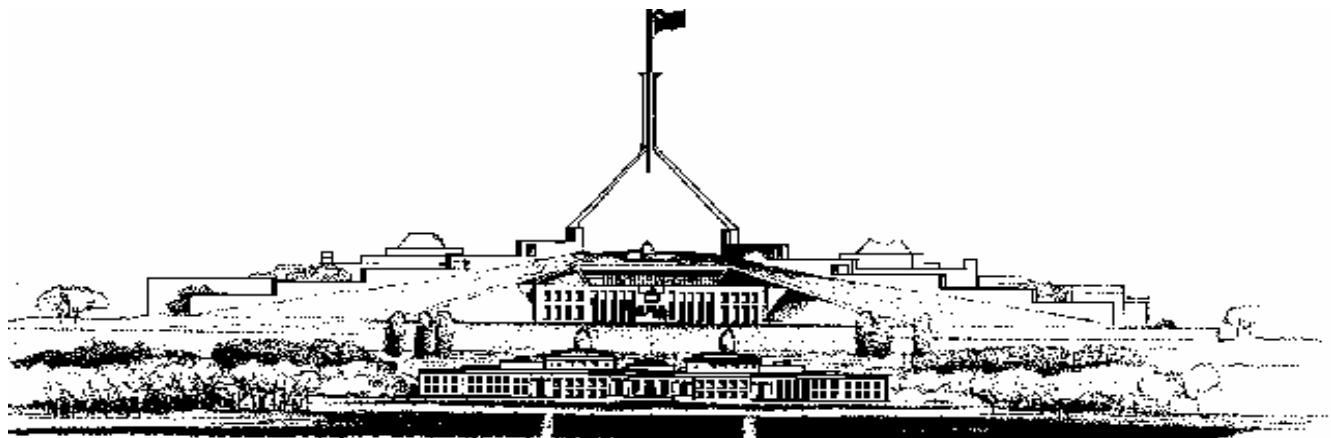




COMMONWEALTH OF AUSTRALIA

PARLIAMENTARY DEBATES



House of Representatives

Official Hansard

No. 10, 2009

Monday, 22 June 2009

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

Governor-General

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

House of Representatives Officeholders

Speaker—Mr Harry Alfred Jenkins MP

Deputy Speaker—Ms Anna Elizabeth Burke MP

Second Deputy Speaker—Hon. Bruce Craig Scott MP

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

Leader of the House—Hon. Anthony Norman Albanese MP

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

Manager of Opposition Business—Hon. Christopher Maurice Pyne MP

Deputy Manager of Opposition Business—Mr Luke Hartsuyker MP

Party Leaders and Whips

Australian Labor Party

Leader—Hon. Kevin Michael Rudd MP

Deputy Leader—Hon. Julia Eileen Gillard MP

Chief Government Whip—Hon. Leo Roger Spurway Price MP

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

Liberal Party of Australia

Leader—Hon. Malcolm Bligh Turnbull MP

Deputy Leader—Hon. Julie Isabel Bishop MP

Chief Opposition Whip—Hon. Alex Somlyay MP

Opposition Whip—Mr Michael Andrew Johnson MP

Deputy Opposition Whip—Ms Nola Bethwyn Marino MP

The Nationals

Leader—Hon. Warren Errol Truss MP

Chief Whip—Mrs Kay Elizabeth Hull MP

Whip—Mr Paul Christopher Neville MP

Printed by authority of the House of Representatives

Members of the House of Representatives

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

Members of the House of Representatives

Members	Division	Party
Georganas, Steven	Hindmarsh, SA	ALP
George, Jennie	Throsby, NSW	ALP
Georgiou, Petro	Kooyong, Vic	LP
Gibbons, Stephen William	Bendigo, Vic	ALP
Gillard, Hon. Julia Eileen	Lalor, Vic	ALP
Gray, Hon. Gary, AO	Brand, WA	ALP
Grierson, Sharon Joy	Newcastle, NSW	ALP
Griffin, Hon. Alan Peter	Bruce, Vic	ALP
Haase, Barry Wayne	Kalgoorlie, WA	LP
Hale, Damian Francis	Solomon, NT	ALP
Hall, Jill Griffiths	Shortland, NSW	ALP
Hartsuyker, Luke	Cowper, NSW	Nats
Hawke, Alexander George	Mitchell, NSW	LP
Hawker, Hon. David Peter Maxwell	Wannon, Vic	LP
Hayes, Christopher Patrick	Werrawa, 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
Nelson, Hon. Brendan John	Bradfield, NSW	LP

Members of the House of Representatives

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

Members of the House of Representatives

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

PARTY ABBREVIATIONS

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

Heads of Parliamentary Departments

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

RUDD MINISTRY

Prime Minister	Hon. Kevin Rudd, MP
Deputy Prime Minister, Minister for Education, Minister for Employment and Workplace Relations and Minister for Social Inclusion	Hon. Julia Gillard, MP
Treasurer	Hon. Wayne Swan MP
Minister for Immigration and Citizenship and Leader of the Government in the Senate	Senator Hon. Chris Evans
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

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Monday, 22 June 2009

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

TREASURER

Mr ALBANESE (Grayndler—Leader of the House) (12.00 pm)—Given the debate in recent days, the government can inform the Leader of the Opposition that it would be prepared to provide a facility in the House now for the Leader of the Opposition to (1) provide a copy of the alleged email between Dr Andrew Charlton and Mr Godwin Grech which allegedly establishes representations by the Prime Minister and his office in support of Mr John Grant and (2) to explain the full dealings that the opposition leader and his office have had with this alleged email—

Mr Abbott—Mr Speaker, I rise on a point of order. I am just wondering on what basis the Leader of the House is speaking. Is he speaking on indulgence? Is he moving a motion? Exactly what is he doing in the chamber now?

The SPEAKER—Order! He is not moving a motion. I suppose he has taken indulgence, which I am allowing him. He is, hopefully, concluding his statement on indulgence.

Mr ALBANESE—I am seeking indulgence to give the Leader of the Opposition the opportunity to come clean about his involvement and his party's involvement with this fake email. If he wishes us to do so, we will also provide equal time for the government to respond.

Mr ABBOTT (Warringah) (12.02 pm)—On indulgence, it is my understanding that the Leader of the Opposition would be only too happy to put a case for—

Government members interjecting—

The SPEAKER—Order! Those on my right! The member for Warringah has the call.

Mr ABBOTT—It is my understanding that the Leader of the Opposition would be only too happy to prosecute the case that the Treasurer has misled this House. If that is the debate that the Leader of the House wants to have now, let us have it. Let us move to it straightforwardly.

Mr TURNBULL (Wentworth—Leader of the Opposition) (12.03 pm)—I move:

That so much of standing and sessional orders be suspended as would enable the Leader of the Opposition to move the following motion forthwith—

Mr Albanese—Mr Speaker, I rise on a point of order. I very clearly indicated that if the Leader of the Opposition seeks leave—

Mr Hockey—We're doing it!

Mr Albanese—No, you are not; you are moving a motion for the suspension of standing orders. Seek leave to move your motion. It will be granted. Bring it on.

Mr TURNBULL (Wentworth—Leader of the Opposition) (12.04 pm)—by leave—I move:

That this House require the Treasurer to:

- (1) immediately attend the House and make a full and unreserved statement about his personal involvement and that of his office in the OzCar “deals for mates” scandal and disclose the following information: How many car dealers:
 - (a) received special treatment from the Treasurer, his office and senior Treasury officials—as they were “not your average constituent”—as was the case with John Grant?
 - (b) did the Treasurer personally hold telephone conversations with, to discuss their financing troubles, as was the case with John Grant?

- (c) were the subject of regular and lengthy updates to the Treasurer's personal home fax, as was the case with John Grant?
- (d) had their telephone contact details handed over to Treasury officials at a high level meeting to discuss a half a billion dollar funding proposal, as was the case with John Grant? and
- (e) were described in meetings between Treasury officials and finance companies as an "acquaintance" of the Prime Minister, as was the case with John Grant? and

(2) lay before the House all emails (from departmental, APH and personal accounts), all correspondence, all fax records and all phone records related to the OzCar "deals for mates" scandal by no later than 12 noon tomorrow.

On 4 June the Treasurer was asked a question about representations having been made by his office on behalf of Mr John Grant. He answered relevantly as follows:

It is the case that Mr Grant made representations to my office, and he was referred on to the SPV—that is, OzCar—

just like everybody else. I have no idea what the outcome of that was.

That was the Treasurer on 4 June. On 15 June, the Treasurer was asked this question:

I refer the Treasurer to his statement in question time on 4 June that Mr John Grant's representations in relation to OzCar were referred to Treasury as the responsible agency for this taxpayer funded finance company. Will the Treasurer advise the House what manner of assistance his office requested Treasury officials were to give to Mr Grant?

Mr Swan's response was as follows:

Mr Grant approached my office. He was referred to a departmental liaison officer who then referred him on to the relevant section of the department. Mr Grant would have received the same assistance as any other car dealer who was referred through that process received.

The Treasurer of the Commonwealth of Australia has sought to persuade this House, to create the impression, that Mr Grant's concerns came through the door in the regular run of business and were just referred in a mechanical way off to the Treasury officials responsible for dealing with them. They were sent off and he was treated like anybody else. There was no special treatment. The Treasurer expressed a complete indifference to—indeed, an ignorance of—what exactly had transpired. And yet we now know the fact that these statements were completely and utterly false.

It turns out, from the emails that have been tendered in the Senate by the Treasury itself, that the case of Mr Grant was raised directly with the Treasury official, Mr Grech, by the Treasurer's office. And so concerned were they when they raised the matter of Mr Grant on 20 February that they encouraged the Treasury official to raise this matter with Ford Credit when the Treasury met with Ford Credit at a prearranged meeting the following Monday, 23 February.

Now, that meeting with Ford Credit on 23 February was of enormous significance, because Ford Credit, in common with other finance companies in this industry, were facing very serious financial challenges. They had been struggling, as had others, to raise short-term finance to roll over their commercial paper and they were seeking financial assistance from the Commonwealth government in the order of \$500 million—half a billion dollars. This was a matter of the greatest urgency, the greatest necessity, absolutely vital for the continuance of Ford Credit's operations in Australia. It was at that meeting on 23 February that it was proposed the case of John Grant would be taken up. So not only would the Treasury seek financial support for Mr Grant, this benefactor of the Prime Minister, this provider of a free car to the Prime Minister—who has more cars and

planes that one could possibly imagine—but this individual was to have his case raised by the Commonwealth, by the Treasury. That in itself is bringing to bear considerable influence on his behalf. But then the circumstances in which Ford Credit were asked to provide support were circumstances in which Ford Credit knew that it needed to do anything it could, whatever it could, to be agreeable to the government. After all, it was seeking half a billion dollars of financial accommodation from the federal government.

What do we imagine, what would anyone imagine, went through the minds of the executives of Ford Credit when the Treasury said, ‘Oh, and there’s this chap John Grant; he’s a Kia dealer, he hasn’t been able to get his floor plan rolled over with his existing provider; do you think you’d be able to help him out?’ What are Ford Credit going to do when they are asked that question and told that he is a friend of the Prime Minister’s? They are obviously going to do exactly what they did: spring to attention and seek to render whatever assistance they can. So here we have a case where the considerable influence—and, in fact, leverage—of the Commonwealth government is brought to bear on a finance company that is seeking \$500 million of finance, the provision of which is absolutely vital for its survival.

Now, this was all recited to the Treasurer in advance. On Friday, 20 February, his DLO, departmental liaison officer, Andrew Thomas, wrote to the Treasurer and said:

Treasurer

Both Godwin Grech and I have spoken to John Grant this evening.

This is this man who was not treated any differently from anybody else and in respect of whose affairs the Treasurer professed in this House a complete indifference! Thomas wrote:

... Godwin will also raise John’s case with Ford Credit when he sees them in Melbourne on Monday.

John has not yet been in contact with either—the other one being Capital Financial—We are confident we can arrange for John to be taken up by one of these two.

Then the email goes on to describe in considerable detail the situation of Mr John Grant, the man of whose affairs the Treasurer told this House he knew nothing; his was just another representation that came through the inbox. Following that email, we had a report from Mr Grech on Friday evening, after the meeting. He says to Andrew Thomas:

As promised, I raised the case of John Grant with the CEO of Ford Credit, Greg Cohen, during my meeting with Ford Credit in Melbourne today.

I met with Ford Credit as part of the ongoing negotiations I have been having—along with Credit Suisse—to come up with a possible response to Ford Credit’s request of 14 January 2009 that the Government arrange for Ford Credit to access up to \$500 million for around 12 months to allow it to continue to run its wholesale floorplan financing business in Australia.

As you know, Ford Credit will shut down the business if they cannot secure access to capital.

I believe that we are getting close to a ‘solution’ which I will be putting to the Treasurer ... within the next 2-3 weeks.

Re John Grant—Cohen gave me an undertaking that Ford Credit will actively look at taking Grant on (this would be for the Kia component of his business).

What we have here is an email sent by Mr Grech to Andrew Thomas—

Government members interjecting—

The SPEAKER—Order! Those on my right!

Mr TURNBULL—and copied to the Treasurer’s home fax. What has the Treasurer learned from this fax? He knows that, consistent with the plan to which he was a

party the previous week—on the Friday—Mr Grech raised the concerns of his mate, his crony, the Prime Minister's friend and benefactor, with Ford Credit.

Government members interjecting—

The SPEAKER—Order! The Leader of the Opposition will resume his seat. This is a serious matter. It will not be won by those who shout the loudest. The Leader of the Opposition will be heard in silence, so all members of this debate can be heard in silence.

Mr TURNBULL—Thank you, Mr Speaker. The plan was hatched the previous week that Mr Grant's case would be taken up with Ford Credit by Treasury at a time when Ford Credit was dependent, was relying for its own survival as a financing business in Australia on getting half a billion dollars from the Commonwealth. In that context of enormous vulnerability, when the influence of the Commonwealth was greater than it could ever be imagined to be in normal circumstances, at that point John Grant's case was raised by the Treasury officials. Then the upshot of the meeting was duly reported that very evening to Mr Swan and to his office and, according to Mr Grech, all went well. Ford Credit have said that they will shut down their business if they cannot get the \$500 million. In the context of that, when Ford Credit was as desperate as any business could be for \$500 million of Commonwealth money—can we imagine a position where the Commonwealth has greater leverage over any business?—at that point with all of that leverage, with the knowledge, the connivance, the support and the request of the Treasurer, the case of one dealer and one dealer alone is raised with Ford Credit, and who is it? The crony and benefactor of the Prime Minister—John Grant. Nobody else. He is a very special person. That was provided to him.

In the light of all of that, the Treasurer came into this House and said: 'Mr Grant would have received the same assistance as any other car dealer who was referred through that process received.' Notice the use of the word 'would'.

Mr Hale interjecting—

The SPEAKER—The member for Solomon is warned.

Mr TURNBULL—It was deliberately designed to create the impression that the Treasurer had no direct knowledge of what had happened to Mr Grant. He did not say that he did receive the same treatment as any other car dealer; he said he 'would' have done, as though he did not really know and he just assumed that the normal mechanical bureaucratic processes would have been complied with. That was a calculated deception—calculated to mislead the House and the public—and, until the truth came out, no doubt it was successful.

Then on 4 June he said he had no idea what the outcome of Mr Grant's representations had been, and yet we have page after page of detailed accounts of who met whom and who rang whom. Even the following week, on 27 February, again in an email sent directly to the Treasurer himself, he is told about the progress of the dealer of whose interests and activities he professed no knowledge at all. The Treasurer is told:

Grant said that he had a good meeting with Ford Credit on Thursday and they told him that while they are generally concentrating on Ford dealerships ... they were prepared to take him on assuming the numbers add up.

And it goes on in considerable detail.

What we have here is a shocking abuse of power. We have a Treasurer who has used his considerable influence to get a favour for a mate—and not just any mate, the mate who is a benefactor of the Prime Minister.

Government members interjecting—

Mr TURNBULL—The government benches can shout and scream and try their distraction as much as they like, but these emails that were tabled in the Senate demonstrate that there was only one dealer who received that support and it was John Grant. That was the dealer in respect of which the government proclaim complete ignorance, yet they desperately seek to raise a distraction from the Treasurer's situation.

Who could imagine any Treasurer surviving—in a government that had any integrity—when he has so manifestly and comprehensively breached the ethical standards? I will quote from the Prime Minister's ministerial standards:

Ministers must accept the full implications of the principle of ministerial responsibility.

The Treasurer has said, 'No, I don't have to worry about that.' He has no concern about that. He says that it is nothing special. Notwithstanding that it is abundantly plain that everything that he has said in this House about John Grant is false, he says that he has no obligation to step down.

The government can raise distractions about other documents and other emails as much as they like—

Government members interjecting—

Mr TURNBULL—Good. You can talk it up as much as you like. But you cannot escape the fact that presiding over the finances of the Commonwealth of Australia is a Treasurer who has lied to this House. He said that he had no idea of the progress of Mr Grant's application. He said that he was treated like everybody else. There was nobody else treated like this. The only person who got that treatment was a crony and benefactor of the Prime Minister.

This goes to the very core of the ethical standards of this government. This Prime Minister, who, when he was in opposition, constantly stood up and spoke sanctimoniously

about high ethical standards—and continues to do so as Prime Minister—here has a Treasurer who has lied to the House.

The SPEAKER—The Leader of the Opposition should be careful.

Mr TURNBULL—The Treasurer has sought to use extraordinary leverage to seek an advantage for a mate, and the Prime Minister will not lift a finger against a Treasurer who has so abused his power. It is impossible to imagine any company being more vulnerable and more susceptible to government pressure than Ford Credit. They were fighting for their life and they were told: 'John Grant needs help. He's not a Ford dealer, but he needs help. Oh, and he's a friend of the Prime Minister; he's a mate of the Prime Minister.' This is the culture of the Labor Party. They cannot escape from it: cronyism, patronage and abandonment of the—

Mr Symon interjecting—

The SPEAKER—The member for Deakin is warned!

Mr TURNBULL—ethical standards. The louder they scream, the more desperate we see them to be as they try to hold up in office a Treasurer who has betrayed the trust of the Australian people and prostituted his responsibilities by seeking to leverage the power of Commonwealth to advantage the Prime Minister's mate.

The SPEAKER—Is the motion seconded?

Mr Hockey—I second the motion and reserve my right to speak.

Mr RUDD (Griffith—Prime Minister) (12.25 pm)—I move:

That all words after "That" be omitted with a view to substituting the following words:

"that this House censures the Leader of the Opposition for relying on, actively communicating and promoting the contents of a fake email to

attack the integrity of the Prime Minister and the Treasurer".

After calling on the Prime Minister of Australia to resign, after calling on the Treasurer to resign, this Leader of the Opposition comes into this House today and says that he has concerns. But he does not actually take the action of moving a motion of censure. We have been told that we should resign from our offices because it is such a matter of grave public importance. Yet he comes in here and does not even have the courage to move a motion of censure. Why has he failed to do so? He has had an opportunity today in this debate to produce the email upon which his entire case depends. Where is the email? We are waiting for this email to be produced. Why has he not produced this email? Because the alleged email between my office and the Treasury does not exist. The entire case advanced by the Leader of the Opposition rests on a forgery. This Leader of the Opposition has gone out there and mounted an attack on the Treasurer and me based on a document which is a forgery.

This censure motion of the Leader of the Opposition becomes necessary because the member for Wentworth is no longer fit to occupy the office of Leader of the Opposition because he has actively promoted for political gain the contents of an email, purporting to be from my office, that is entirely false, fictitious and a forgery. The member for Wentworth is not only not fit to be Leader of the Opposition by his actions in this sordid Turnbull email forgery affair but he has also disqualified himself from ever being fit to serve as leader of this country. Let us be clear about what is at stake here: this fraudulent email is the entire rock upon which the Leader of the Opposition has constructed his case against me, the Treasurer and the government. And this rock has now disintegrated into sand.

His charge was as crude as this: that I, the Prime Minister, had directed my staff to make representations on behalf of Mr John Grant to the Treasury for access to the OzCar program and as a consequence caused the Treasurer to intervene on my behalf to assist Mr Grant. That is the charge. This entire charge, therefore, against me and the Treasurer turns entirely on whether I have so directed my staff, for which the single piece of evidence offered is an alleged email between Dr Charlton of my office and Mr Godwin Grech of the Treasury—an email that the opposition purported to quote in the Senate last Friday; an email that the opposition boasted to have in its possession to multiple members of the press gallery in recent days; documentary evidence that the Leader of the Opposition claimed to possess in multiple representations to News Ltd editors in the course of recent weeks; documentary evidence that the Leader of the Opposition claimed existed when he threatened Dr Charlton of my office last Wednesday night. Yet when today he was asked in parliament to produce the evidence of this email—an alleged email that goes to the absolute core of his charge against me and the Treasurer—he says that he has never had it and he refuses now to answer questions as to whether he has ever seen it.

Today, the Leader of the Opposition and the Deputy Leader of the Opposition have made it much worse for themselves, as they have tried desperately to cover their tracks on this matter. Today, Alan Jones asked the Leader of the Opposition on radio the following:

But someone in the Opposition obviously believe they had seen the email because Senator Abetz, your opposition industry spokesman, read out its text during the Senate inquiry on Friday.

To which the Leader of the Opposition replied:

That had been published, I believe, in the *Telegraph*.

To which the Deputy Leader of the Opposition then added on ABC radio this morning:

It is perfectly legitimate for senators to put information that has been published on the front pages of the newspaper that day regarding the content of an email.

But here is the core problem: the *Daily Telegraph* did not publicise its alleged email until Saturday. The Senate inquiry was held on Friday. In fact, it was not until after the Senate inquiry had concluded that Mr Lewis of News Ltd sent the following to my office:

News Ltd plans to publish the following email sent by Andrew Charlton from the Prime Minister's office to Treasury official Godwin Grech. The email was sent on 19 February. It says:

Hi Godwin, the PM has asked if the car dealer financing vehicle is available to assist a Queensland dealership, John Grant Motors, who seems to be having trouble getting finance. If you can follow up on this asap that would be very useful. Happy to discuss.

The email from Mr Lewis to my office continued:

Given the emergence of this email, hasn't the Prime Minister misled the Parliament when he said that neither he nor his office had intervened on behalf of Mr Grant?

Then, despite my response later on Friday night, based on independent IT audits by the Public Service that no such email existed and that it was in fact false, the *Daily Telegraph* proceeded to publish this alleged email on Saturday. In their mock-up of this false email, the *Telegraph* typed it up, by the way, as an email from my office to 'Godwin Grant', not Godwin Grech. But, by this stage, who cares about accuracy? The core point is this: both the Leader of the Opposition and the Deputy Leader of the Opposition have said their senator raised it in the Senate inquiry on Friday because it had already

been published in the *Telegraph*. The truth is it had not.

What a tangled web we weave. So desperate are they to cover up the traces concerning their access to the contents of this forged email that today they try to reinvent the chronology to blame News Ltd for their own culpability. May we ask: why are they so desperate to distance themselves from this false and fake email? It goes to the question of the opposition's active participation in communicating the contents of an email forgery or even worse, which is why the Leader of the Opposition must commit in parliament today to making fully available the opposition's computer systems and staff to the AFP inquiry that is underway concerning this matter under the relevant provisions of the Commonwealth Crimes Act. It is for these reasons that the Leader of the Opposition has tried in the last 48 hours to run a million miles an hour away from this false email on which he has based his entire case against me, the Treasurer and the government. This is a most serious matter which goes to the integrity of the man who purports to be the alternative Prime Minister of Australia. It goes to the destruction of his credibility in this place, which is why it is no longer tenable for him to occupy the position of Leader of the Opposition.

The *Daily Telegraph* ran on its front page last Saturday the following story under Mr Lewis's by-line:

THE Rudd Government was in crisis last night amid calls for Prime Minister Kevin Rudd and Treasurer Wayne Swan to resign over allegations they misled Federal Parliament.

An explosive email, which has been read to the *Daily Telegraph*, reveals the Prime Minister "asked" if a \$2 billion scheme could be made available to help his friend, Queensland car dealer John Grant.

I state again to the parliament that this email is a forgery. The *Daily Telegraph*'s reporting

of it by Mr Lewis in the article I have just read is totally false. I repeat: it was also produced by Mr Lewis and reported by the *Daily Telegraph* following the comprehensive denial of its accuracy the night before. Of course, the standards they apply to proper journalism is a matter for News Ltd to attend to. What is relevant here today in this censure debate is the honesty of the Leader of the Opposition and his fitness to continue to hold this office.

The Leader of the Opposition has his fingerprints all over the promotion of this fake email—and he knows it. For weeks he has been talking up this alleged smoking gun to editors around the country. When he raised questions in parliament last week concerning my assurances to the House about any communications between my office and the Treasury on this matter, both he and the Deputy Leader of the Opposition lent across the chamber and began shaking their fingers at Dr Charlton, who sits in the advisers box. That was last Monday. Then we come to the extraordinary events of last Wednesday night, when he sought to threaten Dr Charlton from my office. Dr Charlton then produced a record of conversation.

Honourable members interjecting—

The SPEAKER—Order! The House will come to order!

Mr RUDD—Dr Charlton states:

On Wednesday 17 June I attended the Press Gallery's Mid Winter Ball. I was seated at a table adjacent to the table at which Malcolm Turnbull was seated, and our seats were close together.

During the main course Malcolm Turnbull turned around to initiate a conversation with the person seated beside me.

He then turned his seat in my direction and initiated the following conversation:

Turnbull: Hello. You are Andrew Charlton.

Charlton: Hello.

Turnbull: You are friends with [he then mentioned the name of a person known to us both].

Charlton: Yes, I know [I mentioned that person's name].

Turnbull: Let me give you some advice because I think you have a very promising career ahead of you.

Integrity is the most important thing in the career of a young man.

[A short conversation ensued on a different subject related to our mutual acquaintance ...]

Turnbull: Andrew, integrity is the most important thing in a man's career.

That is why I encourage you, no matter what the circumstances, no matter what the pressure, not to lie.

Charlton: Thank you for the advice. I don't feel any pressure to lie.

Turnbull: This whole Ozcar issue will be very damaging for you.

Let me just give you some friendly advice.

You should not lie to protect your boss.

Charlton: I have not.

Turnbull: You know and I know there is documentary evidence that you have lied.

Charlton: There is not.

Turnbull: Andrew, you know that there is documentary evidence. This could be very damaging for you.

Charlton: I have not had any contact with Mr Grant.

Turnbull: Ah well, I advise you to consider your actions very carefully.

At the conclusion of the conversation, Dr Charlton went outside and reported this conversation to a fellow member of staff.

On this note, I note that the Leader of the Opposition, this time using Glenn Milne of News Ltd, has briefed out the following today:

MALCOLM Turnbull has told close colleagues the prime ministerial adviser at the centre of the ute affair admitted to him he was troubled and had not been able to sleep.

According to colleagues briefed on the Opposition Leader's version of his conversation with Andrew Charlton at last week's press gallery Midwinter Ball, it was Charlton—not Turnbull—who raised his own role.

The two men were seated next to each other ... After talking about a mutual friend, Turnbull says he gave the generic career advice as "one old man to one young man; always tell the truth".

According to Turnbull's version of events it was Charlton who admitted to worrying about the advice he had given Kevin Rudd.

Charlton was—

according to Glenn Milne, briefed by the Leader of the Opposition—

"clearly anxious and stressed" but concluded he had given the Prime Minister the correct advice on OzCar.

What a tangled web they weave. I note for the record that Dr Charlton's signed file note on this was released last Friday morning, and it has not been until the implosion of the integrity of the email that the Leader of the Opposition has chosen a journalist of choice to brief out a different version of events who once again places much distance between himself and the false email saga.

I also note that in the Leader of the Opposition's briefed out version, through Mr Milne today, he says 'it was Charlton—not Turnbull—who raised' this. Once again, a tangled web, because neither he nor, it seems, Mr Milne, bothered to consult the report last Friday in the *Daily Telegraph* by Malcolm Farr, who wrote:

MALCOLM Turnbull, wife Lucy next to him, asked his dining companions on table 27 at the Press Gallery Mid-Winter Ball if anyone knew where Andrew Charlton was placed.

...

Back on VIP table 27, which had a tall centrepiece ... as did the Rudd's table 26 across the aisle, lists were consulted to answer Mr Turnbull's inquiry.

... Mr Turnbull turned to talk to him ...

That is the account of Malcolm Farr from the *Daily Telegraph*, sitting at an adjacent table. In other words, there is a third party witness, from the Press Gallery himself, saying that the Leader of the Opposition turned to speak to Dr Charlton—not the reverse. A desperate Leader of the Opposition sought to brief out a contrary version of events through Mr Milne in today's paper.

We then add the saga of Senator Abetz, and then we have three separate reports—*(Time expired)*

Mr ALBANESE (Grayndler—Leader of the House) (12.40 pm)—Mr Speaker, I move:

That Mr Rudd be granted an extension of time.

The SPEAKER—Order! The question is that the motion moved by the Leader of the House be agreed to.

Honourable members interjecting—

The SPEAKER—Order! Before calling the division, I remind the House, on what might be a testing day, that those that shout the loudest will not win the debate. People are actually interested in the debate and it should be heard in silence.

A division having been called and the bells being rung—

Mr Albanese—Mr Speaker, I rise on a point of order. I wonder if we can save some time for the House if the opposition realises that the opposition leader was given 20 minutes. What we are after here in moving this motion is for the Prime Minister to be given equal time to the Leader of the Opposition. They might not know that. In terms of the standing orders, all we are after is equal time between the Leader of the Opposition and the Prime Minister, which under these circumstances is eminently reasonable, so call it off and get on with it.

The SPEAKER—It being agreed, at the convenience of the House, the division is called off.

Mr RUDD—(*Extension of time granted*) The question at stake here is of course the opposition's knowledge of the contents of this forged email and their dissemination of it. What we have seen today is yet further evidence on the part of the Leader of the Opposition and his office to brief out a false account of his attempt to intimidate and threaten my senior economic adviser, not having bothered to take the precaution of consulting a third party source—namely, a senior and respected journalist from the *Daily Telegraph* who was seated at another table and reported on this last Friday.

Beyond that, of course, we have the saga of Senator Abetz in a Senate inquiry—and we are now all too familiar with that—and those two opposite, leader and deputy leader, claiming that Senator Abetz only raised the content of the purported email after seeing it on the front page of the paper, but: 'Whoops! We forgot that the paper wasn't out until the next day.' We then of course have the complete briefings on the part of the opposition to the Press Gallery overnight Friday and Saturday. We have three separate reports in the *Australian* newspaper and the *Sydney Morning Herald* on Saturday 20 June that the opposition, as of then, were maintaining that they still either had, were in possession of, or had sighted this forged email. Paul Kelly in the *Australian* of 20 June said:

The opposition had sighted the written evidence. We have Phil Coorey of the *SMH* on 20 June saying:

No one can find the email. The Coalition claims to be aware of its existence and some say they have read it.

Sid Maher writes in the *Australian* of 20 June:

... the Coalition last night was maintaining that it had an email from Rudd's economic adviser Andrew Charlton to Treasury on the Grant affair.

These are the papers on Saturday morning. We can only assume that the Leader of the Opposition, in claiming now to be totally ignorant of this email, is assuming that Mr Kelly, Mr Coorey and Mr Maher are all liars. I happen to know all three of them. That is not my view. Once again, a tangled web of deceit he has sought to weave, trying on the one hand to maintain his charge against my integrity and the Treasurer's, based on the existence of this email, and then running a million miles away from any direct knowledge of it. The bottom line is this: these facts demonstrate beyond reasonable doubt, any reasonable doubt, that the Leader of the Opposition has been fundamentally untruthful with the Australian people on his knowledge and use of this forged email to serve his political ends.

What checks did we in the government make concerning the accuracy of this email? First, of course, Mr Grant has denied ever having made representations to me on the matter. Second, I know for a fact that I have received no representations from him on this matter. Third, my staff have advised me that they have received no representations from him on this matter. Fourth, my staff have advised me they have made no representations to the Treasury on this matter. Fifth, and most crucially, no record of any such email as that conveyed by the Liberal Party and by the *Daily Telegraph* in its report could be located. Sixth, the Department of the Prime Minister and Cabinet has done an audit of all the emails from and to Charlton on and around the date in question, including deleted items, and has no record of the alleged email ever having existed. Seventh, the Department of the Treasury has done a full audit of all emails to and from Charlton and has found no record of the alleged email to

Grech. That is what the government did. Therefore, as I have said throughout this debate, I stand by the answer I gave in parliament on the first day it was raised.

What has become clear since I made those remarks is that the Leader of the Opposition's entire attack on me and on the Treasurer's integrity has been based on a forged document from the outset. The Leader of the Opposition has refused to use parliament today to provide this document to the Australian people for authentication. This Leader of the Opposition has, together with his staff, been backgrounding media for weeks, since this matter was first raised more than two weeks ago. They were backgrounding media to say, 'Here is the smoking gun'—talking it up in the media, saying that there was direct evidence of a communication from my office to the Treasury in support of Mr Grant. This is what they have been doing all along—except, what they were doing was communicating the contents of a forged document, a fake document, a falsified document.

What do we know about the Liberal Party? We know that this is deeply in their DNA. This is the party that gave us 'children overboard'. This is the party that gave us the misrepresentation of the facts concerning 'children overboard'. This is the party that specialises in these sorts of activities. This is the party whose activities are being monitored particularly closely at present in terms of what happened in the Lindsay electorate on the eve of the last election. This is the political party whose activities are being equally monitored in terms of recent events in the state of South Australia. This is written deeply into the Liberal Party's modus operandi.

I would say that the Leader of the Opposition has a fundamental question to answer concerning his integrity. We have given him the opportunity to stand in this place today

and to provide the evidence of the existence of this email which he has used to attack the integrity of myself and the Treasurer. The Treasurer's actions in this entire matter have been entirely professional and appropriate. Those opposite have constructed this farrago of lies based on the existence of this email, based on a proposition that I have provided representations on this matter and caused the Treasurer to act in a particular way. That has been fundamentally demolished, because this email is a complete and utter forgery. The Leader of the Opposition has no option, having raised this matter, called for my resignation, called for the Treasurer's resignation, to stand in this parliament now, to offer an apology and to—

Opposition members interjecting—

The SPEAKER—Order! The Prime Minister has the call.

Mr RUDD—I notice the member for North Sydney interjects at this point. I would reflect carefully on what the member for North Sydney himself has said in recent days on this matter as well. It goes to the heart of his integrity and any aspirations he may have to lead the Liberal Party. This Leader of the Opposition has been given the opportunity to come into this House and provide the evidence upon which he has called for my resignation and the Treasurer's resignation. He has failed to do so. He has no alternative now but to stand up, be man enough to apologise and resign.

The SPEAKER—The original question was that the motion moved by the Leader of the Opposition be agreed to.

Mr Champion interjecting—

The SPEAKER—To this the Prime Minister has moved an amendment that all words after 'That' be omitted with a view to substituting other words. The question now is that the amendment be agreed to.

Mr Champion interjecting—

The SPEAKER—The member for Wakefield will leave the chamber for one hour under standing order 94(a).

The member for Wakefield then left the chamber.

Mr HOCKEY (North Sydney (12.50 pm)—Mr Speaker, I should inform the House of a news report on the ABC Broadcasting site which is headlined, ‘Australian Federal Police descend on Grech’s house’, and states:

Australian Federal Police have executed a search warrant at the house of the Treasury official at the centre of the OzCar affair.

The report goes on to say the ‘police are now interviewing Mr Grech about the email which appears to have been concocted inside the Treasury Department.’ It also states:

Mr Grech told the inquiry on Friday that his recollection was that a staffer of the Prime Minister sent him an email about Mr Grant ...

He also told the inquiry that Treasury officials gave him the impression that Mr Grant “wasn’t your average constituent”.

So, an email does exist, according to this report. The Prime Minister said there was no email, and yet evidence today from a Federal Police investigation suggests that an email—

Mr Symon interjecting—

The SPEAKER—Order! I remind the member for Deakin of his status.

Mr HOCKEY—Evidence from an emerging report suggests, firstly, that an email does exist, which contradicts what the Prime Minister said on Friday night, that an extensive search of the computer systems of the Department of the Prime Minister and Cabinet as well as the Treasury department said no email exists. There is now a report that says that there is an email on the Treasury department IT system. Secondly, in relation to the Senate hearing—

The SPEAKER—The member for Longman!

Mr HOCKEY—I refer the House to the words of Senator Abetz before the Senate inquiry on Friday: ‘A person, a journalist in fact, has suggested to me that there may have been a communication from the Prime Minister’s office.’ He went on to ask about that communication. He finished by saying, ‘This is what has been suggested to me by somebody, and there is of course the suggestion in today’s media that such a document exists.’ That is point 2. So, firstly, the Prime Minister said that there is no email and that there is no email on the computer system of the government. It now emerges that there are reports that the email exists. That is point 1. Point 2: the report suggests that the email was concocted within the Treasury department. Point 3: the Prime Minister said, with some measure of authority, that somehow he knows, before the Federal Police, that the email is a forgery. Before the Federal Police have completed their investigations, the Prime Minister knows that it is a forgery.

There is one thing about this whole matter that we will not be distracted from and it is this: the integrity of the Treasurer. The Prime Minister can have the diversion of an email—an alleged email or an email—that is now reported to be real. He can have that distraction, but I will tell you that we are not going to let Wayne Swan off the hook. We are not going to let the Treasurer off the hook. I will tell you why: because the Treasurer stated in this place with absolute conviction that Mr Grant was being treated ‘just like everybody else’. He said it was an entirely normal situation the way that Mr Grant was being treated. And he had the audacity to repeat it in an interview with Laurie Oakes yesterday on Channel 9, where he stated:

And in the case of Mr Grant, he was not treated any differently from any other car dealer.

Not treated any differently—just a normal run-of-the-mill case. And what is irrefutable is the evidence that has been presented to the Senate by the Treasury. But ironically it was Labor Party senators that tabled the emails—not even the treasury department tabled those emails—that belled the cat in relation to the Treasurer's lies to this parliament. The truth of the matter is that this all started with our Prime Minister receiving a free motor vehicle from a car dealer. Our Prime Minister, when he was Leader of the Opposition, was in receipt of a car from John Grant. That is the first moment of compromise of our Prime Minister. Secondly, our Prime Minister and the Treasurer stood in this place and said—

Mr Hale interjecting—

The SPEAKER—Order! The member for Solomon will leave the chamber under standing order 94(a) for one hour.

The member for Solomon then left the chamber

Mr HOCKEY—there was nothing out of the ordinary in the treatment of the man that had given a car to the Prime Minister. Well, I am about to contend that there is something different about John Grant. It comes down to the authoritative information that has been presented, not just by the Treasury but also by the Treasurer himself over the last few days. Firstly, how is it just an ordinary occurrence in the treatment of a constituent matter that the Treasurer on one day took a phone call from Mr John Grant—you would believe that in the ordinary course of business the Treasurer speaks to every constituent referral by a member of parliament—but Bernie Ri-poll rang up the Treasurer and said, 'I have a real problem with one of my constituents.' Oh! if we could all have that response from the Treasurer about our constituents. But the Treasurer on this one day—on 20 February—rang up Mr John Grant on the mobile phone. There was a conversation with Mr

John Grant. It was a conversation that the Treasurer omitted from his statement in parliament. He was treating Mr Grant as an ordinary person but he omitted to mention a mobile phone conversation with Mr Grant.

Secondly, on that day Mr Swan, the Treasurer, referred the matter within his office—quite appropriate. It went to Godwin Grech in the Treasury—all on the one day. The Treasury official then rang Mr Grant. Oh! if we could all have that sort of constituent response from the Treasurer—any Treasurer; we do not mind who the Treasurer is. All this activity on just one day, but Mr Grant is not being treated any differently to any other constituent! Mr Grech contacted Mr Grant and provided feedback on his discussion at 5.19 pm on a Friday. That is pretty efficient from Treasury. And do you know what? Not only does he provide that feedback, at 5.19 pm on a Friday, which is impressive all the same, but the email traffic continues with copies to Mr Thomas, Mr Jim Chalmers, the Deputy Chief of Staff to the Treasurer—keen interest in this matter—and Mr Matthew Coghlan, the senior media adviser in the Treasurer's office. Why did so many people have this interest in an ordinary constituent? Just another ordinary case but yet all these officials seem to have a keen interest! But it did not end there. This was a long day. At 7.27 pm, on a Friday, Mr Andrew Thomas provides an update on the issue to the Treasurer at his home fax. Amazing! Normally home faxes would have emails and facsimiles from the head of the IMF or the World Bank or even the Secretary of the Treasurer but, no, this ordinary constituent has his details sent to the Treasurer's home fax, which the Treasurer omitted from his statement in parliament. The Treasurer was asked in a doorstop, 'Why was this sent to your home fax?' and he went on to say: 'Well, it was not faxed specifically to my home at my request. All sorts of things come

to my home fax machine. There can be hundreds of pages of material on the fax. On a rare night in Brisbane it could be out of paper.'

A few days later, on the Monday, there is the key event. The Treasury official goes into a meeting with Ford Credit. Ford Credit had been unable to access \$2 billion of funds. At this point in time—and this is the most telling line—Godwin Grech, from the treasury department, sends an email to the Treasurer at his home, to the chief of staff, to the deputy chief of staff and to the secretary of the treasury department, who now has an interest in this ordinary constituent matter. In that email, the Treasury official states:

... Ford Credit will shut down the business if they cannot secure access to capital.

So Ford Credit, which needs half a billion dollars from this government and needs this government to change the terms of OzCar, is on its hands and knees to the government and yet, in a meeting with the Treasury official the following day, that Treasury official raises the issue of an acquaintance of the Prime Minister—

An opposition member—The ordinary man.

Mr HOCKEY—the ordinary man, the everyday man, the everyday constituent. When a company is desperate for half a billion dollars of taxpayers' money, all of a sudden the Treasury official not only raises John Grant with the Ford Credit people but, interestingly, hands over Mr Grant's private mobile phone number. You know what? Ford Credit had not, at this stage, been able to change the rules. Ford Credit had not been given an indication that they would get half a billion dollars of taxpayers' money, but here is a Treasury official handing over the mobile phone number of a person who he described as an acquaintance of the Prime Minister and someone whose interests had had

the direct involvement of the Treasurer. And Ford Credit were expected to just treat that like any other constituent!

This is the damning moment for the Treasurer because the Treasurer stated in this place that it is an entirely normal situation. He is expecting us to believe that it is an entirely normal situation to ask a company that is desperate for half a billion dollars of taxpayers' money to help out a mate of the Prime Minister. He expects that is an entirely normal situation. I will tell you what: that is not an entirely normal situation. The best defence this Treasurer can come up with is that the money did not, in the end, come from Ford Credit. The Treasurer has engaged in a conspiracy to murder but there is no body—that is what he is saying—and therefore there is no crime. Well, there is a crime. There are two crimes. Firstly, the Treasurer has misled the Australian people and that is a heinous crime. Secondly, this weak and insipid Treasurer is taking care of the Prime Minister's mate with taxpayers' money. That is our contention. The Treasurer has gone too far. The bill for all of this is undoubtedly being paid by the Australian taxpayers.

How revealing it is that, from the very start of this entire debate, the Prime Minister goes into denial about everything. He is seeking to provide aerial protection for his Treasurer. But I tell you what: we are not going to let the Treasurer off the hook. There are lots of questions that need to be answered. When did you first meet John Grant? It emerges the Treasurer purchased a car from John Grant Motors. It also emerges that there is a little club that John Grant is a member of that provides support to the Labor Party and may even provide support to the Treasurer. There are many questions to be answered, but I want to make this point: it is perfectly clear John Grant received preferential treatment directly as a result of the Treasurer's involvement. There is now a cor-

respondence trail between the Treasurer and Treasury officials. Of course, the Treasurer said it was only a one-off. Four separate emails go to the Treasurer's home, and the Treasurer says: 'I don't know what happened in that case; I wasn't informed. It was arms-length.' What a fool. It is the case that the Treasurer's bravado has got ahead of him. He is a man who has lied to the Australian people, he has lied to this parliament and the Treasurer now needs to resign.

Mr SWAN (Lilley—Treasurer) (1.05 pm)—I think we have just witnessed one of the weakest and most pathetic political attacks ever mounted by an opposition in this parliament. I have spent some time in opposition in this parliament and I have seen some fairly weak attacks, but today just takes the cake. Surely, the Leader of the Opposition must now resign. He has been telling people for weeks that he has the smoking gun. He has been telling senior journalists and senior people in business that he has the smoking gun on the Rudd government. As it turns out, he has been in possession of a fake email. He must pledge today to make available for a police inquiry all of the resources used by the opposition, because it is clear that the grubby opportunism of the Leader of the Opposition knows no bounds.

The person sitting opposite, there, is supposed to be the alternative leader of this country. That is why he is called the Leader of the Opposition, the alternative Prime Minister. What is he doing in the middle of a global financial crisis where jobs are endangered, where there has been a crisis in car financing earlier this year and where there has been a need for urgent action from the Australian government? What does he do? He is just out there with the mud bucket throwing it everywhere and getting involved in all sorts of conspiracies. Many who have known the Leader of the Opposition also know he has been involved in these sorts of

nefarious activities before. He has a history, and I believe that history will now haunt him as the events unfold when we look at the creation, obviously, of a fake email. So the clock is ticking for the Leader of the Opposition. If he cannot provide to this parliament some authentication for this email then surely he must resign, particularly in circumstances where his spokesman and he personally have been telling people about the existence of this email. But of course he is the Captain Smear of Australian politics and he has been throwing it around a lot in the last couple of weeks as we on this side of the House attempt to put in place the fundamental supports for the Australian economy to support jobs. It will be shown to be the case that most of the extreme statements they have been making about the Prime Minister and me are simply false.

I want to deal with some of the false statements that have been made by those opposite, particularly regarding what I have done responsibly as the Treasurer of this country. Nothing I have done and nothing that has been said by them or anybody else contradicts anything that I have said to the people of Australia in this parliament. I stand by those statements 100 per cent because at the end of the day Mr Grant received no benefit from OzCar and he received no assistance whatsoever from Ford Credit—no assistance at all—and that is the very basis of the allegation that has been made. We also were confronting a very serious situation where many car dealers were not able to access finance and we took the same steps to help other car dealers that we took in the case of Mr Grant—the same steps. Why did we do this? We did this because jobs were at stake in the community. We did this in an environment where many of the dealers, perhaps half of the dealers in the country, may have been in serious trouble. I will come back to that later on.

I do want to deal with this allegation that somehow there was some extra-special treatment given to one car dealer over another. I want to quote Mr Delaney, the Executive Director of the Motor Trades Association of Australia. He had this to say:

The treatment that Mr Grant, a member of mine, got was no different from the treatment all of my other members got on my intervention on their behalf to Mr Grech.

'No different': I will deal with that in a moment. He went on to say:

They were all treated in the same way and for the same good reason—there was no other way to do these things. In fact, I think Mr Grant has been treated less well because he went to the Treasurer.

That is what Mr Delaney had to say. And why is that the case? Because car dealers have been subject to a torrent of abuse from those opposite and dragged into a political situation that they simply do not deserve.

The shadow Treasurer sought to create the impression that no-one else was looked after, just Mr Grant—no-one else received any treatment at all. Let's deal with Mrs Hull, the member for Riverina. There was an email to my office—

Mr Hockey—Did it go to your home?

Mr SWAN—I will deal with the home fax in a moment, Sloppy Joe. There was an email from Kay Hull on 20 March 2009 at 12.17:

We have a crisis in car dealer finance for many dealers, covering around 80-90 dealers in New South Wales.

It goes on very legitimately to talk about the nature of the problem. That came to my office at 12.17 on 20 March. At 12.28—11 minutes later—the reply goes from my office:

Kay, I will refer your request to the appropriate person in the department who will get in touch with the car dealer—

and so on. There was an immediate reply from Kay, who is also very diligent:

Thank you so much, Amanda—and so on. The key line is in the next document, which is an email from the treasury department to my office on 23 March at 11.53:

FYI. In case Kay Hull asks you where this is at, I have spoken with the dealer and explained to him where things are at.

The next paragraph is the killer:

I told him to contact Capital Finance and to let me know if he gets resistance.

That was signed by Godwin Grech. That was not even a full working day before Godwin Grech got back to my office, and then there was a flow through to the representation that had been made.

There was some talk before about emails. I will deal with the home fax, because that seems to infatuate those opposite. I suppose they were so lazy when they were in government that they did not use a home fax. They did not have to; they had their weekends off.

I can inform the House that I am advised that two dealers, in fact, had more communications made on their behalf to assist them to secure new financing than did John Grant. In one case a dealer had approximately double the number of communications made on their behalf. I can tell the House that between 15 October last year and 19 June this year, Mr Grech sent around 130 emails to my office. There has been all this conspiracy—that some of the emails went to the Secretary of the Treasury, some of them went to senior members of my staff, and so on. Of these emails, around 80 were copied to the Secretary of the Treasury, some 30-odd contained documents specifically for my attention and around 20 related directly to car dealers. Out of all these 130-odd emails sent to my office, only a handful of the emails related to John Grant.

Mr Perrett interjecting—

The SPEAKER—The member for Moreton is warned!

Mr SWAN—During his speech before, the shadow Treasurer made a great deal about the fact that Mr Grech was meeting with Ford Credit, who were talking to OzCar about future arrangements. He then sought to say that there was some special attention paid to Mr Grant in those discussions. Let me take you back to that time, and Mr Delaney did this very well on the radio this morning. There was a massive threat to car dealerships in this country because GE and GMAC were withdrawing and many dealers did not know whether they were going to have finance, and particularly thought that their finance might simply stop in March through a prompt and rapid withdrawal by those two companies. We had decided to set up OzCar, but it had not yet been fully established. And what Mr Grech was simply doing in the case of Mr Grant and others was working as a public servant to put those firms that were already out there with the capacity to fund dealers in contact with dealers who were going to lose their finance. That is what was going on. That email that was referred to before by the shadow Treasurer does at the very beginning refer to the fact that the meeting with Ford Credit had been put in place weeks before the Grant representation had come through. I cannot vouch for everything that Mr Grech was doing but I do know what he was doing in this instance. He was referring dealers who thought that they would not have finance to finance companies that might have provided it. It was standard operating procedure.

I would have thought that as a party that pretends that they have got an interest in small business they would have thought that was a very reasonable thing to do. At the end of the day Mr Grant did not secure finance from Ford Credit and when I told this House that I did not know what the outcome had

been of any of those representations I meant it—I did not know. If I had known, where are the rest of the emails that were supposed to have come along to justify the outrageous slurs coming from those opposite? The answer is: there are none. The representation was made. It was put in the hands of Mr Grech and he went off and made representations because that was his job—to help car dealers, to set up OzCar, to talk to Ford Credit and to do all of those things that are so important to be done during such a difficult time, because we had to do something for those dealers.

As it turns out, many of the existing financiers, particularly Esanda and Capital, decided that they were going to expand their books and in the end they took on many of the dealers that were left behind by the finance companies that had withdrawn. That was a terrific thing. It has meant that the OzCar vehicle is smaller than it was otherwise going to be. But it did mean that we were left with a particular problem with Ford Credit, because their international arm was no longer going to support them. We on this side of the House took the responsible decision to involve them in the special purpose vehicle so that 240-odd dealerships, mostly located in regional and rural Australia, would not go to the wall. This lousy mob opposite is seeking to exploit that action and to somehow say that it was sleazy. Shame on you! What this government has been doing honestly and directly and openly is working to solve a problem to support employment amongst small business in the auto industry.

What Mr Delaney said this morning is so true. There was a prospect early this year, upon the withdrawal of those finance companies, that this could have ricocheted right down the supply chain and hit the auto manufacturers themselves. That is what we were looking at earlier this year. So I personally was highly attentive to the needs of the

industry. I spent a long time with the Prime Minister in many cabinet meetings and in many working group meetings—in fact some of them went on every day for weeks and weeks and weeks—to see what we could do about supporting this industry. I did spend a lot of time getting regular updates and briefs from officials in the Treasury about the progress of what was going on because I was worried sick that some of these dealerships were going to hit the wall.

I know that those opposite do not understand the nature or the depth of the global recession. You can tell that in their opposition to the stimulus. They do not have a clue about the nature of the economic challenges that have been posed to this country in recent times. It is why they were so opposed to the bank guarantee and the term funding guarantee, which is the single most important decision this government has taken to keep confidence running in our economy. And what did they do to that? It was the same grubby campaign they are running right now. Everybody in this House will remember the grubby campaign on leaked emails run by the Leader of the Opposition against the bank guarantee. It was something that was profoundly destabilising in this country at a very difficult time. He has demonstrated how reckless he is, how irresponsible he is, and now he should resign. *(Time expired)*

Mr ABBOTT (Warringah) (1.20 pm)—This motion moved by Leader of the Opposition is about the most important subject of all. It is about integrity in government. Integrity in government is something that should be determined by a cool and dispassionate analysis of the facts, and that is precisely what the Leader of the Opposition sought to do in moving this motion and in his speech to the parliament.

What did we have in response? We had the Prime Minister come in here, his face

flushed, surrounded by a phalanx of heavies. He came in here and tried to carpet-bomb the integrity of anyone who dares to question anything that he did. He carpet-bombed the integrity of News Ltd. He carpet-bombed the integrity of the Leader of the Opposition. Do you know what the Prime Minister has even done today? Since last Friday, and again today, the Prime Minister has used governmental organisations as agencies of political intimidation. He has sooled the Australian Federal Police and the Auditor-General onto politicians and journalists to try to stop them doing their job. That is the real import of what we have seen today: a Prime Minister who will balk at nothing to try to ensure that he does not suffer any political disadvantage whatsoever.

Let us return to the whole point of this: this is not about emails in dispute; this is about emails that are not in dispute. This is not about an email that may or may not have been sent by Andrew Charlton to a Treasury official. This is about the emails that were most undoubtedly and indisputably sent by the Treasurer's staff to the Treasury and from the Treasury back to the Treasurer's staff and to the Treasurer himself. That is what this debate is all about. This debate is not about the integrity of Malcolm Turnbull; it is about the integrity of the Treasurer. It is about the integrity of the Treasurer, who has plainly, on the basis of the emails that were tabled by Labor senators in the inquiry last week, misled this parliament.

Let us be absolutely upfront about this. The greatest political crime that a member of this parliament can commit is to mislead this House. A member of parliament can maladminister a portfolio. A member of parliament can squander billions of dollars. A member of parliament can run naked down George Street and survive. But a member of parliament cannot mislead this place and survive. Any member of parliament who misleads

this House must resign, if he or she has any integrity, or must be forced to resign, if the party leader has any integrity. That is the point here.

We have a Treasurer who, on the face of the legitimate emails—the emails that are clearly valid emails sent between the Treasurer's office and the Treasury and the Treasurer—has misled this House and should resign. That is what this debate was all about. This debate was all about giving the Treasurer an opportunity to come in here and clear this matter up. He could have done that but, no, this Treasurer does not take easily to checks to his political career. We all know what the member for Lilley's reaction was to losing his seat back in 1996. We know what happened to his office, provided by the taxpayer. We know what happened to his car, provided by the taxpayer. That is what he did when he was confronted with the reality of losing office. Confronted now with the prospect of losing office for misleading this House, he came in here and, as his Prime Minister did, carpet-bombed the integrity of every person who is asking legitimate questions on this matter.

What the Treasurer should have done, instead of giving the speech we have had from him now, is come in here and explain just how many car dealers have had personal phone calls from the Treasurer about this car-financing matter. Maybe there have been dozens, maybe there have been a handful, but I suspect that there is just one. Let us not forget that this Treasurer came into the House on 4 June and said:

... Mr Grant made representations to my office, and he was referred on to the SPV, just like everybody else.

Mr Grant was treated 'just like everybody else'. As if that point had not been made clearly enough on that day, on 15 June in this House he said:

Mr Grant would have received the same assistance as any other car dealer ...

So he did not say it once, where perhaps he may have had a bit of a rush of blood to the head. He said it twice. He did not say it once and have no chance to correct the record. He said it twice, about nine days apart. So, clearly, this is a Treasurer who wanted to let the world know and wanted, most importantly, to let this parliament know that this car dealer, John Grant, was treated in exactly the same way as everybody else. Again, I say to the Treasurer: please tell us how many car dealers you have personally spoken to about their financing arrangements. It is not a vicious, underhand, subversive question. Absent the answer, I am not even accusing the Treasurer of any lack of integrity. I am giving the Treasurer an opportunity to demonstrate his integrity and, most of all, to demonstrate that he has not misled the House because the personal, private phone call that he gave to Mr Grant was exactly the same sort of treatment that he gave to everyone else.

Another question for the Treasurer is this: how many car dealers' financial problems have been the subject of instructions, by his own staff to Treasury officers, that those officers have to look after the dealer? Maybe there are dozens. Maybe there are dozens of car dealers who have had Treasury officers take a direct personal interest. Maybe there are dozens of car dealers who have been the subject of specific, direct representations from the Treasurer's office. Maybe there are. But, if he wants to put himself in the clear, that is what he has to show. If he wants to demonstrate that he has not misled the parliament, as he seems so clearly to have done, that is what he has to show. It may be that, in discussions between Treasury officials and car finance companies, many, many car dealers have had their problems dealt with at length. Maybe it has happened. But, until the

Treasurer has demonstrated that it has happened, clearly Mr Grant has received special treatment. He has received treatment denied to the thousands of other car dealers in this country and to all of the other car dealers who have been making representations, or whose MPs have been making representations, to the Treasurer's office.

How many discussions between Treasury officials and finance companies involved those Treasury officials saying to the finance company, 'This guy is a friend of the Prime Minister?' Really, how often does this happen? Is this everyday treatment? Is this the kind of thing that the Treasurer does every day? If he does not do it every day, he has misled the parliament. How often do Treasury officials give the mobile phone number of a car dealer to car finance companies and say—wink, wink; nudge, nudge—'If you want half a billion dollars you had better sort this bloke out?' How often does that happen? It clearly happened in this case because that is what the undisputed evidence to the Senate committee said. So, Treasurer, come into this House and tell us just how often this kind of thing is done. If it is done routinely, fine, your answer is okay. But if in fact there is only one car dealer in the whole country—the good old Kia dealer from Ipswich—who gets this kind of treatment then plainly he has misled the House.

He came in here today and tried to suggest that his office had been very prompt in attending to the concerns of the member for Riverina. I am sure he has an efficient office; I would like to think he has an efficient office. Certainly, his office was hyper-efficient when it came to the problems of Mr Grant but the fact is this: by no stretch of the imagination is the treatment that the Treasurer's office accorded to the member for Riverina's car dealer on a par with the treatment accorded to the Prime Minister's friend

and the person from whom the Treasurer himself bought a car just a few years ago?

Mrs D'Ath—Where's the proof?

Mr ABBOTT—They ask, 'Where's the proof?' Read the *Hansard* of the Senate inquiry of last Friday. Read what the Ford finance representatives told the press last Friday. Finally, amidst all of the problems of the car industry that were driving our poor Treasurer to distraction—he was losing sleep at night he was so concerned about the state of small business—how many other car dealers have had their problems made the subject of faxes and emails sent directly to him at home after seven o'clock on a Friday evening? It is utterly implausible that anyone has been treated in the same way that Mr John Grant has been treated.

I have read Mr John Grant's statements in the press. I am sure Mr John Grant is a fine man and nothing that is said in this House is directed against him. I have seen that Mr Grant has said, 'Friendship is friendship and loyalty is loyalty,' and I just say this: lying is lying and misleading the House is the worst political offence that a member of parliament can commit, and it has been committed by the Treasurer of this country—unless he can come into this House and explain precisely why what he did for Mr Grant was exactly the same as what he did for everyone else.

