject to the passage of the Building and Construction Industry Improvement Amendment (Transition to Fair Work) Bill 2009.

(27) No.

(28) Yes.

(29) Yes. The advice was received on 30 April 2009.

(30) A copy of the advice was tabled in the Senate on 24 June 2009.

(31) No.

(32) Yes. A number of building and construction building companies and their industry associations were consulted. They agreed to speak with my Department on the basis that the discussions would be confidential.

(33) Yes.

(34) No.

(35) No.

(36) The Government does not accept that increased unemployment levels will arise from award modernisation.

(37) In addition to matters answered in questions (3), (5), (9), (11), (12), (14), (15), (17), (18), (20), (21), (23), on 2 May 2009, I varied my award modernisation request to provide that the Commission should include conditions in modern awards that, as far as possible, allow the continuation of roster arrangements presently in practice for work performed in remote locations. The variation also made clear that where a modern award covers remote work, the Commission may include terms providing that an employer may reasonably require employees who work on a roster to take annual leave in a manner that fits with the roster. Where employees in remote areas work even-time rostering arrangements which include annual leave, the Commission should facilitate the retention of these arrangements.

The 2 May 2009 variation further clarified that the intention of award modernisation is that where specific exemptions apply (i.e. relating to the National Employment Standards – redundancy), that these are permitted where the Commission considers appropriate. For this reason the *Fair Work Bill 2008* was amended to allow a modern award to create an exemption to the redundancy NES.

In a submission to the Commission of 10 October 2008, the Government proposed that the Commission commence a process to determine transitional provisions for modern awards, immediately following publication of stage 2 awards to ensure that parties have sufficient time to become familiar with the content of modern awards and recognising that businesses require certainty regarding their costs.

The Government also made submissions on 10 October 2008 expressing its concern that all draft priority awards developed by the Commission include a model redundancy clause that provides redundancy entitlements for employees of small business employers. The inclusion of these clauses involves extending this benefit beyond those areas where it is currently provided for in awards and NAPSAs. In this regard, the Government was mindful of the particular needs of small business as it had consulted extensively with small business on the development of its substantive workplace relations reforms. The Government acknowledged that small business can face particular challenges when managing employee engagement and dismissal.

The Government supported a case by case approach to the inclusion of redundancy pay entitlements in modern awards. Where this has previously been a common entitlement in a particular industry for small business employees, the Government supported its inclusion in the modern industry award.

In a submission to the Commission of 13 February 2009, the Government encouraged the Commission to make use of transitional provisions in developing final modern awards, noting they may be appropriate in relation to significant remuneration-related entitlements, such as wages, casual loadings or superannuation.

The Government also encouraged the Commission in its submission of 13 February 2009 to pay careful attention to previous longstanding arrangements and to the requirement of the award modernisation request that the making of a modern award should not increase costs for employers when determining the final shape of ordinary hours for each sector in the Pastoral Industry Award 2010.

Also in the 13 February 2009 submission, with respect to the Contract Cleaning Award 2010 and paragraph 61 of the Commission's Statement of 23 January 2009, the Government advised that it was giving consideration to the issues raised and will advise the Commission of the outcome of these considerations. Paragraph 61 states:

[61] The major parties proposed that the award make provision for an outgoing contractor to be exempt from making severance payments provided for by the NES under certain circumstances. We are of the view that such a provision would be contrary to the terms of the consolidated request, in particular cl.30, and we have therefore not included it in the exposure draft."

The outcome of the Government's considerations was contained in the award modernisation request variation of 2 May 2009.

In a submission of 29 May 2009 to the Commission regarding transitional provisions in modern awards, the Government urged the Commission to ensure transitional arrangements in individual awards best meet the requirements of the particular industry or occupation covered by the relevant modern award, having regard to the views of the parties affected by the changes. With respect to the aged care industry, the Government encouraged the Commission to use the full 5 year transition period available to allow the industry to absorb any changes in labour costs.

In another submission to the Commission regarding transitional arrangements on 1 July 2009, the Government encouraged the Commission to have regard to funding and contractual arrangements that employers may have entered into which would impact on their ability to implement cost increases or decreases in a manner which is efficient for their business and fair to their employees.

(38) Yes.