What we have seen from this government is an extraordinary campaign of bluff and intimidation against anyone who dares to call the integrity of its senior members into question. What kind of country has Australia become if a media report that the government does not like and which seriously embarrasses the Prime Minister and the Treasurer becomes the instant subject of an Australian Federal Police investigation? This is more akin to the actions of a police state than it is to the traditions of a great democracy. On the face of it, even in the Prime Minister's own

performance today we saw a radical lack of integrity. What did the Prime Minister come in and say? He said that Senator Abetz on Friday had in his possession a forged and fraudulent email. He must have had access to the Senate *Hansard* where Senator Abetz said that he had been told by a journalist about an email. This is a very significant fact and yet it is a fact which was totally ignored by a Prime Minister who is desperate to defame, intimidate and bluff anyone who is calling his integrity into question.

And then he comes into this parliament and says that the Leader of the Opposition has concocted this: on the basis of the first report of the AFP's investigation the so-called fake email originated in Treasury. Now the fact of the matter is this: I think that the Leader of the Opposition is a very powerful man but he cannot cook up a conspiracy with the Treasury—he cannot alter the Treasury's computer system. What we are seeing today is a giant smokescreen from a terrified government. (*Time expired*)

Mr ALBANESE (Grayndler—Leader of the House) (1.35 pm)—Last Friday the Leader of the Opposition stood at a press conference and said that the Prime Minister of this nation should resign. He stood at a press conference and said that the Treasurer of this nation should resign. He effectively accused them of engaging in corrupt conduct to help a mate—on the basis of an email which we know is fake. Today the opposition came into this chamber over this issue, which just one working day ago was serious enough to call for the resignation of the Prime Minister and the Treasurer—something that does not happen every day—and they failed to even move a censure let alone a call for resignation.

This was like being told that you are being sent out to bat against Brett Lee and, when you front up, you get John Howard in the

Middle East. That is what it was like—all pop and no bang from those opposite, because they have got nothing. There was no 'chk-chk-boom' moment from those opposite—none whatsoever. It has just been vicious slur and smear against the Prime Minister and the Treasurer of this nation—a smear without concern of the consequences for the national interest; a smear that those opposite have walked away from. The member for Dickson took this so seriously that he did a press conference on alcopops while the Leader of the Opposition was speaking on this matter. That is how seriously he took it. He was out there talking about their backflip on alcopops. After having a campaign day after day to run fear on the economy, those opposite had a change of tactics when it was determined that we were not in a recession. For those opposite, it is all about tactics, never about strategy. It is always about the next 24 hours. Their changing of tactics was about personal smear to replace the campaign of economic fear.

The Leader of the Opposition claimed on Friday: 'The Prime Minister and Treasurer have used their offices and taxpayers' resources to seek advantage for one of their mates and they've lied about it to the parliament.' He made the most serious allegation possible against the Prime Minister and the Treasurer and called for them to resign. There have been reports in the last hour that this 'email' is a forgery. We know that it is a forgery. We know that Mr Andrew Charlton, a person of integrity, says that it is a forgery. The Leader of the Opposition and his office have a lot of questions to answer now. They have been pushing this email around for weeks, trying to smear the Prime Minister and the Treasurer.

The opposition must explain where, when and in what circumstances they came into contact with this email. They must detail all their involvement in the creation, distribution

and promotion of this email. The opposition must today commit to fully cooperate with the Australian Federal Police by making their computer systems available. They must fully cooperate with the AFP investigation, because they have got form, and the Leader of the Opposition in particular has form. During the legal action related to the Costigan royal commission, the Leader of the Opposition made a series of ‘provocative claims in the press, including an interview in which he claimed to have significant evidence’. This was all documented in Annabel Crabb’s recent article. That evidence was never produced. In the same proceedings, the *Age* newspaper, on 17 December 1984 reported that Turnbull ‘publicly boasted of having evidence against a participant in the legal case and released a “press statement announcing that other information was available”.’ The judge in the case—and I quote from the judge—said that Turnbull’s ‘failure to give those particulars has never been explained nor have the particulars ever been supplied’ *Packer v Marr* 1984. Sound familiar? The judge condemned Turnbull’s tactics, saying that his statements to the media had ‘managed effectively to poison the fountain of justice immediately before the commencement of the present proceedings’. That was Justice Hunt, quoted once again by Annabel Crabb. This is very serious indeed. The journalist receiving leaks from the Costigan commission claimed that Turnbull was lying about having information about the source of leaks from the commission. The journalist, Brian Toohey, said at the time—and I quote from the *Age* on 10 December 1984: ‘Malcolm Turnbull is not aware of any source of any story I have ever written. I am astonished that he should pretend to know.’ The Leader of the Opposition has form.

There are more quotes. In the *Australian* on 20 June 2009, Paul Kelly writes, ‘The opposition had sighted the written evidence.’

In the *Sydney Morning Herald* on 20 June, Phil Coorey writes, ‘No-one can find the email. The coalition claims to be aware of its existence and some say they have read it.’ Do you think Phil Coorey made that up? Do you think he just decided to make that up? Sid Marr, in the *Australian* on 20 June, writes: ‘The coalition last night was maintaining that it had an email from Rudd’s economic adviser, Andrew Charlton, to Treasury on the Grant affair.’ These are all very serious, experienced journalists on integrity. I might not agree with everything they ever write but I would not question the integrity of Paul Kelly, Phil Coorey or Sid Marr. On 20 June 2009, Mark Riley on Seven news said, ‘Certainly those people in the Liberal Party who were telling me yesterday that either they knew of its existence or its contents are certainly running away at 100 miles and hour.’

This morning we heard the clanger from the Leader of the Opposition on the Alan Jones program when he said, ‘Well, Eric Abetz, he was just quoting from a newspaper report.’ No, he was not. The newspaper was not out yet. It was Friday and the newspaper came out on Saturday. Today, on Sky News, Helen McCabe said, ‘I guess to be completely frank today, we were under the impression that the email existed and under the impression that the opposition had it.’ That is what she said today on Sky News. You had the Deputy Leader of the Opposition saying today with great clarity, ‘Well, I don’t know that an email doesn’t exist.’ That is her position: ‘I don’t know what I don’t know.’ Yet, this is an issue that the Prime Minister and the Treasurer should resign over. This is an issue that should bring down a government. What a farce. When the Prime Minister and the Treasurer have been dealing with the greatest economic crisis since the 1930s and have been putting Australia in a position to move forward when the rest of the world is

moving backwards, I will tell those opposite what their contribution has been: you are a dead weight on the national interest of this country trying to hold us back.

We will not be deterred by the politics of smear from those opposite and we will not be bullied either, because the Leader of the Opposition has form when it comes to bullying. During his Wentworth preselection battle with Peter King—remember Peter, his opponent?—he called a 23-year-old member of Peter King's staff at home. That staff member has written a book. In the book he said—and I ask you to think about the comments between the Leader of the Opposition and Dr Charlton last Wednesday at the press gallery ball: 'You lied, John. You have got to tell the truth. People could go to jail. Just tell me the truth. It's so important to tell the truth.' What were those comments last Wednesday night at the press gallery ball: 'You have lied, Andrew. Integrity is the most important thing in a man's career. This could be very damaging for you.'

This is all about the email which they now say they never said existed. They now say it has nothing to do with them. We will see how they go. I again call for them to open up their computer systems and their processes to the AFP investigation. There is also form on bullying public officials because in 1984, Mr Turnbull launched a legal action against an assistant to the Costigan royal commission asserting the assistant had leaked commission documents to the media. The presiding judge later said that the action launched by Turnbull was a bullying technique designed to put pressure on the official. Justice Hunt said Turnbull's actions were 'no more than a ploy'—this is a judge—and 'clearly enough calculated to prejudice the defendant in his conduct of the present proceedings'. In the judgment, Justice Hunt described Turnbull's actions as—and I quote from the *Age* on 17

December 1984—'an abuse of legal process'.

Annabel Crabb nailed the Leader of the Opposition by talking to some of the people in the party room, some of those people who were sitting up the back or holding press conferences, anywhere but, distancing themselves from the Leader of the Opposition. A Liberal Party member described the Leader of the Opposition's character as follows:

I do not think any of us have any illusions about Malcolm. I mean, he would destroy you if you got in his way and think absolutely nothing of it.

She quoted a former employee as well:

He just worked to bully them into getting the job done. If they were inappropriate for the job, he'd just keep bashing them against a rock until they were finished.

That was one of his former staff members.

It is very clear that this is an opposition leader who will not think for one second about whether he is prepared to put his own cheap political interests before the national interest. He has been exposed by this fake email scandal as a grubby opportunist who will do anything to get into office, just as he would do anything to knock off Peter King, a sitting member from the Liberal Party, just as he would do anything to destroy people in the ARM. What a success that was! He had the majority of the Australian public supporting a republic and he managed to lead the ARM to defeat. They should think about that. They should think about what happened in the internal dynamics of the ARM under his leadership because this is a man who is prepared to put himself first, second and third. This is a man whose only interest is his own interests. He will stop at nothing to gain political power and that is why he deserves to be censured before this parliament today.

I note that the original motion censures nobody because they are embarrassed and humiliated—some of them at least—by their

actions over recent days. The Treasurer outlined quite clearly why there has been no misleading of the parliament. The bottom line of all this is: what did this great mate get? Nothing, not a zack, unlike the mates of the Liberal Party and the National Party year after year, rort after rort, abuse of government process after abuse of government process. The Leader of the Opposition has been exposed for his involvement in a fake email and this is why the Leader of the Opposition should simply resign—because he is unfit for public office, he is unfit to be the alternate Prime Minister of this nation and he is unfit to be the Leader of the Opposition. *(Time expired)*

Ms JULIE BISHOP (Curtin) (1.50 pm)—This issue is about the Treasurer. This is about the Treasurer misusing his position as the Treasurer of this country—using his ministerial office, using his ministerial staff and directing Treasury officials to provide preferential treatment to a friend of the Prime Minister’s, who year after year after year has given the Prime Minister, when he was Leader of the Opposition, a free vehicle—the registration and all the costs involved. This is thousands and thousands of dollars as a gift to the Prime Minister. So this is about the Treasurer using his ministerial position, his ministerial staff and his ministerial office to direct Treasury officials to give preferential treatment to a mate of the Prime Minister’s.

Do you know what is extraordinary? This is exactly what the former Minister for Defence was accused of doing, and the former Minister for Defence resigned because he had used his ministerial office to direct Defence officials to meet with his brother in order to get preferential treatment.

The government tries to use the excuse that ‘Mr Grant did not get any credit from Ford Credit.’ Well, as I recall, the government also pointed out that Mr Fitzgibbon’s,

the member for Hunter’s, brother did not get a contract with Defence, apart from the fact that those contracts have not been let yet, and that therefore it is okay. But the member for Hunter still resigned because he knew that it was an abuse of his position—his ministerial office—to direct a senior Defence official to be in his office to meet with officials that no other constituent would be able to access.

I just had a meeting with a whole group of constituents from the member for Mallee’s electorate and they said, ‘We have been in trouble in relation to Treasury matters before. We have needed support in relation to the bank guarantee.’ A number of them told me that they had written to the Treasurer’s office and received no reply. They have sought to get responses from the Treasurer’s office. But, in the case of Mr Grant, all he had to do was telephone the Treasurer and the Treasurer moved heaven and earth, that day, to make sure that Mr Grant’s needs were taken care of.

The patronage, the cronyism, the jobs-for-the-boys, the-looking-after-your-mates is so much a part of the Labor Party’s DNA that they do not even know when they have done something wrong. The member for Hunter was still denying that he had done anything wrong, because he was out blaming the Judases in his midst for his downfall. This is another Labor member with a messiah complex—yet another. They do not even know when they have done something wrong. They are still blaming the Judases for the Messiah’s downfall. This is another example of Labor once more trying to shoot the messenger.

Why is it that in the Senate inquiry last Friday the government senators, clearly on directions from the leadership, intervened to prevent evidence being given in the Senate inquiry? The government senators were trying to suppress evidence to a Senate inquiry

by intervening in a most disgraceful way to prevent a Treasury official giving his evidence.

What happened to the openness and accountability and transparency that the Prime Minister promised on coming to office? A Senate inquiry was held not because the government wanted to clear the air but because the coalition, with the support of the Greens, was able to get up a Senate inquiry to answer the questions that the Treasurer and the Prime Minister refused to answer in question time. In fact, in the case of the Treasurer, the answers that he gave at the time were manifestly false and he knew it. So we set up a Senate inquiry, and what does the government do? It directs its senators to run interference against a Treasury official who is called to give evidence. That is disgraceful. That is absolutely disgraceful. The government directed a Treasury official to run interference on Mr Grech so that he could not complete his evidence. What kind of transparency is that and what is the government trying to hide?

If this was just a normal constituent—if Mr Grant was just a run of the mill constituent who made an inquiry and it was just going through the processes—why is the government trying to prevent the Treasury official who knows about this matter giving full evidence? What is the government seeking to hide? Well, you can get a fair idea of what the government was seeking to hide by the emails that were tabled—and I note this—by the government senators. I think it is passing strange that the Treasury officials did not table emails from Treasury but the government senators did. Government senators having tabled these emails certainly does give the lie to what the Treasurer said in parliament in answer to questions about OzCar. In fact, it shows that on 27 February, after a whole series of efforts by Treasury officials and by the Treasurer's office, they were pre-

pared to do whatever it took to get Mr Grant preferential treatment. In fact, one of the emails—from Mr Grech, of 27 February, to Andrew Thomas in the Treasurer's office and copied to the Treasurer's home fax—goes so far as to say:

Andrew, just to let you know that I have spoken again with John Grant this afternoon to clarify progress.

This is a week of this Treasury official ringing Mr Grant, reporting back to the Treasurer and reporting to the Treasurer's home fax. The email continues:

Grant said that he had a good meeting with Ford Credit on Thursday—

This is the meeting that the Treasury officials set up for Mr Grant. Do not worry about all the other car dealers across Australia; just one car dealer gets a meeting set up specifically for him with Ford Credit—

and they have told him that while they are generally concentrating on Ford dealerships—

So we know that Ford Credit do not generally deal with people who are not Ford dealers. He goes on to say:

... I know for a fact that they still have a number of non Ford dealers on their books ... they were prepared to take him on assuming the numbers add up.

Mr Grech then goes on to talk about Grant's accountant, who 'is preparing the financial advice'. But I ask members to listen to this: Mr Grech says:

I told Grant to keep in touch and to let me know if Ford show concerns or resistance.

So if Ford shows 'concerns or resistance' to the direction from the Treasurer that Mr Grant is to be looked after, what happens then? Well, as Mr Grech says:

... I will not speak with Ford again on this unless it is absolutely necessary to push it through ...

So this Treasury official was under no illusion that he had a direction from the Treasurer to push it through. In other words, Mr

Grant was going to get access to money, whatever it took. At a time when Ford Credit was seeking half a billion dollars from the government, the Treasurer directed his office and his Treasury officials to make sure Mr Grant got preferential treatment. With this wording—‘I will not speak with Ford again on this unless it is absolutely necessary to push it through’—these Treasury officials were in absolutely no doubt at all that the Treasurer was directing them to look after the Prime Minister’s mate. The patronage, the cronyism, the-look-after-your-mates is just so much a part of the Labor DNA that they do not even know when they have done the wrong thing.

This just goes to show why the Labor Party is running so much of a distraction on this. The fact is that this matter should have been cleared up in the Senate inquiry on Friday. A Senate inquiry was held so that the Treasury official could give evidence. I remind the House that this was the Treasury official who was sent away during Senate estimates to be hidden from the Senate inquiry. These were Treasury officials who were not able to give evidence during Senate estimates, were they Treasurer? A Treasury official was sent away from Senate estimates so that he would not have to face questioning. A Senate inquiry was set up, with the support of the Greens—not with the support of the government but with the support of the Greens—so that this Treasury official could give his evidence unimpeded, and yet time and time and time again, the Treasury—

The SPEAKER—Order! I will interrupt the Deputy Leader of the Opposition as it is two o’clock. It is my understanding that it is the wish of the House that this debate continue and that that has been agreed by the Leader of the House and the Acting Manager of Opposition Business. That means that after the Deputy Leader of the Opposition’s speech there are four more speakers.

Mr Albanese—No, sorry; five.

The SPEAKER—So question time commences at about 3.15 or 3.20 pm. As that is agreeable to the House, I will allow leave for that to occur. The question is that the amendment be agreed to.

Ms JULIE BISHOP—As I was saying, a Senate inquiry was set up specifically so that Treasury officials could come before that Senate inquiry and give evidence as to what they had been told by the Prime Minister’s office and what they had been told by the Treasurer’s office. Yet time and time again the government senators, on directions from the leadership team, ran interference to prevent the Treasury official from giving a full answer. Not only did the government senators run interference but so did a Treasury official at the table, to prevent Mr Grech from giving his evidence in full not distorted by the attacks from the government senators. As I was saying, I have just been speaking to some constituents, and I say this to those who might be listening to this debate: how many people who have had a problem that required Treasury attention have received an immediate phone call from the Treasurer? How many people have received action taken that day?

Ms Macklin—Kay Hull.

Ms JULIE BISHOP—I am talking about a constituent.

Ms Macklin interjecting—

The DEPUTY SPEAKER—Order! The Minister for Families, Housing, Community Services and Indigenous Affairs!

Ms JULIE BISHOP—How many have had a representation made that day to the Treasurer’s office? How many times has a Treasury official then gone into bat for that constituent and written the most detailed response back to the Treasurer’s office? But remember this is in the context of the Treas-

urer saying he knew nothing about this and he had no knowledge of the progress of this. But day after day after day long emails were sent to his home fax detailing all of the representations that had been made on behalf of Mr Grant. Every single nuance—whether Mr Grant was happy, whether Mr Grant was sad, whether Mr Grant had been buoyed by the news or not—is contained in these emails.

If the members of the government still do not get what it is that the Treasurer has done—how the Treasurer has used his ministerial office and his staff and directed Treasury officials to give preferential treatment to one person and one person only—then that shows a reflection on those members. The Labor Party do not understand that the level of patronage, of cronyism and of looking after their mates is unacceptable. The member for Hunter had the decency to resign. The Treasurer should resign.

When the Treasury official Mr Grech had spoken with Ford Credit, he went back to give the Treasurer's office a detailed description of everything that occurred. He said he had spoken with John Grant, he had given him a good rundown of where things are at, he had told him he would arrange for Capital Finance to get in touch with him. He had flagged a fallback 'but I will not set that out here, suffice to say it involves Ford Credit'. So this is the plan and this goes to the Treasurer at home. It is interesting to note that the Treasurer was copied in on emails from 20 February, so from the Friday night he was being copied in. Then Mr Grech goes on: 'I'm meeting Ford Credit in Melbourne on Monday and I will raise Grant's case.' That should have caused alarm bells to ring in the Treasurer's office, that a Treasury official felt—in a prearranged meeting with Ford Credit to discuss Ford Credit's application for the OzCar rules to be changed, Ford Credit's application to access half a billion dollars of taxpayers' funds—that he had to

raise the Prime Minister's friend's issue with Ford Credit at that time.

The fact that that does not ring alarm bells in the minds of those opposite is of great concern. They have no understanding of what their level of patronage of cronyism and preferential treatment for their mates is doing to the integrity of this government. Then, on the Monday after Mr Grech had met with them, he gave another detailed response back to the Treasurer and to the Treasurer's office, pages of emails on what the government now says was just another constituent. The government knows that no other constituent got this kind of treatment. The government knows that it was only the Prime Minister's mate—who had given him a free car for years and years, who had donated money to him, who was one of his strongest supporters—who received treatment that no other car dealer in Australia received. That is why the government has worked so hard to ensure that the full facts of this case do not come out. If the government has got nothing to hide, why did it run interference in the Senate inquiry? If the government has got nothing to hide, why is it that government senators prevented Mr Grech from giving his evidence in the Senate inquiry on Friday?

In case viewers of, and listeners to, this broadcast are in any doubt of what is occurring here, this is all about the Treasurer's use of his office, the Treasurer's use of his staff, the directions the Treasurer gave to Treasury officials to give preferential treatment to the mate of the Prime Minister, treatment that no other car dealer in Australia received. On that basis alone the Treasurer should resign. The member for Hunter resigned for a lesser offence than this. The Treasurer should resign. He will continue to bring this government into disrepute for every minute that he stays in the Treasurer's role. This govern-

ment has lost its moral compass. This government has lost its way. (*Time expired*)

Mr TANNER (Melbourne—Minister for Finance and Deregulation) (2.06 pm)—On Friday, the Leader of the Opposition, at a press conference, stated the following:

The Prime Minister and Treasurer have used their offices and taxpayers' resources to seek advantage for one of their mates, and then lied about it to the Parliament.

The Leader of the Opposition then called on the Prime Minister and Treasurer to resign as a result of these claims that they had been engaged in corrupt behaviour and had lied to the Australian people. It is hard to think of a more serious accusation that can be made against a Prime Minister or Treasurer than accusations such as these. Accusations of corrupt behaviour in particular are not very common in national politics.

We have now heard reports over the past hour that the AFP has run to ground the fake email on which all of these accusations were founded by the Leader of the Opposition. The Leader of the Opposition and his office now have some very interesting questions to answer. They have been pushing this fake email around for weeks and have been promoting its content for weeks, and now they have some very, very tough questions to answer. It is apparent in the opposition's behaviour in the parliament today that they understand the predicament they are now in. They have not moved a censure motion. Two or three days ago they were asserting corrupt conduct on behalf of the Prime Minister and the Treasurer and yet they are not moving a censure motion here today. The Deputy Leader of the Opposition spent most of her speech talking about events of weeks ago that are irrelevant to the current context, and very, very significantly did not even mention the Prime Minister during her opening re-

marks in her statement about what was wrong with the government.

The opposition now have some very, very tricky questions to answer, particularly in their role in the production, dissemination, distribution and promotion of this phoney email. I call on the opposition to open up all of their computer resources, all of their backups and allow the Federal Police to examine these matters in the same way that the government has. Just a word of friendly advice—to use a Turnbull-like term—do not go scurrying back to your offices and try to delete emails, guys; I do not think that would be a great idea. I suggest that the opposition think very carefully about your behaviour from here on in because you have made the most extreme assertion that is possible to make against a government and against a Prime Minister—corrupt behaviour—on the basis of virtually zero evidence, and now that evidence has blown up in your face.

Over the past few days we have seen an extraordinary saga unfold about this alleged email. It has been a bit like the Loch Ness monster. Everybody has heard of it, everybody knows a bloke in a pub who had a photograph of it, everybody knows what it looks like but there is no evidence of it. And there is no email that anybody can bring to bear.

We even note that the journalist, Steve Lewis from News Ltd, who published a story detailing the content of the email, referred to it as 'an alleged email' that had been read out to him. I wonder who might have read out that email to the journalist, because for the last few weeks, the Leader of the Opposition and his acolytes have been telling anybody who wants to listen that they have documentary evidence that shows that Kevin Rudd has lied to the parliament and that Kevin Rudd is corrupt. I note several instances where journalists reported this on Friday, 20

June. Paul Kelly reported Liberal sources saying that they had:

... sighted the evidence.

Sid Maher reported:

... the Coalition last night was maintaining that it had an email ...

Phil Coorey reported:

The Coalition claims to be aware of its existence and some say they have read it.

It sounds a lot like the Loch Ness monster to me. It is significant that by the end of the day, Mark Riley, on Channel 7 news was reporting, 'Those people in the Liberal Party who were telling me yesterday that either they knew of its existence or its contents are now certainly running away at 100 miles an hour.' It is equally notable that yesterday, at a press conference, the Leader of the Opposition was stating that he had:

... never claimed to have a copy of the email—and that he had—

... not claimed at any time to be in possession of this email.

Yet, mysteriously, one of his shadow ministers in the Senate was able to read out the content of this alleged email on Friday at the Senate hearing before it had been published in any media outlet. So, although the Leader of the Opposition says that he and by definition the Liberal Party had nothing to do with the dissemination of this email, one of his frontbenchers was able to read it out word for word at the Senate inquiry before it had been published in the media.

There are some peculiar things about this email, and I want to draw the House's attention to one particular aspect that should have said to anybody scrutinising it and asking is this genuine that there was a question about the email. It refers to 'a Queensland car dealer, John Grant', but what it does not contain is any contact information that would enable Mr Grech to follow up the request in

the email. The use of the term 'a Queensland car dealer' to me implies that this is the first time the person sending the email has raised this matter with Mr Grech in this purported email yet, even though there is a request to follow up, there are no details included as to how this might be done. Anybody reading this email who is being diligent, who is being serious and who understands the explosive nature of the accusation they are proposing to make off the back of this email would have heard an alarm bell ring and said, 'Hang on a second, this does not ring true.' Yet the Leader of the Opposition was happy to hawk this around, happy to tell people and happy to front Andrew Charlton, the Prime Minister's adviser, at the Press Gallery ball and claim that he had documentary evidence.

Mr Ruddock—Madam Deputy Speaker, I rise on a point of order and I would like to ask you for a ruling in relation to a matter that I regard as being quite serious. There are issues which—

Government members interjecting—

The DEPUTY SPEAKER (Ms AE Burke)—Order! I would like to hear this point quickly. The member for Berowra has a right to be heard.

Mr Ruddock—There are matters that the Prime Minister believed to be sufficiently serious to be raised with the Australian Federal Police. A great deal of the debate which we are hearing traverses those matters that would be directly the subject of that investigation. I am asking for a formal ruling as to whether or not you believe it complies with the standing orders for members in debate to be traducing those issues that are the subject of a police investigation.

Government members interjecting—

The DEPUTY SPEAKER—Order! The member can resume his seat. Order! This is a serious issue. The questions being asked are not being asked by police and are therefore

not in relevance to sub judice. Therefore, the member's point of order is not relevant. The minister has the call.

Mr TANNER—My comments relate entirely to matters that are on the public record. So we have lots of people who all happened conveniently to be connected to the Liberal Party whispering around the corridors that they have the smoking gun, and as soon as it becomes clear that the smoking gun they think they have got could be blowing up in their faces, they scuttle at 100 miles an hour away from it.

This is not the first time that the Leader of the Opposition has been involved in exercises of this kind, to pump up a case way beyond any content that he has; this is not the first time he has behaved like a grubby opportunist. You will note some interesting examples in the *Quarterly essay* by Annabel Crabb recently, where he took legal action with respect to the Costigan royal commission and claimed that he had 'significant evidence that was never produced'. He put out a press release saying that he had serious material to back up this action, and yet the judge in the case—Packer against Meagher—subsequently concluded:

... failure to give those particulars has never been explained. Nor have the particulars ever been supplied ...

And then he said of the now Leader of the Opposition he:

... managed effectively to poison the fountain of justice immediately before the commencement of the present proceedings.

Similarly, he claimed to be aware of the identity of a commission staff member leaking material to the journalist Brian Toohey. That was absolutely repudiated by Brian Toohey at that time.

It is not only the Leader of the Opposition who has form in this respect; it is the entire Liberal Party. Somehow the paths of the Lib-

eral Party and dubious documents, forgeries and information that does not stack up just keep crossing. They keep weaving into the single stream time and time again. We all remember the 'children overboard' affair. Another case of Chinese whispers, as they are called, where the gossip, the innuendo, goes round in circles and it gets ever more hysterical, ever more florid, ever more off the point and ever more inaccurate, and then it emerges in public debate as if it were fact when of course it clearly is not. We all remember weapons of mass destruction—not just an effort by the Liberal Party, I hasten to add, but something they embraced enthusiastically without really being too careful to worry about whether there was any factual information to back up the assertions.

More recently we remember the activities in the seat of Lindsay in the last week of the last federal election campaign, where Liberal Party activists, including people very senior in the Liberal Party, were caught red-handed distributing fake leaflets. And of course, most recently and most pertinently, the Leader of the Opposition in South Australia, Martin Hamilton-Smith, produced into the public domain documents alleging the most extreme corruption by the South Australian Premier and others and then discovered, much to his embarrassment, that these documents are false. Somebody eventually has to teach people in the Liberal Party that you actually check before you make assertions of these kinds. I am giving you the benefit of the doubt here in assuming that you yourselves have not been the authors of this document. I am open to being convinced otherwise, but I am prepared to give you the benefit of the doubt, but at least you should check.

We have a pattern of behaviour here that is unconcerned with evidence, unconcerned with truth, unconcerned with fact. It does not matter if you are the Young Liberals at the

ANU, it does not matter that much if you are playing in the sandpit. But when you are Prime Minister or seeking to be Prime Minister, as the Leader of the Opposition is, it is an entirely different story. The Liberal Party tactics committee is slowly turning into the newsroom of the *National Inquirer*. Next we are going to have B-52 bombers found on the moon and Elvis alive and well in Montana. That is what is happening to the Liberal Party. And now we are seeing the backdown. Now we are seeing the grand retreat. Now we are seeing: 'Uh oh! It's blown up in our faces; we'll just scurry away like the cowards we are. After having made these extreme accusations in the public domain, we are now going to run away, not even move a censure motion.'

There is other material in the public domain which tells you a lot about the grubby opportunism of the Leader of the Opposition. I remind everybody in the House just of the simple facts associated with his involvement with the HIH disaster. One, in 1997, along with Rodney Adler, he explored the prospect of buying HIH and decided that it was not a good purchase. Two, he was paid \$1½ million to help FAI find a buyer. Three, he advised FAI not to get an independent valuation of its assets. Four, he wrote to Goldman Sachs—the Leader of the Opposition wrote to his employers in New York on 7 September 1998 saying that the true net value of the assets of FAI was about \$20 million. It was then later sold to HIH, partly on his advice, for \$295 million, and that played a central role in the collapse of HIH and we all know the misery, the loss that that caused around the Australian nation. And in June 2006, as the House will also know, the liquidator of HIH issued legal proceedings against the Leader of the Opposition, claiming, amongst other things, that he had misled the non-executive directors of FAI.

Mr Hunt—You should be ashamed of yourself, Lindsay!

Government members interjecting—

The DEPUTY SPEAKER (Ms AE Burke)—Order! Standing order 65(b) still applies!

Mr TANNER—I find it amusing that a frontbencher of a party whose leader has just been prepared, without any evidence whatsoever, to accuse the Prime Minister of corrupt conduct now tells me I should be ashamed of myself for repeating facts that are on the public record in the parliament. I find that an extraordinary contrast. Accusing the Prime Minister of this country of corrupt behaviour is just about the most extreme, serious accusation the Leader of the Opposition could make. He, by failing to back up this accusation, discredits himself, he discredits the office of Leader of the Opposition and he discredits the Liberal Party and he should resign.

Mr WINDSOR (New England) (2.21 pm)—The accusations that have been raised are very serious. I think both sides of the parliament agree that they are. Events are unfolding in a number of ways outside and inside this building, but we can only deliberate on the evidence that is before us at the moment. I would like to make a couple of suggestions in a moment, but the amendment that we will be asked to vote on is:

That all words after "That" be omitted with a view to substituting the following words:

"that this House censures the Leader of the Opposition for relying on, actively communicating and promoting the contents of a fake email to attack the integrity of the Prime Minister and the Treasurer".

I will be required to vote on this. In my view, the Leader of the Opposition has not been able to substantiate that email. There is an opportunity in the House at the moment for the Leader of the Opposition or others in the

opposition to substantiate that email or tell the truth to the general public as to the whereabouts of it or why they believe that it exists. The Leader of the Opposition has also suggested on a number of occasions, and the media have definitely propagated the view, that the Leader of the Opposition has actually sighted an email if he does not in fact have it on his person. One of the other things that the general public would like to know is that, if the Leader of the Opposition has sighted an email, where did that occur and who had it in their possession? We need to know those substantive points, otherwise I will have no alternative but to support the amendment before the House.

The other point I would like to make, because I think the general public are fairly concerned about it as well, is about the terms of reference that the Prime Minister and the government have proposed regarding the scrutiny the Auditor-General and the Australian Federal Police may make of the Prime Minister's office. In an interview yesterday morning, Laurie Oakes asked the Treasurer if he would abide by the same terms of reference that the Prime Minister gave to the Auditor-General's office to ascertain some of the facts and figures of the various allegations floating about. I suggest to the House that it would be in the interests of the Treasurer to allow those terms of reference to apply to scrutiny of the Treasurer or his office. That may well have happened within the last hour or so; I am not aware of that. A lot of things are happening out there that people are only just learning about at the moment.

They are the two things that I would like to bring to this debate. A very serious allegation has been made, partly based on an email that few people have seen, and those who have seen it now doubt the veracity of it. The onus really is on the Leader of the Opposition to substantiate how he came to be in possession of or to witness that particular

email and who showed it to him—and there is an onus on the Treasurer to invite the scrutiny of the Auditor-General. Otherwise we will potentially waste a week on this, and I think we all know what the result of this will be, irrespective of the numbers and how the voting will go or what is written in tomorrow's newspapers. If that email is not presented today, there is no trail of corruption to the Prime Minister. I think it is as simple as that. There may well be some questions that need to be answered by the Treasurer or the Treasurer's office. As such, I recommend to the government and the Treasurer that, if the terms of reference given to the Auditor-General are good enough for the Prime Minister, they should be good enough for the Treasurer and the Treasurer's office. This way, the general public may know the substantive facts around what is actually going on here.

As some would remember, I was involved in a Senate inquiry of some note. We are all aware of the things that can happen by way of government and non-government members trying to shift the position of witnesses giving evidence to Senate inquiries. The mere calling of the public servant to give evidence had a political motivation behind it. Now we have what is being played out in this place, which in effect could waste a whole week when there are many more important issues than this. If the Prime Minister is corrupt, today is the day to take his head off. As yet I have not heard anything to suggest that he is. The Leader of the Opposition has the opportunity to come into the House before question time and produce the evidence against the Prime Minister; otherwise I will have no choice but to vote in favour of the censure motion against the Leader of the Opposition for allegedly using a fake email for political purposes.

Mr BURKE (Watson—Minister for Agriculture, Fisheries and Forestry) (2.28 pm)—

A week ago the Leader of the Opposition made the biggest call a Leader of the Opposition can make. I quote him directly:

The Prime Minister and Treasurer have used their offices and taxpayers' resources to seek advantage for one of their mates and then lied about it to the parliament.

Who would have thought that he would make the biggest call you could make as a Leader of the Opposition and then get to the parliament, not move a censure motion and wander out during his own debate? I do not think anyone is going to believe that he had appointments scheduled in his diary between 2 pm and 3.30 pm today. And yet the Leader of the Opposition has gone from the threshold of claiming that this was the biggest possible issue, worth putting his entire credibility on the line for, to coming into the House and moving a motion without using the word 'censure'. Then, when it comes to the one part of the day when he was scheduled to be in here, he is not here and he can only get one member of his frontbench in the chamber—because the other one is walking out the door as I speak. That is the level of commitment from the Leader of the Opposition and his team to the issue before us today.

It is the most serious allegation that can be made in Australian politics and they cannot bother to move a motion relevant to it; nor can they show up for the motion that they do move. One wonders whether part of the reason for their absence at the moment has something to do with an article that is online on *The Punch*. One wonders if that might have something to do with their absence. One wonders about that, but certainly the Leader of the Opposition and his office do have a lot of questions now for themselves, given that there is no doubt that they have been pushing this email around for weeks trying to smear the Prime Minister and trying to smear the Treasurer. The opposition do

have to explain when, where and in what circumstances they came in contact with the email. The opposition do have to detail all of their involvement in the creation, distribution and promotion of this email. Remember when the frontbench did bother to show up as the opposition earlier today and it was mentioned that they should cooperate fully with the AFP by making their computer systems available. They all just laughed as if they would do that! Now they have all gone back to their computer systems. The delete key is in that same little square where you will find the page up and the page down key—pressing delete, delete, delete!

The Deputy Leader of the Opposition ran what I have got to say was one of the most creative arguments. Each speaker that has come into this debate has had a new argument. They have all tried something slightly different, because whatever argument they put forward then fell over with the next speaker. We had the shadow Treasurer put forward his argument, 'Oh, it was a pretty fast turnaround,' only to find the member for Riverina had an 11-minute turnaround. But I reckon one of the best arguments today came from the Deputy Leader of the Opposition, who claimed last Friday that government senators were suppressing evidence. And what was the crafty device they were using to suppress evidence? The tabling of documents. They were tabling documents as a way of suppressing evidence.

It might be news for those members opposite, but when you table a document it becomes public. That is the concept of tabling a document. But we now have a question: if they think it is suppressing evidence, maybe that is the way to get them to table the email that they have been pushing to journalists, that they have been arguing that they know all about and then ran a million miles away from. I am not sure whether that was the best line of the Deputy Leader of the Opposition.

It is competing with 'I do not know that an email doesn't exist' as a statement of great credibility. But we also have the question: what was it that Senator Abetz was reading, because the Deputy Leader of the Opposition used the comment this morning, when asked about Senator Abetz reading the email, 'It is perfectly legitimate for senators to put information that has been published on the front pages of the newspapers that day regarding the content of an email.' In a similar vein, on the Alan Jones program this morning, the Leader of the Opposition said that Senator Abetz was quoting from the papers. There is a problem with the argument. The paper that carried the text of the email was published the next day. While we never doubt the levels of confidence the Leader of the Opposition might hold in himself, I do not know that he holds a similar level of confidence in Senator Abetz, but certainly it is unusual to be able to quote from a paper not yet published. That leaves us with the more likely scenario, which is that the opposition have been in a position to table the email and have chosen not to do so.

There is good evidence from the Leader of the Opposition that he did in fact have a copy of the email. Why else, on Wednesday night last week, would he have said to Dr Charlton, 'You know and I know there is documentary evidence that you have lied'? It was an extraordinary grubby, bullying tactic to a member of staff, an extraordinary, grubby bullying tactic to go on with—the tactic of a grubby opportunist—but where is the documentary evidence? If he was so sure that he was willing to try to intimidate a member of the staff of the Prime Minister, then table the document, table the email, and provide it now.

In the same way, if he wants to claim, 'Oh, I do not know if there was an email or not,' then why on Friday, in his doorstop, did the Leader of the Opposition say, 'The Prime

Minister and Treasurer have used their offices and taxpayers' resources to seek advantage for one of their mates and then have lied about it to the parliament? It is a big call to make. It is the biggest call a Leader of the Opposition can make. Today is the time for the Leader of the Opposition to put up or shut up. If he believes he has got this evidence, if it is strong enough to say it to the media in a doorstop, if it is strong enough to have the opposition shopping it around to Paul Kelly, to Phil Coorey, to Sid Maher and to Mark Riley, then why not provide it to the parliament? If it were to be tabled, it would have the Leader of the Opposition's fingerprints all over the document. Paul Kelly said the opposition had cited the evidence. Phil Coorey wrote:

No one can find the email. The Coalition claims to be aware of its existence and some say they have read it.

Sid Maher from the *Australian*:

However, the Coalition last night was maintaining that it had an email from Rudd's economic adviser Andrew Charlton to Treasury on the Grant affair.

Mark Riley on Seven News:

Certainly those people in the Liberal Party who were telling me yesterday that either they knew of its existence or its contents are certainly running away at 100 miles an hour.

If it comes to a competition between the integrity of the Leader of the Opposition and Paul Kelly, Phil Coorey, Sid Maher or Mark Riley, we know who is going to win. We know who is going to have the higher level of integrity in that case. The motion before us has an interesting phrase in it. The motion that is before us has the phrase 'deals for mates'. I have got to say that the mover of the motion, in crafting that motion, knows something about deals for mates. If you want to find a story about deals for mates, do not look over on this side of the House; look back at the time the Leader of the Opposition

served as a minister in the previous government.

There is an interesting organisation involved in what is described as 'rainfall enhancement technology'—a company named the Australian Rain Corporation. Apparently they have decided to corporatise rain! The Australian Rain Corporation sought money and the National Water Commission commissioned an independent review of the technology that they were putting forward by a former senior CSIRO officer and professor of physical sciences and engineering from the ANU. The National Water Commission insisted that the Australian Rain Corporation give a presentation of this technology to a panel of physicists. They then provided it with the research papers and made the presentation in Russian. The independent review concluded: 'There is no convincing evidence that the Atlant technology operates as believed by its proponents.' But in the end the department recommended that the member for Wentworth provide them with \$2 million for a trial, which was arguably a generous offering, given what had been said about the technology. What did the Leader of the Opposition, as a minister, do with a recommendation to give them \$2 million? He wrote to the Prime Minister seeking a lazy \$10 million for the Australian Rain Corporation. You have to ask: what would be the circumstances of taking a departmental recommendation for \$2 million and turning it into \$10 million? Why would the Leader of the Opposition have done that as a minister?

This is where we discover that an executive of the Australian Rain Corporation happened to be a next-door neighbour of the Leader of the Opposition. The same person, the same neighbour, was a member of his electorate fundraising committee, the Wentworth Forum, with membership costing a cool \$5,000 to get yourself into the room. If you want to find deals for mates, there are

stories of deals for mates and there are stories that rest very squarely with the Leader of the Opposition. This is the same person who was able to run around saying, 'Well, we've got this email. You'd better publish it,' and who went to members of staff, intimidated them and said that he had documentary evidence. All we ask of the Leader of the Opposition is: prove that you have been telling the truth. We know what will happen. We know we will be greeted with the same deathly silence that we get now. We know that he is pretending to write and focus on something else, but we know full well that the Leader of the Opposition has been caught out and caught out badly.

There are different ways of operating. You can operate in the way that the member for Goldstein operates whenever he thinks there is a whiff of scandal. He just wanders around saying, 'There are questions that have to be answered.' That is all he says. The Leader of the Opposition went a big step further, because the Leader of the Opposition decided, on the basis of a fraudulent, fake email to rest his entire credibility in one call. If there is an allegation against the Prime Minister of Australia and the Treasurer that does not start with that email, then the Leader of the Opposition has not bothered to make it. At every point, the entire case here starts with a single email which is fraudulent and which was the basis of the Leader of the Opposition saying that the Prime Minister of Australia had lied and calling for him to resign. That is the foundation and the starting point of everything that has led us to this debate today.

If there were ever evidence of a lack of commitment, as the story has unravelled and fallen apart in the hands of the Leader of the Opposition, it is the fact that for all the beat-up, for all the lead-up and promise over the last few days, he gets here and refuses to use the word 'censure' in the resolution he takes. Already—

Mr Turnbull interjecting—

Mr BURKE—He just said—

Mr Turnbull—Tony, you get the information first.

Mr BURKE—He says the censure is later. Can I remind the Leader of the Opposition that the first rule when you are in a hole is: stop digging. I have to say: if there is a censure coming later, that means this is the build-up—this case that they have been running in parliament today is the build-up. Every member of the frontbench has had to come up with a different line of argument, because whatever they just argued fell over, to the point where a minute ago they had run out of frontbenchers who were even willing to speak in the debate. The member for Mackellar was the only one to jump. The member for Mackellar was the only one left to be willing to defend the house of cards that is just falling all around the Leader of the Opposition. There is somebody who deserves to be censured in this place and it is the person who has been willing to discredit and malign and use the politics of smear based on a fraudulent, fake email with no foundation, and that is the Leader of the Opposition.

Mr TURNBULL (Wentworth—Leader of the Opposition) (2.42 pm)—I will speak to the amendment. The case against the Treasurer does not rest or rely upon the email allegedly sent by Mr Charlton to Mr Grech. The Prime Minister has made very grave allegations against the opposition, accusing it of being party to the forging of this email. Those allegations are disgraceful and entirely without foundation. The email is now the subject of an AFP investigation, and that should be allowed to proceed unimpeded by political accusations such as those that have been made today by the Prime Minister. The Prime Minister has set up this AFP inquiry to determine, he says, whether the email has

been forged, and yet he is alleging that it has been forged, by the opposition he says, and he repeatedly says: ‘Let the police do their work.’ As we have said, and I say again to this House, categorically: the email was not created or composed, nor was the text provided to the News Ltd journalist Steve Lewis, by anybody in the opposition. I repeat: the email was not created or composed, nor was the text provided to the News Ltd journalist Steve Lewis, by anybody in the opposition. Our interest here, on behalf of the Australian people, is only in getting to the truth of the matter. That is why we have said that we will give the Australian Federal Police full cooperation in their investigation.

Honourable members interjecting—

Mr TURNBULL—The alleged or claimed recipient of the email, Mr Grech, was giving evidence in the Senate on Friday. He was asked about the email, but was shut down by the actions of the government senators and by his senior official. Anybody watching that could only draw the reasonable conclusion that the government did not want Mr Grech to tell his story. They shut Mr Grech down and prevented him from telling his story. We have raised legitimate questions based on material provided to the Senate—

Mr Hockey interjecting—

The SPEAKER—The member for North Sydney should be reminded about his behaviour. But, having said that, those on my right should sit here in silence. This is an important matter and a serious matter and, as I said earlier, 2¾ hours ago, it will not be won by those that shout the loudest. The Leader of the Opposition has the call.

Mr TURNBULL—Thank you, Mr Speaker. It is absolutely imperative that this whole episode relating to OzCar is thrown open to the fullest public scrutiny. The Prime Minister has ordered an Auditor-General’s report with narrow terms of reference. He

has called, as I have said, on the Australian Federal Police to investigate the existence and the authenticity of this particular email allegedly between the Prime Minister's senior economics adviser, Andrew Charlton, and the Treasury official, Mr Grech.

The Prime Minister began on Friday by denying the existence of any such email. The departments of Prime Minister and Cabinet, and the Treasury had scoured their databases, he said. According to the Prime Minister they could find nothing. Today there are reports in the media suggesting that the AFP has located an email and Mr Rudd has rushed out to claim that it is a forgery. We do not know on what sources he relies to make that claim. For our part, and on the part of everybody concerned in getting to the truth of this matter, we should await the outcome of the AFP investigation. It is not my role or that of the Prime Minister to prejudge that investigation. Indeed to do so would be to risk compromising the investigation, interfering in the proper course of that investigation.

We propose that there be a judicial inquiry—and we recommend this to the government—in the OzCar matter. Its terms of reference, which we would propose, would be that it be established to inquire into the full extent of the relationship between the Prime Minister, the Treasurer, Mr Bernie Ripoll and the car dealer John Grant including but not limited to: firstly, all communications between Mr Grant and any of his associates with the government including members of parliament, government officials, ministerial and electorate staff including emails from government, parliamentary and personal accounts, text, SMS, MMS and Blackberry messages, voicemail and voice-to-text messages; secondly, any communications, preparations or discussions in relation to the appearance of Treasury officials before the Senate committee last Friday, 19 June; thirdly, any involvement by opposition

members of parliament and their staff—we are happy to be investigated by this judicial inquiry; and fourthly, the 51 Club, Labor fundraising and any previous business dealings and transactions between the Prime Minister, the Treasurer, Mr Ripoll and Mr John Grant. The Prime Minister has made the most reckless allegations here today.

Mr Albanese—You said the Prime Minister should resign!

Mr TURNBULL—By contrast we have raised serious questions concerning the conduct of the Treasurer as disclosed in the emails tendered by his own department to the Senate. Those are legitimate inquiries. I hear the Manager of Government Business complaining that I said the Prime Minister should resign. Well, I must be the first opposition leader ever to call on the Prime Minister to resign. Gosh, that has never happened before! And by way of correcting the Manager of Government Business, based on the evidence given in the Senate we called on the Prime Minister to either justify his actions or resign.

Mr Albanese—No, you didn't!

Mr TURNBULL—That was our call. The Treasurer on the other hand is absolutely damned by the evidence that it is in hand today. The Treasurer should resign. The Prime Minister has to justify why his action does not warrant him resigning.

Mr BOWEN (Prospect—Minister for Financial Services, Superannuation and Corporate Law and Minister for Human Services) (2.49 pm)—Lyndon Johnson once told a colleague of his that he was planning to make a particularly serious allegation against a political opponent. He was asked: 'Is the allegation true?' The reply was: 'I don't know but I am going to enjoy watching him deny it.' It is the oldest political tactic in the book that we have seen from the opposition over the last week. 'It does not matter if there is

no truth to the allegation; it does not matter if there is no evidence; but we will make the allegation and we will watch them deny it. We will throw some mud and we will make it stick. We will throw some allegations and we don't care if they are true because we do not care about integrity.'

We have seen this from the opposition over the last week. The opposition's case has had two parts. Firstly, they said the Prime Minister had misled the House and they said that the Prime Minister should resign. They base this on the existence of an email, and we just heard the Leader of the Opposition say, 'We asked legitimate questions. We said that there were matters to be answered.' This is what he said:

The Prime Minister and the Treasurer have used their officers and taxpayers' resources to seek advantage for one of their mates and then lied about it to the parliament.

There is no question mark. It is a statement from the Leader of the Opposition that the Prime Minister had lied.

We just heard the Leader of the Opposition say that we should wait for the outcome of the inquiry. There was not any such reticence last week when he called for the Prime Minister to resign. Now the opposition are saying that this email is a distraction, the very email they were basing their entire case on last week. They have been running away from this email at a million miles an hour.

We saw the Leader of the Opposition and the Deputy Leader of the Opposition this morning saying that Senator Abetz, a Liberal Party senator, only raised this email after he had read it in the paper. We know that it appeared in the paper the next day. I am not much of a gambler, Mr Speaker, and I am not much of a horseracing man, but I might start if I could take Senator Abetz with me. He knows the racing results—

Mr Abbott—I rise on a point of order, Mr Speaker. I would like to table what Senator Abetz did say. He did not say what is being put into his mouth—

The SPEAKER—Order! The member for Warringah will resume his seat. It is not a point of order.

Mr Abbott—I seek leave to table the document.

Leave not granted.

Mr BOWEN—There is something going on, but it is not on this side of the House that it is happening.

We saw Senator Abetz putting this email on the public record for the first time through the *Hansard* and now the Liberal Party are running a million miles from it. They cannot run a million miles from it because it is on the public record that they placed it on the public record. We have seen dissembling, we have seen manipulation of the facts and we have seen misleading from the opposition. If the opposition really want to clear this matter up, the Leader of the Opposition—he is in his office at the moment—can pick up the phone to the Federal Police and say: 'Come and have a look at my computers. My office is available. Come right now and have a look at my computers. You can look at any computer in my office and see whether we have, at any time, had possession of the fake and forged email.'

The second part of the opposition's case is this: that the Treasurer misled the House when he said Mr Grant had received no special treatment. That is what the opposition alleges. But that also does not hold water. We know that because we know, from the public record, that the Treasurer and the government were actively working to assist car dealers across the country. We had the chief executive of the Motor Traders Association yesterday make a public statement and this is what he said:

The treatment that Mr Grant, a member of mine, got was no different from the treatment all my other members got.

That is a pretty definitive statement from Mr Delaney—a statement which shows that the Treasurer and his office were actively working on behalf of car dealers across the country.

We know there are a range of emails to and from the Treasurer's office on behalf of car dealers everywhere, on behalf of members of parliament on that side of the chamber and this side of the chamber, because we know that that was a very difficult time for the car-dealing industry in Australia. We know that there were hundreds and thousands of car dealers who were worried about access to finance. Many of them were approaching their local members. Many of them were approaching the Treasurer and his office directly to ask for assistance and the Treasurer was providing that assistance. Some were referred by the member for Riverina. I also discussed the member for Riverina's cases with her and offered any government assistance that could be provided. Others were referred by other members of parliament. Why? Because there were jobs at stake; because there were car dealers worrying about how they would continue to employ their workers if they could not continue to get access to finance; because the ramifications of car dealers closing their doors on employment in Australia would have been very severe indeed; and because the Treasurer of this country is particularly conscientious when it comes to supporting Australian jobs.

I have worked as closely with this Treasurer as any member of parliament has and I am singularly unsurprised by the attitude that the Treasurer took. I am singularly unsurprised that he had his office actively trying to assist car dealers from across the country. I am singularly unsurprised that the Treasurer

of this country decided it was important to assist car dealers get finance, because the jobs of their employees were relying on it. I am unsurprised because he is a man who cares about the jobs of ordinary Australians; he is a man who actually cares what happens on the street; he is a man who actually cares how people are dealt with; and he is a man who actually takes his responsibility seriously. If a member of parliament, be it the member for Oxley or the member for Riverina, approaches him with a problem, he tries to fix it, because there are jobs at stake.

We all remember the period of time in which these events unfolded. We all remember that there were car dealers who were very, very worried about where they would get their finance from. We all remember that there were employees of car dealers who were very worried about where their bosses and their employers would get their finance from. We all remember that there was concern that car dealers across this country, from one end of the country to the other, would have to close their doors.

The government had a choice. We could have said: 'We are going to let the market sort that out. We are not interested.' We could have said: 'You are on your own, guys. We are not going to help.' We could have said: 'Sorry, there is nothing we can do.' But we did not say that. We said we would intervene. We said we would establish a special purpose vehicle. We also said we would assist car dealers, where possible, by ensuring that they had access to whatever finance was available. That is what the Treasurer of this country did and he should not be condemned for it; he should be praised for it. He should be thanked for it, because he is a man who actually cares about what happens to ordinary Australians. He is a man who actually came into this place to make a difference and help ordinary working Australians, while you mainly came into this House to take their

conditions off them. He is a man who actually believes he can make a difference—and he did.

The government could have said to Mr Grant: 'Sorry, we're not going to help you. We're not going to help you, because you have committed the crime of actually knowing a member of parliament. You have committed the crime of actually knowing the Prime Minister of Australia.' That is what we could have said, but we did not. The Treasurer acted entirely appropriately and has made his position very clear in the House. The Treasurer has outlined what happened and, in each case, it has been accurate. The opposition, so desperate to come back to office, clinging so hard to the born-to-rule mentality, say: 'We will latch on to any crisis; we will not tell the truth about it; we will exaggerate about it; we will mislead about it; and we will endeavour to engineer a scandal, even though the facts do not support it.'

Last week, we had the Leader of the Opposition saying the Prime Minister and Treasurer have misled the House. He said:

The Prime Minister and the Treasurer have used their offices and taxpayers' resources to seek advantage for one of their mates and then lied about it to the Parliament.

This is not a question to be raised, not something for the Treasurer to be held accountable for. It is a call for a resignation—the most serious allegation that can be made against a minister of the Crown, an allegation which leads automatically to the resignation of the minister if it is proven. But it is an allegation totally lacking in support; an allegation totally lacking in any corroborating evidence; an allegation based on a fraud, a forgery and a fake; and an allegation that is not based on any objective analysis of the facts.

The Leader of the Opposition has a very important role in the Australian political institution. The Leader of the Opposition's role

is to hold the government to account and to be ready to serve as the alternative Prime Minister. It is important that the Leader of the Opposition's position is taken seriously. It is important that the government and the people can take the Leader of the Opposition at his word. It is important that when the Leader of the Opposition makes an allegation it is taken seriously. The trouble is that from this day forward nothing the Leader of the Opposition says can ever be taken seriously. The trouble with this Leader of the Opposition is that his position is completely untenable and he has no credibility. He could come in here and make allegations tomorrow and the Australian people would rightly say, 'How can we believe you, Malcolm?'

How can we believe anything this Leader of the Opposition says? He is prepared to say anything and do anything to take this chair. The Leader of the Opposition is prepared to besmirch the reputation of good men and women for his own base political objectives. The Leader of the Opposition is prepared to tear down people's reputations that have been built up over decades in public office because it suits him. The Leader of the Opposition is prepared to sell out on morality, to sell out on the truth and to sell out on evidence in order to take his rightful place—in his view—as leader of the government. It is not a position which is credible. It is not a position which the Leader of the Opposition can maintain.

The Leader of the Opposition had a choice: he could come in here and furnish the email that he has based his campaign on or he could tender his resignation. He has failed to tender the email because it is a fake. He has failed to tender the email because he now realises, I would think, that it is a forgery and that his entire political campaign of the last week has been based on a lie. It has been based upon a falsehood; it has been

based upon an allegation which cannot be held to be true because it is based on a lie.

The Leader of the Opposition has had the opportunity to support his allegations; he instead has been shown to be a shallow man who is not prepared to back up his allegations. He is a man who has sold out on all semblance of credibility, on all semblance of holding to the truth and on all semblance of being a credible alternative Prime Minister of this country. Instead he has made himself a weapon and a tool of smear and innuendo.

The Treasurer, the Prime Minister and this entire government will continue to be focused on the real issues at hand—the real issues of helping Australians through the global financial crisis, of coming up with vehicles to actually keep Australians in employment and of working with people like the member for Riverina on methods to keep Australians in jobs, because that is the job and the mandate that the Australian people gave us. They gave us the mandate to see them through these difficult times. While ever the member for Wentworth occupies that seat the opposition will not be involved in helping ordinary Australians through these very difficult times; they will be involved in smear and innuendo, in grubby politics and in cheap opportunism because that is the epitaph that the Leader of the Opposition has written for himself.

Mrs BRONWYN BISHOP (Mackellar) (3.02 pm)—The high dudgeon of the Minister for Financial Services, Superannuation and Corporate Law rings somewhat hollow. The high dudgeon in fact indicates that perhaps he might feel he is stepping one step closer to being Minister for Finance and Deregulation, and the Minister for Finance and Deregulation one step closer to becoming the Treasurer, because it is the Treasurer who is here to answer the charge that he has misled this parliament.

There has been much obfuscation about whether the question of the so-called email is the question that has to be answered. The real question to be answered is whether the Treasurer misled the parliament by saying that he had given no special attention to Mr Grant when all the evidence points to the fact that he has so given that special attention. Whilst we have heard a lot of mud being thrown around in this parliament, we should remind ourselves that it was the Treasurer back in 2000 who gave, in a brown paper bag, \$1,400 to the Democrats and said there was nothing wrong with that either and that it was perfectly normal practice for political parties to give money to opposing parties. Equally, he is arguing now that there is nothing wrong with him giving special attention to somebody who is a mate of the Prime Minister and possibly even a mate of his.

The Prime Minister has said he will solve this problem by having the Auditor-General conduct an inquiry. This so-called inquiry is supposed to answer all the questions such that we will then see an end to any question of probity. There are a few things that have to be said about the so-called inquiry by the Auditor-General. I point out that the Auditor-General appeared before a public hearing this morning and he answered a number of questions relating to this so-called inquiry—and I happen to have asked a lot of those questions. The first thing to say is that the Prime Minister has not ordered an inquiry by the Auditor-General. The Prime Minister has written to the Auditor-General and asked the Auditor-General if he will conduct an inquiry—a performance audit—of I am not quite sure what because we did not see the letter. But he said that it is up to him as Auditor-General to decide whether he accepts the request of the Prime Minister to conduct such an audit. He also went on to say, when I asked him what would be the terms of reference, that it was up to him, the Auditor-

General, to determine and set the objectives of that inquiry.

In the course of the public hearing this morning we then went on to discuss how it would be possible to have such an inquiry if there was not power exercised by the Auditor-General to ask the Prime Minister and the Treasurer to give evidence to that inquiry on oath—to be sworn and give that evidence. It is very important that we understand that the Prime Minister has not ordered an inquiry by the Auditor-General; it is up to the Auditor-General to determine whether he accepts it and then to set the objectives. The objectives must include taking sworn evidence from both the Treasurer and the Prime Minister and further they must include that all communications—faxes and indeed emails—between the Treasurer, his office and anybody else where there is supposedly evidence that other people were given the same advantage as Mr Grant must be seen. Because it is the tone of the letter, the tone of the assistance given to Mr Grant, that shows there has been special attention given. Unless we see the other so-called pieces of evidence, which we can then compare with that relating to Mr Grant, we will not have had a proper inquiry at all.

To questions this morning, the Auditor-General answered that he would consider whether or not he would take evidence from the Prime Minister or the Treasurer. He would not give an undertaking that he would, which, again, causes me great concern. I will end on this point, Madam Deputy Speaker, which is that, in pulling the Auditor-General into this grubby political mire, we are now having a political assurance investigation. This means that the Auditor-General, who has to be like Caesar's wife and above suspicion, is being pulled into this quagmire of political humbug—the worst that we have ever seen.

The Leader of the Opposition has been quite correct in calling for the Treasurer to resign. There is sufficient evidence before the people right now for that to be done. If he wishes to refute it, then we need to see all the correspondence—the emails and faxes—on the public record.

Question put:

That the amendment (**Mr Rudd's**) be agreed to.

The House divided. [3.13 pm]

(The Speaker—Mr Harry Jenkins)

Ayes.....	78
Noes.....	59
Majority.....	19

AYES

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

Rudd, K.M.	Saffin, J.A.	(The Speaker—Mr Harry Jenkins)
Shorten, W.R.	Sidebottom, S.	Ayes..... 78
Snowdon, W.E.	Sullivan, J.	Noes..... <u>59</u>
Swan, W.M.	Symon, M.	Majority..... <u>19</u>
Tanner, L.	Thomson, C.	
Thomson, K.J.	Trevor, C.	
Turnour, J.P.	Vamvakinou, M.	
Windsor, A.H.C.	Zappia, A.	
		AYES
		NOES
Abbott, A.J.	Andrews, K.J.	Adams, D.G.H. Albanese, A.N.
Baldwin, R.C.	Billson, B.F.	Bevis, A.R. Bidgood, J.
Bishop, B.K.	Bishop, J.I.	Bird, S. Bowen, C.
Briggs, J.E.	Broadbent, R.	Bradbury, D.J. Burke, A.E.
Chester, D.	Ciobo, S.M.	Burke, A.S. Butler, M.C.
Cobb, J.K.	Coulton, M.	Byrne, A.M. Champion, N.
Dutton, P.C.	Farmer, P.F.	Cheeseman, D.L. Clare, J.D.
Forrest, J.A.	Gash, J.	Collins, J.M. Combet, G.
Georgiou, P.	Haase, B.W.	D'Ath, Y.M. Debus, B.
Hartsuyker, L.	Hawke, A.	Elliot, J. Ellis, A.L.
Hawker, D.P.M.	Hockey, J.B.	Ferguson, L.D.T. Emerson, C.A.
Hull, K.E. *	Hunt, G.A.	Fitzgibbon, J.A. Ferguson, M.J.
Irons, S.J.	Johnson, M.A. *	George, J. Georganas, S.
Keenan, M.	Laming, A.	Gray, G. Gibbons, S.W.
Ley, S.P.	Lindsay, P.J.	Griffin, A.P. Grierson, S.J.
Macfarlane, I.E.	Marino, N.B.	Hall, J.G. * Hale, D.F.
Markus, L.E.	May, M.A.	Irwin, J. Hayes, C.P. *
Mirabella, S.	Moylan, J.E.	Katter, R.C. Jackson, S.M.
Nelson, B.J.	Neville, P.C.	Kerr, D.J.C. Kelly, M.J.
Pearce, C.J.	Ramsey, R.	Livermore, K.F. King, C.F.
Randall, D.J.	Robb, A.	Marles, R.D. Macklin, J.L.
Robert, S.R.	Ruddock, P.M.	McKew, M. McClelland, R.B.
Schultz, A.	Scott, B.C.	Melham, D. McMullan, R.F.
Secker, P.D.	Simpkins, L.	Neal, B.J. Murphy, J.
Slipper, P.N.	Smith, A.D.H.	O'Connor, B.P. Neumann, S.K.
Somlyay, A.M.	Southcott, A.J.	Owens, J. Oakeshott, R.J.M.
Stone, S.N.	Truss, W.E.	Perrett, G.D. Parke, M.
Tuckey, C.W.	Turnbull, M.	Price, L.R.S. Plibersek, T.
Vale, D.S.	Washer, M.J.	Rea, K.M. Raguse, B.B.
Wood, J.		Rishworth, A.L. Ripoll, B.F.
		Rudd, K.M. Roxon, N.L.
		Shorten, W.R. Saffin, J.A.
		Snowdon, W.E. Sidebottom, S.
		Swan, W.M. Sullivan, J.
		Tanner, L. Symon, M.
		Thomson, K.J. Thomson, C.
		Turnour, J.P. Trevor, C.
		Windsor, A.H.C. Vamvakinou, M.
		Zappia, A.
		NOES
Gillard, J.E.	Costello, P.H.	Abbott, A.J. Andrews, K.J.
Dreyfus, M.A.	Pyne, C.	Baldwin, R.C. Billson, B.F.
* denotes teller		Bishop, B.K. Bishop, J.I.
Question agreed to.		Briggs, J.E. Broadbent, R.
Question put:		
That the motion (Mr Turnbull's), as amended, be agreed to.		
The House divided. [3.17 pm]		

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

PAIRS

Gillard, J.E.	Costello, P.H.
Dreyfus, M.A.	Pyne, C.

* denotes teller

Question agreed to.

MINISTERIAL ARRANGEMENTS

Mr RUDD (Griffith—Prime Minister) (3.18 pm)—I inform the House that the Minister for Education, Minister for Employment and Workplace Relations and Minister for Social Inclusion will be absent from question time today as she is leading a parliamentary delegation to the United States and Israel. The Minister for Infrastructure, Transport, Regional Development and Local Government will answer questions in relation to education and social inclusion and the Attorney-General will answer questions in relation to employment and workplace relations on her behalf. I also inform the House that the Minister for Trade will be absent from ques-

tion time today as he is attending the Australia-EU Trade Policy Dialogue in Brussels and the OECD Ministerial Council Meeting in Paris. The Minister for Resources and Energy and Minister for Tourism will answer questions on his behalf. The Minister for Foreign Affairs will be absent from question time today. The Minister for Resources and Energy and Minister for Tourism will answer questions on his behalf. The Minister for Agriculture, Fisheries and Forestry will act as Deputy Leader of the House. The Minister for the Environment, Heritage and the Arts will be absent from question time today as he is attending the International Whaling Commission meeting in Madeira, in Portugal. The Minister for Agriculture, Fisheries and Forestry will answer questions on his behalf.

QUESTIONS WITHOUT NOTICE

OzCar

Mr TURNBULL (3.20 pm)—My question is addressed to the Prime Minister. Will the Prime Minister establish a judicial inquiry into the OzCar matter, as I proposed in my second speech in the previous debate?

Mr RUDD—What we see here is a Leader of the Opposition who is simply swinging in the breeze, a Leader of the Opposition who came into this place and said publicly that I should resign and that the Treasurer should resign. He based his entire attack on the existence of an email which is a fake and a forgery. I say to the Leader of the Opposition that there is only one honourable course of action for him today. It is to stand up and tender his resignation as Leader of the Opposition.

There is a second course of action if that moment of decency escapes him, and that is to stand at the dispatch box and provide a formal assurance to the House that each and every one of his staff and the computer facilities and resources available to him and all members of the opposition will be made

fully available to the police investigation and provide a parallel undertaking that no emails be deleted from the systems of the computers used by the opposition.

Opposition members interjecting—

Mr RUDD—What we have learned, regrettably, from those who laugh so loudly at this point is that the Liberal Party, on the matter of deceptive information, has form historically. This is the Liberal Party that gave us ‘children overboard’. It is the Liberal Party that was so active in the field in the Lindsay electorate on the eve of the last election, and most recently in South Australia.

Business of the House

Mr MURPHY (3.21 pm)—My question is to the Leader of the House. Will the Leader of the House outline the government’s priorities for the programming of the business of the House and the considerations that the government will take into account in setting those priorities?

Mr ALBANESE—I certainly thank the member for Lowe for his question. Of course, the government do have a big legislative agenda, because we have got a big vision for this nation. We have got a vision which is about dealing with the global economic crisis. We have got a vision which is about returning fairness to the workplace. We have got a vision which is about taking action to avoid dangerous climate change. Day after day, we come into this House and we put forward our vision through our legislative program. Indeed, this morning we had a series of bills to be introduced to this House. One of those was what has become known as the alcopops legislation. It was here, ready to be introduced by the Minister for Health, but of course that was not possible because, as usual, the opposition are not actually interested in a policy agenda.

They tried a scare campaign over the economy, a campaign of fear about debt and

deficit, a campaign of fear about the CPRS. Their strategy—or tactics, because they do not really have any strategy—changed on 3 June, when the national accounts revealed that the government’s economic strategy had prevented Australia from going into a technical recession. So, from that point on, it all changed. They avoided questions on the economy, they avoided debate on the big issues facing the nation, and still they decided to go the low road: the low road of smear against the Prime Minister and against the Treasurer. Ever since that day, 4 June, they have been running around the gallery and running around talking to anyone who will listen, saying that they have a smoking gun, saying that there is an email that proves that the Prime Minister and the Treasurer misled this parliament.

Mr Abbott—Mr Speaker, on a point of order on relevance. The Treasurer was asked about the government’s legislative program—fair enough, answer that question, but not the one he is now proceeding to answer.

The SPEAKER—The Leader of the House was asked about considerations that are taken into account about the program priorities; he should relate his material to the question.

Mr ALBANESE—Mr Speaker, I am certainly doing that, and I will continue to do that. We on this side of the House have a positive agenda for the nation. Those on that side of the House have a campaign which is to stop the government from pursuing our legislative program by pursuing a program of smear against the Prime Minister and the Treasurer, and fear about the government’s legislative agenda.

Today we saw the extraordinary circumstances whereby the Leader of the Opposition came into this House and moved a motion—he was granted leave to move that motion—and, before that same debate had con-

cluded, he came back into this House and changed his position. He came in and spoke again and changed his position and then called for a judicial inquiry—completely different from the position which he moved in the parliament today. He cannot hold a position for a matter of hours, let alone for what is needed given the circumstances of the government's position.

But of course those opposite want to engage in this smear campaign. Last Friday, we had the Leader of the Opposition standing up and calling for the resignation of the Prime Minister, calling for the resignation of the Treasurer—

Mr Abbott—Mr Speaker, on a point of order, reluctantly—and this is on relevance: he has been going for four minutes and he has not been relevant at any time to the question he has been asked.

The SPEAKER—Order! The Leader of the House will respond to the question, relating his material to the question. The Leader of the House.

Mr ALBANESE—We on this side of the House would prefer to have a debate about our legislative agenda and our plans for nation building for recovery. That is what we on this side of the House want. Those on that side of the House are blocking this because they have nothing to say about the future of this country, because they have no policy alternative, no policy vision, which is why they have gone down to the politics of smear. The fact that they cannot even hold a position—the fact that the Leader of the Opposition has to speak twice in a debate, giving contradictory positions—says it all.

The fact is that they came in and promised a smoking gun. Well, there was no chk-chk boom in the parliament today. There was nothing at all. The Leader of the Opposition has fallen flat on his face. His smear cam-

paign has no credibility. He should table the email. And he should resign.

OzCar

Mr TURNBULL (3.27 pm)—My question is to the Treasurer, and I refer the Treasurer to his statement in the House on 4 June, when he said that Mr John Grant 'received the same assistance as any other car dealer'. Will the Treasurer advise the House how many other car dealers he spoke with directly on the telephone before referring them to Treasury for assistance?

Mr SWAN—It is the case, and I made it very clear earlier, that I stood by all of the statements that I have made to the House 100 per cent. In the case of Mr Grant, he received no special benefit from OzCar and he received no outcome from Ford Credit whatsoever. It is also the case that I did say that he was treated in the same way as other car dealers were treated. Other car dealers were of course referred on to financiers, and I spent some time talking about that in the House today.

There was also some criticism directed at me for having faxes go to my home. I simply could not believe it when we heard the laughter from the other side that the Treasurer of Australia might actually have a fax at 5.14 pm on a Friday! It says something about their approach and their work ethic that they would think that it is hilarious that the Treasurer of Australia would receive a fax at 5.14 pm on a Friday. I do not think they would think at all about busting their gut for the Australian people on a Friday night, a Saturday or a Sunday, but we will do everything that we possibly can to support employment in the Australian community. My fax whirrs through the night because the thing about a global financial crisis is it does not respect time zones. Around that stage when faxes were coming in, we were working very hard and indeed working around the clock.

There were a variety of car dealers who contacted my office, other offices and the Treasury. They worked through the MTAA and made contact with the Treasury. I spoke—and I said this very clearly in my doorstep—to Mr Grant following a representation from Mr Bernie Ripoll. I spoke to him for a couple of minutes. I referred him to my DLO and he was then dealt with by that DLO in the way in which the emails indicate. I spoke to him. I do not apologise for that for one minute.

Parliamentary Standards

Mr MELHAM (3.30 pm)—My question is to the Minister for Finance and Deregulation, the Minister representing the Special Minister of State. What steps has the government taken to improve the transparency and accountability of the parliamentary process? Why is it important to maintain public faith in the behaviour of the parliament and its elected representatives?

Mr TANNER—I thank the member for Banks for his question. The government does regard the integrity and transparency of the parliamentary process and the behaviour of elected representatives very seriously, that is why it takes the accusations that were made by the Leader of the Opposition last Friday extremely seriously. The government has taken a number of very important steps to enhance the integrity and transparency of the process of parliament and elected representatives, such as electoral reform, which unfortunately is blocked in the Senate, that would reduce the limit on donations and ban foreign donations, such as the Operation Sunlight set of transparency reforms for budget disclosure and such as the involvement of the Auditor-General in scrutinising government advertising to determine that it is not politically motivated.

Although the government is committed to all of these reforms and others to ensure that

we maximise the quality of behaviour and the transparency, accountability and integrity of our parliamentary process and representatives, we unfortunately cannot prevent everything from occurring. Sadly, last Wednesday night at the press gallery ball there was an incident involving the Leader of the Opposition which indicated the limits that are there, whether we like it or not, because of the behaviour of individuals who do not seem to treat the obligations and responsibilities of their offices seriously. I would like to quote from the statement circulated by Mr Andrew Charlton, adviser to the Prime Minister, about this incident. His recollection of the statements by the Leader of the Opposition to him at that event—

Mr Abbott—Mr Speaker, I again reluctantly rise on a point of order on relevance. He is drawing an extremely long bow. This matter has been extensively canvassed already in the House today. I think that the minister is really abusing the forms of the House to be going on with it again now.

The SPEAKER—I will listen carefully to the response of the Minister for Finance and Deregulation. He must relate his response to the question.

Mr TANNER—Thanks, Mr Speaker. I quote Mr Charlton's recollection of the statements by the Leader of the Opposition: Let me give you some advice because I think you have a very promising career ahead of you. Integrity is the most important thing in the career of a young man.

...
That is why I encourage you, no matter what the circumstances, no matter what the pressure, not to lie.

...
This whole Ozcar issue will be very damaging for you.

Let me just give you some friendly advice.
You should not lie to protect your boss.

...

You know and I know there is documentary evidence that you have lied.

Everybody knows what the term ‘friendly advice’ means in that context. It is code for ‘crude threat’—that is what ‘friendly advice’ means in those circumstances.

What we have here is the Leader of the Opposition seeking to intimidate a member of the Prime Minister’s staff by claiming he has documentary evidence that he lied. I had a vague recollection of similar words. I notice that a former staffer to a former member for Wentworth, Mr Peter King, had made similar statements about the conduct of the member for Wentworth some time ago. He was rung at his home by the member for Wentworth—

Mr Hockey interjecting—

The SPEAKER—The member for North Sydney is warned. If he wants to raise points of order, he can get on his feet, but he cannot do it by interjection.

Ms Julie Bishop—Mr Speaker, on a point of order: this in no way relates to transparency and accountability of the government, and that is what he was asked about. Any answer that goes to matters that may have happened years ago in another context is irrelevant to this question.

The SPEAKER—The minister will relate his answer to the question.

Mr TANNER—The quote that caught my eye was:

You lied, John. You’ve got to tell the truth. People could go to jail. Just tell me the truth. It is just so important to tell the truth.

There is a remarkably familiar ring to the statements that the adviser to the Prime Minister stated had been made by the Leader of the Opposition.

Mr Abbott—Mr Speaker, on a point of order: I appreciate that you have admonished

the minister, but the minister I fear is neglecting that admonition. He really should relate his answer to transparency and accountability in government, and he is not.

The SPEAKER—I am in the difficult position where I cannot give a critique of the answer. For people to be truthful in public life would restore faith in their elected representatives—

Mr Windsor—Hear, hear!

The SPEAKER—I thank the member for New England. I say to the minister that he must relate his material to the question. If he is unable to do that, he should sum up his answer.

Mr TANNER—I note that the Leader of the Opposition, when this matter was raised with him in public a couple of days ago, stated that he was simply reminding somebody of the ninth commandment, which he seems to do a lot of. There seems to be a pattern of bullying that fits the Crabb profile and the behaviour with respect to the Costigan royal commission. Integrity and behaviour are important in public life. Not only do we have a situation in which the Leader of the Opposition is prepared to allege corruption against the Prime Minister with not a shred of evidence but we have a Leader of the Opposition who has also been engaged, on the basis of what has now been determined to be a fake email, in bullying the Prime Minister’s staff in order to try and force that person to lie. That is the truth of this matter.

OzCar

Mr HOCKEY (3.37 pm)—My question is to the Treasurer. I refer the Treasurer to his statement—

Mr Rudd interjecting—

Mr HOCKEY—Do you have something to say, Prime Minister?

Honourable members interjecting—

The SPEAKER—The member for North Sydney will resume his seat. Order!

Mr HOCKEY—My question is to the Treasurer. I refer the Treasurer to his statement in this House on 4 June when he referred to Mr John Grant's case and said: 'I have no idea what the outcome of that was.' Will the Treasurer advise the House how many other car dealers had updates on their cases faxed directly to his home?

Mr SWAN—When I was asked that question in the House, I did have no idea of what the outcome of that case was. There were no further emails to me about Mr Grant from the department and/or updates in my in tray, which I was receiving on a regular basis. The fact is, this was a very serious matter. I was concerned about what was going on in the industry. I was getting updates from the department. But on this occasion they were not going to my home fax because I was not at home; they were going to my in tray. There were updates coming through from the department on the number of dealers that had experienced difficulties and the progress of all of the issues, including the creation of OzCar, the whole issue of Ford Credit and so on. There was plenty of information coming to me on the state of the industry and how dealers were affected.

Financial Services Industry

Mr HAYES (3.39 pm)—My question is to the Minister for Financial Services, Superannuation and Corporate Law and Minister for Human Services. Minister, are you concerned about reports of misleading conduct with regard to the sale of Australian insurance companies? How important is it that people in the financial services industry maintain the highest standards of conduct, accountability and integrity? Minister, what recent threats have there been to these standards?

Mr BOWEN—I thank the member for Werriwa for his question. When it comes to the proper functioning of markets and our public debate, it is more than a little important that the highest standards of integrity and honesty be maintained. Our legal framework for dealing with deceptive conduct in the business world is also vital to ensure that consumers and investors are fully informed in making financial decisions, because without access to truthful information the market simply would not function properly as poor economic decisions would be made. Investors, companies and consumers have the right to truthful information—much the same as citizens and voters have the right to that truthful information.

I was asked about concerns about the sale of certain insurance companies. The House may be aware of concerns relating to the tactics that surrounded the selling of FAI insurance to HIH, which played a very important role in the downfall of HIH. In 1997, Goldman Sachs Australia considered being a party to the purchase of FAI. After a thorough study of the business of FAI, the chairman of Goldman Sachs Australia concluded that the business was in bad shape and was worth very little. That chairman was Mr Malcolm Turnbull.

On 7 September 1998, Mr Turnbull sent a memorandum to Goldman Sachs executives in New York advising them that the assets of the business were worth very little. He said: We estimate that the true net assets of FAI (that is, after write-downs and unwinding of reinsurance contracts) is approximately \$20 million, compared with a stated book value of \$220 million. Fair enough. They did their work with due diligence and decided that it was not worth very much at all. But Mr Turnbull then agreed to help Mr Rodney Adler sell FAI insurance. In the process of finding a buyer, it would be common practice for FAI to ap-

point an independent valuation expert to give potential buyers some information about the value of the business. Mr Turnbull not only did not advise them to do this; he advised them not to do it. Mr Turnbull wrote to Mr Adler recommending against the appointment of an independent financial examination of FAI, stating, 'It may not be in FAI shareholders' interests to have such an investigation conducted and presented.'

On 11 January 1999—four months after Mr Turnbull argued that there was little value in the FAI business—on the basis of information provided by FAI and Mr Turnbull the insurance firm HIH purchased FAI for \$295 million.

Mr Abbott—Mr Speaker, I rise on a point of order. I hate to be pedantic, but there is a standing order about referring to members by their proper titles. We all know what the government is trying to do here. It is smear and smear and smokescreen.

The SPEAKER—The member for Warringah will resume his seat. The minister will refer to members by their parliamentary titles.

Mr BOWEN—The now member for Wentworth therefore noted that the assets were truly worth \$20 million but was involved in the sale of FAI insurance for \$295 million. On 21 June 2006, the liquidator of HIH served a claim on Mr Turnbull, the now member for Wentworth—and others—seeking \$529 million in damages, comprising the \$295 million—

Mr Abbott—Mr Speaker, I rise on a point of order. Implicit in what the minister is saying are grave charges. If they want to make this kind of charge in the parliament, they should proceed by way of a substantive motion. These matters have all been heard by royal commission—

The SPEAKER—The member for Warringah will resume his seat. I will listen

closely to the claims that are being made by the minister. The minister is responding to the question.

Mr BOWEN—Thanks, Mr Speaker. We have a claim seeking \$529 million in damages, comprising the \$295 million paid by HIH for FAI and \$234 million in interest. The HIH liquidator—

Honourable members interjecting—

The SPEAKER—The member for Goldstein will resume his seat.

Mr BOWEN—This claim was that Mr Turnbull and others misled the non-executive directors of FAI. The Acting Leader of the House is on his feet!

Mr Hartsuyker—I rise on a point of order, Mr Speaker, on the matter of relevance. He is not being relevant to the question.

The SPEAKER—The minister is responding to the question.

Mr BOWEN—I should disclose to the House that this matter has now been settled by a confidential settlement. We do not know the details but we know it has been settled. But there will be no confidential settlement about misleading behaviour on other matters in the House over the last few hours. There is nowhere to hide from this one. There will be no confidential settlement on lying about an email, because he might be able to hide behind a confidential settlement in the business world but you cannot hide behind one in politics.

Mr Abbott—I rise on a point of order, Mr Speaker. He has accused the Leader of the Opposition of something of which people should not be accused in this way, other than by substantive motion. He should withdraw. Not only should he not say it; he should withdraw it.

The SPEAKER—The member for Warringah will resume his seat. Regrettably, during the 3½ hours that preceded question time

there were accusations of a similar nature made. I ask members to desist from making those comments, and to be careful with the language that they are using.

Mr Abbott—I rise on a point of order, Mr Speaker. Strong language is traditionally permitted during a censure debate, which is effectively what the earlier debate was. It is not permitted to accuse members of lying, in question time.

Government members interjecting—

The SPEAKER—The member for Warringah will resume his seat. Those on my right! Regrettably, the contention that the member for Warringah is putting to me is not correct. It is assumed that there should be a more robust debate which I, as the predominant person that was in the chair for the debate, allowed. I am now learning my lesson! It is usual, if we are going to have those robust charges made, that they are part of the motions that we are discussing, and on this occasion they were not. Perhaps, to clarify the matter I should have pulled up these comments earlier in the debate. I have indicated to the minister and those who follow that they should be a bit more careful with the language that they use.

Mr Abbott—Mr Speaker, I rise on a point of order. I do not wish to needlessly prolong this, Mr Speaker, but the member did accuse the Leader of the Opposition of lying. That is normally unparliamentary and he should withdraw it. And he should not use that language in question time.

The SPEAKER—I have indicated my comments about that. The minister has the call but he will desist, from now on—and I think that is on the basis of what has happened over the last four hours. From now on I will be alert.

Honourable members interjecting—

The SPEAKER—Interjections and mumblings! I am saying to people, now, that that type of language will not be allowed.

Mr BOWEN—Thanks, Mr Speaker. We now know that the Leader of the Opposition never lets the facts get in the way of his ambition—whether it was HIH or the ute affair. He cannot hide in this particular matter. The Australian people will hold him to account for putting his ambition ahead of the facts.

OzCar

Mr HOCKEY (3.49 pm)—Mr Speaker, my question is to the Treasurer. I refer the Treasurer to his statement in the House on 4 June, when he said that Mr John Grant ‘made representations to my office, and he was referred on to the SPV, just like everybody else’. Can the Treasurer confirm that at a meeting between Treasury officials and the chief executive of Ford Credit in Melbourne, on Monday, 23 February this year, at which Ford Credit was seeking access to more than half a billion dollars of taxpayers funds, Mr Grant’s case was raised and his mobile telephone number handed over by Treasury officials in the full knowledge of both the Treasurer and his office?

Mr SWAN—As I was saying in the debate this morning, the Treasury was putting car dealers in contact with financiers simply because—

Opposition members interjecting—

Mr SWAN—They were doing it all the time because OzCar had not been established and, as the correspondence makes abundantly clear, the only course for those dealers who were having their finance withdrawn by GE Finance or GMAC was for them to be picked up by those that were in the market at the moment.

Honourable members interjecting—

Mr Abbott—I rise on a point of order. I cannot hear the Treasurer because of inter-

jections from the Prime Minister. The Prime Minister should control himself and not make the kinds of childish statements across the—

The SPEAKER—The member for Warringah will resume his seat. The Treasurer has the call. All members have an obligation to listen to him in silence.

Opposition members interjecting—

The SPEAKER—The member for Dawson and the member for Solomon!

Mr SWAN—As the correspondence that was tabled—

Mr Wood interjecting—

The SPEAKER—The member for La-trobe! The member for Solomon has had an hour out and he has not learnt a very good lesson, has he? But you should not copy his behaviour.

Mr SWAN—The government signalled its intention to discuss matters with Ford Credit back in last December. Those discussions proceeded through the early part of the year because a particular problem had emerged in terms of Ford Credit and it was ultimately resolved in a cabinet decision that was announced after the budget. Of course, there are something like 300 to 400 dealers, particularly in rural and regional Australia, involved with Ford Credit, and the government's decision to involve them in the SPV has been very important in supporting that employment.

As the email indicated, those matters were raised at one of those meetings by the responsible Treasury official, but the meeting they were raised at was a meeting that had been organised well before Mr Grant had made his representations to the Treasury, and it was not abnormal for Treasury officials to be talking to those that were providing finance to the industry. This has been made abundantly clear again today by the Motor

Trades Association of Australia. I will just run through what Mr Delaney has had to say about that:

The treatment that Mr Grant, a member of mine, got was no different from the treatment all of my other members got on my intervention on their behalf to Mr Grech. They were all treated in the same way, and for the same good reason: there was no other way to do these things. In fact, I think Mr Grant has been treated less well because he went to the Treasurer.

What was going on here was also, I think, quite well described this morning by Mr Delaney, because he talked about the fact that there was a prospect of \$8 billion worth of car financing simply being withdrawn. That was under threat. So Treasury officials, I believe, were legitimately seeking to assist those dealers that may not have been refinanced by those financiers who were leaving the market, and they were putting them in contact with those that were in the market. And, of course, Ford Credit was one of those. All of that is entirely appropriate, but the decisions on that were taken by the Treasury officials.

Alcopops

Ms RISHWORTH (3.54 pm)—My question is to the Minister for Health and Ageing. Will the minister update the House on the government's action on alcopops and on recent responses to this action?

Ms ROXON—I thank the member for Kingston for her question. Of course, on this side of the House we have been arguing for many, many months the importance of this measure that is being introduced into the House again today being passed by the parliament. In addition to the developments that I will come to shortly on the other side of the House, I am very pleased to be able to announce that, as part of our comprehensive strategy in dealing with our binge-drinking culture, we have also today announced an extra \$7.1 million which is being allocated

across four states for early intervention services to youth with alcohol problems: in the Northern Territory, \$2.5 million, particularly targeted to some of our Aboriginal communities; in Tasmania, \$700,000; in Victoria, \$1.4 million; and, in South Australia, \$2.4 million.

This is just another part of our strategy to tackle an increasing problem within our community, but it is something that unfortunately those opposite have persistently sidled up to with the distillers and opposed, month after month after month. For more than 12 months, while we were trying to close the loophole on alcopops, we saw the Liberal Party do anything that it could to sidle up to the distilling industry. This is despite 21 health experts, the National Coalition for Action on Alcohol Harm, calling for changes. This is despite the calls from doctors in our emergency departments, from police and from parents across the country. This ignores the fact that this measure, since it has been introduced, has reduced the consumption of alcopops by 35 per cent; there has been an eight per cent fall in overall spirits; and, as the budget papers made clear, there has been a 0.5 per cent fall—or, to put it in language that people can more clearly understand, 720,000 fewer standard drinks per week have been consumed as a result of this measure. That is a success in anybody's terms.

The member for Dickson and the Leader of the Opposition have been all over the place. Even from, if people remember, the former Leader of the Opposition and the former health spokesperson—we have had more positions than you can possibly imagine from those opposite on this alcopops measure. But today we have seen the triple pike performed, a gold-medal-winning performance from the member for Dickson. He chose the opportunity, if anybody would think about the events today—

Ms Macklin—The timing was great!

Ms ROXON—He chose the timing perfectly to announce this backflip. When Mr Turnbull, the Leader of the Opposition, was on his feet outside the doors, the member for Dickson scurried to do a press conference to announce that the Liberal Party was now, finally, going to support our alcopops measure. We congratulate you for being prepared now, at last, to support his sensible measure. We congratulate you for the very clever timing of this—to detract from this embarrassing humiliation for the member for Dickson.

What was interesting in his press conference announcing this was that the member for Dickson did try to say that the Liberal Party was supporting this measure but, on questioning from journalists, could not actually guarantee that was how all of his coalition members would vote. There is such a mess opposite at the moment that it was impossible, apparently, for the shadow minister to make any commitment about how his colleagues in the Liberal Party and in the National Party were actually going to vote.

But I would like to congratulate the opposition for finally seeing the merit in this measure—720,000 fewer standard drinks per week as a result of this measure is something that is having a positive health impact. It is a shame it took them so long to wake up to this reality, but we will welcome their vote for it when the matter is debated later today.

OzCar

Mr HOCKEY (3.58 pm)—My question is to the Treasurer. I refer the Treasurer to his statement in the House on 4 June, when he said that Mr John Grant:

...was referred on to the SPV, just like everybody else.

I refer again to the meeting on 23 February, in which Ford Credit was seeking more than half a billion dollars of taxpayer funded assistance. Can the Treasurer confirm that

Treasury officials told Ford Credit that Mr Grant was an ‘acquaintance’ of the Prime Minister, whom the Prime Minister knew ‘from his dealings in Queensland’?

Mr SWAN—I do not know what the Treasury official would have said, but I will not do what those opposite do, which is to make it up.

Honourable members interjecting—

The SPEAKER—Order! The member for North Sydney has asked his question, it has been answered and the member for Hasluck has the call.

Pensions and Benefits

Ms JACKSON (3.59 pm)—My question is to the Minister for Families, Housing, Community Services and Indigenous Affairs. Will the minister update the House on the government’s secure and sustainable pension reforms to support pensioners and on any responses?

Ms MACKLIN—I thank the member for Hasluck for being such a great advocate of behalf of 16,500 pensioners in her electorate and the more than 2,000 carers on top of that. She is doing a fantastic job on behalf of those pensioners and carers. She and everybody else on this side of the House know that this week more than half a million carers are receiving their first permanent instalment of the new carer supplement. It has started being paid to those carers and most of those payments will be made by the end of this week. Of course, 3.3 million pensioners—age pensioners, carers, disability pensioners, wife pensioners—and veterans are all going to benefit from this government’s pension reforms, reforms which the previous government ignored for the whole time they were in office. We know that those opposite enjoyed playing that political stunt at the end of last year but even in their political stunt they were determined to campaign to exclude around two million pensioners—

married pensioners, carers, disability support pensioners—not caring at all about all of those pensioners who have been doing it tough for so long.

It is not only that for 12 long years those opposite ignored the needs of pensioners; what we find now is that those opposite, the coalition members, are now engaged in a campaign of deception to frighten pensioners about these reforms—another campaign of deception. The opposition, as we see day after day in this parliament, say one thing while they are in Canberra and another thing entirely when they are out in their communities. What this leads to is that you cannot believe a word they say. Just listen to this from the community newsletter put out by Senator Fiona Nash. She says about the pension rights, ‘It’s not all good news seniors. The utilities allowance, which helps seniors with their bills, has been abolished.’ Completely false—Senator Nash knows it is completely false and the Leader of the Opposition knows this is completely false. They know that the full value of the utilities allowance is being wound into the new pension supplement and increased. The shadow minister opposite last week even called it ‘sensible’, but out there Senator Fiona Nash and other members of the opposition are spreading this misinformation and needlessly scaring pensioners to make a political point. Has the Leader of the Opposition done anything to pull his members into line, to make sure they tell pensioners the truth about what is going on? Has he apologised to pensioners for misleading them? Of course he has not. He does not come in here and tell anyone what has happened to this fake email and he does not have the courage to tell pensioners what is actually going on. As is becoming so obvious, this Leader of the Opposition does nothing. He does not care about pensioners; he does not care whether he needlessly

scares pensioners; all that he is on about is his own political hide.

OzCar

Mr TURNBULL (4.04 pm)—My question is addressed to the Treasurer. I refer the Treasurer to his statement in the House on 4 June when he said that Mr John Grant ‘received the same assistance as every other car dealer’. I refer again to the meeting on 23 February where Ford Credit was seeking more than half a billion dollars of taxpayer funded assistance. Can the Treasurer inform the House about how and why Treasury officials came to know that Mr Grant was an acquaintance of the Prime Minister?

Mr SWAN—He ought to do the decent thing and resign. He is so desperate.

The SPEAKER—The minister will respond to the question.

Mr SWAN—You ought to do the decent thing and resign.

Mr Turnbull—Mr Speaker, I rise on a point of order. The Treasurer should do the decent thing and answer the question.

The SPEAKER—The Treasurer should respond to the question.

Mr SWAN—I do not accept the characterisation of that matter—the way in which it was put by the Leader of the Opposition. The fact is that Treasury officials were meeting on behalf of dealers to try and secure finance for them. That is a very important thing that they were doing because many of those dealers—

Mr Hockey—One dealer.

Mr SWAN—No, more than one dealer—many dealers. This has been outlined by Mr Delaney:

The treatment that Mr Grant, a member of mine, got was no different from the treatment all of my other members got on my intervention on their behalf to Mr Grech. They were all treated in the

same way and for the same good reason—there was no other way to do these things.

Emissions Trading Scheme

Ms NEAL (4.06 pm)—My question is to the Minister for Defence Personnel, Materiel and Science and Minister Assisting the Minister for Climate Change and Water. Will the minister update of House on the business community’s view of the importance of having the Carbon Pollution Reduction Scheme passed now?

Mr COMBET—I thank the member for Robertson for the question. The Carbon Pollution Reduction Scheme legislation is due for debate in the Senate this week and it is time now, with that debate to ensue in the Senate, for the coalition to take responsibility in relation to this important public policy issue, to quell the sceptics in its own ranks, to stop the delay and to support the scheme.

The Carbon Pollution Reduction Scheme has wide support throughout the community. Major environment groups have indicated their support for it, as indeed have major business organisations. It is important to refer to a couple of those representatives of the business organisations in responding to this question. Ms Heather Ridout, the Chief Executive of the Australian Industry Group, is on record with the following:

We—

this is on behalf of the membership of AiG—

urge the coalition to work with the government to ensure the best deal for business and pass this legislation this year.

Ms Katie Lahey, the CEO of the Business Council, has also contributed:

To drag on the debate whilst we have got this global financial crisis is just one more complexity that business has got to factor into its planning cycle, and for some businesses it could be the straw that breaks the camel’s back.

The business community has this attitude because it wishes to secure certainty in the investment environment. Everyone in the business community knows that a carbon price is coming into the Australian economy. We are seeing emissions trading schemes, of course, in many other advanced economies and it is an issue that is well advanced in debate in the US. Business investment certainty is critical and is why the scheme must be passed. It is needed in particular for projects where assets have a long life. For example, if an investment group is planning an investment in an area such as electricity generation or in the resources sector, where assets typically have very long lives, the way in which a carbon price is to be introduced into the economy is extremely important. That is why the business community is so frustrated at the position of the coalition on this important issue. Just last Friday, Mr Greig Gailey, the BCA president, was reported in the *Australian* as saying:

The Liberal and National parties have never been totally clear with us about what their position was, and it's still not clear ...

Peter Coates, the Chairman of Xstrata in Australia, also made the following observation:

The coalition is perceived to have no position on the ETS other than putting it off until next year.

These are simply not acceptable positions for the coalition to have after such a long period of time. There has been report after report after report—Professor Garnaut's review, the green paper, the white paper, the exposure legislation and the legislation being debated in this place and now due for debate in the Senate. There is no further excuse for delay. The business community deserves better from the opposition on this important issue.

All of the reasons that have been put up by the Leader of the Opposition for further delay in consideration of this important leg-

islation are shot to pieces. One of the arguments put most recently was concerning the desire for the government to put forth regulations dealing with emissions-intensive trade-exposed industries. Last Friday, the government put forth comprehensive material dealing with those regulations. There is now no further excuse. Now all we are seeing is the suggestion that the coalition will filibuster in the Senate, and it is not good enough on this important environmental and economic reform. The coalition has to take responsibility, debate this properly, put forward constructive proposals and support the CPRS.

Car Dealerships

Dr STONE (4.11 pm)—My question is to the Treasurer. I refer the Treasurer to a Mitsubishi franchise and RACV service depot, Graham Nelson Motors in Rochester in my electorate of Murray—a small car dealer business that was and continues to have great difficulty accessing credit. I refer the Treasurer to my letter to his office on 31 March—some three months ago—in which I urgently sought his intervention, asking for his assistance on behalf of this car dealer. Why has the Treasurer, his office or anyone else I can find in this government failed to make any contact—not a fax, a phone call, an email or a letter—to this business?

Mr SWAN—I will endeavour to find out the facts of the matter and get back to the member because I do take these representations seriously. I will come back with the relevant information.

Economy

Mrs D'ATH (4.12 pm)—My question is to the Treasurer. Will the Treasurer update the House on the outlook for the global economy and the government's efforts to cushion the impact of the global recession on the Australian economy?

Mr SWAN—I thank the member for Petrie for her question, because we have re-

ceived further news today about the savage consequences of the global recession and its impact on both developed economies and developing countries. We have a further report today from the World Bank that has downgraded its outlook for the global economy. It now expects global output to shrink by 1.7 per cent in 2009. That is more than the World Bank expected just three months ago. It is the case that the major advanced economies are in deep recession, with the World Bank forecasting the US to contract by three per cent in 2009, the euro area by 4.5 per cent and Japan by a massive 6.8 per cent. This report from the World Bank illustrates the difficult year ahead for the global economy, but I think it also demonstrates the importance of global action in the face of this global recession. The report makes this point:

Extraordinary policy responses by governments around the world have helped save the global financial system from systemic collapse.

It goes on to say that these actions, combined with fiscal stimulus, will 'help reduce the depth and prospective length of the global recession'. Despite the worst global recession in 75 years, Australia is weathering the storm better than virtually every other advanced economy. That is because the government acted decisively and early to shore up confidence in our financial system and to stimulate the economy to support jobs. You could not get a better example of that than the initiative that we took with OzCar, the bank guarantee and also economic stimulus phase 1, phase 2 and phase 3, because we understand the importance of cushioning our economy from the worst impacts of the global recession. I think we can take some heart from the fact that the combination of our resilience and policy action has allowed Australia to have the strongest-performing economy in the developed world. That is the

concern of the government; it is certainly not the concern of the rabble opposite.

OzCar

Mr BILLSON (4.14 pm)—My question is to the Treasurer. I refer the Treasurer to his statement in this House on 4 June, when he said that Mr Grant 'was referred on to the SPV, just like everybody else' and to his citing of a case, referred by me, to back up this claim. When I contacted the Treasurer's department for assistance about a Dunkley car dealer, Cambur Motors, did the Treasurer have a phone conversation with the dealer from my electorate and was he kept personally informed, in a detailed and ongoing way, about the progress of this case of my constituent?

Mr SWAN—I will ask my office to look into this matter.

Opposition members interjecting—

The SPEAKER—Order! The question has been asked and the Treasurer is responding.

Mr SWAN—The process is that these come through in a variety of ways. They come through the office, they go directly to the Treasury—they go through in a variety of ways and I follow these things up. I am happy to get back to the member to establish the facts of the case. But it is the case that there needs to be a demonstration of eligibility in some respects for the dealership, their financial viability and so on. These are all things that impact on the capacity of someone to be recommended, because at the end of the day a business does need to be financially viable, financially viable to be taken on by an existing financier or financially viable to be eligible for OzCar, once it is fully operational. Of course it is the case that not all dealerships do meet that requirement and there will be some that will not be able to be assisted because they do not meet the requirements. But I will seek further infor-

mation on that case as well. Of course Mr Delaney has made the point today that he has been very happy, as a representative industry organisation, with the degree of response that has come from the Treasury to his membership. I am not sure whether those organisations are members of the MTA or not. It may well be that there are some that have not been catered for properly. I am happy to look into it and I will.

Economy

Mr HALE (4.17 pm)—My question is to the Prime Minister. Will the Prime Minister update the House on the developments in the global economy and Australia's response to the global recession?

Mr RUDD—I thank the member for Solomon for his question. I know he takes seriously the challenges facing the Northern Territory economy—an export focused economy with challenges because of contractions in global trade and therefore requiring an active government out there supporting business at every opportunity in these times of unprecedented global economic difficulty. That is the expectation of us by working families across our nation: right now out there standing in the gap between them and the global recession to reduce the impact of this recession on joblessness in our country. That is what people expect us to do. The people of Australia want us to be standing up for them at a time when jobs are being shed right across the world. They want us to be standing up for the things which matter for them, negotiating our way through this global economic recession, investing in the education revolution, in their schools, investing in our public hospitals where people need to go to get proper medical attention, investing also in the biggest and most significant age pension reform this nation has seen in the 100-year history of the age pension. Also they want a government taking action to

abolish Work Choices and to replace Work Choices with a fair and balanced industrial relations system, and acting on the whole challenge of climate change responsibly in a balanced way, ensuring that we can craft a carbon pollution reduction scheme, craft a renewable energy target, to ensure that we are getting it absolutely right for business in our contribution to bring down global greenhouse gases. That is what this government is committed to and that is why we have legislation passing its way through the parliament—a government also getting on with the business of closing the gap between Indigenous and non-Indigenous Australians. That is what this government has been on about since the time we delivered an apology from this side of the House at the beginning of last year, embarked upon a program of closing the gap, investing in communities of the Northern Territory and elsewhere to make a difference in the lives of Australians.

And we are doing so at a time when the global economy is under virtually unprecedented challenge. As the Treasurer indicated in his answer before, the World Bank data released just now on global growth projections for 2009 is a sober reminder to us all that we are not out of the woods. The numbers are stark. The projection is for growth in 2009 to contract by 1.7 per cent. This is one percentage point lower than the March forecast of 0.6 and is weaker than the IMF's forecast. This is not a passing inconvenience to working families across Australia, to pensioners, to carers, to small business people, those out there trying to earn a dollar in a very difficult environment. What we have done as a government is to embark upon a strategy of nation building for recovery and of nation building for the future, to make a difference. That is why we have gone out there and said we are going to support jobs, apprenticeships and small business today by investing in the infrastructure we need for

tomorrow. That is the government's strategy, and we have been implementing this strategy since the first data of the global recession came flowing into us. That is why we have embarked upon a three-stage strategy, investing, first of all, in support through cash payments for families to try and keep the economy afloat in the critical quarter to the fourth quarter last year, the first quarter this year and the second quarter this year. When the rest of the world was crashing into recession, the economy of Australia in the March quarter kept growth positive. We kept growth positive. That is because government was in there making a difference, investing to support consumption knowing full well it would take time for investment in infrastructure to flow through, which brings us to phase 2 of what we have done on the economy: investing in medium-term infrastructure, the biggest school modernisation program the country has ever seen, one of which local P&Cs and P&Fs are proud, one of which their communities are proud, because we are out there providing facilities—state-of-the-art language centres, state-of-the-art libraries, state-of-the-art science centres—to make sure our kids have the best education facilities possible for the future and also investments in social housing and investments as well in energy insulation. Then there is phase 3. Phase 3 of our economic strategy is nation building for recovery for our long-term infrastructure, including building for the first time a state-of-the-art 21st century broadband network for all of Australia, for all those areas which have been so neglected by those opposite after 12 years in office.

Our strategy is clear: nation building for recovery and supporting jobs, small business and apprenticeships today in order to build the infrastructure that Australia needs for tomorrow. This is, I believe, of some relevance as to why those opposite abandoned the economic policy debate last week. The

reason is they were horrified when the growth data for Australia was positive. They were horrified that, in fact, the government's economic strategy was having an effect. They were horrified that, among the most advanced economies, we were generating the fastest economic growth, we were generating the lowest net debt, we were generating a deficit which was lower than the average of the advanced economies and we had the second lowest unemployment of the major advanced economies. That is what the government has been on about, day in, day out, since this economic tidal wave came across the world with the events of last year. That is what we have been doing.

When positive economic data came out indicating that businesses and workers were striving hard to make a difference in the face of this recession, and we saw in early evidence a glimpse of good news on the economy—positive growth, virtually unique across the OECD—the opposition moved their campaign from one of political fear on the economy to personal smear in this place. That is exactly what they have done. We have seen a fear campaign on the economy led by the Leader of the Opposition, who simply smirks and smiles in this place as if today's events are of no consequence to your integrity. I would say to the Leader of the Opposition: they are fundamental enduring consequences to your integrity because you are being marked by the Australian people for what you have done in the last several days and the fact that you have engaged in the business of transmitting information through your office contained in a false email.

Opposition members interjecting—

Mr RUDD—I say to those opposite, as they howl in protest, they stood in this place and demanded my resignation and that of the Treasurer and said that this was based on

irrefutable evidence, that it was based on their smoking gun, only for it to evaporate completely in smoke today. Those opposite then believe that somehow this will just be forgotten, that the traducing of a person's integrity, such as the traducing of the integrity of the Leader of the Opposition, which has occurred today, will simply be forgotten. My message to the Leader of the Opposition is that it will not be. The Australian people are making a judgment about the man who sits opposite and puts himself forward as the alternative Prime Minister of Australia and he has been found seriously wanting. There is one lone course of action: apologise and resign.

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

TREASURER

Suspension of Standing and Sessional Orders

Mr TURNBULL (Wentworth—Leader of the Opposition) (4.25 pm)—I move:

That this House censures the Treasurer:

- (1) For failing to make a full and unreserved statement about his personal involvement and that of his office in the Ozcar 'deals for mates' scandal and for his failure to disclose the following information:
 - (a) The number of car dealers that received special treatment from the Treasurer, his office and senior Treasury officials—as was the case with John Grant;
 - (b) The number of car dealers that held personal telephone conversations with the Treasurer to discuss their financing troubles—as was the case with John Grant;
 - (c) The number of car dealers that were the subject of regular and lengthy updates to the Treasurer's personal home fax—as was the case with John Grant;
 - (d) The number of car dealers that had their telephone contact details handed over by Treasury officials at a high level meet-

ing to discuss a half a billion dollar funding proposal—as was the case with John Grant; and

- (e) The number of car dealers that were described in meetings between Treasury officials and finance companies as an "acquaintance" of the Prime Minister—as was the case with John Grant;
- (2) importantly, that this House censures the Treasurer for failing to table all emails (from departmental, APH and personal accounts), all correspondence, all fax records and all phone records related to the Ozcar 'deals for mates' scandal.

Mr Speaker, it is vital that this matter be discussed today and that this censure motion be debated today. We have had debate in this House today about the Treasurer's conduct. Now he is walking out of the House, hiding behind another issue.

The reality is this: the email evidence that has been given, without contradiction and without contravention, in the Senate today has demonstrated that the Treasurer has failed to tell the truth to this House. The Treasurer has failed to disclose the very special treatment that John Grant received at his hands, at his insistence. He has failed to disclose the way in which John Grant alone, of all the car dealers, had the privilege of being represented by the Treasury at a meeting with Ford Credit when they were seeking \$500 million of Commonwealth funds—as vulnerable and dependent on the Commonwealth's goodwill as any company could be. And there it was that the Treasury officials with the knowledge, the connivance, the support and the encouragement of the Treasurer himself, all documented in the emails before the Senate, wanted Mr Grant to get that special treatment.

They say that nothing wrong has been done. They say that this is just a smear. This, of course, is the party that stands up and raises issues of the HIH takeover of FAI 11

years ago, and fails to mention that a royal commission investigated it comprehensively and made no adverse findings against me or the firm I was a partner of at the time, Goldman Sachs. This is a government whose practice and policy is one of smear, and yet here we have the absolute proof positive that what the Treasurer said in the parliament was wrong. What did he say? He said, 'Mr Grant was treated like any other dealer.' Palpably false. He was treated like no other dealer. When asked a second time to see if he would stand by the first answer he gave, he said that Mr Grant would have had the same assistance as any other dealer and he did not really know what had happened about it, as though he was indifferent to the proceedings on behalf of Mr Grant and indifferent to what had been done. It was just a bit of routine stuff and yet here we have the regular reports repeating everything that was said at the meetings. On 20 February, that afternoon it says:

Treasurer, both Godwin Grech and I have spoken to John Grant this evening.

It goes on:

Godwin will arrangement for Capital Financial to contact John in the next couple of days. Capital has been very aggressive in the market, so it is a good chance to take on John's business.

As a fallback, Godwin will also raise John's case with Ford Credit when he sees them in Melbourne on Monday.

So we know that the Treasurer was aware that John Grant's case was going to be raised with Ford Credit. And what was the meeting with Ford Credit about? Well, it was about getting \$500 million—totally dependent on the Commonwealth for their survival. And duly, after that meeting, Mr Grech reported at 8.23 pm to the Treasurer and his staff. He said:

... I raised the case of John Grant with the CEO of Ford Credit, Greg Cohen, during my meeting—

He met with them as part of his ongoing negotiations to come up with help for them, they—Ford Credit—needing access of up to \$500 million. He said that Ford Credit had said they:

... will shut down the business if they could not secure access to capital.

And he said that he had raised John Grant's concerns. The chief executive of Ford Credit, Mr Cohen—who said to the Senate that he was told that Mr Grant was a friend or an acquaintance of the Prime Minister—gave an undertaking to Mr Grech that Ford Credit 'will actively look at taking Grant on'. He said:

Although [they] do have independents on their books ... they have been rationalising these in recent months ...

The reality is this, and the facts are plain: whatever the distractions, whatever excitement the government can present, whatever smears they can fling across the chamber, the facts are inescapable. John Grant was a very special person; he got very special treatment. He was given the endorsement of the Commonwealth in circumstances where that endorsement was as powerful as it possibly could be. And yet nobody else got that. No other dealer got that sort of support. And the Treasurer has lied about it in this House. He said he got the same treatment as everybody else, would have been treated the same as everybody else, and yet the documents that his own department produced in the Senate demonstrate conclusively that his answers were false.

The government is concerned, as we are, about the email allegedly from the Prime Minister's office to Mr Grech. We have seen reports today saying that the AFP has formed preliminary conclusions that it had been concocted. We have seen reports that it had been concocted in the Treasury. If that is true, it is a matter of enormous concern to everybody

in this House. That is why, if the government was serious about taking these dealings relating to John Grant on, of really investigating it, they would hold a full judicial inquiry. We will attend; everything can be available to the judicial inquiry. Let us get to the bottom of this because what we have is a Treasurer who has unquestionably misled the House. There is no doubt about that. The case is closed on that, and the Treasurer is conveniently hiding behind the issue of the alleged email between Charlton and Grech as a means of avoiding scrutiny.

But the fact of the matter remains that the seriousness of the Treasurer's conduct cannot be overstated, because it is not simply a matter of misleading the House—that in itself is bad enough and justification for him to resign. The fact is that the power and the influence of the Commonwealth was brought to bear in conditions where Ford Credit was so vulnerable, so susceptible—no doubt so anxious to secure support from the Commonwealth—and that was done on behalf of somebody whose only qualification was that he was a crony and a benefactor of the Prime Minister. And they wonder why we opposed Ruddbank? They wonder why we were concerned about the Treasurer leaping up and identifying a property development in Brisbane—presumably a developer he knew well, who needed support. Cronyism, looking after mates is absolutely fundamental to the DNA of the Labor Party—as are smears.

The Treasurer has been caught out and he has to be brought to account for it. He has to be censured for it, and it is vital that we deal with this censure today because all of the other issues that can be debated and that should be ventilated through a judicial inquiry cannot escape the fact that the Treasurer misled the House twice, and that he conferred an extraordinary and unprecedented benefit on John Grant in a situation where the person from whom that advantage was

being sought, Ford Credit, was vulnerable—susceptible to pressure from the Commonwealth. He set out to do that for no reason other than that Mr Grant was a crony and a benefactor of the Prime Minister. And for those reasons, leave is required today, urgently, to allow us to censure the Treasurer for his conduct.

The DEPUTY SPEAKER (Ms AE Burke)—Is the motion seconded?

Mr HOCKEY (North Sydney (4.35 pm))—Madam Deputy Speaker, I second the motion. Today we ask the first of many questions that we will be asking of the Treasurer about this matter, particularly in relation to John Grant. The first question here is:

Will the Treasurer advise the House how many other car dealers he spoke with directly on the telephone before referring them to Treasury for assistance?

No answer.

Will the Treasurer advise the House how many other car dealers had updates on their cases faxed directly to his home?

No answer.

Can the Treasurer confirm that at a meeting between Treasury officials and ... Ford Credit ... [that a] mobile telephone number handed over by Treasury officials in the full knowledge of both the Treasurer and his office?

No answer.

Can the Treasurer confirm that Treasury officials told Ford Credit that Mr Grant was 'an acquaintance' of the Prime Minister, whom he knew from his dealings in Queensland?

No answer. And that is in the Senate *Hansard*. Ford Credit: they do not have any particular motive. In fact, they came to this government asking for \$½ billion to keep their business afloat, and now they are saying that they were told unequivocally: 'This man—here is his mobile phone number—needs your help. He is a friend of the Prime Minister and we are thinking of giving you \$½

billion to keep your business afloat'. What does that smell of?

You know what? If it quacks, waddles, sounds like a duck, looks like a duck and behaves like a duck, it is a duck. The Treasurer had the audacity to walk into this place and say that this is an entirely normal situation. It is entirely normal that a company on its hands and knees comes to the government and asks the government to change the rules for a \$2 billion fund so it can access half a billion dollars to keep its business afloat. The Treasury emails say unequivocally: 'Ford Credit will shut down the business if it cannot secure access to capital.' So Ford Credit came to the government with a begging bowl. In that discussion they were told by the Treasury official, 'There's someone that we really want you to help. He's not a Ford dealer; he's not a Volvo dealer; he's got no relationship with you guys and we know that you don't actually provide credit to these sorts of people. We know that, but we want you to have a good look at this case of Mr John Grant, a friend of the Prime Minister's from Queensland. Here is his mobile phone number. Please ring him.' No wonder Ford rang that day—the cheapest half a billion dollar phone call it ever made. I say to the member for Dunkley and the member for Murray, 'Why didn't you call Wayne's World? He'll ring you back straightaway. He'll ring the dealer straightaway. You can get half a billion dollars of credit immediately—no problems.'

The DEPUTY SPEAKER—The member will refer to members appropriately.

Mr HOCKEY—The interesting thing is that John Grant was only asking for \$1½ million—a small amount of money.

An opposition member interjecting—

Mr HOCKEY—That is right. A tiny amount of money. Do you know what is interesting? John Grant does not even sell

Fords. He does not sell Fords; he does not sell Volvos. He sells Kias, and second-hand Toyota HiLuxes to the Treasurer. We will have a few questions on that as well. You see, there is a political strategy by the government, and it should not surprise anyone: they will say that the best form of defence is attack. When a Treasury official is shut down by Labor senators in not one but two Senate hearings—during estimates and again last Friday—and shut down by senior Treasury officials, instinctively you know something smells. All of us on this side know it, and you know what? Everyone out there knows it: something smells with the Treasurer. It is just unbelievable, and he says that this man was treated just like everybody else.

We will not let this rest. You can have all the diversions and distractions and all the inquiries you like, but we are going to point out to the Australian people unequivocally that the Treasurer is not only lying to the Australian people but engaged in conduct unbecoming of a Treasurer.

The DEPUTY SPEAKER—The member for North Sydney will withdraw the last comment. The House is debating a motion to suspend standing orders.

Mr HOCKEY—I am happy to withdraw.

The DEPUTY SPEAKER—I thank the member for his assistance.

Mr ALBANESE (Grayndler—Minister for Infrastructure, Transport, Regional Development and Local Government) (4.40 pm)—This is an extraordinary motion to suspend standing orders. This is the third opportunity that the Leader of the Opposition has given himself today to make the same speech. He has failed strategically and he has failed tactically, but, more importantly, he has failed the responsibility that he has as the alternative Prime Minister of this nation.

This morning I came into this House and indicated on behalf of the government that

we would grant leave for any motion that the opposition chose to move. We would debate it for as long as they wanted to, and they were the ones who chose to shut it down when they did. We would have been happy to still be going on that debate, but they chose to shut it down. They proposed a number of speakers to the debate and then reneged on the arrangement. They could not even control the member for Mackellar. That said it all. There is a serious motion before this House and who do you have in the chamber to speak on it? Do you have a member of the frontbench? No, you have the member for Mackellar on your speaking list because you cannot actually rustle up enough frontbenchers. They are busy, off doing media conferences, in the case of the member for Dickson, or engaging in activities in their offices and not participating in the debate.

This exposes the incompetence of the opposition. I never thought I would say this, but they have been found wanting for the lack of the presence of the member for Sturt. I never thought I would say that. We offered to grant them leave for any motion they cared to move, and they failed to move a censure motion against the Prime Minister or the Treasurer. Even though last Friday they indicated that the Prime Minister and the Treasurer should resign from the highest offices in the land, today they came in and could not even get their act together to move a censure motion—because they know that they have no case. In fact, they know that the only person in this parliament who has a case to answer is the Leader of the Opposition. Where is the email? What was their involvement in the distribution of it? What was their involvement in the promotion of it? What was their involvement in spinning it around the gallery? We still do not have an answer.

We had a significant debate in this parliament. We had a debate that went from 12

o'clock until 20 past three. It was only concluded because the opposition wanted it to conclude. We then had a question time in which the Treasurer and the Prime Minister were available for over an hour to answer any questions that were put before the parliament, yet here we have this absurd motion. Again, it is not a motion whereby they are actually seeking to censure the Treasurer but a motion in which they are seeking to suspend standing orders. There was no attempt to ask for leave to move a censure motion—historically, when that occurs it is granted—because they wanted us to have just 10 minutes to respond. It is not surprising when you look at the details because, as their case crumbles around them, they are increasingly just making things up.

I do note that the member for Higgins is not here in the chamber today. He is on a delegation. But I make this point: nominations for the seat of Higgins close on 30 June. It is time for the member for Higgins to reconsider, because quite clearly there is a vacancy of leadership in the opposition. It is extraordinary that the Leader of the Opposition said during the debate, 'The Treasurer has conferred an extraordinary and unprecedented benefit towards Mr Grant.' What is it? Not a cent was given to Mr Grant—unlike when the Leader of the Opposition was the Minister for Environment and Water Resources and gave a grant of \$10 million for Rainmaker to a mate, even though his department suggested \$2 million, and two days into the election campaign but just before the writs were issued. That is a scandal. That is how that side of the House operate in terms of their mates. I see it every day because I am the minister for regional development and I see the way that those on that side of the House manipulated processes to ensure that their mates were looked after, whether it be an ethanol plant in Gunnedah that does not exist, whether it be a cheese factory that

had closed down in the electorate of Indi or whether it be a railway that had burnt down. There is a lot of talk about inquiries. Let me say this: some very interesting things have happened to that company that was involved in the ethanol plant. It is very interesting and I encourage a bit of research on the issue.