On 1 April 2008, I met with Construction, Forestry, Mining and Energy Union (CFMEU) representatives Mr Tony Maher, General President of the Mining and Energy Division and Mr Peter Murray OAM, who is a CFMEU nominated director to the board of the Coal Mining Industry (Long Service Leave Funding) Corporation.

On 20 May 2009, I met with:

- Mr Tony Maher, General President of the CFMEU Mining and Energy Division
- Mr Andrew Vickers, General Secretary of the CFMEU Mining and Energy Division
- Mr Alex Bukanica, National Legal Officer of the CFMEU
- Mr Kieran Turner, Director, Coal Services Pty Ltd
- Mr Martin Aitken, Director Human Resources, New South Wales Minerals Council
- Mr John Whale, Industrial Relations Consultant and
- Mr Graeme Gillespie, Director and Principal, Gillespie Consulting Services Pty Ltd (on behalf of the Queensland Resources Council).

(39) The Government is currently considering the industry's request for reform to the Coal Mining Industry (Long Service Leave Funding) Corporation and its supporting legislation.

Asia-Pacific Community

(Question No. 856)

Ms Julie Bishop asked the Minister for Foreign Affairs, in writing, on 11 August 2009:

- (1) What countries have expressed strong support for the Prime Minister's idea of having a European-style Community in the Asia-Pacific.
- (2) How was the support of each country expressed.
- (3) On what dates was the support of each country expressed.
- (4) To 11 August 2009, what total sum of money was used by the Government for its lobbying and consultations on the 'Asia-Pacific Community'.
- (5) Did Mr Richard Woolcott discuss the Prime Minister's bid for a temporary seat on the United Nations Security Council (UNSC) during his consultations on the Asia-Pacific Community; if so, (a) with which countries, and (b) did Mr Woolcott initiate the discussions.
- (6) Was Mr Woolcott asked to raise the UNSC bid during consultations on the 'Asia-Pacific Community'.

Mr Stephen Smith—The answer to the honourable member's question is as follows:

- (1) A number of countries have expressed strong support for the Prime Minister's Asia Pacific community initiative. Consistent with the practice of successive Governments, it would be inappropriate to provide details of confidential discussions with other governments.

The Asia Pacific community will not be modelled on the European Union.

- (2) Mr Rudd's keynote speech at the Shangri-La Dialogue on 29 May, attended by officials of many countries, outlined the Asia Pacific community initiative and was well received. Countries have expressed their support for the initiative in high level bilateral and multilateral meetings, including the EAS Foreign Ministers' Consultation and the ASEAN-Australia Post Ministerial Conference.

Countries have also expressed their support in consultations with Australia's special envoy, Mr Richard Woolcott AO.

- (3) Mr Richard Woolcott's regional consultations on the Asia Pacific community commenced on September 2008 and concluded in March 2009. The EAS Foreign Ministers' Consultation and ASEAN-Australia Post Ministerial Conference took place in Phuket on 22-23 July 2009.
- (4) The Government spent around \$407,000 on advancing the Asia Pacific community initiative to 11 August 2009. This figure includes travel costs and Mr Richard Woolcott's consultancy fees but does not include indirect costs, such as time spent on the initiative by departmental officers, as they are difficult to quantify.
- (5) Mr Richard Woolcott's visits to 21 countries focused on the Asia Pacific community concept. Mr Woolcott represented Australia on the UN Security Council in 1985-86 and on several occasions the matter of Australia's bid for a non-permanent seat on the UN Security Council was raised in conversation. He offered the reasons why Australia's bid should be supported.
- (6) No.

Sri Lanka

(Question No. 863)

Ms Julie Bishop asked the Minister for Foreign Affairs, in writing, on 11 August 2009:

- (1) What steps are the Australian Government taking to ensure the Tamils in Sri Lanka receive humane treatment.
- (2) Has the Australian Government made contact on this matter with the Sri Lankan Government; if so, (a) on what date/s was contact made; and (b) at what level.
- (3) Has the Australian Government formally requested with the Sri Lankan Government, that non-government organisations be granted access to refugee camps; if so, what was the Sri Lankan Government's response.
- (4) Has the Australian Government contacted the International Monetary Fund (IMF) regarding Sri Lanka's request for a loan of \$US1.9 billion; if so, (a) on what date/s, and (b) what was IMF's response.