In terms of the case to be made and the road we want to go down, those in the opposition have a real problem. They have a real problem because this entire issue is based upon a fraud. It is based upon an email that does not exist. It is a fabrication. It was not done by Mr Andrew Charlton. It was not done by the Prime Minister's office. It was not done by the government. Their whole case rests upon this. The fact is that it is clear from the Leader of the Opposition's pointing towards Mr Charlton in the advisers box, which the Deputy Leader of the Opposition did during the Leader of the Opposition's question when he first raised it on 4 June, it is quite clear from the comments that have been made by senior members of the press gallery, including Paul Kelly, Phil Coorey and Sid Maher, and it is quite clear from the intimidation that occurred of Dr Charlton at the press gallery ball that those opposite were involved in pedalling round this story and making serious accusations but having absolutely nothing to back it up. You compare it with the history of the Leader of the Opposition and, when you look at his history of bullying, his history on fake documents and his history on all of these activities, what it shows is a man without integrity who is prepared to do absolutely anything to get ahead.

Mr Burke—A grubby opportunist.

Mr ALBANESE—A grubby opportunist is what the Leader of the Opposition is.

Question put.

The House divided. [4.54 pm]

(The Speaker—Mr Harry Jenkins)

Ayes.....	58
Noes.....	<u>74</u>
Majority.....	<u>14</u>

AYES

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

NOES

Adams, D.G.H.	Albanese, A.N.
Bevis, A.R.	Bidgood, J.
Bird, S.	Bowen, C.
Bradbury, D.J.	Burke, A.E.
Burke, A.S.	Butler, M.C.
Byrne, A.M.	Champion, N.
Cheeseman, D.L.	Clare, J.D.
Collins, J.M.	Combet, G.
D'Ath, Y.M.	Debus, B.
Elliot, J.	Ellis, A.L.
Ellis, K.	Emerson, C.A.
Ferguson, L.D.T.	Ferguson, M.J.
Fitzgibbon, J.A.	Georganas, S.
George, J.	Gibbons, S.W.

Gray, G.	Grierson, S.J.
Griffin, A.P.	Hale, D.F.
Hall, J.G. *	Hayes, C.P. *
Irwin, J.	Jackson, S.M.
Kelly, M.J.	Kerr, D.J.C.
King, C.F.	Livermore, K.F.
Macklin, J.L.	Marles, R.D.
McClelland, R.B.	McKew, M.
McMullan, R.F.	Melham, D.
Murphy, J.	Neal, B.J.
Neumann, S.K.	O'Connor, B.P.
Owens, J.	Parke, M.
Perrett, G.D.	Plibersek, T.
Price, L.R.S.	Raguse, B.B.
Rea, K.M.	Ripoll, B.F.
Rishworth, A.L.	Roxon, N.L.
Rudd, K.M.	Saffin, J.A.
Sidebottom, S.	Snowdon, W.E.
Sullivan, J.	Swan, W.M.
Symon, M.	Tanner, L.
Thomson, C.	Thomson, K.J.
Trevor, C.	Turnour, J.P.
Vamvakinou, M.	Zappia, A.
PAIRS	
Costello, P.H.	Gillard, J.E.
Pyne, C.	Dreyfus, M.A.

* denotes teller

Question negatived.

AUDITOR-GENERAL'S REPORTS

Report No. 42 of 2008-09

The SPEAKER (4.58 pm)—I present the Auditor-General's Audit report No. 42 of 2008-09 entitled *Interim phase of the audit of financial statements of general government sector agencies for the year ending 30 June 2009*.

Ordered that the report be made a parliamentary paper.

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 June 2009, I present copies of the terms of motions for which notice has been given by the members for Page, Fisher, Melbourne

Ports and Paterson. These matters will be considered in the Main Committee later today.

DEFENCE LEGISLATION AMENDMENT BILL (No. 1) 2009

FAMILY ASSISTANCE LEGISLATION AMENDMENT (CHILD CARE) BILL 2009

SOCIAL SECURITY AND OTHER LEGISLATION AMENDMENT (AUSTRALIAN APPRENTICES) BILL 2009

TAX LAWS AMENDMENT (2009 MEASURES No. 3) BILL 2009

PRIVATE HEALTH INSURANCE (NATIONAL JOINT REPLACEMENT REGISTER LEVY) BILL 2009

SOCIAL SECURITY LEGISLATION AMENDMENT (DIGITAL TELEVISION SWITCH-OVER) BILL 2009

Returned from the Senate

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

THERAPEUTIC GOODS AMENDMENT (MEDICAL DEVICES AND OTHER MEASURES) BILL 2008 [2009]

Assent

Message from the Governor-General reported informing the House of assent to the bill.

APPROPRIATION BILL (No. 1) 2009-2010

Report from Main Committee

Bill returned from Main Committee without amendment; certified copy of the bill presented.

Ordered that this bill be considered immediately.

Bill agreed to.

Third Reading

Mr GRIFFIN (Bruce—Minister for Veterans’ Affairs) (5.00 pm)—by leave—I move:

That this bill be now read a third time.

Question agreed to.

**APPROPRIATION BILL (No. 2)
2009-2010****Report from Main Committee**

Bill returned from Main Committee without amendment; certified copy of the bill presented.

Ordered that this bill be considered immediately.

Bill agreed to.

Third Reading

Mr GRIFFIN (Bruce—Minister for Veterans’ Affairs) (5.01 pm)—by leave—I move:

That this bill be now read a third time.

Question agreed to.

Bill read a third time.

**APPROPRIATION (PARLIAMENTARY
DEPARTMENTS) BILL (No. 1) 2009-2010****Report from Main Committee**

Bill returned from Main Committee without amendment; certified copy of the bill presented.

Ordered that this bill be considered immediately.

Bill agreed to.

Third Reading

Mr GRIFFIN (Bruce—Minister for Veterans’ Affairs) (5.01 pm)—by leave—I move:

That this bill be now read a third time.

Question agreed to.

Bill read a third time.

**EXCISE TARIFF AMENDMENT (2009
MEASURES No. 1) BILL 2009 [No. 2]****First Reading**

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

Bill read a first time.

Second Reading

Ms ROXON (Gellibrand—Minister for Health and Ageing) (5.02 pm)—I move:

That this bill be now read a second time.

The Excise Tariff Amendment (2009 Measures No. 1) Bill 2009 [No. 2] and cognate Customs Tariff Amendment (2009 Measures No. 1) Bill 2009 [No. 2] were originally passed by the House of Representatives on 25 February 2009. The same bills were negatived by the Senate on 18 March 2009.

I am reintroducing the original bills negatived by the Senate into the House today.

The re-introduction of these bills will test the opposition to see whether it will support a measure which helps reduce the harmful effects of alcohol on young people and especially young women or whether it will side with the distilling industry.

Of course we have seen under cover of other matters occurring in the House that the decision for the opposition, whether it will protect the health of young people or protect distillers’ profits, is something that they are not proud of, and indeed they should not be proud of their position on this bill. The ball was well and truly in their court with the introductions to be scheduled today and we had the member for Dickson scurrying out to do a press conference. When his leader was on his feet supposedly prosecuting a matter of great importance, the member for Dickson was scurrying out to announce that now, after months and months of opposition, he is intending to support this bill. I hope that when he comes into the House to debate this bill, we will see that.

On 15 April 2009 I announced with the Treasurer that the government intended to reintroduce the alcopops tax measure into the parliament. The government also introduced legislation to validate the 'alcopops' revenue collected from 27 April 2008 until 13 May 2009.

The validation bills ensured all alcopops revenue as a result of Excise Tariff Proposal (No. 1) 2008 and Customs Tariff Proposal (No. 1) 2008, from 27 April 2008 to 13 May 2009 has been retained by the government. The validation bills protected an estimated \$424 million in revenue collected between 27 April 2008 and 13 May 2009.

I also tabled the tariff proposals in the House on 12 May 2009 so that with effect from 14 May 2009 the alcopops measure remains in place into the future, and of course those are the measures that we will be voting on later tonight.

The opposition supported the validation bills I have just mentioned and if, as it now seems they will, they support the measure for the past they must have known that they would inevitably be supporting this measure, which retains protection into the future. It has been very difficult for them to come to their position. They obviously felt compelled to stay close to the distilling industry, but finally sense seems to have prevailed and we understand that the Liberal Party will now be supporting this measure. I see that the shadow minister is coming into the House and certainly no doubt he will take the opportunity to share with us why the opposition has finally come to its senses on this bill.

The government's position, unlike the opposition's, has been clear and consistent from day one and has remained consistent, because this measure is working.

Consumption of alcopops has declined since its introduction. Tax office data show that alcopops clearances have fallen by 35

per cent in the 11 months after this measure was introduced compared to the same period a year earlier. Total spirits clearances decreased by around eight per cent over the same period, and this is important to note because even after some substitution—one of the key arguments from those opposite—overall clearances have dropped by eight per cent.

The budget papers released a couple of months ago provided even more evidence that this proposal is working. Average weekly beer and spirit clearances, including alcopops and full-strength spirits, have dropped 0.5 per cent or 9,000 litres of alcohol in a period of time from May to March 2008-09 compared to the same period in 2007-08. This equates to about 720,000 fewer standard drinks being consumed per week on average on this measure. That is a lot of alcohol less that is being consumed and it shows that this measure is working.

So the evidence is there. The government stands by this measure and has had a consistent position throughout. The question, of course, has been: what would the opposition do?

We all know, in this House, that alcopops are brazenly being targeted directly at young people and underage drinkers. By using bright colours and sweet flavours, alcopops can effectively fool young people about how much they are drinking by disguising the taste of alcohol. Effectively, alcopops are alcohol-laced lolly water targeted to young people, and young women in particular, who might not otherwise drink as much, or at all, if the taste of alcohol was much more obvious, as it would be unpleasant to their young palates. These products are basically designed to undermine any notion of responsible drinking.

This measure has been backed by health experts all over Australia. There are many,

many examples, but I will refer to just one here, for the sake of brevity. David Templeman, the CEO of the Alcohol and other Drugs Council of Australia (ADCA) has stated:

... this initiative clearly recognised the problems created by the excessive consumption of RTDs which were attractive to the youth market.

I think it is useful to correct a few misconceptions that have been peddled on this alcopops measure at this point, although I presume, given that the opposition is now supporting this bill, that they know that these were misconceptions and ones that they happily continued to spread.

First, the measure closes a loophole whereby alcopops are taxed at a lower rate than other spirits. Alcopops will now be taxed at the same rate as other spirits: no more, no less. This is what we mean when we say we are closing a loophole.

Second, the alcopops measure was never meant or described, at any time, to be a stand-alone initiative, as some have disingenuously suggested. We know binge drinking is a long-term issue which requires sustained long-term action. Experts agree that, to effectively tackle binge drinking, we need to have a multipronged and prolonged strategy. There is no serious argument against this proposition.

So, when you hear people say that this measure of itself has not 'fixed', within a few short months, a binge-drinking culture built up over many decades, we know that they are simply being glib. Cultural changes takes a long time to occur and I look forward to seeing the findings of the Preventative Health Taskforce, which has preventing alcohol related harm as one of its top three priorities.

The Rudd government is acting in a comprehensive way. I have mentioned the very important work of the National Preventative

Health Taskforce and the report which we will receive from them shortly. But the government has not just been waiting on its hands for that report. As long ago as March last year, the Prime Minister and I announced a National Binge Drinking Strategy which involved investing \$53.5 million to address binge drinking among young people. Elements of the package included:

- investing \$14.4 million in community level initiatives to confront the culture of binge drinking, particularly in sporting organisations. Six major sporting codes have now signed up to a code of conduct;
- funding of \$20 million for advertising that confronts young people with the costs and consequences of binge drinking via the gritty and hard-hitting 'Don't turn a night out into a nightmare' campaign; and
- committing \$19.1 million to intervene earlier to assist young people and ensure that they assume personal responsibility for their binge drinking.

As a part of that last item that I mentioned, the \$19.1 million, today I have approved and announced an investment of \$7 million dollars for the first early intervention pilot programs. These have been negotiated with state and territory police and health experts with the aim of ensuring that young people developing an alcohol problem get access to coordinated support from health and police as early as possible to prevent a downward spiral. These are:

- in the Northern Territory, \$2.5 million to enhance existing systems and programs within Northern Territory Health and Police—working with young people at risk, and those already in the justice system;
- in Tasmania, \$700,000 will be allocated to the Tasmanian Police Southern Dis-

trict Command area, where alcohol education sessions will be conducted with established outreach services. The Tasmanian Alcohol and Other Drug Service will develop youth specific programs to facilitate the ongoing treatment for young people in need;

- in Victoria, VicPol will conduct the \$1.4 million project in the Wyndham local government area, where police, the Victorian Department of Human Services and Directline will work together to assist young people and their families to access drug and alcohol services; and
- in South Australia, \$2.4 million will assist police and the South Australian Drug and Alcohol Service to better work together in three sites to develop an evidence base by evaluating different alternative styles of intervention and inform best practice around final alcohol diversion models for under-age drinkers. Individual treatment plans will be negotiated between the young person and the treatment agency.

I am sure, Mr Deputy Speaker, you will be interested in that South Australian investment, where we know that, of course, like many communities, attention is needed on these issues.

I am pleased that initiatives like this have been developed with police and health agencies, working together to help young people in trouble. By tackling the issue on these many fronts, we aim to make inroads into behaviour, particularly amongst young Australians. This strategy remains in place and has been made stronger by additional government intervention.

Thirdly, I want to address, just briefly, the issue of substitution. The argument has been run, particularly by the opposition, that if the price of alcopops is increased—incidentally by taxing them at the same rate

as full-strength spirits—that young people will substitute their drinking to full spirits and mix their own drinks. While there has been some substitution to full-strength spirits—partly driven, I might say, by the marketing strategies of alcopop sellers—overall, as I have noted, there has been a fall in total spirits excise and equivalent customs duty clearances of around eight per cent.

The Excise Tariff Amendment (2009 Measures No. 1) Bill 2009 and the cognate Customs Tariff Amendment (2009 Measures No. 1) Bill 2009 reverse the previous government's decision to tax alcopops at a rate similar to full-strength beer. The Excise Tariff Amendment (2009 Measures No. 1) Bill 2009 restores the treatment of alcopops to a rate equivalent to full-strength spirits.

The Excise Tariff Amendment (2009 Measures No. 1) Bill 2009 increases the rate of excise duty in the Excise Tariff Act 1921 on beverages commonly referred to as 'alcopops' from \$39.36 per litre of alcohol content to \$66.67 per litre of alcohol content, with effect on and from 27 April 2008. This rate is subject to biannual indexation and is increased in February and August each year. As at 2 February 2009, the rate applicable to alcopops is \$69.16.

Unfortunately, there have been attempts by some manufacturers and importers to find ways to circumvent the increased tax rate on alcopops.

The government decided to alter the taxation definitions of beer and grape-wine product wine to ensure beer and wine based products that attempt to mimic spirit based products in relation to their taste are taxed as a spirit product. That is, at the higher tax rate.

The Excise Tariff Amendment (2009 Measures No. 1) Bill 2009 alters the taxation definition of beer in the Excise Tariff Act 1921 to ensure beer based products that at-

tempt to mimic spirit based products in relation to their taste are taxed at the higher rate that applies to alcopops.

Complementary changes will be made to the Customs Tariff Act 1995 so that imported beer is subject to the same definition of beer for taxation purposes. Changes will also be made to the Customs Tariff Act 1995 to alter the definition of wine. Changes to the A New Tax System (Wine Equalisation Tax) Regulations 2000 will follow to ensure domestically produced and imported grape wine products are taxed on a comparable basis.

The amendments are not designed to have any significant impact on conventional beer and wine products. Both industries are supportive of the changes and in particular beer industry representatives have confirmed that they are strongly supportive because they see the changes as allowing them to be more innovative.

Again, I emphasise this measure acts to address the government's concern at the growth in alcopops consumption, alongside their appeal to young and underage drinkers—and the role they play in encouraging binge drinking.

Full details of the Excise Tariff Amendment (2009 Measures No. 1) Bill 2009 is contained in the explanatory memorandum.

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

Leave granted for the resumption of the debate to be made an order of the day for a later hour this day.

**CUSTOMS TARIFF AMENDMENT
(2009 MEASURES NO. 1) BILL 2009
[No. 2]**

First Reading

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

Bill read a first time.

Second Reading

Ms ROXON (Gellibrand—Minister for Health and Ageing) (5.16 pm)—I move:

That this bill be now read a second time.

Of course, the Customs Tariff Amendment (2009 Measures No. 1) Bill 2009 [No. 2] is a complementary measure to the Excise Tariff Amendment (2009 Measures No. 1) Bill 2009, which I have already introduced and spoken to in more detail, and it shares an explanatory memorandum with that bill.

The Customs Tariff Amendment (2009 Measures No. 1) Bill 2009 [No. 2], which was rejected by the Senate on 18 March 2009 along with the other legislation, is also being re-introduced today in the House.

This bill contains amendments to the Customs Tariff Act 1995 that implement changes that are complementary to amendments contained in the Excise Tariff Amendment (2009 Measures No. 1) Bill 2009.

The amendments apply to imported alcoholic beverages not exceeding 10 per cent by volume of alcohol that are classified under several subheadings in schedule 3 to the customs tariff, as well as items in schedules 5 and 6.

These amendments increase the excise equivalent component of the customs duty applying to those subheadings and items from \$39.36 to \$66.67 per litre of alcohol content on and from 27 April 2008.

The ad valorem component of customs duty for these goods, where applicable, has not been changed.

Changes will also be made to the Customs Tariff Act 1995 so that imported beer is subject to the same definition of beer for taxation purposes as set out in the Excise Tariff Amendment (2009 Measures No. 1) Bill 2009. Additionally, the act will be changed to introduce a new taxation definition of grape-

wine product. Changes to the definition of grape-wine product will also follow in the A New Tax System (Wine Equalisation Tax) Regulations 2000.

Full details of the measure are contained in the explanatory memorandum. For the reasons I outlined when I spoke to the Excise Tariff Amendment (2009 Measures No. 1) Bill 2009, I commend the bill to the House.

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

Leave granted for the resumption of the debate to be made an order of the day for a later hour this day.

ACCESS TO JUSTICE (CIVIL LITIGATION REFORMS) AMENDMENT BILL 2009

First Reading

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

Bill read a first time.

Second Reading

Mr McCLELLAND (Barton—Attorney-General) (5.19 pm)—by leave—I move:

That this bill be now read a second time.

Introduction

Put simply, without an accessible system of justice, the public's confidence in the rule of law is compromised. If justice is accessible only to the very wealthy, it loses relevance for the vast bulk of Australians.

However, the great English writer Charles Dickens put it in more eloquent terms. In his savage tale of litigation in the English Court of Chancery he wrote of that 19th century court that it gave 'to monied might the means abundantly of wearying out the right'. Australia cannot afford a legal system where the cure of litigation is worse than the affliction of the dispute. Those citizens who have justice on their side, that is 'right' as referred to by Dickens, should be entitled to relief

against even the better off. We must ensure there exists an effective and accessible system of justice where people are able to resolve their disputes quickly, efficiently and fairly.

It is true that the modern international commerce environment has given rise to difficult matters of law and fact which can lead to complex litigation. However, a number of recent high profile cases have highlighted there is a need to ensure that the use of the public resources of the courts is proportionate to the issues in dispute.

In the case of C7, Justice Sackville went into some detail in his final judgment case to demonstrate the amount of public and private resources that had been expended on the resolution of this dispute. The trial in that case lasted for 120 hearing days, some 85,653 documents were provided through the discovery process, experts' reports ran to 2,041 pages, transcript to 9,530 pages, and submissions and pleadings to around 15,000 pages. Justice Sackville commented:

It is difficult to understand how the costs incurred by the parties can be said to be proportionate to what is truly at stake, measured in financial terms. In my view, the expenditure of \$200 million (and counting) on a single piece of litigation is not only extraordinarily wasteful, but borders on the scandalous.

In addition, the recent bill litigation was of similar proportions. Cost estimates provided by the WA Department of Justice show parties contributed only around \$900,000 to the cost of that case. However, the full cost to the taxpayer of the case was around \$6.2 million. Of the \$3.72 million in hearing fees, actual hearing fees collected totalled only \$490,000. Overall, parties to the case paid less than 15 per cent of the actual cost of running the case.

This is money that could have been better used in many other areas of the justice system, not least, of course, the crying need for

better resourcing of legal aid and community legal centres.

It is cases like these that show that, if Australia is to have a legal framework that provides fair access to justice for all, reform is essential.

This bill forms a key part of the Rudd government's agenda to improve access to justice.

The Access to Justice (Civil Litigation Reforms) Amendment Bill 2009 amends the Federal Court of Australia Act so that cases before the Federal Court will be resolved by the simplest means possible.

The amendments in the bill will complement other amendments to the Federal Court act that I introduced last year in the Federal Justice System Amendment (Efficiency Measures) Bill (No. 1) 2008, which is currently before the parliament. That bill allows the court to appoint an appropriately qualified person to inquire into any aspect of the proceeding and provide a report to the court.

Further, on 5 May 2009, I announced the restructure of the federal courts system which will ensure that the courts are better able to deliver an efficient and cost-effective service to the Australian community. This bill is consistent with the bill I intend to bring forward to implement the restructure.

Case management reforms

The proposed reforms will clarify and strengthen some powers already existing in the court rules and also introduce new provisions to complement and strengthen those measures.

By setting out the court's case management powers it will be clear that the court, litigants and practitioners are expected to conduct litigation efficiently.

The court and parties will be encouraged to narrow the issues in dispute and resolve them in the simplest manner possible.

The bill introduces a new overarching purpose, and that is to facilitate the just resolution of disputes according to law and as quickly, inexpensively and efficiently as possible.

Parties to a proceeding will have a duty to comply with that overarching purpose and lawyers will need to assist parties to comply. Any conduct by parties or their lawyers that is inconsistent with the purpose can be taken into account by the court when awarding costs. For example, if a party unreasonably refused to participate in alternative dispute resolution opportunities or if a party pursued issues which were manifestly unreasonable, frivolous or vexatious, then the court can consider this conduct when awarding costs. The bill strengthens the court's existing power to award costs and indicates the type of behaviour which is expected from legal practitioners. As a result, these provisions will also have the effect of encouraging parties to resolve matters through those alternative dispute resolution mechanisms, potentially saving themselves and the taxpayer the expense of a full-blown hearing. Significantly, if a party wishes to prolong litigation as a strategy to increase the costs of the other party to wear them down, as it were, the lawyer will be obliged to explain this behaviour as contrary to the overarching purpose and may have adverse consequences in terms of a cost order against their client. The government is also considering other amendments to further strengthen the court's mediation powers and focus parties' minds on resolving disputes by alternative dispute resolution mechanisms. However, we will await the report of the National Alternative Dispute Resolution Advisory Council on the greater use of appropriate dispute resolution in court proceedings before going further down that road.

Use of the case management powers may also require parties to limit the length of

submissions, limit the number of witnesses called or adhere to a time limit for the completion of part of a proceeding. This will be particularly useful when the court is dealing with complex commercial litigation, often referred to as 'mega-litigation' and also, for instance, in respect of class actions.

With the court, parties and their lawyers all working towards the same purpose, the government is confident there will be an improvement in the early resolution of disputes in the Federal Court. This will in turn free up resources in the court, allowing other matters to be dealt with more quickly and cost effectively.

Appeals amendments

In addition to case management provisions, the bill introduces amendments which will provide for more streamlined and efficient appeals pathways through the Federal Court in civil proceedings. The new appeals framework will be reflected in the arrangements for a restructured Federal Court.

The new appeals measures will assist the court to provide greater flexibility in dealing with appeal proceedings.

Uncertainty surrounding appeal rights in relation to interlocutory judgments will be removed, so that the court's time will no longer be spent unnecessarily hearing appeals from certain interlocutory decisions.

The court's power to manage cases will be strengthened. The amendments ensure that a single judge is able to deal with ancillary and interlocutory matters in most circumstances without the need to constitute a full court.

A single judge will be able to refer a difficult question of law to a full court in all circumstances. This is an important safeguard for litigants.

Judicial responsibilities amendments

Amendments will also be made to the Federal Court act, the Family Law Act 1975

and the Federal Magistrates Act 1999 to give the head of each federal court the responsibility to ensure the 'effective' discharge of the business of the court, in addition to their current powers to ensure 'the orderly and expeditious' discharge of the business of the court.

The amendments will clarify the powers of the chiefs to assign particular caseloads to judicial officers to ensure they can manage workloads and deliver judgments in a timely way. They will also ensure judicial officers have access to periodic health checks and counselling services and appropriate judicial education.

This amendment supports and encourages the education initiatives developed by the federal courts, initiatives which have been enthusiastically embraced by most of the federal judiciary in each of those courts to which I have referred.

I note in particular that the Federal Court has been a pioneer in judicial education in Australia and its judges make a substantial contribution to judicial education both within Australia and overseas, many judges undertaking that training during periods of their own leave.

The bill also provides, in the case of the Federal Court and the Family Court, for the commission or appointment of a judge to a specific location.

Australia has a judiciary of the highest calibre and these amendments will further enhance public confidence in the administration of justice.

Access to Justice Taskforce

Access to justice, as we would appreciate, is more than just reforms to how courts operate. That is why, as part of the government's broader access to the justice agenda, a task force was established earlier this year in my department.

The Access to Justice Taskforce is working to develop a framework for a more strategic approach and to make recommendations to me on ways to improve civil justice outcomes for all Australians. I will undertake a course of consultation with the opposition and interested groups before introducing reforms arising from those recommendations. This bill is a first step to achieving these outcomes

Conclusion

An effective and affordable civil justice system has even greater importance in the current economic climate.

The global downturn has increased bankruptcies, brought on litigation and triggered complex social issues.

Unnecessary delay and time spent in court also ties up significant capital and managerial time not only from the point of view of the courts but also from the point of view of corporations, businesses and individuals who may be required to appear before the courts. As a result, these pressures are additional financial imposts not only on the companies involved and those involved in the litigation but also on the broader economy.

More than ever before, it is imperative we have a well-functioning justice system better equipped to assist people when they most need assistance, advice and guidance.

In combination with other reforms in this area, the government is confident that the bill will help achieve those goals. Finally, I thank the Federal Court of Australia in particular on its very constructive input to these initiatives.

I commend the bill to the House.

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

ROAD TRANSPORT REFORM (DANGEROUS GOODS) REPEAL BILL 2009

First Reading

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

Bill read a first time.

Second Reading

Mr ALBANESE (Grayndler—Minister for Infrastructure, Transport, Regional Development and Local Government) (5.34 pm)—I move:

That this bill be now read a second time.

The Road Transport Reform (Dangerous Goods) Repeal Bill 2009 (the bill) meets the Australian government's obligation, under the Inter-Governmental Agreement for Regulatory and Operational Reform in Road, Rail and Intermodal Transport, to repeal any road transport legislation that has been enacted by the Commonwealth on behalf of the ACT, to coincide with the passage of legislation by the ACT government.

The intergovernmental agreement sets out principles and processes for cooperation between the Commonwealth, states and territories to progress regulatory and operational reform for road, rail and intermodal transport, in order to deliver and sustain nationally consistent transport outcomes.

The bill will repeal the Road Transport Reform (Dangerous Goods) Act 1995, which will allow the Australian Capital Territory (ACT) government to implement the updated Australian Dangerous Goods Code, and the associated model legislation, into its own legislative arrangements in the same manner as other states and territories.

The ACT cannot implement the updated Dangerous Goods Code and the associated model legislation until the Australian government repeals the existing dangerous goods transport legislation.

The repeal will come into effect on a day to be fixed by proclamation to coincide with the passage of legislation by the ACT government to ensure that a seamless transfer to the new dangerous goods transport provisions occurs.

I commend the bill to the House.

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

AUSTRALIAN WINE AND BRANDY CORPORATION AMENDMENT BILL 2009

First Reading

Bill—by leave—and explanatory memorandum presented by **Mr Burke**.

Bill read a first time.

Second Reading

Mr BURKE (Watson—Minister for Agriculture, Fisheries and Forestry) (5.36 pm)—I move:

That this bill be now read a second time.

The Australian Wine and Brandy Corporation Amendment Bill 2009 amends the Australian Wine and Brandy Corporation Act 1980 (AWBC Act) to allow the Australia-European Community Agreement on Trade in Wine to enter into force, improve the Label Integrity Program and update the compliance provisions of the act.

The agreement was signed on 1 December 2008 in Brussels by the Minister for Foreign Affairs, Stephen Smith, and the European Commissioner for Agriculture, Mariann Fischer Boel, who said ‘the agreement achieves a balanced result for Europe and Australia’.

It is a significant improvement on the first wine agreement between Australia and the European Community signed in 1994 which left several items of negotiation unresolved and exposed a number of loopholes. These have been addressed in the replacement

agreement through protracted negotiations over the last 14 years and extensive consultations with the Department of Foreign Affairs and Trade, the Attorney-General’s Department, IP Australia and the Australian Government Solicitor, all of whom support the amendment bill. In particular the Australian wine industry played a key role in the negotiating process and are keen to realise the benefits of the agreement.

Most notably, the agreement clarifies the original intention of the agreement by redefining, expanding and strengthening a number of provisions, the most notable intention being that of ensuring Australia’s reputation as a producer of wines of quality and integrity is preserved whilst promoting and enhancing access to this large and valuable market.

The key benefits to the Australian industry from the agreement include:

- European recognition of 16 Australian winemaking practices;
- a simpler and improved process for the approval of winemaking techniques that may be developed in the future;
- European protection of 112 Australian registered geographical indications including the Hunter, South Burnett, McLaren Vale and Bendigo;
- labelling requirements for Australian wine sold in European markets; and
- an effective dispute resolution system for trade related disputes.

In broad terms, the implications of these benefits mean that Australian producers will have to make fewer changes and concessions to sell their wine in the European Community through the easing of trade barriers that previously existed. It also means that the European Community implicitly recognises the provenance and prestige of Australian wines, which means our wines do not need to

hide behind European names; they can market themselves independently.

To bring the agreement to fruition, a number of proposed amendments were essential to the AWBC Act, and the Trade Marks Act, to realign our domestic legislation with our new international obligations. The first set of amendments is required to implement the agreement. The second set is a range of changes (non-agreement related) to update and modernise the act by making the provisions more clear and comprehensive thus enabling the industry to operate more efficiently and effectively.

Schedule 1 of the bill amends the AWBC Act so that Australia's domestic laws comply with the agreement. The bill provides rules for the protection of geographical indications (GIs), translations of foreign country GIs and traditional expressions.

A geographical indication identifies a good where a given quality, reputation or other characteristic of the good is essentially attributable to its geographic origin, for example Champagne.

The bill also resolves issues around the meaning of false, misleading and deceptive practices in relation to GIs, traditional expressions and protected terms. This includes providing exceptions from the false and misleading provisions relating to the sale, export or import of wine, as they relate to GIs, for common English words.

The bill amends the Trade Marks Act 1995 so that its interpretation is consistent with that of the AWBC Act. This will entail amending common definitions relevant to the agreement and provide circumstances in which the Registrar of Trade Marks can amend the representation of a trademark or an application to register a trademark. The bill will clarify that trademarks which include a common English word that coincides

with a geographical indication can be registered.

Some geographical indications are also common English words. Under the current system, using such words to present and describe a wine, even with their common meaning, may leave the owner open to prosecution in Australia. This is despite the fact that it would be unlikely consumers would be misled about the origin of the wine.

The AWBC Act and the Trade Marks Act are being amended so that this situation is avoided. The amendments will make it possible for common English words that are also geographical indications to be used as parts of the description and presentation of a wine, including in a trademark, as long as the use does not deceive or mislead the public as to the origin of the goods.

To give effect to our agreement obligations, the amendments provide a scheme to prevent the use of translations of registered geographical indications. The amendments provide for the registration of these translations on the new Register of Protected Geographical Indications and Other Terms so that Australian winemakers know the words they need to avoid using. For example, Burgundy, the translation of Bourgogne, will be registered.

Australia's protection of geographical indications mean that registered trademarks containing a word or expression that is a registered geographical indication are in some circumstances not able to be used in the description and presentation of a wine. With additional geographical indications to be protected, more trademarks may be affected.

Currently, where a registered trademark contains a word or expression that is to be protected:

- as a registered geographical indication,

- as a registered translation of a registered geographical indication, or
- as a registered additional term

the trademark may in some circumstances not be used in the description and presentation of a wine.

Consequently, the Trade Marks Act is also being amended to enable trademark owners to amend their marks without the need to apply for a new trademark. They will be able to remove the protected word or expression or substitute another term for it.

Minor changes are also being made to align the Trade Marks Act with the relevant provisions in the AWBC Act including the revised definition of geographical indications.

The act will provide the opportunity for producers in all foreign countries to register geographical indications and translations of those indications in Australia. The bill clarifies that the AWBC Act gives effect to Australia's obligation, under other relevant international agreements, not to discriminate between countries—the most favoured nation obligation.

Geographical indications are determined by the Geographical Indications Committee (GIC), an independent statutory committee under the AWBC Act.

This bill extends the powers of the GIC to enable it to determine geographical indications, and translations of such indications, from foreign countries, regions and localities, while also providing the power to omit foreign geographical indications from the register.

The procedure for the determination of foreign country geographical indications and translations will be provided for in the Australian Wine and Brandy Corporation Regulations 1981.

However, it is clear that this increased level of responsibility for the GIC represents an increase in the amount of work that it has to do. Therefore, this bill amends the act to allow the AWBC to charge cost based fees in relation to the work of the GIC.

The AWBC already has the capacity to recover costs in relation to determining Australian geographical indications, so this extension of the corporation's ability to charge fees does not mark a significant change in operating procedures.

Traditional expressions are words or expressions used in the description and presentation of the wine to refer to the method of production, or to the quality, colour or type, of the wine; for example, claret.

While protection of these terms was agreed in the 1994 agreement, the new agreement clarifies the nature and extent of the protection provided.

Since 1994, industry and government have developed a greater understanding of what constitutes a traditional expression and agree it is not a concept that Australia wishes to use with relation to Australian wine. The provision for Australian traditional expressions has been removed from the new agreement and consequently the amendments remove it from the act.

The amendments implement Australia's commitment in the agreement to protect European Community traditional expressions. Traditional expressions get a lower level of protection than geographical indications so:

- business owners and trademark owners can continue to use, in Australia, business names and trademarks that contain or consist of a protected traditional expression and

- producers from countries not party to this agreement can use traditional expressions under certain conditions.

Currently Australia protects geographical indications, traditional expressions and other terms through the Register of Protected Names. This bill replaces the existing register with a new Register of Geographical Indications and Other Terms that is structured to meet the needs of the Australian wine industry. It will include geographical indications, translations of geographical indications, traditional expressions, quality wine terms and additional terms.

Quality wine terms are terms that Australia would not otherwise be able to use because they are European traditional expressions. For example, makers of fortified wines can use the term vintage, which the Portuguese claim as a traditional expression for fortified wine.

Additional terms are words which will only be able to be used in accordance with registered conditions of use.

As for geographical indications, and in line with our other international obligations, the act will provide the opportunity for producers in all foreign countries to register traditional expressions and additional terms.

The bill also amends the offence provisions in schedule 1 to make it an offence to sell, export or import wine and be reckless to the fact that the wine has a false or misleading description and presentation. The purpose of this change is to ensure that the geographical indications, traditional expressions, quality wine terms and other terms that are protected under the agreement have adequate protection against misuse. The amendment also brings the offence provisions in line with the Criminal Code Act 1995.

To elaborate, under the current system the penalty provision for selling a wine with a false or misleading description and presenta-

tion is subject to the mental element of intention. The mental element of intention could allow a person to avoid liability by giving incontestable evidence that they had no intention to mislead. This barrier to prosecution has been the catalyst for this change.

Of course, this offence provision applies to all elements of the supply chain. However, the risk of prosecution for those who conduct their business in accordance with the rules and act in good faith is negligible.

For example, if a small wine retailer bought a bottle of wine with a false or misleading description and presentation, in good faith, from a wholesaler and sold that wine in their store, I am advised that they are unlikely to be liable for prosecution under the amended provision. To be liable for prosecution under the amended provision, the small wine retailer would need to be aware of a substantial risk that the wine from the wholesaler had a false and misleading description and presentation, and irrespective of that risk, sold the bottle of wine with that description anyway.

Schedule 2 of the bill amends the AWBC Act to strengthen the provisions of the Label Integrity Program (LIP).

The bill extends record-keeping requirements for those members of the grape and wine supply chain whose actions are captured by the Label Integrity Program. The amendments will benefit both consumers and the Australian wine industry by helping to ensure that Australian wine labels are truthful and accurate with regard to their origin and their characteristics.

Australian wine is known for the clarity and integrity of its labelling. The government is ensuring that this effective marketing advantage is retained by implementing a more robust LIP.

As there is no objective way to test wine to determine its origin, variety or vintage, the

only way to give confidence to consumers that what they are getting is as displayed on the label is to have the information recorded.

The current LIP is limited to wine manufacturers and does not cover other players in the wine supply chain, such as people who crush grapes on behalf of others, people who bottle wine on behalf of others, agents, growers, wholesalers and retailers.

The current LIP does not ensure adequate traceability through the wine supply chain. This bill contains amendments to rectify this situation.

The bill aims to ensure that the AWBC can verify wine label claims by requiring people in the supply chain to make and keep records of the supply and receipt of wine goods and changes to wine goods (including volume or storage changes), ensuring an auditable trail along the supply chain from harvested grapes to the sale of the wine.

The proposed changes will:

- amend the LIP to provide that those involved in the production, distribution and sale of wine and grapes used to make wine must keep a record of the date of receipt, quantity, vintage, variety, geographical indication and the identity of the supplier of those goods. Similar records must be made upon despatch of those goods, thus ensuring a traceable trail throughout the wine production process, and
- create a new offence applying to a person who makes a claim relating to vintage, variety or geographical indication of wine goods when that claim is not supported by their records.

A retailer or other person making a direct sale to a consumer is not required to keep a record of the person to whom the sale was made but must keep records including details of the total quantity and the vintage, variety

and geographical indication of the wine goods sold.

The LIP only requires people in the wine supply chain to keep a record of the delivery to them and the supply from them. This information will allow the AWBC to audit the supply chain.

The changes to the LIP are significant but they will not place onerous requirements on the industry. Under current legislation, for every wine grape delivery the grower should be asked to declare the vintage, variety and geographical indication of the grapes because the wine manufacturer has to record that information.

While many wine grape growers make and keep their own records, the standard grape delivery docket issued by receiving wineries to wine grape growers and standard payment records provided by wineries will in most instances be sufficient record in themselves.

I do not expect that the amended LIP provisions will add to the administrative workload of growers, winemakers and others required to keep records but they will significantly enhance the ability of the AWBC to verify label claims.

Growers will be required to keep records for seven years. The records will typically be in the form of a grape delivery docket which is already kept by growers or their accountants for tax purposes.

Wholesalers and retailers typically keep the required records through bar codes or on paper. Most billable material should contain the information. Therefore, it is expected that the amended LIP provisions will not add to the administrative workload of wholesalers and retailers.

Schedule 3 of the bill amends the compliance provisions of the AWBC Act. The bill includes changes to the compliance provi-

sions which will strengthen the AWBC's ability to stop a person from engaging in action that may be contrary to the AWBC Act.

In particular the changes will expand the injunction powers so that the AWBC can apply for an injunction to stop or to direct a person engaging in action that may be contrary to:

- the label integrity program,
- the provisions relating to the protection of geographical indications and other terms,
- the export control offence provision, or
- the regulations made for the purposes of these provisions.

These amendments also align the penalties in the AWBC Act with government policy regarding offence provisions and the use of penalty units as a replacement for fixed dollar amounts.

The Australian wine industry is an incredible success story. It is an industry which has become increasingly export focused with more than 714 million litres of wine (about 60 per cent of production) exported in 2007-08 at a value of \$2.67 billion by approximately 1,800 licensed exporters of Australian wine.

In the global marketplace, Australian wine is in demand because of its reputation for quality and value for money.

Europe is Australia's largest export market and accounted for over half of all of Australia's wine exports in 2007-2008. In fact, more wine is exported to Europe than any other Australian commodity (over and above dairy, meat and other horticultural products).

The Australia-European Community Agreement on Trade in Wine will protect and improve market access to our major wine export market and the Australian wine indus-

try is eager to see the agreement enter into force.

The Joint Standing Committee on Treaties has recently reported on the wine agreement and recommended that binding treaty action be taken. The chair of the committee, the member for Wills, said 'Accession to the agreement would strengthen trade between Australia and the European Community and will provide Australian winemakers with greater, and more secure, access to European wine markets.'

This bill is an essential step in the process of Australia acceding to the treaty and the Australian industry obtaining those benefits.

The industry will benefit from the enhanced Label Integrity Program and improved compliance provisions that will help prevent fraud that has damaged wine industries in other countries.

This bill has been developed in consultation with the Winemakers Federation of Australia and industry representatives on the Australian Wine and Brandy Corporation's Legislation Review Committee.

The Winemakers Federation supports the agreement and the bill, and has written to me to express its view by stating, 'The wine agreement will significantly improve market access to one of our key export markets and the Australian wine industry is keen to see the entry into force of the agreement.'

The Legislation Review Committee also supports the bill and has advised that 'the industry will derive considerable benefit from the enhanced Label Integrity Program and improved compliance provisions that will assist in preserving Australia's reputation as a producer of wines of quality and integrity'.

I commend this bill to the House.

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

EXCISE TARIFF AMENDMENT (2009 MEASURES No. 1) BILL 2009 [No. 2]

Cognate bill:

CUSTOMS TARIFF AMENDMENT (2009 MEASURES No. 1) BILL 2009 [No. 2]**Second Reading**

Debate resumed.

Mr DUTTON (Dickson) (5.55 pm)—In rising to speak on the Excise Tariff Amendment (2009 Measures No. 1) Bill 2009 [No. 2] and the Customs Tariff Amendment (2009 Measures No. 1) Bill 2009 [No. 2], for the benefit of the House I want to revisit some of the history of this prolonged debate on the excise tariff and customs tariff amendment legislation. To say the least, this is a debate which has gone on for some time, and people have been very emotive in relation to the stances they have taken and their responses—and understandably so; it is a debate of that nature. When the government initially announced this change, there was huge fanfare in the Sunday papers, and the Prime Minister claimed that this was a measure which was going to fix binge drinking. When we have a look at the evidence that was provided both at the time and since, particularly over the course of the evidence that has been given to two Senate inquiries, there has not been any evidence from the government as to how this measure will address binge drinking. The reality is that the Minister for Health and Ageing was not aware of this measure until she fronted up to an ERC meeting during the budget period of May last year. This was a measure put forward by Finance and Treasury, not by Health, and that was, of course, to become very important and crucial as the debate unfolded. It was crucial because this clearly is a government that is desperate for revenue.

On the initial figures that were projected, the costings around this particular measure

put forward by the government suggested that there would be some \$3.1 billion over the forward estimates, or over the four years, and that extra revenue would be created as a result of this particular measure. There has been considerable debate since that time and a revision of those figures, not just once but on a number of occasions, by the minister and the Treasurer. Despite the fact that this never was a measure that was championed by the health minister, it was one that was landing in her lap, unexpectedly, as I say, as a result of that ERC process. She was ‘handed the baby’, so to speak, and had the job of going out and selling the message.

It became obvious, as the debate went along, that this was the case. It became obvious to people who were participating in the public debates, to people who were looking at these matters in Senate inquiries and to stakeholders who had an interest in this particular measure that this was not a health measure at all. In actual fact it was about raising revenue, fairly and squarely—nothing more and nothing less. So the minister was arguing the case because it is this government’s position in contemporary debates to dress these measures up in incredible spin, and their spin on this particular revenue-raising measure was to try and sell it as a health measure. They wanted to try and trick the Australian people into believing that somehow this was going to address the problem of binge drinking.

Throughout all of this debate we have said that we are very concerned about binge drinking. In fact, we said it well before this debate, and I repeat the claim today that the coalition have remained concerned about binge drinking. We are concerned that people—in a minority but, nonetheless, a very important minority—are engaging in drinking behaviours which are unacceptable for a number of reasons. Not all of them are related to health. A number relate to social out-

comes, because some of the activity is undertaken particularly by teenagers, who are mixing alcohol with illicit drugs. Their social behaviour reported in a minority of cases but, nonetheless, on a regular basis, remains completely unacceptable.

So when the Prime Minister went out to grab a headline in a Sunday paper, it was certainly clothed in spin. It was a situation where this government wanted people to believe that it was doing something that in actual fact it was not doing. I know the minister has raised a number of points during the course of this debate about consumption patterns, and she has tried to peddle the idea that somehow this has led to a change in the consumption patterns of young adults and that, therefore, somehow the government has gone some way towards achieving its outcome to curb binge drinking when in actual fact that is not the case. In the latest budget papers, the RTD tax hike is projected to raise \$1.7 billion over the forward estimates. Compare that to the figure that was provided in the initial response by the government at \$3.1 billion. But, importantly, what the minister neglects to recognise in this debate, a very important debate, is that revenue from imported spirits is expected to be up by 20 per cent in 2008-09—that is an extra \$245 million in excise—and that Treasury attributes that growth to substitution of RTDs with other alcoholic products.

That is indisputable because it shows—this has been recorded in Treasury's own budget papers, and I direct anybody who has an interest in this matter to look at the budget papers from this year's budget, where Treasury makes this exact claim—that what has taken place here is a substitution of RTDs with other drinks. Incredibly, beer excise will grow by eight per cent in the financial year 2008-09. While it is expected to be lower in 2009-10, it does project that it will grow over subsequent years. The reason I make that

point is that it is absent from any of the dialogue that the minister is engaging in, trying to inject her own statistics and those that sit favourably with and for the government. She has neglected to mention these particular figures. The reason that has happened is because, for the first time in 15 years, there has been a take-up of heavy beer. That is a concern and one that will occupy a large part of the debate as we go forward in relation to this particular measure.

There is some substitution away from RTDs. We know that. In the period May 2008 to March 2009, ATO and customs clearance data showed the consumption of full-strength spirits rose 18 per cent. The same data showed that beer consumption rose five per cent. There have been a number of reports which give the lie to the figures that this government has included as part of this debate.

The important thing to remember in this debate is that what has changed over the period that this government has been in power is that it has completely trashed the economic situation, the budgetary outlook, of this country. We started with a cash-in-the-bank position when this government came into power in November 2007, \$22 billion in the bank, but this government is now projecting over the forward years to have a debt of some \$300-plus billion. That is a remarkable turnaround in only 12 or 18 months, quite remarkable. The reality is that that has made it difficult for the opposition, for anybody who is making a contribution to this public debate, to recognise what has shifted in this public debate. The ingredient that has shifted is the fact that this government is desperate for revenue. We have said that we will go to the next election with a position which is more economically responsible than that which this government will put. We have said that because we have a history of balancing the books in this country.

We had a position when we were in government, and of course before that, when we were in opposition, and we have a position now, in opposition, that we would be responsible, restore the economic validity of this country, pay off Labor's debt, as has always been the case, and put back to work the millions of Australian people who have lost their jobs directly as a result of the decisions of this government. This government wants to blame everything on the global financial crisis, but the reality is the rate at which this government is spending money makes it very difficult not just for the government but for the opposition in relation to decisions about policy as we go forward. There is a significant revenue impact in relation to this particular measure, and we do not intend to make the economic budgetary position any worse than this government is proposing. We want to make sure that we have a position which is more economically responsible. That is our track record. That will be our record when we get back into government, and that is the reason that has led us to make the decision not to oppose this particular bill.

It is remarkable that the health minister, over the course of the last 12 or 18 months, has not engaged in a forward-looking program of health measures at all. This is a health minister who hides behind two reports which claim to be reporting back to the government by 30 June. The government is even of a mind to say that it would, remarkably, not have anything to say in relation to its claim that it would fix public hospitals by mid-2009 until it received these reports back from Christine Bennett and Professor Moodie—that it could have nothing to say about whether or not it had fulfilled its claim to fix public hospitals by mid-2009 until it receives these reports, which might talk about some options in the health space over the coming years. Unsustainable though it is,

it is a quite remarkable position for this government.

This is a health minister who has squarely lost the debate at every turn, at every opportunity that she has engaged in and on health policies that she has talked about. It is interesting the alliances that form in this place, but we need to make sure that people understand the facts in this debate. We need to recognise that this is a minister who never projected this policy; this is a minister who stood beside the Treasurer at the time because there was difficulty in her being able to carry the press conference by herself. That gave great credit, obviously, to our claim that this was all about revenue. That is why our position is as it is in relation to this debate.

We say to the government: today is the opportunity to go forward and seriously engage in a debate about how they are going to curb binge drinking. This debate has to be conducted by both sides of parliament because it is a serious issue. If we are going to proceed in a bipartisan way, let the government signal that that is their intention. We will happily sit down with them to talk about how we are going to change a culture that has built up over a long period of time. Just like the campaigns around drink driving or the wearing of seatbelts, we, the opposition and the government, need to make sure that we engage constructively on ways we can change that behaviour—which occurs amongst a minority of people, particularly in the younger demographic—and provide better health outcomes into the future.

As I say, the reality is that most people do drink responsibly. That is important to remember when having this debate. We will not be pushed off this very important debate because the government's health policy is at sea. The spin that they consistently carry on with has been found out in recent days. This was one of the first examples. History will

record that this was one of the first instances of true Rudd government spin. History will record when it was first announced by the Prime Minister in the Sunday newspapers. He suggested that this was some genuine attempt to address the problem of binge drinking, but history will record that it certainly was not.

That is our position in relation to this debate. We look forward very much to a serious debate about binge drinking and the ways we can address that problem in the years ahead.

Mr NEUMANN (Blair) (6.09 pm)—I rise to speak in support of the Excise Tariff Amendment (2009 Measures No. 1) Bill 2009 [No. 2] and the Customs Tariff Amendment (2009 Measures No. 1) Bill 2009 [No. 2]. Alcohol related harm is dreadful. It is a major cause of mortality and morbidity in this country. According to the figures in the mid-2000s, social related problems cost the Australian economy an average \$15.3 billion per annum. Approximately 3,000 people die every year from alcohol related harm, illness or injury. Sixty-five thousand people are hospitalised annually in this country because of alcohol related harm. It is a dreadful affliction for our young people as well as our middle-aged and older people. It is a tragedy that on average four Australians aged under 25 die each week due to alcohol related injuries. On average, one in four hospitalisations of people aged 15 to 24 happens because of alcohol. An average of 70 Australians under 25 years of age are hospitalised due to alcohol related assault each week.

That is why it is so tragic that the opposition has played politics with respect to our health system. Since the Howard government opened up the alcopops loophole, we have seen a 250 per cent increase in the sales of alcopops. Alcopops are brazenly targeted to young people, particularly young women.

They are sweet, lolly flavoured drinks with great colours. They are cool, they think, to drink, but the taste of the alcohol is disguised. The sad thing about this is that the member for Dickson has come in here and told us all that the reason for the opposition's road to Damascus conversion experience with respect to this legislation is that they are concerned that we are not managing the economy properly. The reality is that they are concerned about a constitutional trigger for a double dissolution election. That is the reality—it is about politics yet again—and the member for Dickson is not being completely genuine about the situation.

Australian Taxation Office data shows that alcopops clearances fell by 35 per cent in the 11 months after the measure was introduced. In fact, total spirits clearances decreased by around eight per cent over the same period. The budget papers, released a couple of months ago, show that, on average, weekly beer and spirit clearances dropped by 0.5 per cent. As the Minister for Health and Ageing said, that is equivalent to 720,000 fewer standard drinks being consumed each week on average. It really is a tragedy that those opposite have outsourced their policy on alcopops to the distillers. It is an absolute disgrace. The truth is that our measure was effective. In fact, we had to bring in validation legislation to protect \$424 million in revenue collected between 27 April 2008 and 13 May 2009. That legislation should have had bipartisan support.

This measure closes a loophole whereby alcopops are taxed at a lower rate than other spirits. Alcopops will now be taxed at the same rate as other spirits, not more or less but the same. It is a question of equity. The truth is that the alcopops measure never represented a whole policy; the alcopops measure was part of the matrix of a national binge-drinking strategy that we undertook. This is a \$53.5 million strategy to address

binge drinking amongst young people. There is \$14.4 million in community level initiatives to confront the culture of binge drinking. My electorate of Blair received \$40,000 for Bremer State High School and Ipswich State High School for their post-formal mystery tour for drug- and alcohol-free alternatives for young people to celebrate the end of their senior year. I spoke to many of those young people and to Tanya McKenna, who initiated this program. The then Parliamentary Secretary to the Minister for Health and Ageing, Senator Jan McLucas, came to Ipswich State High School to see this program in action. She viewed the DVD and talked to the young people, teachers and parents.

So the truth is that this initiative was part of a whole. The funding of \$20 million for advertising to confront people with the risks, costs and consequences of binge drinking was important; the commitment of \$19.1 million to intervene earlier to assist young people to ensure they assume personal responsibility for their binge drinking is also an important measure. It is all part of a matrix—a framework—that we are undertaking. We are acting in a comprehensive way; it is not an isolated policy. It is not simply part of a policy that is all about raising revenue; there is a health component to this, and the figures clearly show it.

The truth is that the coalition for a long time in this policy area simply listened to one section of the community—the distillers. They were too close to them, and that is the hallmark of their position. They should have agreed to this legislation a long time ago. The young people in my electorate should be cherished, encouraged, educated and nurtured to achieve everything they want in life. Their skills, their talents, their productivity and their ability should be encouraged. Excessive consumption of alcohol diminishes that capacity and skill and impinges on a responsible lifestyle.

This legislation is part of a multipronged prolonged strategy that the Rudd government is undertaking. There is really no valid argument against this legislation, but for months and months those opposite have argued that somehow this was solely about raising tax. The truth is that this was about ensuring our revenue position was better but also about ensuring that there was responsible consumption of alcohol and a degree of equity and consistency in our tax system. We are closing a tax loophole that was perpetrated and perpetuated by the Howard government to assist distillers. It had the consequences of harming our young people. In the circumstances, this legislation should be supported.

As a son of an alcoholic I am always concerned about responsible consumption of alcohol. What we can do in this society and our community to ensure responsible drinking should be applauded and supported. Those opposite should realise the consequences for young people of addiction, of lifestyle and of habit—that is what happens when young people take up drinking and become alcoholics. Approximately one in 10 people really acknowledge they are alcoholics. Approximately three in 10 people in our society are alcoholics but they simply do not acknowledge it. The capacity of these young people to work and enjoy their entertainment, family life and friendship is harmed by excessive consumption of alcopops. This legislation is important not just for finance but for families, individuals and communities.

It is a great shame that those opposite have opposed this legislation for so long. I am pleased that somehow, as I said before, on the road to Damascus they have seen the light. It is about time they took up the challenge and joined with us in supporting what we believe is important—that is, adopting a national strategy to attack binge drinking to

ensure that our young people can achieve everything they want in life and to make sure that families are supported. Senator Fielding has for a long time claimed that he supports families first, but he should have a good hard look at the votes he has cast in this regard to see whether he has in fact put families first.

It is important that we support the AMA. It is important that we support the Royal Australasian College of Physicians. It is important we support all forms of community ventures like those in the schools in my electorate that I mentioned. It is important we support the Alcohol and Other Drugs Council of Australia. It is important we do everything we possibly can to reduce the consumption of alcohol amongst our young people.

I support the legislation. I commend the minister for her announcements today, which I think are good in terms of the three states and territories that have signed up to ensure that there is prevention and early intervention with young people to ensure they are not prone to addiction and to ensure they can deal with the challenges and responsibly drink alcohol and enjoy the lifestyle we all hope they will. I commend the legislation to the House.

Mr NEVILLE (Hinkler) (6.20 pm)—History tells us some very interesting stories about taxation and excise on alcohol. In fact, right back to the 17th century there has always been a great ability to raise taxes on alcohol. The publicans and the innkeepers were easy targets. Over the years, governments of all political colours have exploited that and they have raised taxation doing just that. In fact, in our early history in Australia at the time of the Rum Corps, rum and whisky were a form of currency. That was a regrettable part of our history but it was because alcohol and the taxation of alcohol were exploited. Now we have moved into the

21st century you would think we would have a more mature way of taxing alcohol. In the reforms of 2000-01 the then Treasurer, Peter Costello, introduced a measure to tax RTDs according to their alcoholic content.

What is an RTD? An RTD is a premixed bottle or a premixed can of a mixer, sometimes a soft drink, and a form of alcohol. What Peter Costello said was that if you are drinking a 4.8 per cent VB or you are drinking a 4.8 per cent Bundy and cola you should pay the same tax. If you are drinking a 3.5 per cent—what is called the gold strength or the midstrength—XXXX Gold or a Carlton midstrength, you pay the same tax as if you were having a light Bundy, Bundy gold as it is called. And it applied to other full-strength and midstrength alcohol drinks as well. The great beauty of those drinks is that when people drink them they know exactly the quantity of alcohol that they are drinking.

The government, I must admit, were very clever when introducing the Excise Tariff Amendment (2009 Measures No. 1) Bill 2009 and the Customs Tariff Amendment (2009 Measures No. 1) Bill 2009. They changed the nomenclature and used the emotive word ‘alcopop’. Even the last speaker, for whom I might say I have a fair amount of respect, was conned by that. ‘These dreadful alcopops.’ ‘These excessively sweet, fruit injected drinks.’ ‘These fizzy and coloured drinks that are dressed up to grab young people, particularly young girls, are alcopops.’

What the minister and the Labor Party did not say at the time was that they represent a very small proportion of the total amount of RTDs. Minister, I do not know if you know this but the regular drinks of dark rum, whiskey and bourbon—all well-known products; all accepted on the shelves of liquor stores, supermarkets and pubs—represent in mixed form 76 per cent of so-called alcopops. These are regular drinks, such as Bundy and

cola and Johnnie Walker and dry—whatever it might be. The next level is the white spirits of gin and vodka. They represent nine per cent. If you take the dark spirits and the white spirits, 85 per cent of the RTDs are quite regular, decent products. So-called alcopops that get their alcohol from wine or brewing or even sometimes vodka represent 15 per cent of the market.

Now let us have a look at the total liquor market. Of the whole liquor market, 8.5 per cent is RTDs. Let us apply this little measure: if you take 15 per cent of 8.5 per cent, this debate in this parliament on this so-called health measure—this so-called protection of young girls, this so-called anti binge drinking measure—is on 1.3 per cent of the alcohol consumed in this country.

What did the government do? With a tax, you expect there to be equity. The government has levied this tax—roughly \$450 million a year; \$1.7 billion or \$1.8 billion over the four-year term—on 8.5 per cent of the market. When you think about it, that is inequity on a grand scale. First we had the nomenclature to get us to believe that all of those drinks were alcopops. When we got to that point, if you look at the total amount of alcohol you find that the whole tax is being levied on 8.5 per cent of the liquor market. The liquor market is quite big. Thirty-three per cent of it is wine, 45.5 per cent of it is the three strengths of beer and roughly 12.5 per cent of it is spirits. RTDs make up 8.5 per cent and they take the full tax burden. And it is done in the name of young people at risk.

Has it had an effect in reducing drinking? Not markedly. If you put taxes on anything—such as cigarettes or alcohol—and you put them on heavily enough, you can certainly lower in that particular category the amount of it being used. RTD use has dropped by 35 per cent since the introduction of this measure. But the use of bottled spirits

has risen 19 per cent and the use of beer has risen five per cent. Bear in mind that when you talk about five per cent of beer you are talking about five per cent of 45.5 per cent of the total market. It is quite considerable. There has been a shift not so much away from alcohol but to other forms of alcohol.

The other reasons that the government gave were to do with health and public safety—great considerations. We were told about these young people who they were trying to protect, particularly young women. If you have a look at the figures for young females from 14 to 19 years, 6.7 per cent of that group are categorised as ‘at risk’, with 3.7 per cent drinking at ‘heavy risk’. If you take the two together, to make it easy, that is just less than 11 per cent. But what percentage of the total female population does this group represent? Fourteen- to 19-year olds represent only 10 per cent of all women over 14. So, if you take 11 per cent of 10 per cent you find that the number that are at risk is 1.1 per cent.

So let us review those two figures. First, what proportion of the whole liquor market do the real alcopops—the heavily fruited and heavily sweetened fizzy coloured drinks—represent? They represent 1.3 per cent. What portion of the population do the young people purportedly ‘at risk’ represent? Of all females capable of drinking they represent 1.1 per cent. There is no equity there either.

Minister, if you go around the bottle shops and talk to the people there they will tell you about one of the shifts that have occurred. Someone who is aged over 18 in a group will go to a bottle shop and buy a bottle of soft drink. They will tip half of it out and fill it up with vodka. There they have a potent brew in the bottle of soft drink, with the equivalent of 12 nips of alcohol. We are talking about binge drinking. Can you imagine young people sucking on that cocktail for the night and

what condition they are in at the end of the night?

When you go in and buy an RTD or a premix you know from the bottle how many drinks are in that bottle. As I said before, if you take a can of Bundy gold you can drink two of those and be quite safe to drive. You ask yourself, after that: is this really a health measure that we have engaged in? No, it is not. All we have done is shift the emphasis to another area. Those young girls that the bill purports to protect are still as vulnerable. And some might argue they are even more vulnerable. Why do I say that? I will quote from David Kalisch, who was a deputy secretary of the Department of Health and Ageing, the minister's own department. He said:

The other aspect that I would also draw to your attention is that anecdotal evidence we have received from ED—

That is, emergency departments—

... suggests that there has been no change to ED presentations since the change in the excise.

He later went on:

... it is difficult to draw a conclusion about whether there has been a reduction or no change in harmful drinking.

That was a deputy secretary of the minister's own department. That is what he had to say about it. There is another thing that has been purported under the smokescreen of the change of nomenclature. That is that these dreadful supersweet drinks are being drunk by all these young kids. Well, they are not. The liquor industry's analysis of this is that most of the people drinking RTDs are males above 24 years of age. Why would they do that? I suspect that they are young guys who want to go out and have a good night but want to keep control of how much alcohol they are drinking. Of course, if they are just having a drink before they go home on a Friday night then they really want to drink

something after which they can feel fairly safe about driving. I explained that earlier.

The minister has devoted \$50 million, in round figures—and she announced another \$7 million tonight—to various binge-drinking and alcohol abuse matters. When you are picking up \$450 million a year, that is really a bit on the low side. If we were really fair dinkum about looking at binge drinking we would be doing a lot better than \$50 million or \$57 million or whatever it might be. It will be in that range.

Yet another thing has bemused me in this debate. I would like to quote Martin Ferguson, the Minister for Resources and Energy and Minister for Tourism. In July 2004, when this matter came up in the parliament he said:

RTDs currently attract an excise at the same rate as full-strength beer, which appropriately reflects alcohol content, and taxing RTDs at a higher rate would be unfair ...

That is Labor policy I presume. It was recognised that emergency departments have said that they have seen no increase. Labor people, over the years, have agreed with the fact that RTDs should not be selectively taxed.

I come from Bundaberg. It would be of no surprise to anyone here that I would want to defend the local industry. But I defend it first because of the faulty nomenclature that the Australian public was conned into and then because of the lack of equity, the excessiveness of the tax and the way it was levied, and the fact that the health aspects of it have not been proven. In my own town we have had Bundaberg Rum since 1888. Bundaberg Rum has been part of the Australian romance in many fields, including the outback. People have often wondered about the little square bottle of Bundaberg Rum you buy, for example. They ask, 'Why did they make a bottle like that?' The reason for that was that it

could go into the drover's saddle pack when he was going out, because there were no refrigerators out on the edge of the desert. All the drovers had was the rum so they would drink the rum with the water.

Mr Adams—Bore water.

Mr NEVILLE—Yes, probably bore water, as the honourable member for Lyons says. He is quite right.

Bundaberg Rum was used by the Australian and British navies during the Second World War. It has been a major sponsor of Australian sport. It is part of the industry profile of my city and my electorate. It is a well-made product. It is now being exported extensively overseas. Do you think, honourable members and minister, that the Champagne region of France would sit idly by if some minister in the French government started attacking champagne? Do you seriously think that Scottish members of parliament would sit idly by while Scotch whisky was being attacked in the UK or Scottish parliaments? Of course not. Nor will I put at risk the jobs that are involved in that. Rum is made from molasses, which is a tertiary product of the Australian sugar industry. It is quite central to the economic profile of my district and one of the two cities in my electorate of Hinkler. I make no apologies for doing that.

Let me make one thing clear to the minister and all here: no-one has put me under pressure. I have done this under my own volition. I have largely prepared my own material that I put to my party room, although I did seek some help on research. This is really a bodge matter. It is applying a big tax, a \$1.7 billion or \$1.8 billion tax, to 8½ per cent of the market. It is dressed up in the nomenclature of alcopops, emotively. They use it as nothing more than a smokescreen to mask that tax. It has not met its health objectives, it is mean in its anti-drinking campaign

and quite frankly it is damaging to the people of my electorate. I will oppose the bill in whichever way possible.

Mr WINDSOR (New England) (6.39 pm)—I will speak briefly to the legislation. I have spoken on this issue before. I just wanted to reinforce my opposition to the Excise Tariff Amendment (2009 Measures No. 1) Bill 2009 [No. 2] and the related bill. It is not that I am not opposed to alcopops. I think I made the point in a previous contribution that, when the so-called alcopops legislation was introduced, the government was under some pressure in other areas—and I will not elaborate on what they were—and my view was that it was essentially a stunt, a diversionary tactic, using quite a significant issue, excess alcohol consumption by young people et cetera. I opposed it on those grounds at that time, and I have seen nothing to dissuade me of that view to this day.

As a father and a member of the community, I think that bringing these drinks out originally was the problem. They should never have been allowed because they were very sweet and easy to drink alcohol which was just setting up a market of young people that may well not have been used to the consumption of alcohol. So I have always been opposed to these lolly water, high-octane 'alcopops', as they are called now. Rather than using taxation policy to try and do something about the issue—everybody recognises the issue; there are just different ways of dealing with it—I would ban them. If they are an issue in terms of health, in terms of leading to addiction and all of the other things that we have heard debated in this parliament on both sides of this issue, ban them. The government has the power to do that.

If we reflect back on the time of the former government, when petrol sniffing—and I and other members in this chamber have

seen the results in communities where petrol sniffing is rife—was finally recognised as an issue, we did not put the tax up. We actually recognised it as a health issue and we banned it in areas where it was of major concern. In fact, we designed a fuel that was not sniffable, in a sense. But we did not use taxation policy. When we realised that high sulfur levels in diesel, for instance, or in our fuels, were potentially a health problem, we did not use taxation policy to try and drive that initiative; we banned it, and passed the cost on to the consumers.

I want it placed firmly on record that I will not be supporting this legislation and I am very much opposed to alcopops. I know there have been various arguments in support of alcopops and opposition to the legislation. I am opposed to both. I still believe that the way in which the government has put this together is nothing but a stunt. It will not cure any problems in terms of the issue. If we are serious about this—and the health minister has said on numerous occasions that this is a health issue, and I agree with her—then as a parliament we should be banning alcopops. We have non-sniffable petrol in communities where there has been a health problem.

I know I was not on the speaking list. I thank the minister and the House for listening to my small contribution.

Ms ROXON (Gellibrand—Minister for Health and Ageing) (6.44 pm)—in reply—I thank all the members who made a contribution to this debate and note that both the member for Hinkler and the member for New England were happy to accommodate the interests of the House to be able to have a chance to debate—and, of course, the member for Blair and the member for Dickson. I am particularly pleased that the member for Blair actually took the time to talk through some of the additional health measures that

are being taken in this area, because we believe strongly that this measure in itself has a health impact. We think it is not tenable for people to stand up in this chamber and say it has had no impact when 720,000 standard drinks per week is the difference from when this measure was introduced to now. That reduction in consumption is a good thing.

This measure has been widely backed by health experts, by police and by the community, and it is now being, belatedly—and, I have to say, grudgingly—supported by the Liberal Party, although I understand not by the entire coalition, given the contribution from the member for Hinkler. The member for Dickson was forced into this backdown, and we believe he has made the right decision and the Liberal Party has made the right decision. But, although he might have got 10 out of 10 for the execution of a triple somersault backflip, I think he would get zero out of 10 for the dignity or grace with which he has done it. He is still denying the health impact of this measure, still pretending that other action can be taken and that this does not need to be part of it. He even had the cheek to say in his contributions that he was ‘concerned’ about binge drinking well before this debate—but, it appears, not sufficiently before this debate, for the entire 11 years that he was part of the previous government, to do anything about it.

I think a lot of people in the House—I know the member for Hinkler and the member for New England, along with many on this side of the House and some on the other side of the House—are genuinely concerned about what we do in response to abuse of alcohol in the community. We know it is a problem. We know we have to have a multi-pronged approach—and this is part of it. This bill being able to pass through this House, hopefully later tonight, and through the Senate hopefully later in the week, will be only part of what needs to be done to tackle this

problem. And we are dead serious about making sure that we can pursue other initiatives like those I have already highlighted. But it does not make it easier for the House to have a serious debate about this when we can spend 12 months absolutely arguing against something and then have the shadow minister come in here with his tail between his legs pretending that it is the changed economic circumstances that changes the Liberal Party's position. I might remind the House that we voted on this first in February. If my sums and grasp of dates are correct we were well and truly already in difficult financial circumstances by that time. It was not as if the Liberal Party suddenly realised between February and now, in June, that there were difficult financial circumstances. So to come in here and pretend that they are now going to support this measure as an economic measure but deny the health impact that this measure can have is really taking it a little bit too far.

I commented to the parliamentary secretary speaking here that the member for Dickson's speech was very much like the Fonz in *Happy Days*—absolutely unable to say that he was wrong and that it was now the right thing to come in and support this measure. But, honestly, for whatever reason he wants to support it, I think it is going to be a much better outcome for the community. I hope that he will be able to carry his coalition members in the Senate, because we do believe that this debate now can be put out of the way. The treatment of spirits in a consistent way will be achieved into the future. The money that is going to be provided will help fund our preventative health measures and will open up the opportunity to take further measures into the future, which we very much look forward to considering when the prevention task force provides its final report to us by the end of this month and we consider it in the coming months. I commend

this bill to the House and I thank members who have spoken on the date.

The DEPUTY SPEAKER (Dr MJ Washer)—The question is that this bill be now read a second time. There being more than one voice calling for a division, in accordance with standing order 133 the division is deferred, until after 8 pm.

Debate adjourned.

**CUSTOMS TARIFF AMENDMENT
(2009 MEASURES No. 1) BILL 2009
[No. 2]**

Second Reading

The DEPUTY SPEAKER (Dr MJ Washer)—The question is that this bill be now read a second time. There being more than one voice calling for a division, in accordance with standing order 133 the division is deferred, until after 8 pm.

Debate adjourned.

**RURAL ADJUSTMENT AMENDMENT
BILL 2009**

Second Reading

Debate resumed from 18 June, on motion by **Mr Burke**:

That this bill be now read a second time.

Mr ADAMS (Lyons) (6.51 pm)—The Rural Adjustment Amendment Bill 2009 amends clause 7 of the Rural Adjustment Act 1992 to allow for the appointment of National Rural Advisory Council, NRAC, members for three terms. The National Rural Advisory Council is a skill based independent advisory council to the Australian government Minister for Agriculture, Fisheries and Forestry. The NRAC was established in December 1999 as a statutory consultative body, following legislative changes to the Rural Adjustment Act 1992. It replaced the Rural Adjustment Scheme Advisory Council and expanded the range of roles and functions of the original council. The NRAC ad-

vises the Minister for Agriculture, Fisheries and Forestry on rural issues, including the exceptional circumstances applications and the extensions to EC declarations.

The proposed amendment will remove the current provision that a person may, on one occasion only, be reappointed as a member. The Rural Adjustment Act 1992 specifies that the NRAC's main role is to provide advice on rural adjustment and regional issues, including whether areas should be assessed as being exceptional circumstances areas. This bill will ensure that current or previous members who have developed considerable expertise in understanding exceptional circumstances assessments through membership for two terms can serve a third term and continue to contribute to the NRAC.

Currently the NRAC consists of a chairperson and not more than seven other members. The members are appointed by the minister on a part-time basis. At least one member is appointed to represent the states; at least one member is an officer of the Department of Agriculture, Fisheries and Forestry, who is appointed to represent the Commonwealth; one member is appointed to represent the National Farmers Federation; and the other members are appointed because of their expertise in economics, financial administration, banking, sustainable agriculture, regional adjustment, regional development, farm management or training.

When the Australian government receives an application for EC the minister may refer it to the NRAC for assessment, if he agrees that a *prima facie* case has been established. As part of its assessment, the NRAC may conduct an inspection tour of the affected region. On completion of the assessment, the NRAC presents its recommendations to the minister, who, after consulting with the Australian government, has responsibility for

declaring whether or not a particular area is experiencing exceptional circumstances.

A streamlined review process was introduced by the last government to make it easier for farmers who have not experienced a break in the drought to have their EC declaration assessed for a possible extension. Under the review process the NRAC reviews exceptional circumstances declared areas before their expiry date to assess whether an extension to the declaration is warranted. As part of the review the NRAC assesses information from a number of sources, including the National Agriculture Monitoring System, analysis provided by the Bureau of Rural Sciences, the Australian Bureau of Agriculture and Resources Economics, state and local governments and local producers. Additionally, the NRAC may undertake an inspection tour of the area. If the NRAC assesses an area as no longer being an exceptional circumstances area and the minister accepts the advice not to extend the declaration, assistance ceases on the date the declaration ends. If the NRAC supports extending the declaration and the minister agrees, assistance continues until the new declaration end date comes about.

The definition of 'exceptional circumstances' is that it must be rare, not having occurred more than once in an average of 20 to 25 years. So one can see that we are looking at changing that into the future with the advice we are receiving on climate change. It must result in a rare and severe downturn in farm income over a prolonged period of time—for example, greater than 12 months. It cannot be planned for or managed as part of the farmer's normal risk management strategies, and it must be a discrete event that is not part of long-term structural adjustment process or normal fluctuations in commodity prices.

It is important to keep some continuing process going for the NRAC so that there is uniformity in decision making and so that the members of the council are fully familiar with previous decisions and how to read the exceptional circumstances situation. I am sure the member for Barker would agree with me.

Mr Secker—Hear, hear!

Mr ADAMS—On first appearances, Tasmania would not seem to be a possibility for being drought affected. But it is, and it has been for many years. On 25 September 2007, farmers and small businesses operating in full exceptional circumstances declared areas of Tasmania became eligible to apply for the full range of EC assistance measures, including exceptional circumstances relief payments, which are available through Centrelink, and the exceptional circumstances interest rate subsidy, the ECIRS. The EC declaration expires on 30 April 2010 and of course we hope that things can be back to some normality by that time.

Further, the federal Minister for Agriculture, Fisheries and Forestry announced on 12 February 2009 an extension of the exceptional circumstances declared areas of Tasmania to 30 April 2010. This includes Flinders Island and the previously EC declared areas of the central midlands and the east coast, but it excludes the north-east area of the mainland of Tasmania, including Clarke and Cape Baron islands, which expired on 31 March 2009. Eligible primary producers and small businesses in the extended areas will continue to receive EC relief payments and be able to apply for interest rate subsidies for the extended term.

This advisory council has recognised that we have been facing extraordinarily dry circumstances across Australia over the last three or four years, some areas for much longer. Now the worm has turned a bit and

we are getting back to normal in some areas, although the soil is still surprisingly dry at depth. I think we have to be realistic and say in these times of climatic change and strong fluctuations that we will need to approach issues such as exceptional circumstances in a different way into the future. This advisory council will have an important role to play in helping farmers start the process of adapting to change as part of its role in assessing the risk to farm sustainability. At the moment, the government helps by providing Centrelink style payments and advice; however, sometimes there may need to be more drastic decisions made. This can only be done by the individual farmer and the enterprise itself, and there have to be ways to help them revise the way they operate their business or ways to be able to move into something more sustainable. I hope the member for Barker agrees with that as well.

The House of Representatives Standing Committee on Primary Industries and Resources is currently conducting an inquiry into the current and prospective adaptations to the impacts of climate change on agriculture and the potential impacts on downstream processing. We are also looking at the role of government in augmenting the shift towards farming practices which promote resilience in the farm sector in the face of climate change. It will also look at promoting research, extension and training which assist the farm sector to better adapt to climate change, particularly through rural research. The evidence we are receiving shows that there are a lot of interesting developments in the rural sector, ranging from new ways of irrigating in order to use less water to changes in plant types to looking at drought resistant species as well as whole-farm practices dealing with climate change. It is very much a new era in the rural sector and we must be prepared more than at any

time before to deal with floods, drought, fire and tempest.

To cope with these extreme climatic events, the key is to ensure that we have more reliable and specific forecasting information. However, in 2007 a survey to assess the forecasting needs of farmers found that 17 per cent still did not use forecasts to make decisions. One of the two main reasons for this result was the perception that the information was not reliable or specific enough for their region for them to make decisions. The sort of information we need is rainfall amount and intensity that can be collated so that people can get regular monthly pictures or, of course, pictures more often than monthly. Information should also include air temperature, frost occurrence and wind types. So there are many areas which need to take a new approach, many of which will involve the collection of specific and localised data which people can use as tools to make decisions. However, enterprises need to take that on board and make those decisions. They have to be the ones that adapt.

Giving this advisory council members who have the expertise to enhance their role for longer is a really good concept. They have a lot of expertise and are assisting a lot of people. In my electorate, some farming families have done it very hard over a very long time. A lot of people—and I do mention the Rotary club of Evandale—work very hard in assisting many people in this way and there have been many others. Aussie Helpers have been great. I remember the distribution of hay in the Oatlands district. These were all positive and wonderful ways of assisting people. But the future is new ways of thinking. There are some commodities that are not going to carry forward into the future on some of the properties that make up my electorate. We certainly need the economic activity within these regions coming from the farms to add to the wellbe-

ing of those country towns and the future of many young people.

Another area is the research that is being done by Forestry Tasmania in the Warra silvicultural systems trial. It has been the focus of very intensive long-term research into the responses of a number of biodiversity elements to several alternative silviculture schemes. The objective is to assess the degree to which mature forest diversity can be maintained within coupes harvested by various systems. The Warra has been, and still is, a good example of how long-term research can be used to develop new ways of dealing with environmental and climatic issues as they present themselves.

This advisory council will be continuing to play an essential role as we all debate the changes going on in our world, and its members will benefit from it with their continuing presence and by developing their knowledge and skills base. This is a very good option that is before the parliament, and I commend the bill to the House.

Mr SECKER (Barker) (7.07 pm)—It is always a pleasure to follow my friend the member for Lyons. He often makes quite good sense. In fact, I have had the pleasure of serving on committees with the member for Lyons ever since I have been in this parliament. We have certainly seen a lot of this country together and met a lot of people along the way. It is very interesting that my electorate, which is a little bit bigger than the whole of Tasmania, was all declared in drought for the first time a year ago. When I first came into this parliament we had never had an area declared drought affected in the way that it has been in eastern states. I have always had a bit of concern with the way that the EC applications are assessed, because in my electorate we actually have a drought every year: it is called summer and autumn. It is quite normal for us to not receive any

rain of any use between, say, the months of November and April. We always look forward to and hope for rain around Anzac Day, which we got this year. In fact, in many parts of my electorate it rained on Anzac Day. We have five months of dry every year.

The way that the system was originally set up was based on eastern states' climate criteria. The fact is they have a quite different climate to South Australia. We have a Mediterranean climate which, as I said before, is dry in summer and cold and wet in winter, whereas the eastern states, with the north-east trades and the south-east trades, tend to have a greater spread of rainfall over the whole year. So when they miss out for five months, like we do, they declare it a drought. We do not because that is normal and we have adapted to that sort of climate in South Australia, as indeed has your state of Western Australia, Mr Deputy Speaker Washer.

I think we have always been a bit behind the eight ball when it comes to getting assessed as EC affected. The fact is that one of my areas in the lower south-east, Mount Gambier, has actually lost it this year, even though I would have considered the conditions tough. As I understand it, it was because of a rainfall event in December. I can tell you that, from my experience, rainfall in December in my electorate is useless. It is about as useful as a wheel on a walking stick—absolutely useless. Obviously it will help an irrigated area, but in a normal dry crop area, when you get rainfall in December, January or February, it actually causes the dry feed to go off a lot quicker than it would have. I think it is as a result of that that we lost the EC assessment for the lower south-east. I will talk much more about that later.

The National Rural Advisory Council, or NRAC—you will hear that phrase used a lot in this debate—was established by the How-

ard government in 1999 as a statutory legislative body. It is a skills based, independent advisory council to the Minister for Agriculture, Fisheries and Forestry. It advises the minister on rural issues, including exceptional circumstance applications and extensions to EC declarations. The Rural Adjustment Amendment Bill 2009 removes the current provision that a person may only be re-appointed once and will ensure that the current or previous members who have served two terms can serve an additional term. I also think that we should beware of keeping people in the same position for too long. I agree with this legislation in that we have some flexibility to allow those people to be re-appointed if the minister thinks that would be a useful exercise. It seems logical that we would want to extend the current members' terms, given the expertise and skills of the members, which cover a broad range of areas including economics, financial administration, banking, sustainable agriculture, reasonable adjustment, reasonable development, farm management training and more.

I might add that I am a little surprised that the Rudd Labor government has not simply changed the name of NRAC—rebadging it and pronouncing it a new initiative—because that seems to be the norm lately in this government. Perhaps I should not tempt fate by suggesting it. One of the roles undertaken by NRAC is a recommendation to the minister regarding drought declaration. In so doing, NRAC draws information from a number of sources, including National Agriculture Monitoring System analysis provided by the Bureau of Rural Sciences and the Australian Bureau of Agriculture and Resource Economics, or ABARE, state and local governments, and local producers.

Frequently NRAC may undertake an inspection tour of an area. I have certainly welcomed them to my electorate. They have obviously seen it firsthand. It is very impor-

tant that we do not just make decisions by looking at a piece of paper but actually have people visiting the area. I think you get a better understanding by talking to people who are directly involved.

Drought impacts on individuals and communities, creating significant financial and personal hardship. Hardship experienced as a result of drought also brings communities together to support each other, but mutual support alone is not enough. Government policy and legislation are generally based on the expectations that farmers will prepare for and manage a risk inherent in farming and, as far as possible, have self-reliant strategies for coping with changes in fortune. I agree with that. In fact, I was brought up to say that you should put two years worth of hay away. If you get the opportunity to make enough hay you should make at least enough for two years in case the following year you do not get much hay production. If it so happens, perhaps in that second year you could actually sell some of the hay if you have been able to upgrade your hay stocks.

However, the policy must recognise that circumstances of extended drought such as we are experiencing now are exceptional circumstances which require both financial assistance and support in coordinating efforts to reduce its impact and ensure a rapid recovery when circumstances improve. To give you an example of this, where my farm is at Keith I think that it had about a two per cent chance of going into drought. We had our dry years and we had our wet years but we had never really experienced a drought in my lifetime. Came 2006 and the world changed. We got opening rain in about the first week in May and it forgot to rain after that. I have never experienced anything like that before in my life in that area, which was noted as a very reliable area.

It was the Howard government that introduced a significant number of Commonwealth programs to assist people who were experiencing difficulties as a result of drought. Of course we also added small business into that, because if the farmers are not doing too well then the small businesses in the towns suffer as well. I think that was a great initiative which I put forward with other members of the coalition and it certainly was well accepted and well intentioned and greeted with a lot of applause.

We included programs such as EC, interim drought support, Farm Help, FarmBis, tax relief, drought concessions and more. Exceptional Circumstances Assistance was the Howard government's key program for providing direct assistance to farmers experiencing drought, and EC support has been provided to ensure that farmers with long-term prospects for viability would not be forced to leave the land because of short-term events beyond their ability to manage. EC was never lightly given. I think it was about 2004 when farmers had had a couple of really bad years that they got interim support but in the end missed out on getting the full support, which meant that they could not get the interest rate subsidies.

Nor was EC assistance available for all adverse events. In fact we had areas that suffered very badly from frost two or three years in a row, but that was not enough to get them the EC support. I might add that farmers in my area are very good risk managers. Those in the Mallee, for example, which is a fairly dry area to say the least, have always been very good at saving for the future. Earlier this year when the minister made the unfathomable decision to discontinue the EC declaration to the south-east of South Australia—and as I told the minister at the time there was simply no reason for the lower south-east of South Australia to be denied this support and this funding—they contin-

ued to experience the worst drought in a century. They cut very little hay there last spring because it was a very bad finish to the year. In fact the Bureau of Meteorology reported that for South Australia rainfall was mostly 'very much below average' with many locations recording their lowest or equal lowest rainfall amounts for January, and many locations recorded no rainfall at all.

The bureau further reported that rainfalls over the agricultural districts were predominantly very much below average with many places recording no rainfall. Widespread heatwave conditions were recorded in both January and February with the highest ever maximum and minimum temperatures in several places. The minister's decision created hardship for the farmers in the lower south-east. It was even more unfathomable because the adjoining region across the border—same climate, same area—still received the EC support. They were in exactly the same climatic conditions. There is only a border, a line on a map, that stops one side of the border getting EC support and the other side not getting it. That is just crazy.

There are ways to get around that. You could have put the South Australian side into an area where each farmer could still be judged according to their conditions, whilst the whole area was not considered to be in full EC conditions. The fact is there are farmers that have got land on both sides of the border. They can get EC support on one side of the border but not on the other. How ridiculous is that! It is the same climate, the same rainfall—the same climatic conditions.

Three months later the drought is still not over. The drought statement issued just three weeks ago on 31 May 2009 by the Bureau of Meteorology's National Climate Centre states that the rainfall was 'below to very much below average across most of the con-

tinent during May 2009'. That report goes on to say:

Another month of low rainfall for southern Australia exacerbated already dry conditions—

which is what the member for Lyons was referring to. The report continues:

Victoria has now experienced its third driest start to the year on record and southwestern WA its fifth driest since reliable records commenced in 1900. Short-term rainfall deficits are now evident over most of southeast and southwestern Australia—

as is much of my electorate of Barker, and has been for many years now. The National Climate Centre report of 31 May 2009 states:

Most notably, rainfall has been below average across much of southwest and southeast Australia since 1997—

12 years—

while the Murray Darling Basin has experienced below average rainfall since 2002.

The current drought is like no other one I have experienced. It is not a one in 25 year drought. It is now a one in 100 year drought, and I believe it would be getting very close to the severity of the Federation drought from 1895 to 1903. In fact I think it could be argued that that was worse than the one we have now, but whatever the judgement is we are going through very tough conditions.

The decision to abolish crucial drought support has to be one of the lowest acts yet perpetrated by the Rudd government. I pleaded with the minister to no avail. The budget papers show very clearly that there has not been one cent allocated to drought support from July 2010 onwards. Indeed on page 60 of the portfolio budget statement for Agriculture, Fisheries and Forestry, it unequivocally states that the reduction in expenses between 2009-10 and 2010-11 is due to the cessation of drought programs. So there will not be any of that support.

I spend a great deal of time in my electorate listening to the hardship of growers in the Riverland, the Mallee, the Barossa, the Murraylands and the south-east arising from the drought. On budget night I was gobsmacked that the Rudd government could be so callous. We have a social and economic catastrophe in parts of my electorate, as in other areas of Australia, after seven years of drought. Record low water inflows in the Murray-Darling Basin are leading to extremely low irrigation water entitlements. It is actually two per cent at the moment for all of my estate, and, of course, that is exacerbated by the collapse in commodity prices, particularly in milk. I am extremely worried not only about farmers but also about communities reliant on agriculture. Coming back to the milk issue, the fact is that most of that milk is produced in the lower south-east of my electorate—that is where it is mostly produced—and that is the only area in my electorate where people have had the EC taken away from them. So they are getting the double whammy—no support from EC and the collapsing of their milk prices.

Australia's food bowl in good times not only provides us with the best food in the world—and I do not think there would be anyone in this chamber who would disagree with that—but it also supports thousands of food manufacturing and processing jobs as well as generating billions of dollars of export revenue. When it continues to need our help as the drought goes on, it gets a slap in the face. When the Labor Party needs to make cuts it is the usual victims who get hit: the self-funded retirees, people with private health care, business, exporters, and, of course, those who live outside the capital cities. They copped a \$1 billion hit in last year's budget—and that was in good times—and they copped it again in last month's budget.

Even the students copped it with changes that have been made to the independent youth allowance, which will mean that hundreds of country children have had their dreams of a university education shattered. That is an absolute disgrace. They have no capacity to find the money somewhere else. The children of drought stricken farmers and others will not get youth allowance and the injustice that is already there in relation to country education will be further increased.

There is no new Regional Partnerships program, even though Labor promised there would be one. The government axed the area consultative committees across the nation even though Minister Albanese promised only a couple of months ago—to their face—that their jobs were safe and the network would be continued. In last month's budget the Labor government announced \$460 million in new programs to help farmers not in Australia but in other parts of the world. They are spending \$460 million in new programs to help farmers in other parts of the world whilst they rip \$900 million out of the assistance for Australian farmers. What are the priorities of this government?

Their priorities are all about seats on the United Nations and the future of the Prime Minister. They could not care less about the debt being inflicted on people around this country. Small block irrigators exit grants are to cease. The EC has been extended to 31 March next year in my electorate but the government is getting rid of the exit grants. There is a lot of concern about that. In fact, the Riverland Futures Taskforce have said that this decision should change. I support them in that. The package is intended to assist small block irrigators in the Murray-Darling Basin who are affected by drought and climate change and who wish to cease irrigated farming. The package is intended to assist small block irrigators, in particular horticultural producers in the Murray-

Darling Basin, who own irrigation properties of 40 hectares or less and wish to exit irrigated farming. The exit grant is a one-off payment for irrigators, but as I said, it will cease on 30 June this year—just a few days away. One of the conditions for receiving the exit grant is that you are willing to give an undertaking that neither you nor your farm-land will be involved in irrigated farming for at least five years after the exit grant is paid. Many Riverland growers and small business operators have strived to stay in business despite ongoing drought and reduced water flows. For many, the nonviability of their operation will not become evident until well after 30 June 2009, when financial records are finally annualised and acquitted. What will happen after 30 June 2009? This is a city-centric, eastern seaboard focused government. Rural and regional Australia is not a priority—*(Time expired)*

Mr TUCKEY (O'Connor) (7.27 pm)—In his second reading speech, the Minister for Agriculture, Fisheries and Forestry said:

The Rural Adjustment Act 1992 specifies that NRAC's main role is to provide advice on rural adjustment and regional issues including on whether areas should be assessed as being in exceptional circumstances (EC).

The purpose of the Rural Adjustment Amendment Bill 2009, nevertheless, is to ensure some continuity in the membership of that board. Current arrangements require that members do not serve more than two terms. Consequently, four out of the eight members would find themselves in a situation of having to retire if this legislation were not passed—that is, 50 per cent of the board. As the member for Barker has just indicated, these are still very difficult times—new board members would come without the experience of past decisions—so there is some sense in this arrangement. Probably it would also make sense under these arrangements to seek the retirement, maybe voluntarily, of a

couple of those members to start a flow of new members. The coalition has no objection to this proposal. However, the issues that concern me today—and we have heard about some of them from the member for Barker—are that the members of NRAC can only work according to the legislation as it exists. To my mind, it is highly deficient in allowing farmers to assist themselves. It is means tested and there are other aspects that typically militate against a careful farmer. It all sounds a bit silly to me

During our term in office a bus termed the 'debt bus' was equipped with a lot of computers and sent out, originally, to some of the areas around Barker and other dairying areas to give assistance to people in distress resulting from exceptional circumstances, which are primarily drought based. The reception was such that the then minister decided he would send the bus up to the north-eastern sector of what was then my electorate—an area that had had three years of continuous drought and practically no crop production at all. When the bus got up there it was a political disaster because person after person went in hoping to get advice as to how they could be assisted and of course when the figures came up on the computer they were told they were far too wealthy to get help. When they looked out the window halfway through the growing season there was no crop at all but in most circumstances they had invested very large amounts of money in their crop. Cropping is now dominating the agricultural scene, particularly in Western Australia. The fact is that farmers virtually buy their property back every two years if they get a total wipe-out because the investment in a crop is typically \$500,000. That is a problem. Here were these people confronted with crop failure and accumulating quite large debts but they did not qualify for EC because, according to the net value of their farm and particularly the very expensive machinery they pur-

chase these days to be viable, they were still rich. But if you were one of those farmers who had been on a spending spree and every time some distressed farmer sold his property you borrowed money to buy it then your net debt passed the threshold and you got 50 per cent of your interest rates paid.

Throughout the life of the Howard government we administered that and made some alterations in compassion for the circumstances that certainly existed. Notwithstanding that, in my mind it has never really served the purpose. That is no reflection on the members of NRAC. As I said, they are operating within their present legislative constraints.

I note that the government has limited the financial support for the existing EC programs for just one year. That might not mean that it is to be cut off, but I have written to the minister putting up my proposal that there is a better way. That better way is to implement an international solution called 'multiperil crop insurance'. The need for rain is one problem. The member for Barker mentioned frost. A constituent of mine is from a family that has been farming in their region for, probably, a century. They are losing their farm. The person who wrote to me complaining, I might add, about excessive interest rates said, 'We had a couple of dry years and then a super crop this past season. Then in three hours we lost the lot.' EC does not accommodate that—a severe frost at a certain stage of the development of wheat burns off the flowers and you are looking at a magnificent crop with no or very little grain in it. This was the final financial blow for these people. And they were not eligible under those circumstances for EC anyway. But were they able to insure on an ongoing basis they could, in my mind, always fund at least the input cost—that \$500,000 in round figures I mentioned—so that the next year they would be no worse off. They would have

made no profit but they would have cash in the bank to have another go.

A minute ago I mentioned interest rates. I have never been able to understand the thinking of a bank that says to people, 'Look, here is a loan; you are a good customer so it is at X per cent,' and things turn against the borrower and the bank writes them a letter saying, 'You have now become a bad risk; we want to add two to four per cent to your interest bill.' That is going to be a great help! You have just had a blow from the weather and suddenly your bank wants to charge you more than they contracted in the first instance. But if we put that in reverse and had a multiperil crop insurance system in place, I imagine that banks would, as they do with household mortgages, insist on the farmer covering themselves for that particular risk. The banks could be guaranteed at least to get their money back and as such should be able to levy much lower interest rates.

In fact, it is my view from research I have conducted, which I will refer to in a moment, that were there a significantly high enough participation rate the cost in percentage terms would probably be about the same as the interest increases that banks apply when they suddenly determine you are a bad risk. The reality is that banks could deal with customers who were fully insured as good risks and that would greatly discount the premium cost of insuring in this fashion. It is quite interesting because this has been researched time and again and there is always the argument that it would not work in Australia. It works throughout the world, and it is compulsory in South Africa—you have no choice. Yes, many of the schemes are underwritten by government and in severe circumstances governments have been called upon to make a financial contribution.

My own view is that, on the figures that I was able to obtain over that period of 16

years or so, government have put about \$3 billion into exceptional circumstances. On the basis of insuring just input costs, that amount would be sufficient to give a 100 per cent premium subsidy to all practising farmers. That is not the purpose of my comments, but in setting such a scheme up there is an excellent reason for government to start converting progressively, or however they want to, from budgeting for exceptional circumstances, as we know it, to offering to farmers who choose multiperil crop insurance a rebate similar to the private health insurance rebate. Whatever the circumstances—be they lack of rain or be they fire, frost or hail, you name it—that would be covered in a single policy.

This issue was discussed at an inquiry during the period of the Howard government, and it said: 'No. You can't make it work.' The Western Australian government, to which I want to refer to directly, held a similar inquiry. I have been of the view that the guidelines for these inquiries frequently guarantee that this scheme does not work. For instance, to make a condition that there should be no government component is, I think, ridiculous, particularly in the start-up phase. When I got some figures from the Parliamentary Library, I found that, over the 16 years, an average of 12 million hectares of wheat had been grown. My argument is that a tonne of wheat typically represents the input costs—in other words, to make a financial return, growers have to exceed a tonne per hectare return from their property—and so, when I do the calculations and look at the returns over the years for Australia, I find that it has had an average yield below a tonne per hectare. It is quite surprising how few years that applies to. Nevertheless, it appeared to me that, had there been an insurance policy for all of Australia—in that case, arguably, every farmer would have been covered—the payout for the difference

between a tonne per hectare and whatever the amount that was harvested might be would have been about \$2 billion. That is \$2 billion on the value of 20.4 million tonne of wheat. As I have already said, over that same 16-year period, the government expenditure for EC was about \$3 billion. That is simple arithmetics and it does not take account of profit margins or anything else of that nature.

But when I looked into it further, at the inquiry conducted in Western Australia, I noticed that the final report of the Multi Peril Crop Insurance Task Force also said that such a scheme would not work. It had come to the same conclusion that not enough farmers would participate in it. Of course, it is a fundamental of insurance that, if there is not a high level of participation, those who do participate are subject to very high premiums, and that clearly would not work. I have already made the point—and I do not propose that the scheme be compulsory, as it is in South Africa—that, if there were a viable scheme available for all those farmers who are requesting finance from a financial institution, there is absolutely no doubt that the bank would say to them, as it does to homeowners, 'Where in your budget are your multiperil crop insurance arrangements?'

Nigel Hallett, a colleague in the Western Australian parliament, has been doing a lot of work with the private sector. He has had surprising levels of interest from major international insurers that are already in this line of business. When the task force in Western Australia looked at the options and started to talk about a participation rate, they reasoned that people would not participate. They had sent out a survey—I have forgotten how many farmers it was sent out to; let us say it was 500 or 600 farmers—and only 10 per cent replied. When farmers used to elect the directors of AWB, which was pretty important to them, only about 15 per cent used to vote. You cannot come to a conclusion

about what farmers might do by sending them a survey form. At the time, the interesting thing in areas of my electorate, which has been changed as a result of recent boundary changes, was that, having assessed a variety of take-up levels in a district like Katanning shire, with a maximum take-up level of 10 per cent, the task force predicted that a premium of 7.1 per cent would be required. But when they got to 40 per cent—and that is still less than half—that premium fell to 3.4 per cent. I would suggest that it could probably be discounted by a couple more per cent at least in interest rates. That is a pretty good result. Dalwallinu shire is known as a high-level wheat-producing area. At a 40 per cent participation level, they got down to a premium cost of 2.7 per cent. That surprised me. I could give other examples from the table that was produced, but the whole thing about it is that this sort of premium level could be afforded for the security it would provide. That is only insuring at a cost of farming level.

I believe, if the government were interested in reform—and I have to pass a compliment, as I usually do, to the incumbent minister. He is the bloke who, with the aid of his colleagues, passed legislation to deregulate the wheat industry and he pointed out to us the other day—as I know—the benefits already accrued in that regard. But that is only the start of it. With the mere transparency that has now been created, suddenly growers know what their freight and handling cost is. One grower in my electorate said, ‘My God! It equals my fertiliser bill.’ The big campaign over there now is, ‘We want savings!’ Even their cooperative, their one-time single desk in freight and handling, is under huge pressure and they have been unable to arrive at a freight rate with the established rail system over there. That would never have been a question in the past: it was

just a case that it went on rail and that was that.

What I am really talking about is if the minister wants to review a very necessary component of support for the agricultural sector—and might I add, when all the boasting was on here the other day about how we avoided a technical recession, anyone who studies the figures on exports will find that roughly 5.4 million tonne of wheat was exported entirely in the March quarter, as compared to 1.5 million tonne on average in previous quarters. The previous marketer was getting \$65 million to sell the crop and did not have any responsibility to achieve a price outcome. Furthermore, while it stayed in the bin, they were charging interest on the harvest loans they had advanced—tell me about it! What I have been saying in the last couple of minutes is that there is a great opportunity here for the government to look at multiperil crop insurance with a premium subsidy. There are complexities and there are questions—risk assessment, pricing of the premium—and I do not suggest it should be the same everywhere. These are the things they might look at, things which would be great reform, and farmers would be looking after their own affairs and not having to prove that they were poor and needy to get government assistance.

Mr FORREST (Mallee) (7.47 pm)—I am pleased to have an opportunity to speak on the Rural Adjustment Amendment Bill 2009. To the uninitiated, it probably seems like a very simple piece of legislation. There are really only two effective pages, but it is designed to allow NRAC, the National Rural Advisory Council, to continue their appointments beyond the current limitation of two years. I think that is a good thing. NRAC have been playing a valuable role in providing important advice to government for many years now, most particularly in response to drought and exceptional circum-

stances. In addition, advice on rural adjustment and regional issues has been vital. Members of the council are appointed by the Minister for Agriculture, Fisheries and Forestry and I am pleased the minister has recognised the importance of the role of current members to extend their appointment for one more term. Council members have built up a considerable pool of knowledge over two terms and it is important that that corporate knowledge is retained. Rural Australia is in a very fragile state at this stage and that important knowledge will be very useful as the government struggles with the challenges with which it tells us it is confronted. But there are some more significant comments I would like to contribute on the issue of EC and drought and this bill provides that opportunity.

Quite a number of my farming communities out there, especially in dryland agriculture, as they finish their cropping season are probably listening to this debate as we speak. We have had some rain across my constituency, which has created new hope, a new positive feeling, after seven years and in some areas nearly nine years of drought. In fact, a real grain crop across the north-west of Victoria has not really been achieved since the mid-eighties. So rural Australia, particularly the part I represent, is in a very vulnerable state. Proper advice on ongoing future policy directions will be paramount. I support the minister in his intention to give current members another term.

Trying not to be cynical about the circumstances in which we find ourselves, the government, particularly this minister, has made it quite clear that its ambition is to dismantle exceptional circumstances. It has not been able to tell us yet what it intends to replace it with. In fact, this was all well described 12 months ago, but the minister could not resolve the difficulties with which he was confronted and he extended all existing EC re-

gions until about April of next year. The whole of my electoral division, the entire electorate of Mallee, has been in exceptional circumstances for four years with some of the smaller areas even longer than that.

There are a number of pointers to the government's intentions and the minister's own comments of his intentions are pretty clear. The second is in regard to the budget papers. In fact, if you go to page 60 of the portfolio budget statements, you see that there is absolutely no equivocation. I have heard the minister try to defend this situation, that it is because drought funding is considered in each term, but the reality of the words has terrified the people I represent. Page 60 of the portfolio budget statements says:

The reduction in expenses between 2009-10 and 2010-11 is due to the cessation of drought programs.

Those are the words that my constituents read in the budget papers. If you add to that the recommendations of the Productivity Commission—which has to be quite an economically dry organisation—it quite strongly recommends the termination of drought EC, the termination of interest rate subsidies, the termination of income support and the termination of the whole way the EC declaration process operates. It also recommends in the Productivity Commission report that no new areas of EC be declared either for full or even interim declarations.

I am convinced a little bit more about the cynical view of the minister. It defies credibility that he sat on that Productivity Commission report from as early as February this year. In fact he did not publicly release it until budget day itself. I imagine he thought the release of a report of such significance to the people of my constituency might have been missed and gone under the radar given the media focus on the budget itself. I have made this plea in this place to the minister on

other important legislation in this place: he must adopt a much more sympathetic attitude to that sector of the Australian economy that he purports to represent. We are dealing with real people—real working families who are beside themselves in the circumstances they are confronted with.

Every day I am confronted with people's uncertainty when they come into my electoral office about what they quite clearly see as the government's intention to abandon the safety net—the support base—and which they have had to accept. Given that the people of the north-west of Victoria are a very determined, resilient and quite proud people, the minister needs to get into the family environment and understand how it makes them feel that their only option is to rely on social security when they have had generations of independence and support from their own industry. I am asking the minister and making that plea loud and clear: please understand you are dealing with real people.

I will give you an example that happened to me last Friday week. I had an appointment with an agent from Telstra to tutor me in the replacement of my PDA. I was quite content with the jazz jams facility I had but the department told me I had to now accept what they allege is better technology—the Blackberry. I insisted that somebody come out and convince me that it was going to work in my remote region.

The DEPUTY SPEAKER (Hon. Peter Slipper)—From the chair, I can say that it is much better.

Mr FORREST—He drove all the way up from Melbourne for an appointment on the Friday afternoon at 2.30. At about 2.45 I got a phone call from a desperate family who could not find their father. They were extremely concerned about his welfare. This is a family that has their financier on their case and threatening to send the sheriff in, fore-

close, throw them out of their home and property and take complete possession of their entire possessions. I did not hesitate. I jumped in the car with my old phone because I knew that was still working and drove like a mad thing—thankfully his property is only 20 minutes away—hoping that I would not find him hanging in his shed. That is the sort of thing that members from my part of the world and so many of my colleagues are confronted with. I was just so grateful to catch some of his family on the phone. By the time I arrived there, his granddaughters were with him just to let him know that somebody cared. I am not going to have that on my conscience.

That is happening consistently. Minister Burke, that is the kind of state of mind that many of my primary producers are in and they expect you to make a stand and fight for them. They did not see that in the outcomes from the budget a month or so ago. What they saw was the very support base that would assist them to cope with the challenges of climate change being dragged from under their feet. The only department subjected to productivity gains was the department that you, Minister Burke, are responsible for—the Department of Agriculture, Fisheries and Forestry.

Last year's budget was bad enough, when we saw \$60 million slashed out of the CSIRO's research funding. Within a month we saw the CSIRO try to adjust their monetary and financial circumstances to that scenario by closing five research facilities. That process is well in place. One of those facilities is located at Merbein, in Mildura, and provides assistance to horticulturists not only with the challenges of climate change but also in planting and inventing new varieties to help them compete in the very competitive export market.

The government's announcement that it wants to make adjustments to exceptional circumstances might be acceptable to the desperate people that I represent but it needs to say early what it intends to replace it with. I was quite impressed with the member for O'Connor's contribution to the potential replacement tools. They are quite diverse. This minister has not given us any indication that we can relay to the constituents we represent that he is thinking along these lines. The member for O'Connor has made some suggestions on multiperil crop insurance for broadacre agriculture. It is not easy to achieve. Other nations have tried something like this, particularly Canada, and we are told that the capacity for industry to participate on the scale that is needed to support such an insurance based system has some challenges. That is true.

Each commodity that is produced is different but consider today how we have irrigators along the Murray Valley, particularly in my constituency, who have been on EC and are into their third year on it because of circumstances beyond their control. The water supply system that served them well for over 100 years because of judicious investment has failed them and for the third year in a row the initial allocation of their water entitlement at the start of the allocation season, which they have bought and paid for every year, is zero. Just in the last month that announcement has been made of zero allocation. It is true that in the last two years that allocation has progressively increased as we have had more rainfall in the upper catchment to augment the storages. But for two years in a row it has only got to the mid-thirties in percentage terms. There is still the uncertainty on a month-by-month basis. It is no way to run a business. You cannot prepare a business plan, particularly if you are engaged in irrigation horticulture, if the first announcement is of a zero allocation. How

do you go to your banker and ask for some finance to engage in pruning or harvesting or the installation of a more efficient irrigation system when you have to say to him, 'Oh, well, we don't have any water at this stage but we might have some later'? That is no way to plan a business with that absolute uncertainty. What is happening in Sunraysia now is many are giving up. In fact, I remember the member for Denison, who is sitting opposite, met me in the street of Mildura one day and said how delighted he was to come to such a vibrant community. Do you remember that, Duncan?

Mr Kerr—No.

Mr FORREST—I do. I will never forget it. If you were to visit Mildura today you would have a different perspective. You would see dead vines and you would see dead citrus trees as farming families, hard-struggling working families, have given up. Their only source of any significant income is to trade their water on the annual water market. So what these communities are looking for is some absolute certainty from this minister. Minister, don't leave them dangling on the fishhook of uncertainty about what the government's intentions are and what it wants to replace EC with. Get out there, like some of us are doing and, as the member for O'Connor has indicated, talk to people.

In Victoria I have been talking with the Victorian Farmers Federation about options for some sort of insurance basis or commodity funded multiperil insurance. We have got to offer these people some certainty that this government has their interests at heart. But we are not getting those signals from the minister so I will make this plea one more time. In fact on a couple of occasions in the corridors I have invited him to come to Mildura. He says he has been there. But it was not a visit long enough for him to get a comprehensive impression of what has been

happening to the district. If you close down horticulture around a strong provincial centre like Mildura, Swan Hill or even the other provincial centre in Mallee, which is Horsham, that has an impact on the small businesses that are associated with the economic activity that goes on around the centre. So, Minister, we are talking about real people. We are talking about human beings in situations which city based people have not yet established the capacity to even understand.

Take the challenges they are confronted with in getting their children through to the tertiary level of education. They were delivered another body blow by the budget. I have never seen before such a strong reaction from country youngsters as their recent reaction to the budget's intentions for youth allowance. If we want these children to fix the various challenges that our generation did not confront, we need to ensure they come back to our regions with a strong tertiary education, yet the process by which country youngsters have been doing that over the last period of time has been withdrawn from them. Worse than that, the goalposts have been slightly shifted for those who were working their way through their gap year and wanted to go on to university and create for themselves the capacity to consolidate their future.

So, Minister, my last challenge to you, and I have received this request from my constituents, is to please fight for your portfolio. Get into cabinet and argue your case and do not be the minister presiding over the only Commonwealth government department that has to endure productivity gain constraints which will ultimately reduce the numerical size of their department—in this case, the department of agriculture—and its capacity to provide ongoing positive advice to meet the challenges faced by these people. Don't let the economic review committee shave the budget to the extent that we lose

important research, particularly into land and water. Fight for the constituency you are allegedly trying to represent. Send them a signal that this government cares. Don't wait for the eleventh hour before you make announcements about what the government intends to replace the exceptional circumstances system with. It has served a very good and useful purpose. It has cushioned the impacts of the drought that has affected the whole country. It has been coming since the mid-seventies and my primary producers are fairly well convinced by now that climate change is upon us all and they want to see some positive action to address that.

Mr Shorten interjecting—

Mr FORREST—The parliamentary secretary interjects about the CPRS. I am not getting much strong support about that, because that will be another body blow to horticulture and agriculture in general, which this minister purports to represent. So he should fight in cabinet and stop this erosion of the resources that are going to assist our country people and our primary producers to get through the challenges that confront them.

The DEPUTY SPEAKER (Hon. Peter Slipper)—Given that it is after 8 pm, I will now deal with the division that was called after 6.30 pm. I took the view that the deferred division should not be proceeded with until the member speaking at 8 pm, the honourable member for Mallee, had completed his speech, and so I did not interrupt the member. The debate is adjourned and the resumption of the debate will be made an order of the day for a later hour.

**EXCISE TARIFF AMENDMENT (2009
MEASURES No. 1) BILL 2009 [No. 2]**

Second Reading

Consideration resumed.

The DEPUTY SPEAKER—In accordance with standing order 133, I shall now proceed to put the question on the motion moved earlier today by the Minister for Health and Ageing on which a division was called for and deferred in accordance with standing orders. No further debate is allowed.

Question put:

That the bill be now read a second time.

The House divided. [8.11 pm]

(The Deputy Speaker—Hon. Peter Slipper)

Ayes.....	72
Noes.....	<u>5</u>
Majority.....	<u>67</u>

AYES

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

Sidebottom, S.	
Sullivan, J.	
Symon, M.	
Thomson, C.	
Trevor, C.	
Vamvakinou, M.	

Snowdon, W.E.	
Swan, W.M.	
Tanner, L.	
Thomson, K.J.	
Turnour, J.P.	
Zappia, A.	

NOES

Chester, D.	Neville, P.C.
Schultz, A. *	Tuckey, C.W. *
Windsor, A.H.C.	

* denotes teller

Question agreed to.

Bill read a second time.

Third Reading

Ms ROXON (Gellibrand—Minister for Health and Ageing) (8.21 pm)—by leave—I move:

That this bill be now read a third time.

Question agreed to.

Bill read a third time.

**CUSTOMS TARIFF AMENDMENT
(2009 MEASURES No. 1) BILL 2009
[No. 2]**

Second Reading

Consideration resumed.

The DEPUTY SPEAKER (Hon. Peter Slipper)—The division on the question that this bill be now read a second time was deferred under standing order 133. I shall now proceed to put the question.

Question put.

The House divided. [8.24 pm]

(The Deputy Speaker—Hon. Peter Slipper)

Ayes.....	72
Noes.....	<u>5</u>
Majority.....	<u>67</u>

AYES

Adams, D.G.H.	Albanese, A.N.
Bevis, A.R.	Bidgood, J.
Bird, S.	Bradbury, D.J.

Burke, A.E.	Burke, A.S.
Butler, M.C.	Champion, N.
Cheeseman, D.L.	Clare, J.D.
Collins, J.M.	Combet, G.
D'Ath, Y.M.	Debus, B.
Elliot, J.	Ellis, A.L.
Ellis, K.	Emerson, C.A.
Ferguson, L.D.T.	Ferguson, M.J.
Fitzgibbon, J.A.	Georganas, S.
George, J.	Gibbons, S.W.
Gray, G.	Grierson, S.J.
Griffin, A.P.	Hale, D.F.
Hall, J.G. *	Hayes, C.P. *
Irwin, J.	Jackson, S.M.
Kelly, M.J.	Kerr, D.J.C.
King, C.F.	Livermore, K.F.
Macklin, J.L.	Marles, R.D.
McClelland, R.B.	McKew, M.
McMullan, R.F.	Melham, D.
Murphy, J.	Neal, B.J.
Neumann, S.K.	O'Connor, B.P.
Oakeshott, R.J.M.	Owens, J.
Parke, M.	Perrett, G.D.
Plibersek, T.	Raguse, B.B.
Rea, K.M.	Ripoll, B.F.
Rishworth, A.L.	Roxon, N.L.
Saffin, J.A.	Shorten, W.R.
Sidebottom, S.	Snowdon, W.E.
Sullivan, J.	Swan, W.M.
Symon, M.	Tanner, L.
Thomson, C.	Thomson, K.J.
Trevor, C.	Turnour, J.P.
Vamvakinou, M.	Zappia, A.
NOES	
Chester, D.	Neville, P.C.
Schultz, A. *	Tuckey, C.W. *
Windsor, A.H.C.	

* denotes teller

Question agreed to.

Bill read a second time.

The DEPUTY SPEAKER—That, of course, is the first opportunity in 10 years that the member for Hume has had to act as a teller.

Third Reading

Ms ROXON (Gellibrand—Minister for Health and Ageing) (8.26 pm)—by leave—I move:

That this bill be now read a third time.

Question agreed to.

Bill read a third time.

COMMITTEES

Migration Committee

Membership

The DEPUTY SPEAKER (Hon. Peter Slipper)—Mr Speaker has received a message from the Senate informing the House that Senator Fierravanti-Wells has been discharged from attendance on the Joint Standing Committee on Migration and that Senator Boyce has been appointed a member of the committee.

RURAL ADJUSTMENT AMENDMENT BILL 2009

Second Reading

Debate resumed.

Ms LEY (Farrer) (8.27 pm)—I appreciate that I only have a couple of minutes before we move to other business, so I will make some brief introductory remarks about the Rural Adjustment Amendment Bill 2009 and hope to gain leave to continue my remarks later. The advisory council to the Minister for Agriculture, Fisheries and Forestry, the National Rural Advisory Council, sometimes known as NRAC, provides advice on rural adjustment and regional issues, including on whether areas should be assessed as being in exceptional circumstances. This bill in no way changes the current EC arrangements, and the assessment of eligibility of farms in drought declared areas for EC will also remain unchanged. The bill, as other speakers have mentioned, allows an extension of time for those people who are serving on the National Rural Advisory Council.

This council has always been pivotal to my electorate. In the February extension of EC funding in the areas of western New South Wales, the south-west slopes and plains, and the areas burnt out by the Victo-

rian bushfires, NRAC and EC played an important part. The declarations effective in the electorate of Farrer are due to expire at the end of March and in some cases April, and the drought continues to place extraordinary pressure on the farming families and communities in my electorate, as it does across the country.

I had quite a bit to do with NRAC as they have toured areas of the country during the term of the previous government, and I would like to take this opportunity to thank them for the work they do, for the effort they put in and for their devotion and dedication to understanding the circumstances of each particular region that they travel through and assess. They are, of course, aware of the extreme difficulties faced by farmers and farming families. They take the time to invite those farming families to speak to them and give their firsthand experience. Having sat in on some of those meetings myself, it is quite heartbreakingly to hear those personal testimonies. It is critical that those who make the decisions do hear that personal testimony from farmers and families.

The DEPUTY SPEAKER (Hon. Peter Slipper)—Order! The debate is interrupted in accordance with standing order 34. The debate is adjourned and the resumption of the debate will be made an order of the day for the next sitting. The honourable member 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:

Youth Allowance

To the Honourable The Speaker and Members of the House of Representatives

The undersigned members of the McCarthy Catholic College community consisting of stu-

dents, staff and parents wish to draw to your attention our concerns regarding proposed changes to the guidelines for rural students to become eligible for the Independent Youth Allowance as outlined in the 2009-2010 budget and urge you to take these into consideration as a matter of equity and justice.

by **Mrs Irwin** (from 265 citizens)

Fiji

To the Honourable The Speaker and Members of the House of Representatives

Fiji Democracy and Freedom Movement

This Petitions of certain citizens of Australia who are members of the Fiji Community and of this Movement draws your attention to the deplorable and illegal actions of the Military Dictatorship that has governed Fiji in various forms since the coup of the 5th of December 2006.

We draw your attention to the deterioration of key state institutions and increase violations of basic human rights since the purported abrogation of Fiji's constitution on the 10th of April 2009, and

We further draw your attention to the unprincipled actions of the Government of India and China to engage and aiding the Illegal Regime at the expense of depriving our people of their democratic human rights and freedom.

We therefore ask the House to take consideration of the following:

- Condemn these highlighted actions of China and India that has prolonging the struggle of the People of Fiji to return to parliamentary democracy;
- Urge the Federal Government to use its influence and pressure the Governments of China and India to cease their support of the Fiji Military Regime;
- Urge the Federal Government to increase its pressure on the Ruling Regime in Fiji for the restoration of democracy and freedom and to urge other world democracies to follow suit;
- Urge the Federal Government to recognise and work with the Fiji Democracy and Freedom Movement that has been established in Australia to actively campaign for the resto-

ration of parliamentary democracy in Fiji based on the 1997 Constitution.

by **Mrs Irwin** (from 130 citizens)

Pornographic Material

To the Honourable The Speaker and Members of the House of Representatives

This petition of certain citizens of Australia draws to the attention of the House:

The threat posed to Australian children and Australian society by harmful sexual advertising and unrestricted access to internet pornography. High profile sexual or sexual related advertising in public areas as well as on television/radio advertising throughout the day exposes children and young people to sexualisation and therefore to great moral risk. Internet pornography is easily accessible by any person with access to a computer. The easy ability to look at sexual images can also sexualise children and place them at physical risk through trivialisation of sexual activity. Access to internet pornography for others may also remove the repression and deterrent to act on deviant or inappropriate impulses.