Mr Stephen Smith—The answer to the honourable member's question is as follows:

- (1) The Government has responded to the humanitarian issues facing displaced persons in Sri Lanka through the provision of humanitarian assistance and by advocating action by the Sri Lankan Government to protect the welfare of civilians and to promote reconciliation.

In 2008-09 Australia provided \$24.5 million in humanitarian assistance to meet the critical needs of civilians adversely affected by the conflict (total assistance to Sri Lanka in 2008-09 amounted to \$41 million). The humanitarian assistance included food aid, medical supplies, shelter, water and sanitation. It has been delivered through UN agencies, the International Committee of the Red Cross (ICRC), the International Organization for Migration (IOM) and a number of Australian NGOs.

On 14 September 2009, I (Mr Smith) announced a further \$5 million contribution to support the resettlement of displaced people. This followed a \$1.3 million contribution to NGOs for demining in June 2009 and a further \$1 million through the International Organisation for Migration for demining efforts in August 2009. Demining of former conflict areas is a prerequisite for the revival of northern Sri Lanka. This financial year Australia will provide more than \$35 million in assistance to Sri Lanka.

The Australian Government has made repeated calls during the conflict and since the conclusion of military hostilities in May 2009 for the welfare and protection of civilians to be the absolute priority. The Government has done so directly to the Sri Lankan Government and publicly.

Since the beginning of 2009, I (Mr Smith) have delivered three statements to the House of Representatives on the situation in Sri Lanka. The latest statement, on 14 September 2009, called on the Sri Lankan Government to move quickly to create the conditions for civilians to rebuild their lives, including through voluntary resettlement. The statement noted that reconciliation would require sustained effort by Sri Lanka, its diaspora and the international community to overcome the grief, resentment and anger, and the lack of confidence and trust that was the inevitable consequence of decades of armed conflict. The statement also noted that the time is here for the Sri Lankan Government to win the peace and to forge an enduring political settlement for all Sri Lankans.

(2) I (Mr Smith) have spoken to Sri Lanka's Foreign Minister, the Hon Rohitha Bogollagama MP, about the need to ensure the protection of civilians and the need for reconciliation in Sri Lanka on six occasions in 2009, including over the phone and in the margins of multilateral meetings.

In addition, in the margins of the Non-Aligned Movement Summit in Egypt in July, I (Mr Smith) spoke to Sri Lanka's President, His Excellency Mahinda Rajapaksa, and Sri Lanka's Foreign Minister about the need to ensure the protection of civilians and the need for reconciliation in Sri Lanka.

Australia's High Commissioner to Sri Lanka has raised at a high-level in the Sri Lankan Government Australia's concerns regarding the protection of the internally displaced persons in northern Sri Lanka, their freedom of movement and ultimate resettlement, and other matters of humanitarian and human rights concern, including with:

- the Minister of Human Rights and Disaster Management
- the Minister for Foreign Affairs
- the Secretary of the Presidential Secretariat
- the Secretary of the Ministry for Foreign Affairs
- the Secretary of the Ministry of Disaster Management and Human Rights
- the Senior Adviser to the President and Chair of the Taskforce responsible for the resettlement of internally displaced persons
- the Secretary of the Justice Ministry.

Senior officials in Canberra have also made representations on these matters to the Sri Lankan High Commissioner on several occasions this year.

(3) Yes, the Australian Government has regularly raised the issue of access of humanitarian organisations to internally displaced persons' (IDP) camps. With a number of exceptions (in cases where negotiations between the organisation and the Sri Lankan Government are ongoing), the Sri Lankan Government is now allowing humanitarian organisations access to the camps for internally displaced persons.

(4) DFAT sought information from IMF staff on Sri Lanka's application for an IMF loan through the Department of Treasury and Australia's representatives at the Fund on 14 May and 1 July 2009. Advice was received on 16 May, 2 July and 23 July 2009. On 24 July 2009, the IMF Executive Board approved Sri Lanka's request for a stand-by arrangement in an amount equivalent to SDR 1.65 billion (around \$US2.6 billion) to support the country's economic reform program. The decision was supported by the IMF Executive Director representing the constituency of countries of which Australia is a member.