We therefore ask the House to:

Institute strict controls over sexual and sexual related advertising to ensure children and young people will not be exposed to such advertising in public places or whilst listening to radio or television programs between the times of 6am and 1am. We also ask the House to institute such controls over internet pornography to ensure that access to pornographic material is only undertaken after age and identity checks are verified.

by **Mrs Irwin** (from 60 citizens)

Youth Allowance

To the Honourable The Speaker and Members of the House of Representatives

This petition of certain citizens of Australia draws to the attention of the House to the Rudd Government's changes to the workforce participation criteria for establishing independence under Youth Allowance by removing the following two eligibility criteria: that the recipient worked part-time for 15+ hours per week for two years or more since leaving school; and the recipient earned, in an 18-month period since leaving

school, an amount equivalent to 75% of the maximum rate of pay (in 2009 this requires earnings of \$19,532). The effect of this change is that eligibility criteria for the Independent Youth Allowance will retrospectively require participants to complete 30 hours work per week over a 18/24 month period compared to earning \$19,532 over 18 months.

This means a student who has complied with the previous rules but not worked 30 hours per week will have lost the credit for their effort and must start again thus losing 2 years before commencing a University Course.

These proposal further disadvantages young people whose place of residence is beyond daily commuting distance from a University and thus must fund their total accommodation costs over and above the other direct costs of such an education. That working 30 hours per week while attending University is virtually impossible in more intensive courses.

We therefore ask the House to change the criteria so that rural and regional students are not disadvantaged.

by **Mrs Irwin** (from 6,490 citizens)

Wakefield Electorate: Health Services

To the Honourable The Speaker and Members of the House of Representatives

This petition of certain citizens of Australia draws attention of the House to the recent changes to Gawler's Rural status in the proposed 2009 -2010 Federal Budget and the negative impact such changes will have on the delivery of health services to Gawler and the surrounding region.

We, the petitioners, respectfully ask the House to amend the 2009 —2010 Federal Budget Proposal that seeks to remove Gawler's RRMA 4 Rural Status and reclassify the town as a RA1 Major City and reinstate Gawler as a rural community that reflects the actual character and nature of the community to:

- Ensure the GP Inc. Accident and Emergency Service is maintained in Gawler;
- Provide accessible 24hour Accident and Emergency, and After Hours Health Care;
- Provide expert local medical care in a timely manner;

- Retain trainee General Practitioners/Registrars;
- Ensure continuation of further training for local doctors;
- Continue to attract General Practitioners to the area.

by **Mrs Irwin** (from 4,846 citizens)

Petitions received.

Responses

Mrs Irwin—Ministerial responses to petitions previously presented to the House have been received as follows:

Sri Lanka

Dear Madam Chair

Thank you for your letter of 8 May 2009 on behalf of the Standing Committee on Petitions, referring to me a petition on the Liberation Tigers of Tamil Eelam (LTTE).

As you would be aware, Australia remains deeply concerned about the situation in northern Sri Lanka, especially for the safety and security civilians affected by the recent fighting.

Australia has consistently made it clear that the protection of civilians should continue to be the absolute priority for all sides.

Australia has also urged the Sri Lankan community in Australia to add its weight to help ensure that civilians are protected in Sri Lanka.

Australia believes that the long-term security and prosperity of Sri Lanka will only be achieved through a political solution that meets the legitimate aspirations of all Sri Lankans. Australia will continue to make this point directly to the Sri Lankan Government.

Australia remains committed to providing substantial humanitarian assistance to civilians adversely affected by the conflict. Australia has provided \$23.5 million to support these relief efforts since December 2008. These funds have been provided through UN agencies, the International Committee of the Red Cross and Australian NGOs to ensure the assistance reaches those in need.

I have also made it clear that Australia expects full access for International Committee of the Red Cross and UN officials to relief operations.

The Australian Government will continue to take an active interest in events in Sri Lanka and work to alleviate the humanitarian consequences of the ongoing conflict.

As you would also be aware, the Australia Government also strongly condemns terrorism in all its forms, including terrorist acts perpetrated by the LTTE.

The petition specifically requests the proscription of the LTTE as a terrorist group under Australia's Criminal Code Act (1995). I note that the Attorney-General has responsibility for this matter, and I thank you for also referring the petition to him.

Thank you again for referring the petition for my attention.

From the Minister for Foreign Affairs, Mr Stephen Smith.

Workplace Relations

Dear Mrs Irwin

Thank you for your letter of 8 May 2009, in which you referred three petitions calling for the abolition of the Office of the Australian Building and Construction Commissioner (ABCC) and regulatory arrangements for the building and construction industry.

The Australian Government will ensure there is always appropriate regulation for Australia's building and construction industry to ensure lawful conduct by all parties in the industry.

The Government's Forward with Fairness Policy Implementation Plan includes a number of commitments in relation to Australia's building and construction industry, including a commitment to retain the ABCC until 31 January 2010. At that time, the Government will replace the ABCC with a specialist building and construction division of the inspectorate of the Government's new independent umpire, Fair Work Australia.

Consistent with our commitments, the Government is undertaking a process of extensive consultation with industry stakeholders to ensure that the transition to those new arrangements will be orderly, effective and robust.

Consultations on the arrangements relating to the new specialist division were conducted by the Hon Murray Wilcox QC, a former Australian Federal Court judge. Mr Wilcox delivered his report to the Government on 31 March 2009 and it was made available to the public on 3 April 2009. The Government and the Workplace Relations Ministers' Council, which comprises federal, state and territory Ministers responsible for workplace relations matters in their respective jurisdictions, are now considering the recommendations. A copy of the report by Mr Wilcox is available at www.workplace.gov.au/wilcox.

Thank you again for bringing the petitions to my attention.

From the Minister for Employment and Workplace Relations, Ms Gillard.

Health: Radiotherapy Treatment

Dear Mrs Irwin

Thank you for your letter of 8 May 2009 on behalf of the Standing Committee on Petitions regarding funding for the establishment of a public radiotherapy unit on the Central Coast.

The Australian Government works very closely with State and Territory Governments to identify areas in need of radiotherapy services. Factors taken into consideration during assessment include existing and forecast population, current and forecast cancer incidences, location of existing facilities and workforce availability. The feasibility and need for services in regional areas must be considered relative to the need in many other areas of Australia. While the Australian Government will continue to work with State and Territory Governments to improve access to radiation oncology services in regional areas, the location and provision of public radiotherapy services is the responsibility of State and Territory Governments. In this regard, NSW Health has expressed interest in establishing a cancer treatment centre in the Central Coast region.

As part of the 2009 Budget, the Australian Government has committed funding of \$1.3 billion over six years to improve Australia's cancer infrastructure. This includes

\$560 million to build a network of up to ten integrated regional cancer centres and associated accommodation following a national tender proc-

ess which would be open to both the public and private providers. The purpose of these regional centres is to help improve outcomes for cancer patients in rural and regional Australia.

Also, as part of improving access to cancer services in regional areas, you may be aware that the Australian Government has made funding contributions to New South Wales for new radiation oncology facilities in Lismore and Orange. The Lismore facility is expected to commence operations in early 2010 while it is anticipated that the facility in Orange will commence treating patients in 2011.

I appreciate you raising the important issue of access to cancer treatment for the residents of the Central Coast.

From the Minister for Health and Ageing, Ms Roxon.

Gaza Strip

Dear Madam Chair

Thank you for your letter dated 8 May 2009, regarding a petition recently submitted for consideration by the Standing Committee on Petitions. This letter responds to the petition, as requested by Standing Order 209(b).

As you would be aware, the Prime Minister, Deputy Prime Minister and I all condemned Hamas's acts of aggression, including the firing of over 300 rockets into southern Israel which precipitated the conflict in the Gaza Strip in December and January. This was entirely appropriate.

At the same time, the Australian Government was deeply concerned by the conflict and its impact on civilians, and called on both Israel and Hamas to halt the violence. Throughout the conflict, the Government urged all parties to avoid actions which caused suffering to civilians, and consistently called on Israel to meet its humanitarian obligations to ensure the people of the Gaza Strip had access to basic necessities and humanitarian assistance.

The Australian Government fully supported United Nations Security Council Resolution (UNSCR) 1860, which called for an immediate, durable and fully-respected cease-fire. Ongoing violence has underlined the importance of consolidating current arrangements into such a cease-

fire. Consistent with UNSCR 1860, this will need to involve an end to arms smuggling into the Gaza Strip and rocket attacks on Israel, and the opening of border crossings into the Gaza Strip. The Government fully supports ongoing negotiations in Cairo to this end.

The Government also recognises that the provision of humanitarian relief to the population of the Gaza Strip is an urgent priority. On 1 March, I announced that Australia would contribute \$20 million to assist the efforts of the Palestinian Authority, as well as United Nations (UN) agencies and other donors, to meet the recovery and reconstruction needs of the Palestinian people. The Prime Minister, Mr Kevin Rudd, appointed as his Special Envoy the Parliamentary Secretary for International Developmental Assistance, Mr Bob McMullan, to present this contribution personally to the International Conference in Support of the Palestinian Economy for the Reconstruction of Gaza, in Sharm el-Sheikh.

This assistance was in addition to the \$10 million which Australia committed in January for emergency and humanitarian relief in the Gaza Strip. The Australian Government has now provided \$75 million in assistance to the Palestinian people since the end of 2007.

The conflict highlights that a lasting resolution to the Israel-Palestinian conflict can only be brought about through peaceful means. As I said publicly on 20 May, the Australian Government is convinced that all efforts to secure a just and enduring peace must be made, and made now. The status quo, with all its ongoing uncertainties, insecurity and tragedies, is not acceptable. It is not in the interests of Israel, the Palestinians, the Middle East region or the broader international community.

The Government believes that a two-state solution must be the basis for resolving the conflict, based on a state for Israel, where its borders are respected and it lives in peace and security, and a viable state for the Palestinian people, where likewise they have defined and respected borders, and live in peace and security.

As I said publicly just after the recent Israeli elections, Australia and the international community want and need to see a wholehearted commitment to the Middle East peace process. Only by both

sides taking substantive measures will we see the confidence and trust necessary for genuinely productive negotiations.

Both sides must honour the agreements they have entered into, including under the Roadmap for Peace. I made Australia's support for the Roadmap clear to Israeli and Palestinian leaders during my visit there last year, and have done so again since the election of the new Israeli Government.

This means that the Palestinians must continue to dismantle terrorist infrastructure and to halt violence and incitement. Equally, Israel needs to freeze settlement activity. A way must also be found, while ensuring the safety and security of Israelis, to ease restrictions on the movement of people and goods in the West Bank and to relieve the suffering of ordinary Gazans until the Palestinian Authority is able to resume its responsibilities in the Gaza Strip.

The Australian Government will continue to look for practical ways to support the parties achieve peace and security.

From the Minister for Foreign Affairs, Mr Stephen Smith.

Statements

Mrs IRWIN (Fowler) (8.32 pm)—I am pleased to have the opportunity this evening to outline for the House some of the work of the Procedure Committee since it was first established—and that was on the first day of this new parliament in February 2008. On that first day the House adopted some changes to the standing orders, including a new standing order that established the Standing Committee on Petitions and gave it its mandate. The committee's role is to:

... receive and process petitions, and to inquire into and report to the House on any matter relating to petitions and the petitions system.

As you know, Madam Deputy Speaker, the standing orders also set out some changes to the ways that petitions were to be prepared and presented and responded to. Those changes might sound innocuous, but they have had quite an impact. Since the committee first met, in March 2008, we have been

working out the details of our own role and practices as we go along. As you know, Madam Deputy Speaker, the committee has begun the practice of having roundtable meetings, or committee hearings, with petitioners and public servants, where there is an opportunity to follow up on the issues raised by petitioners.

Since September last year, the House has enabled us to begin another practice, and that is on Monday evenings I present to the House the petitions that have been approved by the committee as 'in order' and that will not be presented by another member as well as written responses by ministers to petitions. These announcements are followed by statements by me and my committee colleagues to inform the House about recent activities of the committee, such as the roundtable meetings on petitions that I referred to earlier, and other issues relating to petitions that can usefully be brought to the attention of the House.

The subjects and concerns reflected in the petitions that come to the House are many and varied. While some petitions address local and even individual grievances and concerns, to a large extent they mirror the major issues of the day. It is natural that people will want to raise those issues directly with the House and ask that action be taken on them.

The committee's website has collected and published petitions under the broad portfolio areas to which they relate. Some of the broad themes that are recurring include communications, foreign affairs, the environment, education, and health. For example, petitions have been presented regarding:

- radio broadcasting, post offices and mobile phone coverage;
- war and human rights;

- global warming, water, and renewable energy;
- funding for schools and universities, and assistance for students; and
- aged care, dental care and pharmaceutical benefits.

Alongside the terms of these petitions that are published on the website, the committee has placed the responses ministers have made. One of the real success stories about the new arrangements, and about the committee, is the sustained level of responsiveness by ministers to the committee's referrals of petitions—and I thank those ministers.

I will repeat some things that I have said before. First, it is unlikely that every petition is going to receive a positive response from a minister, at least in the sense of agreeing to take the action that petitioners request. Second, what is likely is that a minister and his or her department will let the committee know what their views are and what action can be taken or has been taken on the issue that is raised. In turn, when the committee publishes those responses it is informing not only the petitioners about the result of their approach to the House but also anyone in the community who might be interested in the same issues.

I know my committee colleague the member for Gippsland has some views about the value of petitions and the new petitioning arrangements, and I will close with some statistics that I think the House will find interesting. Between 1992 and 2007, some 6,451 petitions were presented to the House. In that fifteen year period, 15 ministerial responses were presented. Since the new arrangements began in 2008, some 181 petitions have been presented and 89 ministerial responses received. This evening, we can add to those figures another four petitions and another four responses by ministers. I think those simple figures speak volumes.

Mr CHESTER (Gippsland) (8.37 pm)—I rise this evening to speak on the work of the House of Representatives Standing Committee on Petitions. I congratulate the chair on the wonderful work she is doing in the leadership role she is playing on behalf of the parliament. As you will know, Madam Deputy Speaker Burke, the Standing Committee on Petitions is a relatively new committee which seeks to build on an honoured tradition of parliament: the acceptance of petitions on the grievances and concerns of ordinary people. We think that petitions continue to play a very important role in the life of this democracy. The work of the committee is to ensure that continues to happen.

Since the committee was created, new conventions have been put in place on presenting petitions in parliament. Petitions to the House of Representatives come either direct to the committee or through the offices of members. As you would be aware, Madam Deputy Speaker, the committee scrutinises petitions and approves those it considers to be in order. This means, first, the petition makes a request that the House is capable of addressing and that it is to be addressed to the House of Representatives. To be considered in order there are also other conditions to be satisfied: that the terms of the petition are less than 250 words; that an identical request appears on each page where there are signatures; that the name, address and signature of the principal petitioner appear on the first page of the petition; and that the petition employs moderate language. We on the committee seek to emphasise the benefits of maintaining these conventions.

If a petition does not meet the criteria for being considered in order or if a member seeks to present a petition outside of the Standing Committee on Petitions approval process, the status of the petition diminishes considerably. What would have been a petition for the purposes of the House becomes

simply a document of the House and it loses some of its character as a petition. I believe this is a less rewarding and less happy outcome for the hardworking petitioners who collected the signatures in the first place. If on the other hand the committee finds a petition in order and members wish to speak to it in the chamber, that is the best of all outcomes. A concern from outside the parliament has got some wind under its sails and can be the focus of attention in the chamber. I believe that can be a very significant thing for petitioners.

Another aspect of the work of the Standing Committee on Petitions, which the chair referred to, is ministerial responses, which have been generally prompt and to the point. Petitioners know their efforts are not wasted and that, once they have submitted their petition to the House, it does not get lost completely and they get a decent response. People who support petitions may not always get the answers they want but know that the petition has been taken seriously. That is something that the community certainly respects. It helps to put any concerns that are raised by the general community on the public agenda.

Very recently we had many petitions distributed throughout the electorate of Gippsland in relation to the youth allowance. I understand there are several more petitions on that issue. That is something I believe is very important because it is getting a lot of young people involved in the process. A large number of signatures have been collected throughout Australia on that particular issue. It remains to be seen whether the petitions themselves get the answers desired in the time ahead. It really is an opportunity for the Australian community to have their say through the Standing Committee on Petitions. It provides them with a voice in this chamber. It is now up to us as members of that committee to make sure that voice is heard in this place. (*Time expired*)

COMMITTEES**Australian Crime Commission Committee
Report**

Mr HAYES (Werriwa) (8.40 pm)—On behalf of the Parliamentary Joint Committee on the Australian Crime Commission, I present the committee's report entitled *Examination of the Australian Crime Commission annual report 2007-2008*, together with evidence received by the committee.

Ordered that the report be made a parliamentary paper.

Mr HAYES—It is an honour to speak on this report. Firstly, it is an opportunity for me to thank Alistair Milroy, the former CEO of the Australian Crime Commission, for guiding the organisation through its transition period from the National Crime Commission to the Australian Crime Commission and building the organisation into an impressive, crime-intelligent and the premier strategic law enforcement agency in this country. This is an organisation that both sides of parliament can have pride in—certainly pride in the commitment that is shown by officers of the Australian Crime Commission.

I also take the opportunity to welcome John Lawler, the former distinguished Deputy Commissioner of the Australian Federal Police, who now takes over the role of Chief Executive Officer of the Australian Crime Commission. John comes at a time when the challenge for law enforcement in this country is great and the need for professional and technically sophisticated law enforcement is essential. Law enforcement collaboration amongst all our jurisdictions is absolutely paramount. As I said, the challenges are there. I think that the way that this organisation is now shaped puts it in a position to actually meet those challenges with a view to protecting society and ensuring that assistance is given where necessary to our state and territory law enforcement agencies.

I also should not let the opportunity pass to comment on Mick Keelty, the retiring Commissioner of the AFP and Chair of the Australian Crime Commission. Mick has given sterling service to this country. He has certainly guided both the Australian Federal Police and the Australian Crime Commission through some difficult times but, in terms of his commitment to law enforcement, he has left a very solid position and a positive legacy for those who shall follow. I wish Mick all the best in his change of life. I am sure that he will go on to bigger and better things elsewhere and continue to make a commitment to the community, as he has done throughout all of his career.

I would just like to say a few things about the report. I have spoken on this on previous occasions. As you know, the Australian Crime Commission is a body that has coercive powers, but more recently, in the last couple of years, the trend that has started to emerge is defiance of those coercive powers. In terms of serious and organised crime groups, we have individuals who would much rather risk a jail sentence than cooperate with the coercive powers of the commission. To that extent, some would say that they get their comeuppance at the other end of the equation, but the ACC is a body to assist the community by investigating serious and organised crime. If a matter is delayed for 18 months while it is progressing contempt proceedings through the courts, an investigative trail would ordinarily go cold. For people at the front line, particularly in relation to drug importation, those investigations regrettably become redundant.

Again, I find myself indicating that we do need to do something about this. We need to ensure that either the coercive power is respected and cooperation given or, alternatively, where there is a failure to cooperate, that swift and pretty decisive action is taken. That is, a form of contempt proceeding

should be started immediately and it should be respected by the judicial processes through the courts as opposed to giving suitable respite—and 18 months is very much a suitable respite—for organised criminals. We have carried further resolutions in that respect to tighten those proceedings and to look at a statutory definition of contempt, ensuring that there is a suitable amendment made to the Australian Crime Commission Act 2002. I also pay specific regard to the dedication and professionalism of the secretariat. *(Time expired)*

Mr WOOD (La Trobe) (8.45 pm)—I also rise to speak on the report, *Examination of the Australian Crime Commission annual report 2007-2008*, of the Parliamentary Joint Committee on the Australian Crime Commission. A number of things in this report greatly concern me. One of the first was the cutting of funding for conducting precursor drug forums in Asia and the Pacific. People may be wondering what that means. The Australian Crime Commission was sending representatives to conduct these forums in both Asia and the Pacific region, which were helping us to ensure that other countries were doing everything possible to stop the importation of drugs, especially those precursor drugs, into Australia. I immediately called on the government to reverse that decision and to make sure that the ACC management reinstated that as a matter of urgency.

In saying that I know that the ACC has had dramatic funding cuts. In the budget seven per cent of its staff was cut back. The previous budget saw a 15 per cent reduction. It makes the life of those working at the ACC very difficult. It has had its staff cut from 688 to 584, which is a net loss of 104 personnel.

More concerning to me, though, is the issue of seconded state and territory police and the AFP members who have been working

on investigations at the ACC. In the old days under the previous government, the Howard government, we had up to 150 such personnel. That figure is now down to between 20 and 30 members. Those in the House may be wondering about the significance of this. There is a huge significance concerning the powers of the seconded members. Those working for the ACC as full-time staff under the act do not have a power of arrest and they do not have the right to carry firearms. It is only the seconded members who have that right. So when you are sending those seconded members home you are actually losing the investigation capacity of the ACC. It greatly saddens me that the ACC is going hell for leather down the path of an intelligence gathering law enforcement agency only and really losing its investigative capacity.

We have a situation where there is an outlaw motorcycle gang war going on in this country. You would have thought that the perfect body to target this at a national level would be the ACC. We have state and territory members seconded there. Sadly, because of what this government has done, that cannot be achieved. There were actually 13 intelligence operations and only five special investigations conducted by the ACC during the reporting period, and just 15 full-time investigators remain with the ACC. However, I would like to acknowledge the significant results that the ACC officers achieved despite their massive budget losses. In particular they conducted 780 examinations with their coercive powers in the reporting period to 30 June 2008, resulting in 591 charges being laid and 105 drug seizures. This is a fantastic result.

The committee made a number of recommendations. Every year the committee on a bipartisan note puts forward the recommendation that we want to see the Commissioner of Taxation on the Australian Crime Com-

mission board. Again, I am told that it is close. We need this to happen as a matter of urgency. It will greatly empower the ACC. We heard the member for Werriwa talking about recommendations made in the Trowell report. We need the government to act. They are always talking about acting decisively, but at this stage we have serious criminals flouting the laws, not worrying about whether they suffer any sort of repercussions by not giving evidence. We need statutory contempt to be immediately instated into the act to give the examiners some real power. If people do not want to cooperate let us make their life hell, because they are making other people's lives hell.

I would like to thank the secretariat, the chair, Steve Hutchins, and all the committee members. It has been a very bipartisan committee, as has been the report. Finally, I wish Alistair Milroy all the best in his future, and all the best to John Lawler, the new CEO. *(Time expired)*

The DEPUTY SPEAKER (Ms AE Burke)—Order! The time allotted for making statements on the report has expired.

**Electoral Matters Committee
Report**

Mr MELHAM (Banks) (8.50 pm)—On behalf of the Joint Standing Committee on Electoral Matters, I present the following reports, incorporating dissenting reports, of the committee, together with the minutes of the proceedings: *Conduct of the 2007 federal election and matters related thereto* and *Advisory report on the Commonwealth Electoral (Above-the-Line Voting) Amendment Bill 2008*.

Ordered that the report be made a parliamentary paper.

Mr MELHAM—The Commonwealth Electoral (Above-the-Line Voting) Amendment Bill 2008 was referred to the committee by the Senate on 14 May 2008 as a particular

part of the committee's inquiry into the 2007 election. The separate advisory report specifically addresses the proposals outlined in the bill. The committee has not made any recommendations in relation to the bill or options to make below-the-line voting more accessible, believing that there should be further and continuing discussion of the various approaches.

The report on the *Conduct of the 2007 federal election and matters related thereto* includes 53 recommendations, many of which are designed to restore and protect the franchise to those entitled to exercise it and to modernise electoral processes. Key recommendations include restoring a range of longstanding provisions that provided electors with greater opportunities to maintain their eligibility, such as reinstating the previous seven days close of rolls period to update enrolment, removing barriers preventing reinstatement to the electoral roll for declaration voters and removing the requirement for provisional voters to provide proof of identity at the time of voting.

In his dissenting report, Senator Bob Brown noted that the committee thoroughly investigated the conduct of the election and developed sound recommendations on many issues. His proposal to include 'truth in advertising' arrangements is one that could be examined further as part of the government's broader electoral reform green paper process. Of the 53 recommendations, four coalition members of the committee have disagreed with eight recommendations, most of which relate to reinstating longstanding arrangements that protected the franchise. The majority of the committee reject the view put forward by the coalition members that reinstating these provisions weakens integrity and somehow rewards complacency on the part of eligible electors.

The years leading up to the 2007 election saw the creation and perpetuation of the myth that electoral fraud in Australia is commonplace. A detailed examination by the Australian Electoral Commission revealed that relatively few cases are found to be deliberate attempts to vote on multiple occasions and are referred to the Australian Federal Police. Only 64 cases of apparent multiple voting were referred to the Australian Federal Police arising from the 2004 election, and only 10 cases were referred following the 2007 election. These figures do not warrant disenfranchising potentially hundreds of thousands of otherwise eligible electors. The integrity of the electoral roll is not watered down by these proposals. Existing checks and balances will continue to apply to those who seek to change their enrolment or who are enrolling for the first time.

Further recommendations are made with a view to addressing falling electoral participation rates, made worse by overly prescriptive and burdensome provisions in the Electoral Act. These include: recommendation to simplify the proof of identity requirements for enrolment; reinstate provisions allowing electors to notify changes to enrolment details in writing to the AEC; new provisions aimed at facilitating electronic submission of updates to enrolment information and postal vote applications; and moves to allow for information collected by trusted agencies to be used to update the electoral roll where electors indicate their consent for this to occur. These changes will go some way in removing unnecessary and outdated bureaucratic practices that require electors to satisfy sometimes onerous and time-consuming processes to maintain their enrolment. Existing integrity measures to verify enrolment details would remain unchanged.

Changes to formality rules made following the 1996 election to address 'Langer style' voting caused a significant rise in the

number of ballot papers ruled informal. This report recommends returning to the previous safety net. This would also guard against the potential for 'ballot flooding'. Too many genuine electors are being disenfranchised in order to address Langer style voting, with the AEC estimating that up to 90,149 ballot papers would have been admitted at the 2007 election had the previous provisions applied. In 1984 Australian citizenship became the qualification for enrolment and voting.

In separate supplementary remarks from me, as an individual member of the committee, I question whether the special grandfathering arrangements which continue to enfranchise some 163,000 British subjects on the electoral roll, who may not be Australian citizens, remain appropriate. I consider three significant events—the passage of the Australian acts in 1986, the High Court judgement in the Heather Hill case in 1999, and the removal of dual citizenship restrictions on Australians in 2002—provide sufficient reason to reconsider these arrangements. I propose that the grandfathering arrangements be removed to take effect by 26 January 2014, 30 years since citizenship became the necessary qualification, but that it be preceded by an education campaign designed to encourage enrolled British subjects to become Australian citizens. I would like to take this opportunity to thank my fellow committee members for their contributions to the inquiry and those who participated by making submissions or appearing at the public hearings I would also like to thank the committee secretariat for their assistance. (*Time expired*)

Mr BRUCE SCOTT (Maranoa) (8.56 pm)—I rise to say a few words, from the opposition's point of view, in relation to the tabling of these two very important reports. I acknowledge the significant effort that has gone into the preparation of these two reports: the report on the *Conduct of the 2007*

federal election and matters related; and the Advisory report on the Commonwealth Electoral (Above-the-Line Voting) Amendment Bill 2008. The committee chair, the member for Banks, tried to accommodate all of us all of the time. I commend his chairing of the Joint Standing Committee on Electoral Matters; it really was fair and he gave us all a great opportunity to bring forward issues. The deputy chair, the member for Cook, is on paternity leave because his wife has recently had a baby. I am standing in for him, so I speak on his behalf as the deputy chair of the committee.

The committee members have had a substantial workload and I believe our robust discussions have gone to the core of some very important issues in relation to electoral matters. I acknowledge also the work of our committee secretariat, some of whom are here tonight in the advisers' boxes. Their diligence and their patience have served us well, but more importantly, have served the Australian people well as we have gone about the task of compiling these two very important reports. As one of the opposition appointees to this committee, I have appreciated the chance to see concerns raised and openly debated. As might be expected, we do not always get the full agreement across the committee membership and this is reflected in a dissenting report to the 2007 federal election report that my colleagues and I have felt was absolutely necessary.

Before I comment on the points of difference, I want to underline what we found important and where we found common ground. The opposition agrees with the conclusion 2.55 of the above-the-line voting report, which states that the current voting system for the Senate, in place since 1984, appears to be widely accepted by the community. I also note that some 97 per cent formal votes at the 2007 election were cast above the line. We also agree as a committee

that there should be more ongoing work and discussion on this whole subject, having not yet made any formal recommendations. My coalition colleagues and I appreciated the spirit and manner in which the committee discussions and hearings were held. We have brought down a dissenting report—and it is never easy to bring down a dissenting report, but we felt it was necessary for very good reasons—and I commend the full detail of the dissenting report to members of the House and to the Australian people.

But this does not mean the opposition believes the report as a whole should be ignored. Far from it. To give you one example, I am particularly pleased that we have reached a joint view under recommendation (5), which deals with the issue of postal voting. From the point of view of my own constituents and people in rural, regional and remote Australia it has been a particular issue for people who cast their vote—and it is not only rural Australia—by a postal vote. Recommendation (5) is that the government consider amending the Commonwealth Electoral Act to allow the date of the witness signature on the postal vote certificate to be the determining date for the validity of that postal vote, and to require postal voters and witnesses to confirm that the required voting actions were completed prior to the close of poll in the state or territory in which the electoral division for which the voter is enrolled is located.

Out of the some 262 rural and remote post offices, 205 do not postmark their mail. That is the core of the problem. People have cast a legitimate ballot; it has gone into the system prior to the close of polls but may not be received by a central agency for franking until after the close of polls, which means that those votes become invalid. It disenfranchises many Australians and recommendation (5) would certainly address that.

In the time left I would like to talk to some of the positions we took in relation to our dissenting report. The Commonwealth Electoral Act mandates that Australians have some basic rights and responsibilities: upon reaching enrolment age to enrol to vote; to accurately maintain their enrolment; to vote at an election; and to fully extend their preferences to all candidates in their electorate who are contesting election for the House. As our dissenting report makes clear, these are basic building blocks of our system of compulsory preferential voting. *(Time expired)*

The DEPUTY SPEAKER (Ms AE Burke)—The time allocated for statements on the reports has expired. Does the member for Banks wish to move a motion in connection with the reports to enable them to be debated on a future occasion?

Mr MELHAM (Banks) (9.01 pm)—I move:

That the House take note of the report.

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

Electoral Matters Committee
Report: Referral to Main Committee

Mr MELHAM (Banks) (9.02 pm)—I move:

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

Question agreed to.

Infrastructure, Transport, Regional Development and Local Government Committee

Report

Ms KING (Ballarat) (9.02 pm)—On behalf of the Standing Committee on Infrastructure, Transport, Regional Development and Local Government, I present the com-

mittee's report entitled *Level crossing safety: An update to the 2004 train illumination report*, together with the minutes of proceedings and evidence received by the committee.

Ordered that the report be made a parliamentary paper.

Ms KING—The committee's interest in level crossing safety is long running. In 2004, the committee released a report entitled *Train illumination: Inquiry into some measures proposed to improve train visibility and reduced level crossing accidents*, which examined the connection between the illumination of trains and collisions at level crossings. Since tabling that report five years ago, there have been some major improvements in the illumination of trains but sadly the number of incidents at level crossings—often resulting in catastrophic consequences—remains high. Accidents such as the tragedy in Kerang in June 2007 in which 11 people were killed and 20 injured when a semitrailer collided with a passenger train reveal the frightening reality of level crossing safety.

The report therefore examines the progress that has been made in the illumination of trains in the intervening years while also looking more broadly at the issue of level crossing safety and makes recommendations for measures that will reduce the occurrence of these accidents and save lives. I am aware that my colleague, the deputy chair of the committee, has a longstanding interest in trains and in particular the need for them to be properly illuminated. I am certain that he will discuss this issue in greater detail. Therefore, I will only briefly mention that the illumination of trains has been greatly improved by the 2007 introduction of Australian Standard 7531; however, the committee recommends that better maintenance of the reflective strips applied to trains be a mandated requirement of the standard. The

committee is also of the opinion that the standard should be more strictly enforced.

During the course of this inquiry, the committee heard that the causes of level crossing crashes are varied and while there is no single cause of all level crossing crashes the most significant factor leading to level crossing collisions today is the behaviour of motor vehicle drivers. It seems that motorists continue to disobey road rules at level crossings. The current focus on driver behaviour has resulted in a three-tiered approach to level crossing safety: education, enforcement and engineering. The committee endorses this approach in its report and notes that improvements in all these areas are required in order to achieve safe level crossings.

The committee acknowledges the work that is being done by the states and territories to educate motorists of the dangers at level crossings, but encourages continued effort as it is apparent that the message is not always getting through to motorists. For example, the committee was distressed by the results of a national behavioural study of motorists which showed that huge numbers of motor vehicle drivers disobey road rules at level crossings. Therefore the committee's report recommends that consistent penalties be set across all jurisdictions and that the speed limit at level crossings on major highways that currently have a speed limit of 100 kilometres per hour or more be reduced to 80 kilometres per hour.

In terms of engineering, the committee supports the use of rumble strips at level crossings to alert motor vehicle drivers of the crossing ahead. The report recommends further trials of passive rumble strips at a selection of level crossings around Australia and a program to begin trialling active rumble strips at some of the most dangerous crossings.

The committee also examined technological solutions to level crossing safety. In this report the committee reiterates its support for intelligent transport systems as stated in the 2004 report and recommends that the government support ongoing research into this important technology to speed its wider implementation. It also recommended that the government, through the Australian Transport Council, encourage further research into the feasibility of a radio cut-in warning system which would warn motor vehicle drivers, particularly truck drivers, as they approach a level crossing of the presence of an oncoming train.

In the course of its examination of level crossings the committee became increasingly aware of a distinct lack of aggregate data which details the causes of these often horrific crashes across Australia. With this in mind the committee recommends the establishment of a national database which will collate data from all level crossing crashes and fatalities in all jurisdictions to provide a better national picture of where and why these collisions occur. The committee also recommends that the 2003 National Level Crossing Safety Strategy be updated. The committee strongly supports this national approach to level crossing safety but believes that the strategy should be regularly reviewed and kept up to date to provide better national policy guidance. Level crossing safety is an ongoing problem across Australia. While the states continue to focus on this issue, it was the committee's intention in undertaking this update to focus some national attention on the risks posed by level crossings around the country.

The committee is encouraged by the government's recent announcement as part of the nation building and jobs plan of funding to install 200 new boom gates and other safety measures at high-risk level crossings. It is an unprecedented commitment and one we cer-

tainly hope continues. I would like to express on behalf of the committee our gratitude to all those who participated in the inquiry and to the staff of the secretariat: Michael Crawford, Sophia Nicolle and Kane Moir—two of whom are here in the advisers box.

Mr NEVILLE (Hinkler) (9.08 pm)—The former Standing Committee on Transport and Regional Services inquired into level crossing safety in 2004 and produced a report entitled *Train illumination*. That inquiry actually started off as a road safety inquiry, but two ladies from Western Australia, Merrilea Broad and Karen Morrissey, who had lost children at the Yarramony level crossing in Western Australia, appeared before the committee. Their evidence was so compelling and heart wrenching that we decided to take level crossings as a separate subset. I think that was a very good move.

At the time, we found that about 70 to 80 per cent of train accidents occurred in daylight, which made it all the more bewildering why we had to concentrate so heavily on lighting. The new report by the Standing Committee on Infrastructure, Transport, Regional Development and Local Government has gone on to talk more about that. I note two particular recommendations in the committee's report. One was that the standard 7531 be adopted as a mandatory requirement for the ongoing maintenance of retro-reflected materials. Madam Deputy Speaker, let me give you an example of how important that is. When a flat top wagon goes through a level crossing it has no lights on it and no reflective strips and so it just looks like a black streak. If it is a passive crossing—one without lights or boom gates—it is very easy, say, for a motor cyclist to ride straight into it. I am aware of that occurring on one occasion in Bundaberg. It is a similar situation with cane bins. When cane bins of cane trains go past you, it is generally on darkened crossings. They appear like an

amorphous thing moving in front of you. If reflective tape or paint is put on the cane bins then, as the car lights hit that, the light is reflected back at you. As the train passes through the crossing, you get this flickering effect as each carriage goes by. It is a similar situation with state or privately owned trains on standard or narrow gauge lines. What the committee is recommending is not a hard thing to do.

When the previous committee went to Western Australia, we saw a thing that examines the flat spots and bearings on the wheels of trains used in the Pilbara. A foaming brush with a jet of water is used on the trains once every month or whenever it is that the trains are washed. I do not think that is a difficult thing to do. If the state rail authorities and the private operators really wanted to put their minds to it, that could be done.

The committee also looked at the efficacy of auxiliary lighting. I think the yellow revolving beacon has some merit. It is certainly used a lot in the sugar industry. Sometimes it is at the front of trains and sometimes it is also at the rear of trains. If you come up to a level crossing in a cane area—not a lot of people go across these crossings—and you see a yellow light coming through the tops of the sugar cane, you click immediately to the fact that there is a train coming. To have the flickering worked in such a way that it came on as you came up to a level crossing rather than it being on all the time is, I think, something that we could look at.

I support the chairman's comments that we need to do something about rumble strips. If your car goes bumpy, bumpy, bump as you come up to a level crossing, you are immediately alerted to the fact that there is a crossing there. When you see the circumstances of that dreadful accident in Victoria, you just wonder whether the re-

sponses of the driver—albeit that he has been acquitted; I go along with that; I think that is fair enough—might have been triggered a bit more quickly if there had been that bumpy, bumpy, bump effect as he approached the level crossing.

Also, some satellite and GPS type devices in cars emit a signal when they pass by a school. We have recommended that that be extended to level crossings so that, as you come up to a level crossing and you are, say, 150 metres out, you get a similar signal. There are lots of things still to be done. Many people are killed on level crossings. Most of them are killed at the front of the train but some are killed at the side of the train—*(Time expired)*

The DEPUTY SPEAKER (Ms AE Burke)—Does the member for Ballarat wish to move a motion in connection with the report to enable it to be debated on a later occasion?

Ms KING (Ballarat) (9.13 pm)—I move:

That the House take note of the report.

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

Infrastructure, Transport, Regional Development and Local Government Committee

Report: Referral to Main Committee

Ms KING (Ballarat) (9.13 pm)—I move:

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

Question agreed to.

Public Accounts and Audit Committee

Report

Ms GRIERSON (Newcastle) (9.13 pm)—On behalf of the Joint Committee of Public Accounts and Audit, I present the committee's report entitled *Report 414: Re-*

view of Auditor-General's reports tabled between August 2007 and August 2008.

Ordered that the report be made a parliamentary paper.

Ms GRIERSON—The Joint Committee of Public Accounts and Audit, as prescribed by the Public Accounts and Audit Committee Act 1951, examines all reports of the Auditor-General and reports the results of the committee's deliberations to the parliament.

This report details the findings of the committee's examination of five performance audits tabled in 2007 and 2008. These five reports were selected for further scrutiny from the 54 audit reports presented to the parliament in that period.

As usual, these reports cover a range of agencies and highlight a number of areas of concern. Two themes which repeatedly recur are the need to document processes and procedures to better understand and manage risk and the need for staff training to ensure more effective and efficient use of existing systems.

The committee reviewed an audit report assessing how four departments are implementing the change to a whole-of-government approach to the delivery of Indigenous services. While the committee was satisfied overall with the progress being made, we feel that the process can be improved. Accordingly, we recommend that the risks and challenges identified be documented and that staff training programs be developed to increase awareness of these risks. Further, the committee would like to see an action plan developed and published to track improvements in Indigenous life expectancy.

As a result of the investigation into the Australian government's two natural resource management programs, we identified the need for a clear set of procedures to ensure state and territory compliance with bi-

lateral agreements. The committee acknowledges the difficulties inherent in operating these diverse programs but is concerned about ongoing and recurring problems in monitoring and reporting. We are therefore requesting a progress report from the relevant departments detailing implementation of both the ANAO and committee recommendations.

The committee reviewed the completeness and reliability of the estimates reported in the *Taxation Expenditures Statement 2006*. To improve the quality of the tax expenditure statement, we recommend that Treasury include two additional pieces of information: calculations regarding the 20 largest tax expenditures using both the revenue forgone and revenue gained methods to allow comparison with the budget papers, and information on the extent to which tax expenditure reporting has improved through the receipt of reliable data from other agencies. We also suggest that Treasury investigate the Canadian model of taxation expenditure reporting to determine whether it provides a more complete picture of public and parliamentary scrutiny.

In this batch of reports, we followed up on the previous examination of Centrelink's management of customer debt undertaken previously in 2004-05. We were pleased to see that the audit report found that Centrelink had successfully implemented the majority of the recommendations from both the previous ANAO report and the subsequent JCPAA inquiry. However, there are still inconsistencies across the network and the committee recommends that Centrelink identify regions that have been particularly successful in managing debt, examine their processes and implement best practice methods across the network. Of primary concern to the committee was Centrelink's ageing debt base. We have asked Centrelink to conduct a review to determine the reasons why the debt base con-

tinues to age and report back to the committee.

Finally, the committee looked at the audit report assessing the regulatory function of the Australian Communications and Media Authority under the Australian Communications and Media Authority Act 2005. We found that ACMA's complaints-handling process is ad hoc and lacks systematic methods, and recommend that ACMA reform its complaints-handling processes to ensure a more efficient and faster handling of complaints. We urge ACMA to complete development of a complaints-handling manual and recommend the introduction of a formal training program for all staff handling complaints which would incorporate effective use of the ACMA information management system database.

I would like to acknowledge the valuable work of the Auditor-General and the staff at the Australian National Audit Office. We look forward to continuing reviews of the Auditor-General's reports. I would also acknowledge the valuable work of the secretariat in assisting us in this inquiry and report—our secretary, Russell Schaeffer; Dr Narelle McClusky, who has joined us; and particularly Shane Armstrong. This is the first report we have worked on together, Shane, and I thank you for your enthusiasm.

Finally, I would like to thank my colleagues on the committee of the 42nd parliament for the work they have undertaken in completing this review of the Auditor-General's reports. I commend the report to the House.

DELEGATION REPORTS

Parliamentary Delegation to Colombia and Argentina, 9 to 24 August 2008

Mr RANDALL (Canning) (9.19 pm)—I present the report of the Australian parliamentary delegation to Colombia and Argentina from 9 to 24 August 2008. The bilateral

visit in August last year was an opportunity for parliamentarians to learn more about Colombia and Argentina, to promote Australia and to strengthen bilateral ties. The delegation was the first Australian parliamentary visit to Colombia and the first in some years to Argentina. The report I tabled today details our program activities and observations.

I wish to acknowledge my delegation colleagues. The delegation leader was Senator Steve Hutchins and we were joined by Senator Marise Payne, Senator Helen Polley, Mr Luke Hartsuyker MP and Ms Melissa Parke MP. Each delegate was an enthusiastic participant in discussions and inspections and contributed significantly to the purpose of the delegation visit in a spirit of bipartisanship and goodwill.

The delegation visited Colombia first, from 8 to 15 August. In Bogota we had the distinct honour of meeting the Colombian President, Mr Alvaro Uribe, as well as the Minister for Foreign Affairs, Mr Jaime Bermudez. Uribe's administration has ushered in a suite of reforms which have improved security, facilitated economic growth and introduced new health and education programs. Wherever we went in Colombia we learned that the perception of Colombia in the past is not necessarily the reality of Colombia today. Colombians have a renewed sense of self-esteem about their institutions and optimism about their country's future.

We were warmly received by the President of the Senate, Senator Hernan Andrade, and parliamentarians from the Senate and the Chamber of Deputies, and we were impressed by our counterparts' level of interest in Australia. Engaging discussions were held on a range of foreign relations and trade matters, including the latest Doha round; foreign direct investment; free trade agreements; alternative sources of energy; and the scope for further cooperation in the mining, agri-

business and education industries. The delegation leader also had the pleasure of addressing the Colombian Senate, which was broadcast to a potential audience of 40 million people.

In addition to meetings with parliamentarians and officials from government departments in Bogota, the delegation had a number of engagements outside the capital. Highlights included a visit to Cerrejon mine, which is one-third owned by BHP Billiton and is the world's largest open pit coalmine, and their local school for indigenous children. We also had valuable meetings with local government and business representatives in Cartagena and visited the award-winning port of Cartagena. We enjoyed participating in a forum on Australia's relations with Latin America with university students in Medellin who were keen to learn more about Australia. It is not that well known that Colombia sends 5,000 students to study in Australian tertiary institutions each year. In Medellin we also visited the Parque Biblioteca Espana, an unusual and successful development project which uses modern architecture and public spaces to inspire social change in disadvantaged communities.

From 16 to 22 August the delegation visited Argentina. This leg of the journey was commenced in the Misiones province during a long weekend in order to see the management of large tourist flows at Iguazu Falls and to inspect the world's largest hydroelectric dam over the border at Itaipu in Brazil. In Buenos Aires the delegation was honoured to meet the President of the Senate and Vice-President of Argentina, Julios Cobos, and the respective chairs of the foreign affairs committees in the Senate and lower house, together with colleagues from different parties in the Argentine congress, including members of the Australian Argentine Parliamentary Friendship Group. We acknowledge the tremendous assistance and support that Sena-

tor Sonia Escudero, Chair of the Friendship Group, provided to us during the visit. Both the Australian and Argentinian parliaments benefit from her passion and enthusiasm for Australia. It is not well known but she is married to a former Australian MP.

Mr Kerr—Who is that?

Mr RANDALL—Ken, from the New South Wales upper house—it will come to me shortly.

Mr Kerr—Ken Gabb?

Mr RANDALL—No.

The DEPUTY SPEAKER (Ms AE Burke)—Let him finish. Stop interrupting.

Mr RANDALL—A range of bilateral issues were discussed at official meetings with parliamentary and government officials, including the respective parliamentary committee systems, shared interests in peace-keeping and environmental matters such as the preservation of Antarctica and wild conservation, the scope for further collaboration in nuclear science and technology, climate change, and the proposed work on holiday visa arrangements for Australia. All agreed that the latter would encourage greater people to people exchanges. We also visited the Memory Museum in Argentina which pays homage to the victims of the military dictatorships. *(Time expired).*

Mr RANDALL—Madam Deputy Speaker, I ask that the remainder of my speech be incorporated.

The DEPUTY SPEAKER—I cannot allow that but, if you wait for two minutes and you go to the sheet in front of you, you will find that you will have another opportunity in the Main Committee. That is why I was trying to stop the Parliamentary Secretary for Pacific Island Affairs from interrupting. The time allocated for statements on this report has expired. Does the member for Canning wish to move a motion in connection with

the report to enable it to be debated on a future occasion?

Mr RANDALL—I move:

That the House take note of the report.

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

Report: Referral to Main Committee

Mr RANDALL (Canning) (9.24 pm)—I move:

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

Question agreed to.

TRADE PRACTICES AMENDMENT BILL 2009

First Reading

Bill presented by **Mr Katter**.

Mr KATTER (Kennedy) (9.25 pm)—The Trade Practices Amendment Bill 2009 seeks to provide protection to unions and their members from being sued if they stop the export of Pacific Brands manufacturing machinery or the importation of goods to replace Pacific Brands products. This protection is provided for secondary boycotts for the purpose of causing substantial loss or damage, secondary boycotts for the purpose of causing substantial lessening of competition and boycotts affecting trade or commerce. The exception is restricted to circumstances where a government is negotiating with a company to protect jobs and would only allow for unions to be entitled to ban such imports for two years.

There is a notice of motion which should be read in conjunction with this bill. The notice of motion calls on the government, first, to introduce an emergency measure under WTO rules to provide an interim 15 per cent tariff on goods that are imported to replace TCFs—textiles, clothing and foot-

wear—such as items produced by Pacific Brands; secondly, to abandon its intention to abolish the existing TCF tariff regime; and, thirdly, to finance a loan to allow Pacific Brands workers to purchase through salary-sacrificing arrangements a significant share issue made to provide the refinancing funds necessary to enable continued manufacturing by Pacific Brands in Australia.

I think it really is lamentable that an Independent has to move this legislation when a Labor government is in power in Australia. When the first parliament was brought together it was the Labor Party that joined with the anti-free-trade people to protect jobs here in Australia. When Mr Keating started on this regime I said to myself that if we removed all tariff protection in Australia only two things could happen: (1) we close down every industry in this country and (2) we go to the same wage structures as our competitor nations in Asia—which is working for a bowl of rice. They are the only two possibilities. I will be presenting legislation on the banana industry shortly, but if we expect people to fight for our banana industry then it is only right that we should fight for the manufacturing industries.

It is an extraordinary country when we simply sit in this place and preside over the complete abolition of all manufacturing in this country. I say to every single person that comes into this place that when you go to bed of a night and say your prayers just remember that you better confess that you were a party to the abolition of manufacturing in this country. The Prime Minister has said—and God bless him for saying it—that he does not want to be the Prime Minister of a country that has no manufacturing. I have got news for you, Mr Prime Minister: you are going to be the Prime Minister of a country that has no manufacturing. Somebody in this place should be doing something about it. As I said to my Independent colleague on

my right here, if we are not doing it no-one else in this place is likely to, that is for certain. Every other country on earth has tariffs and other protections.

I conclude on a very specific note. I have bought Baxter shoes all of my life. People talk about RM Williams, but my family actually predates RM Williams and we were probably the first people to actually stock RM Williams in Australia. Baxter boots make elastic sided boots. I rang up the place to buy a pair of shoes because I could not find a pair anywhere and I said, 'I am so pleased that you are still manufacturing.' He said, 'Don't hold your breath, Bob, because next year we will have six people employed.' Whether that has become a reality or not, I do not know. He said, 'We cannot compete against the Chinese manufacturers.' They had 126 employees when I rang him up. I said to him, 'What actually precipitated your decision?' and he said, 'We had the contract for the shoes for the Army and it was taken off us and given to a Chinese company.' *(Time expired).*

Bill read a first time.

The SPEAKER—In accordance with standing order 41(d), the second reading will be made an order of the day for the next sitting.

QUARANTINE PROCLAMATION AMENDMENT BILL 2009

First Reading

Bill presented by **Mr Katter**.

Debate interrupted.

ADJOURNMENT

The SPEAKER—Order! It being 9.30 pm, I propose the question:

That the House do now adjourn.

Mr Katter—Mr Speaker, will I get five minutes on that bill before the House adjourns?

The SPEAKER—No, later on down the track somewhere.

Parkes Electorate: Youth Allowance

Mr COULTON (Parkes) (9.30 pm)—I rise tonight to address a burning issue that has been evident in my electorate for some time and to indicate that tomorrow I will be presenting to the Petitions Committee some 2,006 signatures that I have collected so far concerning the proposed youth allowance changes. I know there has been much discussion and many members have raised this issue in this House. To be honest, it is the biggest issue that I have confronted since I came into this place 18 months ago. It is quite interesting to look at the names and addresses on this petition, which I have here, and to find that people from every town and village in my electorate have signed it. These people are from all sorts of family backgrounds. Indeed, in Moree three weeks ago there were a couple of young Aboriginal lads manning a table in the main street collecting signatures on this issue.

The point I would like to raise is that many people are going to be disadvantaged by these changes. To give the minister credit, I believe they are the result of an oversight more than an intention. But she has had an opportunity to indicate that she might change the situation but as yet has failed to do so. I certainly hope that before the bill comes into the House in the next session the minister will reconsider her position. No-one in my electorate more epitomises the people who are caught up in this than a girl from Warialda, Ellen Smith. Ellen did her HSC last year and got an exceptionally good UAI and plans to do either medicine or physiotherapy next year. Since she finished school last year Ellen has undertaken a variety of tasks. She has been to Queensland and picked grapes through the summer in excessive heat. At the moment she is working several days a week

at the KFC store in Inverell and the rest of the time she is doing station work such as mustering cattle and drenching sheep. That is the nature of employment that such kids can find in a rural area.

The proposal is that, instead of earning the required \$19,000 or so over an 18-month period but with the ability to do it in 12 months, they now have to work an average of 30 hours a week for 18 months, which means that in actual fact they will have to take two years out of their studies. This presents a whole range of problems. One is that two years out of the education system is a long time. I worry that after they have been out of the system for that long many children that do have the ability to take up a tertiary education will probably opt out of the system. Another problem is that universities will only defer a place for one year. If you have been out of the system for two years, you need to apply for mature-age entry, so you have to reapply to go to university and there is no guarantee of saving a place.

I know that amendments will be suggested when the bill comes into the House. I certainly hope that the minister will take them on board, because this is by no means about middle-class welfare. Both of the parents of the young lass that I have just mentioned work and she has an elder brother who is at university and a younger brother following and there is the potential for her parents to have three kids in tertiary education at once, an enormous burden on any family. Without a lot of prompting many people have signed this petition via the internet and in shopping centres around the place and this matter has been carried very much by the people. I thank the people in my electorate who have signed this petition. I will submit it to the Petitions Committee this week. I trust that the minister will reconsider her position.

Education

Mr MURPHY (Lowe) (9.35 pm)—Tonight I speak on the extensive and impressive commitment that the Rudd government has made to education in our country. Most recently, the government announced a record \$62.1 billion investment in education for 2009-12. In particular, the government is investing \$14.7 billion to boost the education revolution over the next three financial years through the Building the Education Revolution program. The recent allocation of these funds in the budget is almost double the \$33.5 billion invested in the last four years for funding and infrastructure. The Rudd government's education revolution ensures that every Australian primary and secondary student can enjoy a world-class education in an environment conducive to learning, supported by world-class facilities. In this regard the Deputy Prime Minister, the Hon. Julia Gillard, who is the Minister for Education and the Minister for Employment and Workplace Relations, announced that the Building the Education Revolution program will provide \$12.4 billion for the Primary Schools for the 21st Century program, \$1 billion for the Science and Language Centres for the 21st Century Secondary Schools program and \$1.3 billion for the National School Pride program. This funding will provide an invaluable improvement to facilities for teachers and students well into the 21st century. Importantly, this funding supports jobs now and provides necessary infrastructure for our country's future.

I support all of these improvements to all schools across Australia. During question time last Tuesday I asked the Minister for Education, the Hon. Julia Gillard, a question about the recent media reports concerning the Building the Education Revolution program. The minister responded to my question by acknowledging that 42 schools in my electorate of Lowe are receiving more than

\$53 million through the Building the Education Revolution. Further, the minister noted that this program constituted the biggest school modernisation program our country has ever seen. And while the opposition opposed the measure, I know firsthand that the 42 successful schools in my electorate of Lowe that voluntarily applied for the funding welcome the government's decision to deliver those funds.

One school in my electorate, Holy Innocents School, Croydon, published a special announcement which informed parents and caregivers that the school had been successful in its BER P21 round 2 approvals. The Principal, Mrs Jennifer Gabbe, wrote the following to me:

The federal government has announced the BER P21 round 2 approvals and I am pleased to advise that our project has now been formally approved. Our school's total project allocation is \$1.8 million. We are now working with the Project Management Team to finalise plans for a multi-purpose hall and some modification to our existing library.

Mrs Gabbe continued:

Our thanks to the federal government for this initiative that will see our school community well equipped for educating students into the 21st Century.

I have no doubt that this program will greatly benefit students, teachers, jobs and, of course, the community as a whole.

As a condition of the program, schools must demonstrate the benefit provided to the wider community in the shared use of such new facilities. It is pleasing to note that the initiative also benefits the broader community. The numerous and very active community groups in my electorate will indeed benefit from the improvement and extension of these facilities in our local schools too. Successful schools in Lowe and across our nation have received funding for refurbishment, building upgrades, covered outdoor

learning areas, the construction of brand new school halls, classrooms, libraries, language centres, science labs, multipurpose classrooms and the list goes on.

These funds are in addition to the digital education revolution funding which has already provided over 290,000 computers to more than 2,500 schools across Australia, including those in my electorate of Lowe. Further, the Rudd government has also invested in vocational education and training. The Trade Training Centres in School Programs is an important element of the government's education revolution. An amount of \$2.5 billion will be provided over 10 years to establish trade training centres in secondary schools to help increase the proportion of students achieving year 12 or an equivalent to address skills shortages in trades and in other emerging industries.

In Lowe, we look forward to the construction and commencement of our very own trades training centre in Burwood. Local secondary schools will now have increased access to high-quality skills training facilities following the announcement of \$11 million in grants for inner-west schools under the Trade Training Centres in Schools Program. Under the proposal announced by the government, 10 local schools will be provided with \$11 million to construct a new state-of-the-art vocational college in Burwood.

I am extremely pleased with the government's commitment to our education system as its importance to the continued prosperity of any country cannot be stressed enough. I take this opportunity to congratulate all of the schools in my electorate who have been successful in the initial rounds of the Building the Education Revolution program and I look forward to further announcements which will continue to enhance the learning and teaching experience in schools I represent in this House.

Citizenship: Mr Roger Allan

Mr ROBB (Goldstein) (9.40 pm)—I rise tonight to speak on behalf of Mr Roger Allan in regard to a legislative oversight in section 16(3) of the Australian Citizenship Act 2007. In 1922, Roger's father, Mr Peter Allan, was born in Melbourne marking the fourth generation of his Australian born family. During World War II Peter served in the Royal Australian Air Force. In 1944 in Cairo this young Australian pilot met Barbara, an English nurse. Later that year Peter and Barbara married and by early 1945 they were expecting their first child. Tragically, however, on 19 April 1945, in the concluding days of the war, Peter's plane was shot down in a battle over Italy and he was killed—it was five months prior to the birth of his son, Roger. Barbara returned to the United Kingdom to be closer to her own family and there on 29 September 1945 Roger was born.

Now, at the age of 64, Roger is seeking to become an Australian citizen, but due to the unyielding nature of the current act he is prevented from doing so. Prior to 26 January 1949 Australian citizens did not exist as such. Those who lived in Australia, even those who had been born in Australia, were considered to be British subjects. It was only from 26 January 1949, following the establishment of the Australian Citizenship Act 1948, that British subjects living in Australia were considered to be Australian citizens.

As Peter was killed in action defending Australia almost four years prior to this date he was never considered to be an Australian citizen. He remained a British subject despite being born in Australia and serving in the Royal Australian Air Force. Recently the Australian Citizenship Act 1948 was updated to the Australian Citizenship Act 2007, but even under the revised legislation Peter remains a British subject. Section 16(3) of the current act states that a person born outside

Australia before 26 January 1949 is eligible to become an Australian citizen by descent if:

- (a) a parent of the person became an Australian citizen on 26 January 1949; and
- (b) the parent was born in Australia or New Guinea or was naturalised in Australia before the person's birth; and
- (c) if the person is or has ever been a national or a citizen of any country, or if article 1(2)(iii) of the Stateless Persons Convention applies to the person—the Minister is satisfied that the person is of good character at the time of the Minister's decision on the application.

Peter was born in Australia as were three previous Allan family generations. But, as Peter was not alive on 26 January 1949, under the act Roger is therefore not eligible to apply for citizenship by descent.

Roger's circumstances seem beyond exceptional. Not only was Roger's father born in Australia but so too was his grandfather, his great-grandfather, his great-great-grandfather and great-great-great-grandfather. Furthermore, Roger's father served in the Royal Australian Air Force and died defending Australia. It is because of men such as Peter that we have the opportunity to live in this free and democratic country. Yet it seems that due to a legislative oversight the son of a man who gave his life for our freedom and democracy is not eligible to be part of his Australian family.

Roger currently lives in the United Kingdom with his wife and two children. His mother, Barbara, has passed away. To Roger, family is everything and his remaining extended family all live here in Australia, many in my electorate of Goldstein. Roger would like the opportunity to be with his family here in Australia, the country his father died for.

In the eyes of all of us here in the House we would view Roger's claim for citizenship

not only as legitimate but with deep concern that the matter has come this far. Senator Evans, the Minister for Immigration and Citizenship, stated that he was:

... unable to intervene in Mr Allan's case as the act provides no scope to do so.

That is simply not good enough. Today I call on the Australian government to consider Roger's exceptional circumstances and urge the review of his application for Australian citizenship. I also strongly appeal to Minister Evans to amend the Australian Citizenship Act 2007 so that the children of British subjects who were not alive on 26 January 1949 are eligible for citizenship by descent. Mr Peter Allan was one amongst many who fought to make Australia what it is today. It seems only right his son be granted citizenship.

Offensive Website

Mr CHEESEMAN (Corangamite) (9.45 pm)—Tonight I rise to draw the parliament's attention to a website that is causing considerable harm in my region, and which I believe could be breaching sections of the Criminal Code relating to menacing behaviour and causing offence. The website is www.whozadog.com. The postings regularly publish photographs and addresses of young women in the western Victorian region, along with threats, degrading comments, tirades of abuse and denigration. The internet site has a feeble policy of removing addresses, but often only after a period of time and after the damage is done to those young women. I believe this is a deliberate act on behalf of the website authors. I also believe the language often used on it is intimidating and menacing and it should be looked at within the context of menacing behaviour and/or causing offence under the Criminal Code.

I understand that we have to provide a balance between freedom of speech and

other rights, but I believe this sort of material is a gross violation of people's rights and nobody should be subject to these sorts of threats, abuse or intimidation. While I understand there might be a mixture of responsibilities between the website host and those posting the comments, I believe a case should be investigated against both. I understand that considerable police resources would be required to unveil the people who have posted such comments. I believe it is important to pursue this matter and to set precedents against these sorts of forums and these sorts of behaviours into the future.

As the local federal member that represents large parts of western Victoria, I have written to the Federal Police and I await a response from them. I believe this conduct is bullying and should be punished under the Criminal Code. I have also sought an explanation from the Federal Police as to why this should not be prosecuted under such a code, particularly under the menacing behaviour and causing offence sections within this legislation.

Young women should not be bullied or intimidated or violated in this way. As legislators, we often follow the developments of the internet, often all too slowly. That is the case in other areas of rapid technological advancement. Nevertheless, I believe that these offensive behaviours do possibly breach certain sections of the Criminal Code and I certainly await a response from the Federal Police as to why these people should not be prosecuted. If the Criminal Code does not enable prosecution, I will be taking these matters further with the Australian government to ensure that, wherever possible, we do put in place responsible legislation that protects the rights of young women, particularly those at high school who have regularly been subject to all sorts of abuse via this internet site and others as well.

Business

Mr JOHNSON (Ryan) (9.49 pm)—Today is 22 June 2009. This is a very significant date for me and my wife and my family because it marks the third birthday of my little son Ryan Andrew Johnson, who is the light of my life. I just want to say publicly in the parliament of Australia 'happy birthday' to my own son, as well as all those Australians who might be sharing a birthday today.

But of greater significance is what I want to talk about today in the parliament—that is, small and medium-sized businesses and private endeavour. I want to talk about this because small businesses and medium-sized businesses are the engine rooms of our economy. I want to bat for them because I do not think the federal Labor government is batting for the small and medium-sized businesses of Australia. They are certainly not batting for the small businesses and the medium-sized businesses of the Ryan electorate, which I have the great privilege to represent. These small businesses across the landscape of Australia represent millions of Australians. We should be saluting them; we should be making their case as easy as possible. Not only do they employ millions of Australians and generate wealth for their employees, they also are the fabric of our community.

As a member of the Liberal Party, I want to state for the record again so that my constituents are aware of this, and to remind the leadership of our party, that we are the party of wealth creation. We are all about wealth creation and generation, not just about wealth redistribution. We want to make it very clear to all those who might be considering their vote at the next election that bureaucracy does not create wealth. It is private endeavour, it is small business, it is medium-sized businesses, it is those Australians who put their energies and talents into creating ideas and opportunities in the commercial

sector who create wealth. So we must be doing all we can to help them. We must be advocates for low taxes and we must be advocates for making the cost of doing business as low as it can possibly be.

We know that in the current international climate that there are all kinds of economic challenges. But we also know that in this country the Rudd Labor government is certainly not making things better. We now have the situation in this country where our children will be facing considerable financial pressure when they are taxpayers. My little three-year-old, when he is a taxpayer, will undoubtedly be facing a different kind of economy. He will be a taxpayer making enormous personal sacrifices in whatever endeavour that he happens to be in, but certainly as a taxpayer of Australia he will need to play a part in contributing to the reduction of the deficit and the debt that this Labor government is leaving our country in the future.

I want to draw the attention of the parliament to and salute all those who work for small and medium-sized businesses. I want to draw particular attention to a gentleman by the name of Scott Driscoll, the National Executive Director of the Retailers Association. In my dealings with him, I have certainly found him to be a crusader for all his members in the Retailers Association. He is an advocate of the small business sector and we should salute, acknowledge and pay tribute to all those who are prepared to stand up and make the tough comments in the public arena about governments, whether state or federal, regardless of political persuasion. Let me say it again: at the end of the day it is not the bureaucracy that creates wealth; it is not the Public Service that generates jobs; it is mums and dads in Australia who engage in business and employ people. Whether a local corner shop or a family business at home, they create wealth for the community. So I

salute the National Retailers Association and Scott Driscoll, the national executive director. We need more organisations like the National Retailers Association and we certainly need more people like Scott Driscoll. They are the ones who remind both the government of the day and the opposition of the day that small and medium-sized businesses fight for the jobs of their employees.

The opposition will continue to stand by the side of small and medium-sized businesses. We know that throughout the country these businesses are doing it tough, and they certainly do not need to see this government in power for a day longer than necessary. The people in the western suburbs of Brisbane, in the Ryan electorate, are certainly very sceptical about this government's policies on small and medium-sized businesses. *(Time expired)*

Genetic Research

Ms PARKE (Fremantle) (9.54 pm)—Last year, the Melbourne company Genetic Technologies ordered Australian hospital laboratories to stop testing for breast cancer as it claimed such testing infringed the licence it had obtained from the US company Myriad in relation to the breast cancer gene. The company only backed down from its threats to Australian hospitals as a result of the public outcry.

Last month, it was reported in the *New York Times* that a woman seeking a second opinion on a positive genetic test for ovarian cancer, Ms Genae Girard, could not get that opinion because there is only one test, owned by only one company, Myriad Genetics, which owns the rights to the relevant tests for ovarian and breast cancer in the United States and Myriad charges US\$3,000 per test. With the support of the American council of civil liberties and women's health groups, Ms Girard has launched a lawsuit challenging the US patent office decision to

grant a patent on the breast and ovarian cancer genes to Myriad, a decision that has prevented the development of further, possibly better and less expensive diagnostic methods or tests.

These cases show that commercial control or private ownership of human genes may be blocking important health research and development while making scientific innovation, especially in health care, a matter of corporate profit rather than a matter of necessary and common social endeavour. It is no surprise, then, that this issue is beginning to get a lot of attention in the US, Europe and now Australia.

The Senate Community Affairs References Committee is currently undertaking an inquiry into gene patents. This builds upon a review by the Australian Law Reform Commission in 2004 which found:

... overly broad gene patents and aggressive licensing practices might stifle further research and cause problems for governments in providing access to high quality and cost-effective health-care.

In the view of Dr Luigi Palombi, from the Centre for Governance of Knowledge and Development at the ANU and author of *Gene Cartels: Biotech Patents in the Age of Free Trade*, 'patents can be and are being used to suppress competition and innovation'. The simple question is: why are patents being granted over human genes when genes are not inventions or processes but natural phenomena? Gene patents represent a creeping and inappropriate privatisation of knowledge about the human body. We are licensing companies to control the very essence of our commonwealth—the genetic code that belongs to each and all of us. Professor Guy Maddern of the Royal Australasian College of Surgeons opposes the granting of patents over human genes, stating:

It is not an invention worthy of a patent but a discovery ... no worthier of a patent than a recently discovered species of animal or plant.

Inventions must also be new, novel and industrially applicable. In its submission to the Senate inquiry, the New South Wales government submitted that patents on gene sequences should not be granted because:

The level of inventiveness in the acquisition of genetic information, most notably sequence data, is increasingly small and the potential negative impact of inappropriately awarded patents increasingly large. The negative impact of such patents is exemplified by those awarded for familial breast cancer genes.

Those who claim that patents are necessary to encourage investment in research should remember that the most significant discoveries in research and medical history were not achieved in pursuit of a patent—for instance, Pasteur's work with bacteria and vaccines, Lister's work on sterilisation, Fleming's discovery of penicillin, Florey's development of penicillin as a medicine and Watson and Crick's development model of the molecular structure of DNA.

Furthermore, much of the medical research and innovation leading to the grant of a patent is publicly funded. As noted by the Country Women's Association of New South Wales in its submission to the Senate inquiry:

While the BRCA—

or breast cancer—

genes are now 'private property', their initial discovery was due to the efforts of publicly funded scientists collaborating on an international basis.

Similarly, Dr Palombi has noted that, while the company Bionomics was granted a wide-ranging patent over the epilepsy gene, most of the research leading to the patent application was in fact carried out in publicly funded institutions such as the University of Melbourne and the University of Adelaide's

Department of Paediatrics at the Women's and Children's Hospital.

Professor Ian Frazer, the inventor of the cervical cancer vaccine, has joined other cancer researchers in calling for a revision of patent laws, stating that researchers need to be able to proceed with their work without having to consult the companies whose patents the work might infringe. Other groups opposed to the granting of gene patents include the Breast Cancer Foundation of Australia, the Royal Australian College of Pathologists, the Human Genetics Society of Australia and the Australian Medical Association.

Currently, more than 20 per cent of human genes are claimed as intellectual property. It will not be long before knowledge about every part of the human body is controlled by corporations. I am one of a growing number of people who find this alarming and I am grateful to Dr Luigi Palombi and former Commonwealth public servant Anna George for alerting me to this issue, which has serious implications for Australian medical research, innovation and costs. I look forward to the recommendations of the Senate inquiry, which is due to report at the end of this sitting year.

Question agreed to.

House adjourned at 9.59 pm

NOTICES

The following notice was given:

Mr Oakeshott to present a bill for an act to amend the *Renewable Energy (Electricity) Act 2000* to support the greater commercialisation of renewable energy technologies, and for related purposes. (*Renewable Energy Amendment (Feed-in-Tariff for Electricity) Bill 2009*)

Monday, 22 June 2009

The DEPUTY SPEAKER took the chair at 6.40 pm.

STATEMENTS BY MEMBERS

Youth Allowance

Mr HAWKER (Wannon) (6.40 pm)—Tonight I want to follow on from my adjournment speech of last Wednesday to table a petition that was taken up in my electorate, particularly around Warrnambool, raising serious concerns about changes proposed to Youth Allowance. Clearly the proposal is going to disadvantage a number of would-be students who have taken the gap year and are now going to find retrospectively that they are not going to qualify for Youth Allowance. This is causing enormous angst. Over 400 people turned up to a meeting in Warrnambool at fairly short notice. I have more than the 1,400 signatures on this petition. Unfortunately that list is a little long to meet the criteria of a petition, and that is why I seek leave to table it. But it is very important that this message be heard and that people understand that the retrospectivity, and the fact that the changes to Youth Allowance are going to work against many country students, is only going to cause further disadvantage, in country areas where already we know that the participation rate of students at tertiary level is lower than it is for those in city areas.

Leave granted.

Mr HAWKER—I thank the chamber. I hope that the message will be widely heard.

Economic Stimulus Plan

Mr BIDGOOD (Dawson) (6.41 pm)—On Friday at 1 pm I was at Oonoomba State School announcing the federal government funding for the P21 investment into a new resource centre worth \$1.1 million and a new multipurpose hall worth \$1.9 million. I met with the principal, Anne-Marie Day, who said this was the most fantastic investment in education she had ever seen and welcomed it.

I would like to report to the chamber that the Rudd Labor government economic stimulus package is delivering \$131 million to Townsville in the seat of Herbert. I hasten to add that we have also invested, as part of that stimulus package, \$10 million to the V8 Supercar event which will be taking place on 10, 11 and 12 July in Townsville, and also the Flinders Street Mall, worth \$16.2 million. This confirms once again that, of the stimulus package announced by the Rudd Labor government, 70 per cent is invested in key infrastructure in our society and our community. I commend everything that this government is doing to stimulate the economy, keep jobs and build key infrastructure for the future of this nation.

Tangney Electorate: Child Sponsorship

Dr JENSEN (Tangney) (6.43 pm)—In this time of financial woes and negativity there shines a bright light in my electorate of Tangney. Recently Canning Vale was named by World Vision as the third most generous suburb in Western Australia. In fact, some 862 child sponsors live in that area. These residents are not super wealthy but they have opened their hearts to those less fortunate. An example is Vikki Winchester, whose family sponsored two Ugandan children to help these children fulfil their dreams and aspirations and to show her own two children how lucky they are to live in Australia. I would like to express my appreciation

to the Winchester family and all the other families who are making a real difference to the lives of children, many of whom are from war-torn countries and otherwise would be facing a very bleak and, sadly, often brief future. World Vision does a marvellous job but it can only do what it does through the generosity of spirit and wallet of people like the Winchesters and thousands of others who give new hope to children all over the world.

Blair Electorate: Kalbar Show

Mr NEUMANN (Blair) (6.44 pm)—Last Saturday I was privileged to open the Kalbar Show and to celebrate 80 years of the Kalbar Show operating. I want to commend the Kalbar and District Agricultural and Pastoral Association Inc. for their wonderful contribution. A few weeks before that, with my wife, Caroline, I was at the Kalbar Show Ball at the Roadvale School of Arts. I want to congratulate rural ambassador for 2009 Colleen Lobwein, flower girl Jessika Doyle, junior princess Emily Greenwell, princess Tammy Lee, junior showgirl Amy Kliese, showgirl Victoria Dieckmann, Matron Jocelyn Oppermann and king of the ball John Spencer.

The Kalbar Show Ball is an important event in the Fassifern Valley. The Kalbar Show started as a calf show in 1926 at the local Englesburg School, which is now known as the Kalbar State School. Dances were held in the Hermanns family barn on their farm and grand concerts were held in the school of arts that night. They used to take the cattle up to three miles across the grounds, which were then, as I understand, owned by the Damm and Hermann families involved in cattle production and growth in that area. Pigs from the district were also entered in the early shows. The shows were held in April, but eventually they were moved because they conflicted with Easter and Anzac Day. It is great to be there at the Kalbar Show. Local wine, olives and gourmet cheeses—(*Time expired*)

Koalas

Mr LAMING (Bowman) (6.46 pm)—I rise because of concern about the falling koala population in my electorate. What we have seen from censuses conducted since 1996 through to 2005 and 2008 is a halving of the population, potentially, in the last three years, and that is of great concern. The error margin may be high and we may need more science, but quite simply I stand to make an appeal to the people of South-East Queensland to push harder for the protection of the koala. This will require more resources from the state government than the paltry \$2.1 million that has been committed. That is simply not enough. It is way too expensive to simply try and resume land for millions of dollars and hope that deaths on roads and due to dogs will fall away. The 300 that die every year under the wheels of motor vehicles and the 100 that are killed by dogs is simply unacceptable.

These animals are almost effectively extinct in South-East Queensland. I know some of the scientific community have concerns, but what we need is to take some heed of the work being done in WA to protect the endangered woylie. We may well have to fence off the major roads, which are effectively killing fields for these animals. Being able to live together with the koala may only remain possible with some protection from these major byways and highways. We need to relocate koalas away from highly built-up areas. That romantic notion that we can live together with koalas may have to be revisited before it is too late. We may only have years to act, not decades, and I urge the state government and the federal government as well to step forward and provide resources for highway-side fencing.

Australian Bocce Championships

Mr ZAPPIA (Makin) (6.47 pm)—The Australian Bocce Championships for 2009 were held between 5 June and 8 June at the Campania Sport and Social Club in the electorate of Makin, with support from the Molinara club located in the neighbouring Adelaide electorate. Bocce is one of the family of bowl sports. It has been played in Australia since the early 1900s and is particularly popular amongst the Italian community. Men and women bocce players from around Australia participated in the championships in what was a very well organised and successful event. National Australian bocce championships have been held in Australia since 1970 on a rotational basis between each of the states. From the Australian championships, players are selected to represent Australia in the world championships.

I attended both the opening and closing stages of the championships in Adelaide and I was very impressed with the effort that went into organising the four-day event and the number of volunteers who contributed towards the successful championship. It was also wonderful to see the genuine camaraderie between the bocce players who took part in the event, including the officials. I especially acknowledge the efforts of Marco Quaglia, President of the Campania club; Silvio Varricchio, President of the South Australian Bocce Federation; Mirella Mancini OAM, Secretary of the South Australian Bocce Federation; and Raymond Cher, President of the Bocce Federation of Australia. I acknowledge their tireless work to make the championships a success and I wish all the Australian competitors well in the world men's championships being held in France between 28 September and 4 October. I also wish the International Bocce Federation success in having the bowl sport included in future Olympic Games, which I understand the international—*(Time expired)*

Workplace Relations

Mr SECKER (Barker) (6.48 pm)—Recently many small business owners in my electorate have become anxious about what new modern awards mean for them. Small businesses which already operate on small profit margins are rightly worried about huge increases in their wage bills—in some cases, 20 per cent or more—that appear inevitable as a consequence of Labor's award modernisation. These so-called modern awards have the potential to see thousands of employees lose their jobs and push an already struggling small business sector to the wall. The awards are going to put up the costs of labour in a whole range of industries and, as a result, see people laid off.

An irrigator in my electorate said the modernisation will drive up her wage costs. She says that most horticultural employment is seasonal. Crops need to be picked and Sundays need to be worked. That is because customers expect produce to arrive on Monday mornings. She says that it is hard enough to turn a profit as it is in the current environment, with drought, water restrictions and the economic downturn, and this government is killing off small business.

Another small business owner of a pizza franchise in Berri tells me that when the award is introduced it will be devastating for his business. He employs 15 staff aged from 15 to 50 years of age. He tells me that as a fast food pizza shop the primary business hours are from 4 pm to 9 pm daily, and later on Friday and Saturday. He says the award will be devastating for his business, forcing him to pay an additional loading for all hours worked after 6 pm every Saturday and every Sunday. *(Time expired)*

Louisa Lawson

Ms PARKE (Fremantle) (6.50 pm)—I had the pleasure this weekend of travelling to Gulgong in New South Wales to speak at the Gulgong branch Country Labor Party Louisa Lawson dinner. Louisa Lawson was Australia's first woman publisher. She established and edited the *Dawn* magazine for women. She is also credited with being the originator of the suffrage campaign. Louisa frequently asked in her *Dawn* magazine, 'Who ordained that men only should make the laws which both women and men must obey? Pray, why should one half of the world govern the other half?'

In addition to campaigning for a political voice for women, Louisa subsidised courses for women at technical colleges, advocated for the establishment of hospitals for homeless and battered women, championed the rights of workers and the poor and strongly supported an Australian republic. Louisa's achievements are not widely known outside of Gulgong and Mudgee, where she grew up. Although she was a worthy poet herself, her life and works have been largely overshadowed by her famous son, Henry Lawson.

I am grateful to the Gulgong branch for preserving Louisa's memory through an annual dinner in her name. I particularly want to thank Alex and Debbie Lithgow, John Kotlash and Vicky Smith, Jack and Margaret Foreman, Colin and Trish McDonald, Sandra and Owen Power, John Curry, Merryl Dillon and also my parliamentary colleague Senator Steve Hutchins. I also thank Chris Cooke for the wonderful tour of the Henry Lawson Centre in Gulgong, and I was happy to learn that the centre is planning to add an extension devoted to Louisa Lawson.

Cowan Electorate: Carramar and Tapping Residents Association

Mr SIMPKINS (Cowan) (6.51 pm)—The Carramar and Tapping Residents Association has a history of activism and constructive engagement in the Carramar-Tapping district. Indeed, I would say that the association is arguably the most active residents association in Cowan. I regularly receive their emails about a range of issues concerning the area.

At a recent meeting I expressed my thanks and high regard for the work the association's executive does for the community. The president is Renato Bonasera, the treasurer is Ian Worrell, Sandra Hill-Williamson is the secretary, and Maria Szep is the events coordinator, and I particularly note her excellent work in organising the Carramar community expo at the new Carramar shopping centre and community centre. It was a hugely popular event and I congratulate her for her efforts. I also acknowledge the long-term efforts for the suburb of Carramar undertaken by committee member and former president Norm Hewer. Norm has recently been elected to the council for the city of Wanneroo and I congratulate him on that.

Relay for Life

Mr BRADBURY (Lindsay) (6.52 pm)—The Relay for Life, an initiative of the Cancer Council of New South Wales, is a 24-hour event where teams take turns walking laps of a local oval to raise awareness of cancer and funds to combat it. It is an opportunity to mourn those lost to cancer and to celebrate those who have survived it, whilst acknowledging the loved ones of those affected by it. In its eighth year, the Penrith Relay for Life has raised more than \$1 million. This year's event, which was again held at Howell Oval, saw 118 teams participate, raising more than \$175,000. Participants ranged across all age groups, with many

local schools and businesses banding together with their friends, families and colleagues to field a team.

This is another fantastic result for an event that is growing each year. In particular I wish to acknowledge and thank organising committee chairperson Greg Sayers, former chairperson Julia Parashko, Bruce Saunders and the other committee volunteers, the combined rotary clubs of Penrith, JK Williams and all of the other corporate sponsors of the event, whose dedication and commitment made the event the success it was. It is inspiring to see our community come together at an event like this each year, and I congratulate all those who have participated in and donated to this year's Penrith Relay for Life.

Girl Guides

Ms JACKSON (Hasluck) (6.53 pm)—Girl Guides will be celebrating a century of guiding in Australia next year at a jamboree in Victoria. The venue has had to be moved as the original location was badly damaged in the Victorian bushfires. Quite a few girls from the Gosnells district in Hasluck will be flying to Melbourne for the event.

Last Saturday night, 20 June, about 60 girl guides from the Gosnells district held a sleep-over to coincide with the world's biggest sleepover function. They held their function to assist 20 girl guides who suffered during the Victorian bushfires. They held a function in February to help their Victorian sisters by assembling toiletry packs to send over, but this most recent function was to pack a dillybag or, to the uninitiated, camping equipment—essential items for a girl guide. Each girl brought items such as tea towels, packing plates, cups et cetera to assemble a dillybag to replace the camping equipment lost in the fires.

Guiding is a wonderful institution for girls and young women aged five and upwards. It is run by volunteers committed to instilling community values in these young lives. It is important to recognise these volunteers. Claire Veen's Maddington unit is currently focusing on service to the community—*(Time expired)*

PRIVATE MEMBERS' BUSINESS

Burma

Debate resumed from 27 May, on motion by **Ms Saffin**:

That the House:

- (1) note that:
 - (a) 27 May is the 19th anniversary of the National League for Democracy's (NLD) overwhelming election victory in Burma's first democratically held elections in many decades; and
 - (b) the NLD is led by General Secretary and Nobel Peace Laureate Daw Aung San Suu Kyi, Burma's highly regarded and respected political leader, both in her own country and internationally;
- (2) condemns the State Peace and Development Council led by General Than Shwe, for not honouring the 1990 election, which violates both domestic and international law and norms;
- (3) notes with deep concern that Daw Aung San Suu Kyi and U Tin Oo were detained, following an assassination attempt on their lives on 30 May 2003, being charged under the Orwellian sounding law, The Law to Safeguard the State Against the Dangers of Those Desiring to Cause Subversive Acts 1975, also called the State Protection Act, and that their sentences have both been increased, extra legally;

- (4) condemns:
 - (a) General Than Shwe for the above incident and the continued unlawful incarceration, which the United Nations Working Group on Arbitrary Detention has issued Opinions findings in both cases that the deprivation of their liberty is arbitrary, *inter alia*; and
 - (b) General Than Shwe's actions for orchestrating the current trumped up charges, against Daw Aung San Suu Kyi, and her companions Daw Khin Khin Win and Daw Win Ma Ma;
- (5) calls upon General Than Shwe to:
 - (a) immediately and unconditionally release political prisoner Daw Aung San Suu Kyi, her companions Daw Khin Khin Win and Daw Win Ma Ma and her fellow political prisoners, including NLD Executive Members U Tin Oo and U Win Htein, and Shan Nationalities League for Democracy Leader Hkun Htun Oo, and up to the 2,000 others reported, according to Amnesty International; and
 - (b) do the right thing and enter into talks with all parties so that the national reconciliation that has evaded Burma's people, including the large population of ethnic nationalities, can begin to take place; and
- (6) notes:
 - (a) the statement issued by the Association of Southeast Asian Nations (ASEAN) chairman stating *inter alia* that "with the eyes of the international community on Burma at the present, the honour and credibility of the Burmese regime were at stake", and further expressing grave concerns over the treatment of Daw Aung San Suu Kyi, and expressing support for ASEAN nations including Indonesia, Malaysia and The Philippines who have spoken out on this matter;
 - (b) that the United Nations Secretary General said *inter alia* that he "...believes that Daw Aung San Suu Kyi is an essential partner for dialogue in Myanmar's national reconciliation and calls on the Government not to take any further action that could undermine this important process...";
 - (c) the press statement issued on 22 May 2009 by the United Nations Security Council with its President for the month of May, Ambassador Vitaly Churkin of Russia, stating: "The members of the Security Council express their concern about the political impact of recent developments relating to Daw Aung San Suu Kyi" and "The members of the Security Council reiterate the need for the Government of Myanmar [Burma] to create the necessary conditions for a genuine dialogue with Daw Aung San Suu Kyi and all concerned parties and ethnic groups in order to achieve an inclusive national reconciliation with the support of the United Nations", and which reaffirms the sentiments of two previous statements issued by the Security Council in 2007 and 2008; and
 - (d) the Australian Government's condemnation of Daw Aung San Suu Kyi's detention, and its calls for her immediate release, as well as the Australian Government's financial sanctions targeting senior members of the regime, their immediate families and associates.

Ms SAFFIN (Page) (6.55 pm)—I would first of all like to put on the record my thanks to the honourable member for Berowra for seconding this private members motion tonight. I would also like to thank all the honourable members for speaking. There is good reason for this chamber to debate the deplorable humanitarian, human rights, economic, racial, legal, constitutional and political crisis that confronts the people of Burma. Aung San Suu Kyi has said, 'Please use your liberty to help us achieve ours.' We are here; we can give that reassurance.

The most recent despicable act—one of many that form a pattern of systemic and widespread violations of all manner of human rights—of this brutal regime led by General Than

Shwe involves the trumped-up charges against Aung San Suu Kyi, Nobel Peace Prize Laureate and someone who is admitted into the Companion of the Order of Australia, made worse by the fact that when she was charged she was already serving a six-year sentence, again on trumped-up charges, laid after she was a victim of an assassination attempt by the regime itself. At that time they also imprisoned her deputy, U Tin Oo, taking him back to his home in Rangoon to serve his sentence. I have here, Madam Deputy Speaker, *Opinion No. 11/2005 (Myanmar)* of the United Nations Working Group on Arbitrary Detention, which says, among other things, that U Tin Oo's liberty is arbitrarily deprived. I seek leave to incorporate the opinion into my contribution tonight.

Leave granted.

The document read as follows—

Dear Ms. Saffin,

I would like to refer to the forty-second session of the Working Group on Arbitrary Detention, in which the Working Group adopted several Opinions on cases of detention submitted to it. The Working Group decided, *inter alia*, to transmit its Opinions three weeks after having transmitted them to the governments concerned, to the sources of information which had submitted the cases to the Group.

In accordance with the Working Group's methods of work, I am sending to you, attached herewith, the text of Opinion No. 11/2005 (Myanmar) regarding a case submitted by you (Mr. U Tin Oo). This Opinion will be reproduced in the Working Group's next report to the Commission on Human Rights.

Yours sincerely,

Miguel de la Lama

Secretary

Working Group on Arbitrary Detention

OPINION No. 11/2005 (UNION OF MYANMAR)

Communication addressed to the Government of the Union of Myanmar on 12 October 2004

Concerning the case of Mr. U Tin Oo

The State is not a party to the International Covenant on Civil and Political Rights.

1. The Working Group on Arbitrary Detention was established by resolution 1991/42 of the Commission on Human Rights. The mandate of the Working Group was clarified by resolution 1997/50 and extended by resolution 2003/31. Acting in accordance with its methods of work, the Working Group forwarded to the Government the above-mentioned communication.
2. The Working Group regrets that the Government did not provide it, despite repeated invitation to this effect, with the requested information. The Working Group believes that it is in a position to render an opinion on the facts and circumstances of the case.
3. The Working Group regards deprivation of liberty as arbitrary in the following cases:
 - I. When it manifestly cannot be justified on any legal basis (such as continued detention after the sentence has been served or despite an applicable amnesty act) (Category I);
 - II. When the deprivation of liberty is the result of a judgement or sentence for the exercise of the rights and freedoms proclaimed in articles 7, 13, 14, 18, 19, 20 and 21 of the Universal Declaration of Human Rights and also, in respect of States parties, by articles 12, 18, 19, 21, 22, 25, 26 and 27 of the International Covenant on Civil and Political Rights (Category II);
 - III. When the complete or partial non-observance of the relevant international standards set forth in the Universal Declaration of Human Rights and in the relevant international instruments ac-

cepted by the States concerned relating to the right to a fair trial is of such gravity as to confer on the deprivation of liberty, of whatever kind, an arbitrary character (Category III).

4. According to the information received, Mr. U Tin Oo, a citizen of Myanmar born on 3 March 1927, Vice-President of the National League for Democracy (NLD), was arrested by police and military forces on 30 May 2003 at around 7 p.m. in Kyi village near the Dipeyin (Tabayin) township, Sagaing Division, when the NLD convoy was attacked by government' affiliated thugs during a speaking tour of Upper Myanmar. Scores were killed and hundreds were wounded during the attack. Mr. U Tin Oo received blows to the head.
5. Mr. U Tin Oo was taken to Kale (Kalay) prison, Sagaing Division, and detained there. He was later on transferred to Mandalay-Ohpho Prison. The detention of Mr. U Tin Oo was ordered by the State Peace and Development Council (SPDC). As to the legal basis, no arrest warrant or detention order was issued against Mr. U Tin Oo, nor any charges raised against him. The detention might be based on the 1975 State Protection Law.
6. On 14 February 2004, U Tin Oo was shifted from Kale Prison to house arrest. However, he is still not allowed to see anyone. His home in Yangon is being guarded by armed and security personnel and his phone cut off.
7. The source alleges that no charges have been raised against Mr. U Tin Oo and no trial is envisaged; his detention is not subjected to judicial review; he is held in *incommunicado* detention and denied access to a lawyer;
8. The Government, which had the possibility to answer to these allegations, did not contest them.
9. The Working Group finds that Mr. U Tin Oo could not benefit of the fundamental guarantees of due process, being an administrative detention. No arrest warrant was issued, no charges have been brought against him; he has not be subjected to an independent judicial process, held in camera and without access to defense.
10. As to the situation of his house arrest, the Working Group has already stated in its Deliberation No. 1 that house arrest may be compared to deprivation of liberty provided that it is carried out in closed premises which the person is not allowed to leave, which is the case here, as the Government has not denied it.
11. The Government was also unable to provide information as to the facts that gave rise to Mr. U Tin Oo's arrest. At the time of his arrest was in a speaking tour in the country for the NLD party. The Working Group considers his deprivation of liberty takes place for the mere exercise of his political rights and the exercise of the right of freedom of movement, peaceful demonstration and of freedom of expression, all rights protected under the Universal Declaration of Human Rigths.
12. In the light of the foregoing, the Working Group renders the following opinion:
The deprivation of liberty of Mr. U Tin Oo is arbitrary being in contravention of articles 9, 10, 19, 20 and 21 of the Universal Declaration of Human Rights, and falls within categories II and III of the categories applicable to the consideration of the cases submitted to the Working Group.
13. Consequent upon the opinion rendered, the Working Group requests the Government to take the necessary steps to remedy the situation, and bring it into conformity with the standards and principles set forth in the Universal Declaration of Human Rights.

Adopted on 26 May 2005

The law—and it galls me to call it that—under which Aung San Suu Kyi is currently charged is called the Law to Safeguard the State Against the Dangers of Those Desiring to Cause Subversive Acts 1975. The name says it all. It is an Orwellian sounding act, sometimes called the State Protection Act. It is an act that is used to silence any political contestation voice other than the military in Burma.

We know that there is a humanitarian crisis in Burma. People are hungry and children are malnourished—their development and growth stunted. Since 1990 the matter of human rights in Burma has been before the United Nations and resolutions have been passed every year since 1991. People like Paulo Sergio Pinheiro, the previous UN special rapporteur on human rights violations in Myanmar, has recently called for an inquiry that should happen through the Security Council. He is calling for a commission of inquiry into the human rights violations, possibly leading to an indictment being taken to the International Criminal Court, which can happen in that procedural way through the Security Council. I strongly endorse such a call. It is time. The generals have had long enough.

Part of the reason that Aung San Suu Kyi has been charged is that somebody broke into her home in University Avenue and there is a law in Burma that to have a guest stay overnight you must have permission. When it was a socialist regime it was form 9; it is now just a rule that is enforced. If you do not have that permission, you have violated the law thereby endangering the state or whatever is determined at the time. This is what they are going on about with her at the moment. We also know that there is a constitutional crisis in Burma. Suu Kyi recently said, 'We are facing a crisis of constitution, not a constitutional crisis.'

I want to note also that on Friday, 19 June it was Aung San Suu Kyi's 64th birthday. A resolution was passed by all sides in this House and I also note that honourable senators passed a resolution in the Senate on Thursday, 18 June. On Thursday, 18 June all members overwhelmingly signed the card and some people ate some cake. I also note that Aung San Suu Kyi had a cake in prison. She shared that and the bit of food that she had with fellow prisoners and the guards. The purpose of the card was not only to wish her a happy birthday, as many people around the world have done—and there is a special website for it now—but also for us to say to her, 'We wish you freedom, and anything at all that we can do, in our small way, we will do from here.' It was nice to have the support of absolutely everybody.

I also want to commend a couple of Australian companies, Downer EDI and QBE, for voluntarily withdrawing their operations in Burma this year. I just wanted to put that on the public record. *(Time expired)*

Mr RUDDOCK (Berowra) (7.00 pm)—Australians often comment about the adversarial nature of the parliamentary process. I would like to remind people that a great deal is done by agreement. I second this motion, but I do so because I very much respect the work of the member for Page in relation to human rights issues generally. I think she has been quite remarkable in the way in which she has motivated many of us to become engaged in the issue relating to Aung San Suu Kyi. I commend her for her effort last Friday to record the 64th birthday of Aung San Suu Kyi and for coordinating the messages that could be sent to her because of the inspiration that she has been to so many people. I commend her on that.

This motion was proposed at an earlier point in time, before Aung San Suu Kyi's recent arrest. Although it observes, towards the end, something of the Security Council processes, it was intended to note 27 May as the 19th anniversary of the National League for Democracy's overwhelming victory in Burma's first democratically-held elections. I commend those who are interested in this matter to read the text of the motion, because it outlines much of the history of Aung San Suu Kyi's circumstances and some of the efforts that are being made to secure her freedom.

I wanted to spend a little of my time tonight noting what a special lady Aung San Suu Kyi has been. To have spent 13 of the last 19 years in detention, her commitment to democracy and her country have been inspirational. During the past 19 years she could have left Burma. She could have been free. However, she chose not to be. It meant that she did not get to see her husband before he passed away—something that she was prepared to endure for her cause.

I think it is very important to commend the activities of organisations like Amnesty International. I also commend the Prime Minister of the United Kingdom, whose op-ed I read last Friday, and I support the efforts to bring about change. I noticed some commentary in an interesting website called 'Moreorless: heroes and killers of the 20th century'. It had this to say:

The military dictators of Burma have turned a country that was once known as the "rice bowl of Asia", and which is endowed with many natural riches, into a basket case. They have cynically manipulated and brutalised the country's ethnic minorities, and suppressed those fighting for democracy.

Suu Kyi is the symbol of the Burmese people's struggle for freedom. Her poise, humility and integrity stand in stark counterpoint to secrecy and self-interest of the junta. The SPDC's treatment of Suu Kyi is the yardstick of its commitment to democracy and human rights. So far it is not measuring up. Under its current leadership it is unlikely it ever will.

The only hope for Burma appears to be the development of a fracture within the junta that leads to its collapse. This is unlikely while Burma's neighbours—China, India and ASEAN—continue to either support Than Shwe and his cronies or condone them by their silence.

That is a very short but perspicacious piece. I would encourage members to read the speech by Aung San Suu Kyi's son in accepting her award of the Nobel Peace Prize, because it says something about the family's commitment and about her. I noted in particular her son's comment:

I know that if she were free today my mother would, in thanking you, also ask you to pray that the oppressors and the oppressed should throw down their weapons and join together to build a nation founded on humanity in the spirit of peace.

He goes on to say:

Although my mother is often described as a political dissident who strives by peaceful means for democratic change, we should remember that her quest is basically spiritual.

I think she is a remarkable lady with a remarkable family. This motion deserves support. *(Time expired)*

Ms NEAL (Robertson) (7.05 pm)—I rise tonight to speak on the motion moved by the member for Page and to congratulate her on raising this very important matter today. I rise because this House cares and has grave concerns about the treatment of Aung San Suu Kyi at the hands of the dictatorial military regime of Burma. Since her return to Burma in 1988, Suu Kyi has been a beacon for freedom and human rights in that very troubled nation. In both her personal and public lives, Suu Kyi has inspired people in her own country and around the world through her unwavering fight to bring a democratically elected government to Burma.

In 1988, mass demonstrations against the country's military regime saw Burma thrown into turmoil. By October of that year, approximately 3,000 protesters had been killed. This civil disobedience forced the regime to call almost democratic elections. In 1990, Suu Kyi led the National League for Democracy to an overwhelming victory in Burma's first democratic election. This was despite the fact that she and many other NLD officials and supporters were in

detention at the time of the vote. The NLD won almost 60 per cent of the valid vote and 80 per cent of the seats, but the military dictatorship imposed martial law and refused to recognise the election result. This constituted a gross violation of domestic and international law.

Since those momentous occurrences, the Burmese regime has subjected Suu Kyi to years of unlawful incarceration and deprivation of liberty in one form or another. She has been detained for 13 out of the last 19 years. It should be noted with regret that, according to Amnesty International, up to 2,000 other supporters of democratic reform are also in detention in Burma. These people are political prisoners. An assassination attempt was made on Suu Kyi in 2003.

I join with the member for Page in condemning in the strongest manner the actions of Burma's State Peace and Development Council and its leader, Than Shwe. The continued unlawful detention of Suu Kyi on trumped-up charges is a violation of human rights that has been condemned by representative bodies around the world. The Association of Southeast Asian Nations, or ASEAN, has rightly said that the unlawful actions against Suu Kyi meant that the 'honour and the credibility' of the Burmese regime 'are at stake'. I note with approval that the Australian foreign minister, Stephen Smith, has unreservedly condemned the continued detention of Suu Kyi. The minister has called for her 'immediate and unconditional release' and has reaffirmed the Australian government's financial sanctions targeting senior members of the regime. The events in Burma since 1988 go to the heart of democratic principles, international law and human rights across the world. I welcome the Australian government's strong stance on these matters.

The trial of Suu Kyi that is underway at the moment is a sham being carried out under an oppressive and dictatorial regime. People around the world have united behind the calls for justice for Suu Kyi. They have also united to bring pressure to bear on the regime of Burma to make positive steps towards holding democratic elections in that country. The first step along this road is the immediate release of Suu Kyi and the dropping of the phoney charges against her. If Burma is to take its place in the world and be recognised as a nation that values democracy, human rights and the rule of law, Suu Kyi and the National League for Democracy must be part of that process.

Suu Kyi won the Nobel Peace Prize for her decades-long struggle for democracy in Burma. She too has called on the world to join that struggle, saying, 'Please use your liberty to promote us.' The Australian government has been steadfast in its support of Suu Kyi. I urge all Australians to show their solidarity with Suu Kyi and with the people of Burma. Change must come to Burma, and all Australians must do their bit to continue to fight for this to occur.

Mrs HULL (Riverina) (7.10 pm)—In September 1988, the Burmese National League for Democracy, the NLD, was formed, with Suu Kyi as the general secretary. Since then she has been in this most remarkable position. I congratulate the member for Page, Janelle Saffin, for bringing forward this motion for Australians to continue to support Aung San Suu Kyi. Aung San Suu Kyi is influenced by both Mahatma Gandhi's philosophy of nonviolence and, more specifically, Buddhist concepts. Aung San Suu Kyi entered politics to work for democratisation, helped found the National League for Democracy on 27 September 1988 and was put under house arrest on 20 July 1989. She was offered her freedom if she left her country but she refused.

One of her most famous speeches is the freedom from fear speech, which begins:

It is not power that corrupts but fear. Fear of losing power corrupts those who wield it and fear of the scourge of power corrupts those who are subject to it.

In 1990, the military junta called a general election, which the National League for Democracy won with certainty. Being the candidate, Aung San Suu Kyi under normal conditions would have assumed the office of Prime Minister. Instead, the results were nullified and the military refused to hand over power. Consequently, there was an international outcry, as there should have been. Aung San Suu Kyi was forced into house arrest at her home on University Avenue in Rangoon.

During her arrest, she was awarded the Sakharov Prize for Freedom of Thought in 1990 and the Nobel Peace Prize the year after. Aung San Suu Kyi used that Nobel Peace Prize of US\$1.3 million to set up a health and education trust for the Burmese people. Suu Kyi has been placed under house arrest on numerous occasions since she began her political career, spending 13 of the past 19 years under house arrest. During these periods, she has been barred from meeting her party supporters and international visitors. International visitors have likewise been prevented from meeting her.

Suu Kyi met the leader of Burma, General Tan Shwe, who was accompanied by General Khint Yunt, on 20 September 1994 while under house arrest. It was the first meeting that she had had since she had been placed in detention. When the military government has released Suu Kyi from house arrest, it has made clear that if she left the country to visit her family in the United Kingdom it would not allow her to return. It is the unfortunate case that, after Suu Kyi underwent a hysterectomy in September 2003, the government again placed her under arrest in Rangoon.

The results from UN facilitation have certainly been mixed. She has had the opportunity to meet special envoys from the UN, but that has led to no real outcome. There have been significant issues for the people of Burma, who have always sought to have her removed from detention. Many nations and figures have continued to call for her release and that of 2,001 other political prisoners in the country. The UN has attempted to facilitate dialogue between the junta and Suu Kyi. On 6 May 2002, following secret confidence-building negotiations led by the United Nations, the government released her and a government spokesman said that she was free to move because 'we are confident that we can trust each other'. Aung San Suu Kyi proclaimed that this was a new dawn for the country. However, on 30 May 2003, a government sponsored mob attacked her caravan in the northern village of Depayin, murdering and wounding many of her supporters. The government again imprisoned her in Rangoon.

Aung San Suu Kyi has received vocal support from many Western nations in Europe, Australasia and North and South America, as well as India, Israel, Japan and South Korea. In December 2007, the US House of Representatives voted unanimously, 400 to zero, to award Aung San Suu Kyi the Congressional Gold Medal. The Senate concurred on 25 April 2008. On 6 May 2008 also, President Bush signed legislation awarding Aung San Suu Kyi the Congressional Gold Medal. *(Time expired)*

Ms REA (Bonner) (7.15 pm)—I, too, rise to support the motion put forward by the member for Page and, once again, in conjunction with others, I congratulate her on what is, I think, a very well-worded motion. I am very happy to endorse it.

When I gave my first speech in this place early last year, I used a quote from Martin Luther King which said that injustice anywhere is a threat to justice everywhere—a sentiment that at

the time expressed my personal view of the importance of fighting for justice and human rights across the world. As a statement I think that defines the issue that we are trying to confront in Burma by supporting the National League for Democracy by calling for the immediate release of Daw Aung San Suu Kyi and for the brutal military regime in Burma come to an end. I did not know when I used that quote at that time that Martin Luther King actually said that on the day that I was born; I think it is an interesting coincidence that I chose it. Unfortunately, it is still a quote that is apt today.

We live in a global village. That is why democratically elected members of parliaments across the world should stand in unison to call for the end of brutal regimes wherever they currently exist. We should stand together, and I see that, in terms of democratic parliaments, there is a very strong move across the globe, led by the British Prime Minister, Gordon Brown, and many other leaders to call for the immediate release of Aung San Suu Kyi and to acknowledge the democratic leader of that country.

Democracy is a very fragile beast, as we all know, and it does have its faults. But until we are presented with another form of government that promotes individual freedoms and support for the human rights of a nation's citizens in a better way, we should all be calling at least for it to become much more widespread as a system of government.

The democratic rights and human rights of individual citizens in a democratic nation with a free parliament and laws do not only protect the citizens of that country but, indeed, have an impact on all of us, and that is why I believe that the Martin Luther King quote is so important. I also think it is a responsibility of all of us, as community leaders, to support, as I said, the many comments and the moves from the United Nations and other organisations calling for the release of Aung San Suu Kyi. I think we should support the statements that have already been made by many ASEAN leaders who are calling on the Burmese military regime to release her and to acknowledge her position as a democratically elected leader.

I know I joined with others last Thursday in acknowledging her birthday. It was her 64th birthday. She has been in detention for 13 of the last 19 years, and has been the democratically elected leader of Burma for almost the last 20. It means that she was elected leader—and has since been in detention over that period of time—when she was just a year or two younger than me.

I hope by the time I reach my 64th birthday that not only will Aung San Suu Kyi be free but also the rights and freedoms of all Burmese citizens will be enshrined by their government, that they will enjoy the democratic freedoms that we enjoy and that we in this parliament will no longer need to move motions like this against the incarceration of democratically elected leaders. I hope that the world will have moved on. But unless the Burmese government releases the 2,000 political prisoners led by Aung San Suu Kyi, I fear that we are many years away not just from a democratically elected government in that nation but, unfortunately, also in others around the world. It is symbolic that they be released. It is important for the people of Burma but it is also important for us as global citizens. (*Time expired*)

Mr SIMPKINS (Cowan) (7.20 pm)—Whenever I look around the world, I always see reminders of how the hard-working people of many nations are held back by autocratic regimes. I see examples of countries where the potential of the nation, and particularly its people, is being held back by the lack of democracy. These are nations where the spirit, enterprise and hard work of even the poorest people are yoked by regimes dedicated to the maintenance of

their own power and wealth. The examples of such regimes are far too many, and the oppression will forever be intolerable.

This motion, however, gives me the opportunity to speak on one example of an autocratic regime that oppresses democracy and its people in order to perpetuate its hold on power and its pursuit of self-interest. I speak of the Union of Myanmar—the nation that most of us still refer to as Burma.

This motion notes that we have just passed the 19th anniversary of the 1990 general election that resulted in an overwhelming victory for Aung San Suu Kyi's National League for Democracy, which won 392 of the 492 seats. Burma operated as a democracy between 1948, when it became independent from the United Kingdom, and 1962, when it became a military dictatorship. General Ne Win seized power, taking advantage of the instability of the democratic government.

The people of Burma wanted a return to democracy and, from late 1985, student protests gathered in intensity. The result was the fall of the government on 8 August 1988 in what is called the Four Eights uprising. Tragically, General Saw Maung declared martial law and seized control. It was he who first formed the State Law and Order Restoration Council, which then suspended the constitution. Maung was replaced by Senior General Than Shwe in 1992, and in 1997 SLORC was renamed the State Peace and Development Council.

It is right to say that name changes make no difference to the way a regime like this operates. Autocratic, self-serving regimes are defined by their record in murders, tortures, rapes, forced relocations, forced labour, recruitment of child soldiers and imprisonment of political opponents. Both SLORC and SPDC are condemned for their crimes against their own people. The outcomes for the people of Burma, which come from the oppression of the SPDC, are a failed economy and significant, widespread poverty. These are the usual economic hallmarks of regimes that hold the descriptors of dictatorships, communism or socialism.

A sad example of classic mismanagement is the 2005 decision by the junta to establish a new capital, known as Naypyidaw. The regime determined that it would establish a brand new capital, and it has been reported that they began moving government departments when it was still completely undeveloped. It has been suggested that the move commenced at 6.37 am on 6 November 2005 because a monk had stated that this time and date was astrologically significant. On 11 November at 11 am the second wave, comprising 1,100 military trucks carrying 11 military battalions and 11 government departments, left Rangoon. It would appear that the emphasis on the number 11 suggests an adherence to superstitious reasons, but it caused great dislocation because of the insufficient infrastructure.

It has also been said that the city has a huge development of tunnels under it to address the paranoia of the SPDC leadership, which fears either an internal insurrection or a foreign invasion. The regime seems to be increasingly guided by government-employed astrologers, which is shown by the creation of the new capital and which increasingly undermines any form of confidence in the new regime. It is therefore little wonder that the economy flounders and the people are increasingly impoverished. We know that Burma is a country torn by internal division and that the SPDC oppresses its ethnic minorities even more than the ethnic Burmese majority. Reconciliation with the ethnic tribes such as the Karen people can best be achieved through the leadership of Aung San Suu Kyi.

I join with other speakers on this motion in calling on General Than Shwe to immediately and unconditionally release Aung San Suu Kyi, senior NLD leader, the courageous former general U Tin Oo, other members of the executive and all pro-democracy political prisoners in Burma.

I will finish by saying that the SPDC, as the rulers of the Union of Myanmar, is a regime that has no legitimacy. It is corrupt, it is incompetent and it is holding the people of Burma and the ethnic minorities back. Only through that democracy will that country and all its people thrive. I think that all the people of that nation want the SPDC's time to be over. I hope that, when the time comes, the cost of freedom, particularly in terms of human life, will be minimal. Finally, I thank the member for Page for the opportunity to speak on this worthy matter and for her work in this area.

Mr KELVIN THOMSON (Wills) (7.25 pm)—My voice tonight is somewhat diminished by a cold, but I will do everything I can to speak on behalf of the millions of Burmese who have no voice. I commend the member for Page for moving this motion and I commend the other members who have spoken in support of it. For many years Burma's regime, the State Peace and Development Council, has shown a profound disregard for the human rights and democratic aspirations of the Burmese people. The Burmese regime has presided over the stark deterioration of the Burmese economy. Burma has become a poor and isolated country.

In 1988, students, professionals and others launched a nationwide uprising aimed at bringing an end to authoritarian rule. Millions of people courageously marched on the streets, calling for freedom and democracy. The military responded by gunning down thousands of demonstrators and imprisoning thousands more in one of South-East Asia's most bloody episodes. The most recognisable face of Burma, the 1991 Nobel Peace Prize recipient, Aung San Suu Kyi, has been in and out of house arrest and prison since 1988. Her transgression, her crime, was to lead the National League for Democracy to a decisive election victory in 1990. She has not been convicted of any crime but has been held as a threat to national security. Faced with having to release her, even under its own draconian security law, the regime has now brought spurious charges relating to a minor incident.

Aung San Suu Kyi has been formally charged with breaching the terms of her detention because a US citizen intruded into her compound. There is immense concern that her arrest and current trial is simply a device to extend her detention. This trial stands condemned by the international community. I welcome the strong statements in this respect from the Association of Southeast Asian Nations and its member governments. This latest outrage shows yet again that the Burmese regime remains utterly indifferent to the views of the international community and human rights standards.

The military regime continues its brutal domination over its people. Numerous governments, non-government organisations, United Nations bodies and international organisations have documented Burma's widespread problems: intense human rights violations and the complete deterioration of health care, education and a functioning economy. The world further witnessed the Burmese government's human rights violations in September 2008 during the 'saffron revolution'. Hundreds of thousands of people took to the streets in peaceful demonstration, led by Buddhist monks, demanding peace and freedom in their country—only to be countered with force. Thousands were imprisoned, hundreds were killed and monasteries were raided. The UN Special Rapporteur on Human Rights in Burma reported last year that

he had received information indicating that the military regime had destroyed, forcibly displaced or forced the abandonment of more than 3,000 villages in eastern Burma, where ethnic minorities predominate. At least one million people fled their homes as a result of the attacks, escaping as refugees and internally-displaced persons.

Organisations such as Human Rights Watch, Human Rights First and Amnesty International have reported on the crimes against humanity and war crimes committed under the rule of Burma's military regime, including the recruitment of tens of thousands of child soldiers and attacks on ethnic minority civilians. In December 2008, the UN General Assembly adopted by a vote of nearly four to one a resolution calling on Burma to free all political prisoners, including detained opposition leader Aung San Suu Kyi, and criticising the human rights record of the Burmese regime. I raise my voice in support of that resolution, in support of her release from detention and in support of the release of all political prisoners in Burma.

In closing, I will refer to the recommendations of Amnesty International in its report, *Crimes against humanity in eastern Myanmar*:

Put an immediate halt to all violations of international human rights and humanitarian law by government forces and aligned militias, including the targeting of civilians and civilian objects for attack, indiscriminate attacks, extrajudicial executions and other unlawful killings ...

Ensure that all acts violating international human rights and humanitarian law are subject to prompt, independent, and impartial investigations, and that suspected perpetrators, including those suspected of ordering these acts, regardless of rank, are brought to justice—

(Time expired)

The DEPUTY SPEAKER (Hon. AR Bevis)—Order! The time allowed 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.

Poland

Debate resumed from 16 June, on motion by **Mr Slipper**:

That the House:

- (1) notes that:
 - (a) 4 June 2009 was the 20th anniversary of the first post war free elections in Poland, and that these elections marked the end of undemocratic communist party rule in Poland; and
 - (b) the example of free election in Poland led to the overthrow of all the communist regimes of central and eastern Europe, to the fall of the Berlin Wall and the reunification of Germany, and eventually also to the dissolution of the Soviet Union;
- (2) congratulates the people of Poland for their unbroken record of struggle over more than 60 years against both Nazi and Communist occupiers to regain their independence and restore democracy and freedom; and
- (3) notes that the restoration of democracy and a free market economy has led to the increasing security, prosperity and freedom which Poland has enjoyed since 1989, culminating in membership of the North Atlantic Treaty Organization and European Union.

Mr SLIPPER (Fisher) (7.31 pm)—Poland is one of those countries which, over the years, has been an enigma to many of us. On the one hand, it is a country which was for many years firmly under the control of the Soviet bloc. On the other hand, it is a country which has an incredible history of independence, culture, development, innovation and democracy. I think it

is appropriate in the Australian parliament, particularly given the fact that we have so many Australians of Polish origin living in our country, for us to pause for a moment on this 20th anniversary and give thanks to God, to Solidarity and to the collective democratic will of the Polish people for their capacity to throw off the yoke of communism and adopt a democratic system which for us in Australia is something which comes as second nature.

We often take democracy for granted in this country, and yet in many parts of the world it is an aspiration which, in many cases, has been extraordinarily difficult to implement. I think that the late Pope John Paul II, as a Polish pope, was a role model and he assisted, along with the Solidarity forces, in bringing about democracy in Poland.

Poland is a wonderful country. It has the capacity to make an incredible contribution to making the world an even better place. The fact that the people of Poland now have the democratic rights that we take for granted is something that we all ought to give thanks for, but the whole world benefits from the fact that we do now have a democratic Poland, able to take its place as an equal partner in the world community. In Australia, we have a Polish embassy that is highly respected and interacts well with the Polish community and the Australian community at large. Polish Australians have told me that, during the dark days of communism, the embassy of the so-called People's Republic of Poland was seen as a place of repression. It was seen as a place that spied on Australians of Polish origin. Under successive ambassadors in Australia, the Embassy of the Republic of Poland has interacted with the Polish community but, more importantly, has interacted with ordinary Australians who are very keen to foster the wonderful relationship that now exists between the Republic of Poland and Australia.

Australia is often referred to as 'the lucky country', and we are in many respects. We might differ in our politics but then, of course, we will have a cup of coffee or a drink or something like that and politics tends to be a contest of ideas. We all accept that every three years we have an election and the people of Australia or the state, as the case may be, determine the government that they are going to have. In Poland, for approximately half a century, the people did not have that right. They had more religious freedom than some other parts of Europe but less than we have. I believe it is appropriate on this 20th anniversary that we salute the government and the people of Poland and we ought to wish them well for the future. (*Time expired*)

Mr HAYES (Werriwa) (7.35 pm)—I want to start by thanking the member for Fisher for bringing forward this motion. Having been adversely affected by two world wars and fighting and struggling for the last 60 years, it is good to see Poland developing as a country in the way it is at the moment. Poland suffered for 40 years under a communist regime and prior to that it was, as we all know, invaded by Nazi Germany during the Second World War. It is important to note the spirit of the Polish people. The Polish people in about 1980 brought about the formation of the independent trade union Solidarity, which became the pinnacle body in establishing democracy in Poland. Lech Walesa, the leader of Solidarity, went on to become the first elected President of Poland. They are the things that we should be celebrating today. This reform was not something that just happened by chance; it was designed by the Polish people themselves. This reform movement that ended communism in eastern Europe started in Poland.

Since the end of communism Polish democracy has developed rapidly, despite various difficulties. In 1991, as part of its involvement with the European Union, Poland was one of the first to sign its agreement with Hungary, making a significant change from a communist state involved in a determined economy to an open, free market economy—and that has continued. Thanks to those pioneers, since 2001, 85 per cent of the Polish trade is on a bilateral basis. In 1999 we saw Poland make attempts in terms of its involvement with the Western Europe allies in becoming a valued, strategic partner of NATO. In 2003 the Polish people supported the US-led military intervention in Iraq and became one of the largest European state unions by 2004.

Unfortunately, the Polish people feel that a lot of their more recent history has gone unnoticed. That is why in 2009 they embarked on having a national celebration of the Polish 20-year anniversary since their first postwar elected government. At the celebration Lech Wałęsa said:

We managed to end an era of divisions, mistakes and confrontation. No other generation had a chance to try to achieve that.

I think that was very pertinent. The first Polish Prime Minister, Mr Mazowiecki, said: Twenty years ago, what seemed impossible became possible.

These are not things in our distant past; they are things in our very, very recent past—and these are things that we should be celebrating. I think it is appropriate at this particular point in time that we remember the struggles that the Polish people endured to deliver a free and open society—a society which is now one of Europe's leading economies.

The date 4 June 1989 marked a decisive victory for democracy in Poland and, ultimately, across eastern Europe. Regrettably, 4 June 1989 also marked the terrible atrocities and sacrifice of Tiananmen Square, when China crushed the peaceful pro-democracy protest. We have a duty to bring the joy of freedom and democracy to others and this means supporting the courageous efforts of individuals, notably Aung San Suu Kyi and her battles as Burmese opposition leader. I also think this anniversary of the Polish liberalisation is an opportunity to send a sign of solidarity to nations struggling for freedom, including North Korea, Cuba, Iran and Burma.

Mr SIMPKINS (Cowan) (7.40 pm)—I welcome the opportunity to speak on this motion that notes the 20th anniversary of postwar free elections in Poland and the part played by Poland in the collapse of communism in eastern Europe.

There are more than 164,000 people of Polish descent living in Australia and almost half of them were born in Poland. Reflecting the existing and developing relationship between Australia and Poland, apart from the embassy in Canberra, consulates or honorary consuls are maintained in New South Wales, Queensland, the Northern Territory, South Australia and Victoria.