Chifley Electorate: Magnetic Resonance Imaging Machines
(Question No. 871)

Mr Price asked the Minister for Health and Ageing, in writing, on 11 August 2009:

- (1) Has she received a request for the provision of a Magnetic Resonance Imaging (MRI) machine at Mt Druitt Hospital.
- (2) Has she identified any underutilised capacity of the MRI at Blacktown Hospital.
- (3) Does she anticipate that the benefits to patients of having an MRI machine at Mt Druitt Hospital would be comparable to those of the machine at Blacktown Hospital; if so, why; if not, why not.

Ms Roxon—The answer to the honourable member's question is as follows:

- (1) I have received and replied to Mr Price's letter of 1 June 2009 concerning Medicare eligibility for a Magnetic Resonance Imaging (MRI) unit at Mt Druitt Hospital, but I have not received a request concerning the provision of an actual MRI unit. While the Government manages Medicare eligibility of MRI units, individual hospitals and other diagnostic imaging providers are responsible for the acquisition and operation of actual units.
- (2) The Government is not in a position to assess under-utilisation of MRI units such as the one at Blacktown Hospital. The Government does not have details of all scans performed on this MRI unit, nor whether there are significant waiting times, etc.
- (3) The Government appreciates that patients across Australia value access to affordable and convenient MRI services. The Government's objective is to improve health outcomes within a sustainable budget. As noted in (1), while the Government manages Medicare eligibility of MRI units, individual hospitals and other diagnostic imaging providers are responsible for the acquisition and operation of actual units.

Small Bowel Transplants
(Question No. 883)

Mr Hawker asked the Minister for Health and Ageing, in writing, on 11 August 2009:

- (1) Since 24 November 2007, has the Government provided financial assistance to any patients to travel overseas for a small bowel transplant; if so,
 - (a) how many patients, and
 - (b) what total sum of money did this cost the Government.
- (2) What is required to
 - (a) train professionals, and
 - (b) equip a hospital in Australia, to perform small bowel transplants.
- (3) What is the estimated total:
 - (a) cost of setting up a small bowel transplant facility in Australia;
 - (b) sum of annual running costs for such a facility; and
 - (c) number of patients in (i) Australia, and (ii) the wider region, that would benefit from this facility.

Ms Roxon—The answer to the honourable member's question is as follows:

- (1) (a) Since 24 November 2007 the Australian Government has provided assistance under the Medical Treatment Overseas Program (MTOP) to one (1) patient to travel overseas for assessment for, and if suitable to undergo, a small bowel transplant.

(b) As at 13 August 2009 the Commonwealth Government has expended \$1,381,993.01 in relation to costs for the assessment of this patient prior to transplant.

(2) (a) and (b) This information is not available to the Commonwealth Government, however I anticipate costs would be significant because of the level of training required to establish a transplant team, maintain relevant skills and the associated equipment costs.

(3) (a) and (b) I am unable to provide this information as the Commonwealth Government has not costed the set up and annual running costs of a small bowel transplant facility.

(c) (i) The Australia and New Zealand Organ Donation Registry (ANZODR) which is the authoritative source of data for organ donation and transplantation activity has advised that data on bowel transplantation waiting lists are not collected as this procedure has not yet been undertaken in Australia and there are no formal/reported waiting lists.

(ii) The number of patients suitable for bowel transplantation in the wider region who may utilise an Australian facility is not known.

Nation Building and Jobs Plan**(Question No. 885)**

Mr Morrison asked the Minister for Housing and the Minister for the Status of Women, in writing, on 11 August 2009.

In respect of Schedule C of the National Partnership Agreement (NPA) on the Nation Building and Jobs Plan: (a) is she aware that her department receives monthly reports from the States and Territories in respect of progress under this NPA; if not, why not; (b) has she received the June 2009 report (due July 2009) from all of the States and Territories; if not, which States and Territories are yet to submit their June 2009 reports; and (c) what is the total number of new social housing dwellings that have commenced construction under all elements of this plan as at 30 June 2009.

Ms Plibersek—The answer to the honourable member's question is as follows:

(a) Yes, the Minister is aware that her department receives monthly reports from the States and Territories in respect of progress under this NPA.

(b) Yes, the Minister has received the June 2009 reports from all jurisdictions.

(c) As at 30 June 2009 the total number of new social dwellings that had commenced construction under all elements of the Initiative was 788.