Indicative of the heritage of the strong Polish community in Australia, on 6 June this year the 41st convention of the Polish Community Council of Australia and New Zealand took place. Committed to the promotion of Polish-Australian matters and interests, the convention decided to create a team with representatives across the country whose task will be to respond appropriately to any anti-Polish activities.

With regard to the motion before us, it would be absolutely correct to say that Poland has always played a significant part in European history. As this motion properly states, Poland, in many ways, led the way out from underneath the communist shadow that had enshrouded eastern Europe following World War II. The communism brought to bear by the Union of Soviet Socialist Republics had proven to be a spectacular economic failure and the eastern bloc of nations could easily see the significant difference between standards of living in countries across Europe.

It was in 1980 when dissatisfaction with pay and other conditions under the communist regime resulted in the independent union, Solidarity, being established. Solidarity's origins were in a strike at the Lenin shipyard in Gdansk, with Lech Walesa becoming its leader. The strike led to more strikes in Gdansk and then to strikes across Poland. The communist government agreed to legal organisations and Solidarity began.

In 1981, however, martial law was declared on 13 December. On the same day, Walesa was arrested. After being jailed for 11 months, he returned to the Gdansk shipyards as an electrician in 1983, the same year he was awarded the Nobel Peace Prize. From 1987 to 1990, he again led Solidarity, which assumed the position of the opposition. The opposition provided by Solidarity to the communist regime allowed the people of Poland a focus on the pursuit of democratic reform. Another occupational strike in Gdansk led to the government agreeing to the legalisation of Solidarity and the free election of 36 per cent of seats in the Sejm, the Polish parliament.

In 1989, Solidarity won all of the 36 per cent of free election seats available in the parliament and all but one seat in the newly created Senate. After that victory, Walesa was able to create a non-communist government by persuading the allies of the Communist Party to desert to his opposition group. Under Prime Minister Tadeusz Mazowiecki, these conditions then allowed the reformist government to pursue a market based economy. In 1990, Lech Walesa became President.

It is widely considered that, as a result of those changes, the Polish economy is one of the best in the old eastern European bloc of nations. The advantage ex-socialist states have is that they have the capacity to privatise a significant number of enterprises. Even now, I understand that the government is in the middle of floating a number of publicly owned businesses and the Polish stock exchange has been thriving, although the world financial challenges have damaged the Polish economy.

Nevertheless, admission of Poland to NATO in 1999 and, in 2004, to full membership of the European Union clearly represents the progress that has been made. There is no doubt that the democratic spirit is strong in Poland. The events of history had caused it to be interrupted in the last century, but it is nevertheless a tradition of Poland. As fearsome as the USSR and its satellite communist governments were, the actions of the Polish people have shown courage and fortitude. They adopted a position of leadership and clearly they were the first of the eastern bloc nations to realise the democratic dream in the contemporary period.

I will conclude by speaking briefly of the Polish community in the northern and north-eastern suburbs of Perth. I recently attended a function at the Cracovia Club in Beechboro. It is clear that, although there are not very large groups of Poles in Perth, the culture and the sporting traditions of Poland are strong. The Poles who live in my electorate have embraced Australia, but they retain their feelings for their mother country and a strong cultural heritage.

The Polish people have done well in Australia, and I am confident that they will continue to make a strong contribution into the future.

Ms GRIERSON (Newcastle) (7.45 pm)—I stand to also support the motion by the member for Fisher that the House recognise the 20th anniversary, on 4 June 2009, of the first post-war free elections in Poland, which marked the end of Communist rule in that country. As has been noted in the debate, this precipitated the overthrow of all the Communist regimes in central and eastern Europe, finally leading to the tearing down of the Berlin Wall, the dissolution of the Union of Soviet Socialist Republics and the progression of Poland to the modern, vibrant country it is today. Indeed, before the impact of the global financial crisis, Poland had one of the fastest growing economies in central Europe, with an annual growth rate of over six per cent. I suppose that there, as in many countries, they have suspended that sort of growth, but that will return.

The marking of this anniversary will be of great significance to those of Polish heritage living in Australia. In the 2006 census, almost one per cent of the population of Australia claimed Polish ancestry and, of those persons who were born in Poland—and the majority were—most arrived pre-1991. It is obviously a good sign for Poland that fewer people are emigrating to Australia now.

Newcastle has a proud Polish community, with a higher than average percentage of the population of Newcastle being of Polish ancestry. The strong and thriving Polish community in Newcastle is just one of our many ethnic communities. Having always been a city that prides itself on its multicultural background, it is of particular importance to note that next week the Ethnic Communities Council of Newcastle and the Hunter Region will hold the official opening of its new premises, Diversity Learning and Community Centre. This centre will play an integral role for the multicultural community of Newcastle, providing a unique location for the extensive work of the Ethnic Communities Council of Newcastle and the Hunter Region, as well as providing an invaluable community asset which will serve as a focal point of current and future community initiatives. As the executive officer of the Ethnic Communities Council of Newcastle and the Hunter Region, John Gebhardt OAM, recounted to me, ‘This event is of great significance because it is a milestone in the evolution of an active and vibrant multicultural community which has been part of Newcastle and the Hunter’s history.’

I must also compliment Mr Gebhardt: he is of Polish descent and a great dancer—I have seen him in action—but he has also talked to me on many occasions of his time as an early immigrant in Australia in the Greta Migrant Camp, quite a huge postwar camp. Those experiences tested those communities, and strengthened them, in many ways. It is always lovely to share in their recollections; some of them are very tough and others are joyful. So I do thank John Gebhardt for all the help he has given to me as the federal member.

Immigration has been a significant element in the social, cultural and economic growth of the area of Newcastle and it continues to make a major contribution to our region. The Diversity Learning and Community Centre further represents the productive partnership between state and federal governments and the input of volunteers in not-for-profit community organisations like the Ethnic Communities Council of Newcastle and the Hunter Region. What began as a modest, meagre shell of an old bowling club has now been transformed into a facility that houses the functional offices of the organisation, driving valuable and essential community projects, one of only a few such facilities in the state of New South Wales.

This has come about through an investment of hundreds of hours of volunteer service from a band of dedicated and motivated individuals, and has resulted in a new home for multicultural communities in Newcastle. Along with the then Minister for Employment Participation and now Minister for Home Affairs, the Hon. Brendan O'Connor, I visited the centre to see the results of this hard work from the individuals involved, who were ably assisted by a federal government Work for the Dole scheme. I must say I was impressed with the good old-fashioned elbow grease that had gone into fixing up the place—obviously, elbow grease and a lot of commitment.

The graduation ceremony for those Work for the Dole participants, many of whom had stayed on to continue their work voluntarily, allowed me and the minister to see how the development of the centre was progressing, helped of course by \$85,432 provided by the Rudd Labor government towards that project. I am sure the finished project will be even more impressive when it is opened next Monday. Let us hope that the centre will be a heart of the community for all ethnic groups in Newcastle. I wish the Ethnic Communities Council of Newcastle all the best for the future, recognising the important part it plays. But I also wish the Polish community great joy in the continuing success of Poland under democratic government.

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.

Republic of Turkey

Debate resumed from 16 June, on motion by **Mr Danby**:

That the House:

- (1) notes:
 - (a) the Commonwealth of Australia and the Republic of Turkey have established a unique relationship and bond based upon the sacrifices of young men from both nations and that this uniqueness at the core of deep rooted relations between the two countries gained even more momentum by the unforgettable reconciliatory remarks of the Founder of the Modern Turkish Republic Mustafa Kemal Ataturk to the mothers of fallen Anzacs: "...You, the mothers, who sent their sons from far away countries wipe away your tears; your sons are now lying in our bosom and are in peace. After having lost their lives on this land they have become our sons as well"; and
 - (b) that the Turkish nation is now a friendly power and members of the Turkish community have now successfully integrated into Australian society;
- (2) celebrates and commends the achievements and contributions of the Turkish community here in the Commonwealth of Australia in the 42 years since their arrival;
- (3) acknowledges the unique relationship that exists between Australia and Turkey, a bond highlighted by both nations' commitment to the rights and liberties of our citizens and the pursuit of a just world, highlighted by the statement of Ataturk "Peace at Home, Peace in the World";
- (4) commends the Republic of Turkey's commitment to the shared values of democracy, the rule of law and secularism; and
- (5) on the 42nd anniversary of the Formal Agreement between the Government of the Commonwealth of Australia and the Government of the Republic of Turkey concerning the Residence and Employment of Turkish Citizens in Australia, pledges our friendship, commitment and enduring support to the people of Turkey as we celebrate this important occasion together.

Ms VAMVAKINOU (Calwell) (7.50 pm)—I begin by congratulating the member for Melbourne Ports on his private member’s motion. It is a timely motion and one that I am very pleased to speak to this evening. My electorate of Calwell has the largest Turkish-speaking constituency in Australia. In the 42 years since the signing of a formal migration agreement between Turkey and Australia, significant communities have grown throughout the country but it is Melbourne that boasts the highest number of Turkish Australians.

Let me say a few words about Australia’s relationship with the Republic of Turkey. Our two countries share a unique bond. We have a common history of significant loss and supreme sacrifice. Thousands of young Australians lost their lives in a place very far away from home. Today Gallipoli is a sacred place visited by many Australians across generations, particularly on Anzac Day. It is also a sacred place for the Turkish people and we remember those events together each year.

I want to pay tribute to Mr Ramazan Altintas, who is the founder of the Turkish sub-branch of the RSL. As Ramazan once told me, it was not easy initially to convince the RSL to establish a Turkish sub-branch, but he persisted and eventually won the support of Bruce Ruxton, who was himself a regular attendee at the Anzac Day event until his retirement some years ago. This is a significant measure of the maturity of Australia’s relationship with Turkey but also a sign of the successful integration of Turkish Australians in the broader community.

Today the Republic of Turkey is a friendly power and enjoys the status of warm, peaceful friendship and mutual respect with Australia. Our relationship is a result of 42 years of migration between Turkey and Australia. The Turkish community proudly commemorated this milestone with a year-long cultural and artistic program. I was fortunate enough to attend some of these activities and they were very impressive indeed.

Now in its second to third generation, the Turkish community can rightfully claim success stories in all fields, especially education and commerce. One example in particular stands out, and tonight I want to pay tribute to the late Mustafa Ilhan, better known to us as John Ilhan of Crazy John’s fame. His is the consummate migrant success story, and no-one tells it more proudly than Mr Ali Ilhan, the patriarch of the Ilhan family. Ali is my constituent and over the years I have come to know him well. He brought his young family—two sons and a daughter—to Australia many years ago, settled in Broadmeadows and went to work at the local Ford factory, an employer of many Turkish migrants. I know that Ali is proud of his family and in particular his late son Mustafa, who not only was a spectacular success in business but also gave back to his local community, never forgetting his roots and humble beginnings. Tragically, Mustafa died all too young. A park at a sporting facility in Broadmeadows has recently been renamed in John Ilhan’s memory and honour.

Broadmeadows has a very special place in the history of Australian Turkish migration. Many of my constituents tell me that, when the first plane load of Turkish migrants arrived at Tullamarine airport following the 1967 agreement, they went straight from the aeroplane to the Maygar barracks in Broadmeadows, which had become a hostel for these new migrants. If Broadmeadows has the largest concentration of Turkish Australians, it is precisely because most of them did some time in the barracks and then chose to settle in and around the local area. They built a strong presence with mosques, schools and shops, just like any other large migrant community that came before them.

But, like so many of us, Turkish migrants encountered much prejudice in the early years. They worked hard to overcome stigma and embrace their Australian-Turkish identity with pride. They have come a long way, with the current Prime Minister of Turkey, Tayyip Erdogan, visiting Broadmeadows a few years ago. In his speech, Prime Minister Erdogan affirmed how far those in this community have come and congratulated them on their achievements.

The leadership and strength shown by the Turkish community, during trying times, is exemplary. None of us can forget the repercussions of September 11, 2001: overnight, law-abiding community members were suddenly seen no longer as Australians of migrant background but primarily as Muslims. I know the angst this created for many. I also know that it was the local Turkish community who rose to the challenge and helped build bridges through interfaith and intercommunity dialogue. It is appropriate at this point to commend Mr Ibrahim Delal and Mr Orhan Cicek for their efforts in that venture.

I also want to warmly thank the local Turkish community for the support they have given me over the years. To be of Greek origin and represent in the federal parliament the largest Turkish-speaking community in Australia is an honour and a rare phenomenon. It says a lot about the cohesiveness of our multicultural society, its diversity and indeed its strength.

Mr BRUCE SCOTT (Maranoa) (7.55 pm)—I rise with great pride this evening to support the motion put forward by the member for Melbourne Ports. I note the member for Calwell's comments about the Turkish RSL sub-branch here in Australia. I visited her electorate, when I was Minister for Veterans' Affairs, to attend a very large Turkish function.

We have had a unique relationship with the Republic of Turkey. Today we celebrate and once again commit ourselves as a nation and as members of parliament to continue to build on that relationship, which established itself not necessarily 40 years ago but following the First World War. The immortal words of the founder of modern Turkey, Mustafa Kemal Ataturk, ultimately gave rise to the friendship we have with the people of Turkey as Australians and in this parliament. Australia lost more than 8,000 young Australians on the shores of Gallipoli. The Turkish people lost something like 80,000 of their population. British, Indians, French and South Africans were also lost. It is very hard to comprehend the loss and sacrifice on both sides. Mustafa Kemal Ataturk said these wonderful words in the 1930s:

You the mothers who sent their sons from far away countries wipe away your tears. Your sons are now lying in our bosom and are in peace. Having lost their lives on this land they have become our sons as well.

I think those words are what started to grow the relationship and break down some mistrust and bitter memories of the loss on both sides at the time of the First World War. When Australia landed on Turkish shores at Gallipoli in the First World War as part of the Anzac forces, as a young nation with less than five million people it was a time in our history when we lost our innocence forever.

As Minister for Veterans' Affairs from 1996 to 2001, I had the great privilege of travelling on a number of occasions to Turkey and to Canakkale, the region where Gallipoli is located. I was able to establish a new site for the dawn service to be held outside of the Commonwealth war grave. Imagine going to another country and seeking some of their sovereign land to place a memorial where Australia as a nation could commemorate our landing on their shores during the First World War. I had great cooperation from the governor of the Canakkale area

and from the minister and from the highest level of government in Turkey. That site has become a place of pilgrimage for so many young Australians, reinforcing the relationship between Australia and Turkey. I am told that the majority of Australians who were at the dawn service at Gallipoli this year were under the age of 25. What that says to me is that the relationship will only strengthen, given that a younger generation has now taken up what is their gift forever, the touchstone of what it means to be Australian, the place where Australia came of age as a nation and where that Anzac spirit was born.

Since the start of Turkish migration to Australia, the Turkish people have brought an enormous amount to our country and contributed in so many ways, not only making us a more culturally diverse nation but bringing with them things that have only made Australia a better place. Of course, from the trade point of view, our trade with the Turkish nation grows year on year, and that is another positive. I also want to mention the great embassy that they have established here in Canberra. The ambassadors and their staff and spouses have also made a great contribution to the community here in Canberra. It is not just about the relationship and the celebration of the 42 years since those agreements were signed but about the fact that the Turkish people and the Turkish nation have a real commitment through the embassy to build and grow this relationship. *(Time expired)*

Ms GEORGE (Throsby) (8.00 pm)—I rise tonight in support of the motion before the House, which, rightly, celebrates and commends the achievements and contributions of the Turkish community to our nation. We are celebrating the 42nd anniversary of the agreement between the two governments in regard to the residence and employment of Turkish citizens in Australia. It is the case that our two countries have established a unique relationship and bond based upon the sacrifices of the young men of both nations at Gallipoli.

In commemoration of that bond I am proud to recount tonight the details of a ceremonial event that has been conducted in my electorate of Throsby since 2005. The event is known as the Friendship for Life ceremony, initiated by the Port Kembla RSL sub-branch in conjunction with the local Turkish community. The annual ceremony offers a unique opportunity to not only honour our fallen war dead but also celebrate the notions of mutual respect and friendship between the two nations. The acknowledgment that these values can be attained and strengthened even in times of conflict is a crucial lesson for our children and society in general. We will continue to promote the desire for peace and understanding among all people.

The Friendship for Life ceremony was the idea of a young Turkish woman, Songul Demirci, who was touched by the famous words of the first president of the republic, Mustafa Kemal Ataturk, when he stated of the Anzacs fallen at Gallipoli:

After having lost their lives on this land they have become our sons as well.

Those very famous words, of course, are recounted in the motion in the House this evening. The words of this pledge of friendship promoted the creation of the Friendship for Life association, with the support and guidance of the late Ray Wetherall, president of the sub-branch, and that tradition has been followed on by his son Terry and family. The event every year continues in association, as I said earlier, between the Port Kembla sub-branch and our local Turkish community.

Since 2005 we have held the annual celebration at the RSL club. This celebration has included local politicians, representatives of the RSL and representatives of the military; com-

munity groups, including the Wollongong Brass Band and the Wollongong Harmony Chorus; and local school students, including students of Turkish descent who attend Sule College and students from our public schools in that local area. Most importantly, the ceremony commits to the bonds of friendship in our local community. We have also seen very high-level representation, including the Turkish military attache, the Turkish consulate general from Sydney and the president of the New South Wales Turkish RSL, who have all at different times since 2005 participated and paid their respects to this shared heritage between our two nations.

Friendship for Life celebrates the mutual respect and friendship between Australian and Turkish forces that transcended the Gallipoli campaign, and we hope to continue to expand upon the stated values of the organisation—that is, the values of friendship, respect, peace, honour, goodwill, humanity and tolerance. To this end, plans are afoot to introduce the Friendship for Life ceremony nationally over the years ahead. This year at the local ceremony we were pleased to have been joined by Don Rowe OAM, Deputy National President and New South Wales State President of the RSL. To aid in achieving its goals, the Friendship for Life association is intent upon maintaining and building relationships with the RSL of Australia, other multicultural and religious groups, businesses, government and the community at large. I am sure that the success of the ceremony and the message it brings will be further strengthened by the strategies for future growth and the ongoing support of our community and local politicians.

It is cause for great pride to me that this ceremony had its inception in my electorate of Throsby. The association has done a fine job in conceiving the ceremony, and it is proof of the drive, initiative and activism within the electorate and within my local Turkish community. Hopefully, with continued support, the Friendship for Life ceremony and the values it represents will become celebrated around the nation.

Mr LINDSAY (Herbert) (8.05 pm)—On the heights above Anzac Cove is a very significant statue, and it is of course of Ataturk. It is at the base of that statue that those famous words that the member for Maranoa repeated in this chamber earlier tonight appear. But not too many people know that there is another statue of Ataturk on a headland overlooking the sea in Australia. You might ask: ‘Why is there a statue of Ataturk? Where is it?’ Western Australians will know: it is in Albany. And why is it in Albany? That statue and its commemoration of Ataturk tells part of the story of the special relationship between Australia and Turkey.

On 1 November 1914, 30,000 Australian and New Zealand troops departed from Albany. They were the first ANZAC convoy to leave Australia and were bound for training in Egypt and then on to Gallipoli. Many of the soldiers who left Albany that day would never see Australia again. Over 8,000 Australians died at Gallipoli. Ataturk’s famous words, ‘After having lost their lives on this land, they have become our sons as well,’ also now appear on the Kemal Ataturk Memorial on Anzac Parade here in Canberra. The City of Albany remembers the words and the actions of Ataturk. He is commemorated by the statue on the headland as well as by Ataturk Channel in the Princess Royal Harbour.

There is nothing quite as special as having the privilege of being at Anzac Cove on Anzac Day. This was the day in 1915 when, many historians argue, Australia finally stepped off the coattails of Britain and became a nation in its own right. Both Australia and Turkey regard the 1915 Gallipoli landings as an event of particular significance in their modern histories. Every year, a growing number of Australian and Turkish citizens attend commemorative services at

Gallipoli, with approximately 10,000 Australians attending the 91st anniversary commemorative service—

A division having been called in the House of Representatives—

Sitting suspended from 8.07 pm to 8.28 pm

Mr LINDSAY—Turkey occupies a geostrategic position between Europe, the Caucasus, central Asia and the Middle East. With a land area of approximately 771,000 square kilometres, it is slightly smaller than New South Wales. Most of Turkey lies in Asia, but three per cent is in Europe. Istanbul, the largest city, with a population of around 12 million, serves as a bridge between the continents of Europe and Asia.

Most members of the Turkish born community in Australia are Muslims, mainly of the Sunni and Alevi sects. The 2001 census records 29,821 Turkish born migrants and an overall community size, including second and third generation, of 54,596. Other estimates suggest the Turkish community in Australia could be as large as 100,000 people.

In 2005 two-way trade was around \$695 million. Australian exports to Turkey totalled \$345 million, with imports totalling \$350 million.

The DEPUTY SPEAKER (Hon. JE Moylan)—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. The honourable member will have leave to continue speaking when the debate is resumed.

GRIEVANCE DEBATE

Debate resumed from 15 June.

The DEPUTY SPEAKER (Hon. JE Moylan)—The question is:

That grievances be noted.

Maranoa Electorate: Roads

Mr BRUCE SCOTT (Maranoa) (8.30 pm)—I rise in this grievance debate to talk about a very important highway in my electorate. It is a national highway. It is the Warrego Highway. I have just come from a meeting with senior people from British Gas, who hold the tenements around Chinchilla for coal seam methane gas, which will all be part of a huge development over the next four to five years to send coal seam methane gas compressed to Gladstone, where it will be exported as liquefied natural gas.

Why do I talk about the cultivation of the Surat Basin and its important link to the Warrego Highway? The Warrego Highway starts just west of Brisbane, just after the Ipswich Bypass. It travels through Toowoomba and goes all the way west to Morven. This highway across the basin is a major national arterial road. It connects the port of Brisbane right through to Mount Isa and on to Darwin. It is a major trade route, if I could put it that way. The coalition, when we were in government, started to put significant sums of money into this highway. We duplicated the Gatton Bypass east of Toowoomba. It is two lanes each way and a divided highway. We bypassed the town of Oakey. Prior to that, the Warrego Highway went through the wonderful and very beautiful Oakey, but it went through its main street. We then realigned the highway west of Dalby to get away from flood prone areas. Then we upgraded the highway from Morven, at the western end, right through to Mitchell to allow type 2 road train access east of Morven through to Mitchell.

What is a type 2 road train? It is a road train that has three trailers and they are configured going both ways. The main ones coming east will be bringing live cattle to the major centre of Roma, which is the largest store cattle selling centre in Australia. These cattle, which are on these type 2 road trains—three trailers pulled by one prime mover—could have come from Kununurra in Western Australia. Does that sound incredible? It is not. It happens quite regularly. They come in from the Barkly Tableland. They are coming from around Cloncurry and up in the Gulf. They are coming to the largest store cattle selling centre in Australia. The beef producers and large parcel companies make these decisions because that is where they get the best rate for the cattle.

We did a great deal whilst we were in government and we would have committed some \$128 million had we been re-elected at the last federal election. I acknowledge that the Labor Party has committed some \$55 million to the Warrego Highway, \$40 million to upgrade Mitchell to Roma and some \$15 million for the highway east of Dalby through to Toowoomba for passing lanes and rest areas.

The urgency, and why I am in this grievance debate here tonight, is the development, and the escalation of development, in the coal seam methane gas area and the electricity generation construction that has gone on, tapping into the gas of the coal seam methane resource in the Dalby-Chinchilla-Miles-Roma area. The amount of freight on that highway is escalating day by day. According to the Queensland Department of Main Roads, the traffic volumes on the Warrego Highway vary from about 23,000 vehicles per day near Toowoomba to around some 600 per day at Morven, which is right at the western end of this highway. Whilst I acknowledge that the government has put forward \$55 million, my plea to the Minister for Infrastructure, Transport, Regional Development and Local Government is to bring forward the money to upgrade the Warrego Highway as a matter of high priority because, in many areas, this road is going to deteriorate rapidly and before that \$55 million can be spent over the next five years. It is in urgent need of that money right now.

Also complicating and adding to the pressure on the Warrego Highway is the announcement from the Queensland government that they are now going to be moving out of Queensland Rail. Already we see nearly all the grain that is grown in the Darling Downs and the western Darling Downs carried by road. It is madness, but that is what is happening. We are now also seeing coal from the coalmines in this coal seam methane gas area—Acland, McAlister and Peabody—going to power stations at Swanbank and down to the port of Brisbane by road. As a motorist, it is not unusual to find yourself driving east of Dalby and seeing half a dozen trucks with trailers behind them carting grain through to Brisbane, when it should have been on rail—a bulk commodity that could have been transported by rail rather than by road. We will see increased pressure on this highway and increased pressure on the travelling motorist—people on business trips, tourists and school buses. They will be at real risk as the density of the transport sector escalates because of the development of the coal seam methane gas industry and also because so much of the grain and coal that could have been carried on Queensland Rail is now starting to move by road onto the Warrego Highway.

I will just give you some idea of the cattle wagon capacity that Queensland Rail once had and the points that Queensland Rail used to transport cattle from. There used to be some 300 points where they would load and unload cattle—obviously at markets—and they are now down to 17. The number of wagons to cart these cattle—what they call K wagons—have been

halved to just around 500 across the length and breadth of Queensland. Queensland is the largest cattle state in Australia. By value of export from the state of Queensland, the beef industry ranks No. 2. That gives you some idea of the importance of the beef industry to Queensland and the national economy. So much freight that could have been carried by rail is now moving to road and putting increased pressure on many roads—but, in this case, the Warrego Highway.

We are going into winter and, by the look of the plantings that have gone on, we are going to have another good crop—I hope a record crop—of winter grains. Sitting in pads and silos across the Darling Downs and right out to Roma is the grain that was harvested last year, in 2008, and, in some cases, the sorghum that was harvested in early 2008, and we are on the brink, perhaps in six months, of another wheat crop, which will add to the volume of freight that has to be transported out of the area to the destination. And, of course, Queensland Rail are not going to be in the market to do this. In fact, I think their grain trains have gone from five to about one operating at the moment.

So, compounding the problems for the Warrego Highway and the urgent need for this money to be brought forward is the volume of freight that is coming off rail and onto road and the development of the Surat coal seam methane gas area, where we have some major companies—British Gas, ConocoPhillips in partnership with Origin through Australia-Pacific LNG, Santos and Dutch Shell with Arrow. They tell me that, in the coal seam methane gas area, there is more potential gas in this region than there is the North West Shelf of Australia. Complicating that of course is the Xstrata coalmine. They propose to be exporting coal out of the Wandoan coalmine by 2014. It would be the second largest coalmine in Australia, with an export capacity of 30 million tonnes per year.

These are all resources that create great wealth for our nation, but we do need the infrastructure—in this case, the road infrastructure—to make sure that we can realise the full potential of these industries, whether it is in the agricultural sector or the minerals from coal and the development of the coal seam methane gas industry. Of course, also coming on the back of that—*(Time expired)*

Throsby Electorate: Higher Education

Ms GEORGE (Throsby) (8.40 pm)—My contribution to the grievance debate tonight mirrors an issue I raised in the very early days following my election to the federal parliament—namely, the underrepresentation of children from lower socioeconomic backgrounds in higher education. Back in 2003, I argued that, despite the fact that greater numbers of young people were completing year 12, in my view:

... there are systemic problems which continue to deny students from lower socioeconomic backgrounds the chance of obtaining a university education.

I pointed out that the younger generation in the electorate of Throsby did not ‘appear to be getting significantly better opportunities and outcomes than their parents did’.

I looked just recently at the 2006 census data, and I want to rely on some of that data to make my point this evening. The data shows that, in my electorate, 2,113 persons were attending university either as full-time or part-time students, but they in fact were a mere 2.2 per cent of people aged 15 and above in the electorate. Another 3,144 were enrolled at TAFE, but in that cohort they were overwhelmingly enrolled as part-time students. When you look at the

composition of people in Throsby with a university qualification, there are some 5,120 people who have a bachelor's degree, or 5.3 per cent of constituents, and overall 7.8 per cent of constituents over the age of 21 have a university qualification at either bachelor or a higher level—some 6,706 people.

When looking at higher education participation rates of persons aged 17 to 22, the census data revealed some interesting statistics. The rate of participation in my electorate was 14.8 per cent. In fact, the electorate of Throsby, when we looked at the rankings of all electorates, ranked 133rd out of the 150 federal electorates. If the rate of participation in university education in Throsby is around 15 per cent, let us look at how that compares with the high-participation seats. In the seat of Curtin it is 49 per cent. So, in 2006, 49 per cent of all people aged 17 to 22 in the Curtin electorate were participating in higher education. In Kooyong, it was 48.8 per cent; Bradfield, 47½ per cent; Higgins, 47½ per cent; Ryan, 45½ per cent; North Sydney, 44.9 per cent; and Wentworth, the seat of the Leader of the Opposition, 41.7 per cent. I think those figures speak very clearly for themselves and point to the huge inequity in regard to the life chances of people and their options to participate in university.

Back in 2005, on figures supplied in reply to a question on notice I asked, it was estimated that 16 per cent of domestic students at our local university, the University of Wollongong, were from a low SES postcode. In fact, only around 12 per cent of all the undergraduate students enrolled at our local university were resident in my electorate.

I was heartened recently to read some of the data produced by the Bradley review of higher education. I am pleased that the Bradley review investigated in some detail this issue of inequity in higher education participation and concluded—and I quote from the report:

Australia has not provided equal access to all groups in our society.

Definitely the findings confirmed the concerns that I have always held and about which I have had the opportunity to speak in this House.

The Bradley review pointed to the underrepresentation of not just people from lower SES backgrounds but also young people from regional and remote Australia and, very obviously, the low participation rates among Indigenous Australians compared to the general population. The Bradley report showed that the participation rate for low SES students overall in Australia was 15 per cent—pretty close to the figures that I referred to earlier from the University of Wollongong. That was much lower than the overall 25 per cent representation of people in the general population. The Bradley report argued that a student from a high socioeconomic background is about three times more likely to attend university than a student from a low SES background. It went on to show that the participation rates have remained relatively unchanged since 2002.

What I found interesting among the data was that, once at university, it appears that a student's background does not negatively affect their chances of completing the course they undertake. Quite distinct differences exist in low SES participation by type of institution or university, by the courses undertaken and by the field of study. Not surprisingly, low SES students are poorly represented in the Group of Eight universities, poorly represented in the fields of architecture and law, and grossly underrepresented in the fields of medicine, dentistry and economics. I found this general situation applied also in the data and figures I obtained in

response to inquiries about which faculties the students from Throsby ended up in. That general finding applied there as well.

Not surprisingly for all of us, the statistics also confirmed that Indigenous people are vastly underrepresented. While access rates for Indigenous people remain well below the levels required to achieve equitable representation, an equally important issue for Indigenous students is that of success and retention once enrolled. The Bradley review concluded that:

... social inclusion must be a core responsibility for all institutions that accept public funding, irrespective of history and circumstances.

I agree.

Very importantly, our Minister for Education, the Deputy Prime Minister, has made the issue of equity in higher education a key concern in the reform process that she has commenced in the tertiary sector. The Deputy Prime Minister has made it clear that she will vigorously pursue the ambition that by 2020 20 per cent of all higher education enrolments should be people from low SES backgrounds. That would require some 55,000 additional student enrolments on top of the current 92,000 students from low SES backgrounds to meet the goal. So it will require a quantum leap in the number of students if that ambition of the Deputy Prime Minister is to be fulfilled.

Evidence from the Bradley report suggests that patterns of social and educational disadvantage are experienced well before people reach the point of considering whether university is possible and relevant for them. It follows therefore that programs focused solely on the higher education sector can only partially influence the problem and come up with the solutions. We know that endemic educational disadvantage begins in the earliest years of schooling and is often reinforced by low achievement and parental influences. We need improved efforts to increase school retention and student achievement and to raise aspirations in regard to the chances of people going on to higher education. We need more outreach programs and pathways that circumvent competitive entry based on academic achievement alone, such as teacher recommendations or other forms of interview that I know apply in some of our tertiary institutions. Certainly more scholarships and other financial incentives for students from rural communities and for Indigenous students will also be required.

I end my grievance on a positive note. I am delighted that the concerns I have raised since being elected to this parliament have now been taken seriously by the Rudd Labor government. I congratulate the Deputy Prime Minister on her committed stand on this important national issue.

Wimmera Mallee Pipeline Project

Youth Allowance

Mr FORREST (Mallee) (8.50 pm)—I rise in this grievance debate to raise several matters, time permitting. The first of these is the piping of the Wimmera Mallee stock and domestic system—a huge project entirely contained within the federal division of Mallee, which is well over 100 years of age now. It is the largest open-channel water supply system in the world. We are so close now to having it completely piped, with pumping and a much more efficient use of water. It is a scheme that wasted enough water in one year to fill Olympic swimming pools stacked end to end all the way from Melbourne to Darwin and back again. It served its

purpose. It was an engineering achievement at its time, at the start of the century, and it took 60 years to build; but it badly needed to be piped.

Prior to the last election, it was decided that there was a need to complete the rest of the project, because it is quite comprehensive and covers one-third of the geographic area of Victoria, and that a further \$372 million was needed. The project has been funded in a three-way partnership, with the Commonwealth, the state government of Victoria and the community meeting a one-third cost share each. It was quite a significant issue in the 2007 election down our way, and I was quite pleased to have achieved a commitment from, at that stage, the pretenders to government—an announcement by the member for Grayndler, in his capacity as the shadow minister for infrastructure, to share the cost on a one-third basis for the completion works, and an announcement made that the Australian Labor Party would fund another \$124 million. This was matched by the coalition parties. I said to my constituents: 'We've got both options covered now. Please re-elect me to make sure either party honours its commitment.'

It was an enormous disappointment for me to discover, since the election, that the Commonwealth Labor government has sent down only \$99 million and it sent a very strong message that it does not intend to fulfil its election promise. So we are still \$25 million short. It uses the argument that the state government was willing to contribute only \$99 million—why should the Commonwealth go further than that? I was so incensed by this broken election promise that I placed a question on the *Notice Paper* to the Prime Minister in May this year. He has had 38 days to respond to that and he has 22 more days. My constituents are burning to know whether this election commitment is going to be fulfilled by the Commonwealth government regardless of what the state's position is.

It is a tremendous project that has sent an enormous signal of encouragement to my drought-stricken constituency, all of which has been covered under an exceptional circumstances declaration for the last four years and some of which has been covered for longer than that—up to five years. Water for stock and domestic purposes and firefighting purposes is a very critical issue. I am expecting the Prime Minister, who boasts boldly about committing to his election commitments, to send a signal to my constituency that he intends to honour that election commitment and come up with the balance still owing on that commitment of \$25 million. Fire services costs have escalated threefold because of increasing expectations, and that \$25 million would go a long way to assisting those local government councils, of which there are nine who have to meet that cost and find it through the resources of their struggling ratepayers.

There is also an irrigation region associated with the provincial city of Horsham that has had irrigation support for almost 100 years but, because of the challenges and issues with water and the reconfiguration of the channel system into pipes, there is a raging discussion now as to whether that irrigation district ought to be made obsolete. But whatever the outcome, whether or not there is some sort of adjustment to the irrigation district, it is going to need more finance. Certainly, compensation will be needed for those irrigators who have legal water entitlements which they pay for. The government waxes lyrical about the need for stimulation of the economy; well, there is \$25 million that could be spent very quickly. The designs are all complete, job ready, and some of them are already under construction.

We had a very serious fire in the bottom end of my constituency. Although we say that we were fortunate there were no deaths associated with that, it was the most frightening fire the

region has seen in a very long time, getting into the suburbs of the provincial city of Horsham. So I challenge the Prime Minister to recognise the significance of that question I put on the *Notice Paper* and to respond positively to it and send a message to my constituency that this is a Labor government that does care and does have the interests of western Victoria at heart.

The second point I wanted to make was just how significant the changes to Youth Allowance have been in my constituency. You can tell by the jamming of the switchboard and the numerical strength of the emails that this is a huge issue affecting thousands of potential university students across north-west Victoria—and other rural constituencies have felt the same. In fact, it is estimated that something like 30,000 potential tertiary students right across the nation have been affected by this shifting of the goalposts. After the plans they made, following their year 12 VCE qualification, to defer their university course for one year in order to accumulate some money to assist their parents to pay for their tertiary education, the goalposts have been shifted on them. They are now being told they are expected to work up to 30 hours a week prior to their university course, which would require them to engage in that work during their important year 11 and year 12 years, which are horrendous years for students today. I remember my own children going through those challenges. It is just completely unreasonable.

We have now got a Senate inquiry up to investigate the matter and get the concerns of some of these youngsters on paper as evidence to convince the government that it needs to make some adjustments to this policy position announced in the recent budget. Some of the intent of the budget announcement might have been a noble one, which was to ensure that youngsters who have the advantage of living in the big cities and can continue to live with their parents did not take advantage of the system, but that opportunity is not available to country kids. They have usually got to travel hundreds of miles to attend a metropolitan or provincial based university. And in these circumstances, where drought has taken an enormous toll on the finances of their parents, particularly if they are primary producers, this shift has enraged them completely.

As I say, there have been an enormous number of representations, and I am hoping that the findings of the Senate committee will assist in nudging the government to tweak this budget announcement so that country students are not substantially impacted. I heard the member for Throsby speaking earlier in the grievance debate about university opportunities, and the figures she mentioned for the participation rates of rural students are just deplorable in a nation that needs to encourage youngsters across the board, no matter where they live, to engage in tertiary education.

With regard to the children of the families that I represent, the expectation is that, because they have committed to rural lives, they will return with qualifications—whether they are in teaching, nursing, agriculture or business—and work in their local communities, because that is where they were born and raised and are used to a lifestyle they can enjoy. So the challenge will be for the government to respond to this need, and I am hoping that government members who represent rural constituencies will get in there and support the students they represent and convince the government it needs to change this policy, not shift the goalposts for desperate country families.

Building the Education Revolution

Ms BIRD (Cunningham) (9.00 pm)—I am pleased, I must say, as a great advocate of education in our society to see it dominating so significantly in the grievance debate tonight. I have enjoyed the contributions of both my colleague the member for Throsby and the member for Mallee on the importance of education, and I also want to address that to some extent myself in the grievance debate tonight.

What has particularly roused me to speak in this debate is the fact that there has been an increasing incidence amongst the senior journalists in this country to comment on the Building the Education Revolution program in a very disparaging way about the importance of capital injection into schools. So I put aside the partisan debate that we are having about the rollout of that program and the issues that people may want to debate about particular projects and will deal more broadly with the importance of the environment in terms of educational delivery.

I spent quite a number of years as a secondary school teacher and, as a parent—as most of us here would be—have also experienced through my children their direct experience of school. It is absolutely true that the most critical factor in a young person’s success or, sadly, lack of success in school is the teacher in the classroom. There is no doubt that that is the most critical factor. It is also important that the curriculum is appropriate, modern, relevant and engaging. But that does not mean that the environment that we provide for young people to learn is an inconsequential or unimportant aspect of their engagement in their education. On Sunday I was watching the *Insiders* program—

Mr Slipper—Oh, get a life.

Ms BIRD—Yes, it is a bit sad—I appreciate that. The three gallery journalists all without question said that the spending of money on capital in schools was not a major issue for improving educational outcomes. I do not think they could be more profoundly wrong. There is no doubt that the quality of the environment that you send your young people to learn in sends them a message about how their community and their society value the education they are receiving. If you send young people into classrooms that have carpet that is torn, that have paint peeling off the walls and that have problems with leaking into light fittings—all of these things I have seen in my own electorate and I am sure all members have seen in their electorates—there is absolutely no doubt that a young person going into a physical environment like that will take away a message about how we as governments and as a society value the place we are sending them to and therefore value what they are achieving in that place.

It is absolutely true that the quality and commitment of the teaching staff is paramount. It is absolutely true that the curriculum that is delivered in those classrooms is significantly important. But it is no less true that the physical environment we provide for our young people is just as important a component in terms of their educational outcome. And I was particularly disappointed to see that the nature of the debate that is going on, particularly in the media, on this issue undervalues the significance of the message that we are sending in upgrading the facilities.

My colleague the member for Throsby and I attended a school in the member for Throsby’s electorate to make announcements around the Primary Schools for the 21st Century first round of funding. The school we visited is 150 years old. They have fantastic staff, and they

have really good outcomes in one of the most difficult suburbs in our region. There is no doubt at all that the teaching staff can take so much credit for what they achieve. That school had not had a significant physical upgrade in as long as anybody could remember.

When we went back after the announcement of the National School Pride program money and the money from the Primary Schools for the 21st Century program there was a buzz in that school and much excitement. They have a band, they have dance classes and they have some martial arts classes where kids learn all those skills. Having an actual place where they can give presentations and performances for their community and their families, instead of being outside waiting for a non-rainy day to do that, was really important to them. I think it is pretty sad if those who provide commentary at the top levels of our media cannot understand or come to grips with how important that is and how important the rollout of that capital expenditure is to all of those schools.

Mr Slipper—Madam Deputy Speaker, I seek to make an intervention under standing order 66.

The DEPUTY SPEAKER (Hon. JE Moylan)—Is the member for Cunningham willing to give way?

Ms BIRD—Yes, I am more than happy to.

Mr Slipper—I thank the honourable member. I believe this is a very important standing order which creates a sense of interaction within the chamber. Would the honourable member accept that the Investing in Our Schools Program abolished by the current government also provided incredible facilities for many schools which had been starved of facilities by state government funding policies?

Ms BIRD—I thank the member for his intervention. I certainly agree that the Investing in Our Schools Program, which ran out before the 2007 election, was an important component and that is why I have addressed my comments tonight in a very nonpartisan manner: because I am actually recognising that both sides of the chamber understand the importance of capital and the environment we provide for young people in our schools. My complaint tonight is that I do not know that the national media, in commenting on these issues, absolutely understand why that is so important, as the honourable member says.

I also want to take the opportunity, because sometimes the vocational education sector slips through the gaps and does not get the attention it deserves, to acknowledge that my own local TAFE last week were successful under the infrastructure program set up under the higher education fund for TAFEs in getting a project up that is going to upgrade the Illawarra Institute's mechanical engineering, manufacturing and environmental technology training services from a model based on large-scale driven training for discrete training areas—that is, the old industrial model where all the workers were lined up on a factory floor on their particular machines; which does not happen in many workplaces now—to one which anticipates customer needs by working with customers to develop workforce capability through customised, flexibly delivered training attuned to the needs of specific enterprises. To put that in layman's terms, the TAFE engineering section is going to be restructured to module based problem-solving units where the young people will work in teams to design a particular solution to an engineering problem. They will be able to build the prototypes on computer based systems. They will be able to take that, transfer it to a production unit and actually find a solution—and

then take it to another section and test it and see how it goes. That is something which reflects much more the modern workplace rather than the mass production of hundreds of people lined up on a factory floor all doing one section of a job and passing it along.

I visited the TAFE the other day. I am a bit biased, having taught there for seven years: I think TAFE is an absolutely fabulous world-class institution that this country sometimes, at its own peril, undervalues. They were extremely excited by this \$9.8 million available to them to upgrade their facilities. This is another example where the physical environment in an education situation supports the curriculum—supports a modern, meaningful education being experienced by young people—and also enables teachers to stretch their wings and be excited themselves by what they are delivering in terms of education. I know the TAFE engineering facility is a microcosm of how our manufacturing base is changing from mass production to really specialised problem-solving solutions.

Our young people will now walk into a TAFE that reflects the modern workplace and reflects the challenges they will face in the modern workplace. When I walked through the doors to make the announcement it was a bit like the old metalwork and woodwork room—you walk in there and you feel like you are stepping back 50 years in time. They just look like you know they have looked for all the years since they were first built. It was very exciting for them and very exciting for me—in a region like mine which relies on manufacturing modernising to meet modern needs—to see that investment and to see the enthusiasm of those young people as they undertake their training. I just want to say: Barack Obama sought \$16 billion for his capital investment in education. He got \$12 billion. We have got more than that with far fewer students and institutions. I think that is a great outcome.

Fisher Electorate: Queensland Government

Mr SLIPPER (Fisher) (9.10 pm)—With respect to the provisions of infrastructure and government facilities, I must say that I hold a fairly old-fashioned view. I believe that Australians, regardless of what state or town they live in, are entitled to a reasonable level of infrastructure and facilities and that just because an area at a certain level of government may well have voted for, say, as in our case, the Liberal-National Party as opposed to Labor that area ought not to be treated as an area not worthy of government support.

I was extremely disturbed at the announcement by the Queensland Labor government in its budget recently that the desperately needed hospital that had been promised by the Labor government in 2005 for Kawana Waters in my electorate has become the victim of yet another delay, with the government announcing a further two-year wait for this vital infrastructure. The hospital was originally due to be opened in 2012. That was changed to 2014. Now the government has announced that it will be delayed until 2016, which is seven years away.

The Sunshine Coast is one of the fastest-growing areas in Australia. In fact, it is the most desirable area of our country in which to live, and people move from the rust belt areas of southern Australia like South Australia, Tasmania and other places to come to the Sunshine Coast. In fact, those who do not move there go there to holiday because it is a wonderful area. It has a tremendous environment, a welcoming people and warm and welcoming weather. But we do as a consequence have increasing infrastructure needs. The Sunshine Coast is one of the fastest-growing areas in Australia and our population will double over the next 10 to 15 years. We are desperately short of hospital beds, and the provision of those beds to meet what is essentially everyday demand has slipped well down the state Labor government priority

list. This is unacceptable for the residents of the area, those of the Kawana Waters area and the former city of Caloundra in particular, who, like other Australians, deserve the provision of appropriate health services.

A report entitled *Sunshine Coast-Wide Bay southern cluster projected inpatient bed requirements 2009* also strongly suggests that the region needs more hospital beds. The report goes so far as to predict that, if current growth trends continue, by 2016 more than 300 local patients daily will be spending nights in Brisbane hospitals due to massive local bed shortages. The news of the delay for the new hospital was accompanied by the state government's announcement that it is now seeking an investor to build a private hospital, with the government to rent beds in the new facility for public patients. However, this remains a stopgap measure that will not satisfy local needs and will also not address the real likelihood that more and more local patients and their families will be forced to travel to Brisbane for treatments that require hospital stays.

This hospital fiasco is one of a mounting list of problems that have festered under the leadership of Anna Bligh and the state Labor government and are now conveniently blamed on the challenging economic times. Queensland has been the engine room of the Australian economy. We have had successive governments, both National-Liberal and Labor, which in recent times have been able to recognise the fact that this is a part of Australia which is uniquely blessed. From the time of the Bjelke-Petersen government, we have had sound economic management. Whatever comments you might make in relation to other aspects of that government—and there would be a range of views on the performance of that government generally—with respect to economics what the former National government in Queensland did was outline the philosophy that governments, like private households, cannot spend more than they earn. The concept of constant deficit budgeting became extremely unpopular in the community because, if you have zero debt, it means you are not paying interest and it means that as a government you are able to meet the infrastructure costs of a growing community.

But, unfortunately, the legacy of the former Liberal-National government in Queensland and also former Labor governments has been squandered by the Bligh Labor government—

Mr Adams—No international crisis?

Mr SLIPPER—which has in fact brought Queensland to a situation where, instead of being an icon for the other states to follow, we have become absolutely the worst economic performer. The honourable member for Lyons mentioned the global economic crisis, and one cannot deny that such a thing exists. However, such a thing exists and affects everyone in Australia; it is just that the Queensland Labor government's response to that and to economics generally has been so much worse than that of every other government in Australia, whether it be the Liberal-National Party government of Western Australia or the Labor governments in all of the other states and territories and the national Labor government. The Bligh Labor government is the worst government in Australia, regardless of politics.

I do not want to be party political about this matter but, where Queensland was once the trailblazer for the rest of the country, we are now the basket case. For many years, people suggested Tasmania was not viable, that it was a basket case. However, Tasmania is now performing in a way—

Mr Adams—With a Labor government.

Mr SLIPPER—that it has not always performed in. I suspect that, whether we had a Labor or a non-Labor government in Tasmania, people would appreciate that you cannot spend more than you earn as a government. If you continue to spend more than you earn as a government and you move into deficit budgeting in a constant way then essentially you become a state which is probably the only Third World state or country where you are able to drink the water.

Mr Craig Thomson—What about infrastructure in Queensland?

Mr SLIPPER—Infrastructure in Queensland is very important, and conservative governments in Queensland provided that infrastructure. Unfortunately, the state Labor government with respect to infrastructure has not really been anywhere near as good as it could be.

I spoke at the commencement of my speech about the Kawana hospital. Kawana, a state electorate which had the temerity to vote for the Liberal National Party at the recent state election, has been penalised as an area because they did not vote for the incumbent Labor government. Right across the Sunshine Coast, which was virtually a clean sweep for the Liberal National Party, we are suffering because we did not vote for the incumbent Labor government. The incumbent Labor government has entirely squandered the economic security and economic benefits that it inherited, and we now have a situation where the Sunshine Coast hospital at Kawana fiasco is simply one of a mounting list of problems that have festered under the current state Labor government.

It has been put to me, including by the member for Lyons, that these matters can be blamed on the challenging economic times. But the reality is that our problems do not stretch from the economic crisis; they really stem from Labor's complete and utter inability to manage money. Of course, it is the rest of us, and our children, our grandchildren, our great-grandchildren and beyond, who will have to carry this serious and unacceptable burden.

I am someone who tries to give credit where credit is due. I am not saying that just because someone happens to be on the conservative side of politics they are a person who is worthy of support. I have seen Labor governments that have been good—not many, mind you—and I have seen Labor governments that have been bad. I have seen conservative governments that have been good and some that have dropped the ball. But in Queensland, with the Bligh Labor government, we have a government that no-one could defend as having any solution to the global economic crisis, and the reason that Queensland is suffering so badly and that we are not getting the health infrastructure that we should on the Sunshine Coast is that the state Labor government has indicated that it is totally, completely and absolutely unable to manage money. That is really sad for the people on the Sunshine Coast.

The Sunshine Coast is barely an hour's drive north of Brisbane. We have got 260,000 people; we will have 500,000 people in 10 to 15 years time. We are a diverse community. It is much nicer than the Gold Coast. We are the area where you would like to bring up your children. The area stretches from Noosa to Caloundra. We have got every possible sort of community. We have got five-star tourist resorts and we have got places where families can go and have holidays. It is an absolutely tremendous area, and I would recommend that any honourable member who has the time visit the Sunshine Coast, because it is an absolutely wonderful place to be. But, as the population grows, we need infrastructure. The fact that, at the state election, people on the Sunshine Coast chose to vote for the Liberal National Party ought not to be a reason to deprive us of health infrastructure, particularly the Kawana hospital. It is completely unacceptable, and I condemn the Bligh Labor government.

Forestry

Mr ADAMS (Lyons) (9.20 pm)—I have a really strong grievance about the way that Tasmania has been badly maligned. There have been some severe misunderstandings regarding the issue of forestry as it relates to many of the issues being discussed today, including resource harvesting, biomass for energy and climate change. Senator Bob Brown's call for an end to the harvesting of native forest is part of an anti-forestry agenda rather than a genuine desire to reduce Australia's carbon emissions. Ending harvesting does not enhance Australia's overall carbon position. It will, in fact, make it worse.

Mr Slipper—Mr Deputy Speaker, I seek to intervene. I would like to ask the honourable member—

The DEPUTY SPEAKER (Mr S Georganas)—Will the member for Lyons allow a question?

Mr ADAMS—No.

The DEPUTY SPEAKER—No question will be allowed, so I ask the member to resume his seat.

Mr ADAMS—Managed forests producing wood products store and sequester more carbon than unmanaged forests. It is noted in *Australia's state of the forests report*, an Australian government publication, that carbon sequestered in native forest plantations and in new wood products offsets 8.4 per cent of Australia's carbon emissions. We know that fossil fuels and energy intensive industries are the biggest contributors to climate change. Energy, for example, contributes 70 per cent of the national emissions, while agriculture contributes 16 per cent and transport 14 per cent.

Forestry Tasmania is a leading authority on measuring carbon in native forests. It has measured its own carbon inventory over a 50-year time frame. It took into account the effect of harvesting and net growth in both commercial and non-commercial forests maintained by Forestry Tasmania, together with carbon stored in wood products derived from those forests. This research predicted a 17 per cent increase in above-ground stored carbon. It also indicated that these managed forests offset about 24 per cent of Tasmania's total carbon emissions.

Forestry in all its guises—native forestry and plantations together—is a solution to climate change; it is not the problem. The CSIRO has shown that planting trees on nine million hectares of agricultural land had the potential to abate about a quarter of Australia's total emissions each year. The point is that there are many opportunities across Australia to establish new forests for multiple benefits and to mitigate risks. Senator Bob Brown—and I have to give him his full name, as we also have Senator Carol Brown, who is also from Tasmania and would not want to be associated with anything that Senator Bob Brown says or does—has successfully confused the Australian public into believing that the forestry industry is responsible for deforestation, a major contributor to climate change. This is not only wrong; it is mischievous, like much of the debate about forestry in Tasmania lately. It is misleading a lot of good-intentioned people who enjoy looking at the magnificent vistas in Tasmania. They think that Tasmania is being stripped of all its trees. When I am flying backwards and forwards to Canberra, I come across people who express huge surprise when they fly into Tasmania, because they see trees, lots of trees—and that is just down the Tamar corridor. They see a lot more trees when they drive around the great state of Tasmania.

Most people do not know the difference between an old growth forest, a regrowth forest and a plantation forest while they are driving past them, and it confuses them when they hear that all forests are being cleared. Bob Brown's campaign is skilful propaganda that might have had a shred of truth in it 30 years ago as it related to some early private forest activities, but nowadays the only thing he is generating is a myth. Nowadays, with the regional forest agreement in place and a very rigorous process by which people can gain approval to harvest, Tasmania has some of the best kept and managed forests in the world. And you do not have to take my word for it; there is ample proof of this, as Tasmania is lauded amongst many other countries that have similar forests and those who are seeking help with theirs.

It is hard to get the general public here to understand that, whenever a native forest coupe is harvested, it is regenerated using techniques that mimic nature. Seeds collected from the harvest coupe are dropped from a helicopter into the ash bed of that coupe. This sort of forestry is not deforestation; it is managed harvesting that is then regenerated to maintain a healthy and sustainable new forest. Tasmania has a lot of good forest and will have the same amount of forest in 90 years time as there is today and probably a lot more if we can continue to ensure forestry can continue in my state. Deforestation is the permanent removal of a forest, which occurs as a result of land clearing for agriculture or expanding urban development in this country. In other countries in the Third World there have been some devastating impacts on native forests, and our foresters are at the forefront in trying to help some of those countries to develop their industries sustainably.

Through the House of Representatives Standing Committee on Primary Industry and Resources, we are getting a lot of interest in how farmers can best adapt to climate change. The committee is to hear from Dr Christine Jones who, in her submission to the committee, highlights the importance of soil health in agriculture. She says:

In addition to enabling the farming community to more effectively deal with warmer, drier conditions, the restoration of landscape function will result in the active drawdown of excessive CO₂ from the atmosphere via stable biosequestration soils.

I know that forestry is one of the few industries that is actively sequestering carbon, and the committee is keen to explore how this can be done in conjunction with agriculture. Forestry Tas has already recognised this. Senator Bob Brown has deliberately overlooked the scientific fact that sustainably managed forests sequester carbon, which balances that emitted in harvesting, when he has been complaining about regeneration burns. In fact, research from many other credible sources acknowledges forestry as the only carbon-positive sector of the Australian economy.

Another area we are looking at in Tasmania is using the forest waste matter that is currently burned. It is being suggested to run a wood-fired power station in the south of the state. It would not lead to extra harvesting, but would use the residues left on the forest floor that would otherwise have been burnt during regeneration burns. This would reduce the amount of smoke released during those burns and generate sufficient green power for all homes in the south of Hobart. This wood from sustainably managed forests is a fuel for electricity generation, representing a renewable energy source which is eligible for renewable energy certificates under the Australian government's national mandatory renewable energy target.

This would be a significant opportunity for Australia to address the reduction of carbon emissions. The biofuel harvest from state forest also represents zero net emissions, because

annual growth in the forests replaces the carbon that is emitted when the biofuel is burned to produce renewable energy. But, for some reason, forestry is again being attacked by the Greens for being part of the climate change problem and they are totally opposing biomass energy. If they seriously wanted to reduce carbon emissions in regeneration burns, they would be campaigning to force Forestry Tasmania to pick up some of the residues, put them into an energy plant and replace some of the fossil fuel electricity coming across Bass Strait.

There are many good things coming out of the work being done by Forestry Tas, Private Forests and others involved in the timber industry. It seems unjust and very misleading to have this constant attack going on, without any real proof whatsoever of mismanagement. The quixotic and misguided people of this world pick up the Greens' constant harping and add to the public debate in the most bizarre and inaccurate statements, adding to this ridiculous myth that forestry activity is no good for Tasmania. They want to make 4,000 workers redundant and, at the same time, worsen Australia's greenhouse gas performance. This would be bad for the economy. It is bad for Tasmanians and it would be bad for the planet.

Mr SLIPPER (Fisher) (9.29 pm)—In the time remaining, Mr Deputy Speaker, I want to say how despicable it is that—

The DEPUTY SPEAKER (Mr S Georganas)—You need to seek leave for this. Is leave granted?

Leave not granted.

The DEPUTY SPEAKER—Order! It being 9.30 pm the debate is interrupted, and the resumption of the debate will be made an order of the day for the next sitting.

Main Committee adjourned at 9.30 pm

QUESTIONS IN WRITING

Veterans' Home Care **(Question No. 694)**

Mrs Markus asked the Minister for Veterans' Affairs, in writing, on 12 May 2009:

- (1) Does the Government plan to change the current arrangements for Veterans' Home Care.
- (2) Will the fees for Veterans' Home Care be increased in 2009 or 2010.
- (3) Will Veterans' Home Care be merged with the Home and Community Care program.

Mr Griffin—The answer to the honourable member's question is as follows:

(1) The Department of Veterans' Affairs (DVA) commissioned the University of Wollongong in March 2007 to independently review the Veterans' Home Care (VHC) program with the aim of identifying what changes may be necessary to ensure that the program continues to meet the needs of the veteran community. The review was finalised in March 2008 and the report is available to the public via the DVA website at www.dva.gov.au/health/homecare/mainvhc.htm. Overall, the review found that the VHC program is well targeted and accepted by the veteran community but there are some opportunities for improvement.

The Government is currently considering the findings of the independent review. These considerations may result in changes to the VHC program. The Government has ruled out reducing services or scrapping the VHC program.

The Government has already addressed one of the key findings of the review by deciding to revise the VHC assessment instrument to improve the way veterans and war widow/widowers are assessed for VHC services. This instrument is being validated by an independent expert and is expected to be implemented in late 2009.

The Government also announced an initiative in the recent Budget to improve and better coordinate the assessment processes for the HomeFront, Rehabilitation Appliances Program (RAP) and VHC programs. The aim of these programs is to help veterans and war widow/widowers maintain their independence, stay in their own homes for longer and delay entry into residential aged care. This initiative will further strengthen the assessment process for VHC services and ensure more targeted referrals from VHC to programs such as RAP and HomeFront.

- (2) DVA sets the fees paid to VHC service providers under its contractual arrangement with them to deliver VHC services to veterans and war widow/widowers. These fees are indexed annually on 1 January of each year in line with government indexation arrangements. Fees were indexed on 1 January 2009 and will be indexed again on 1 January 2010.
- (3) No.

Australian Building and Construction Commission: Legal Costs **(Question No. 715)**

Mr Melham asked the Minister for Employment and Workplace Relations, in writing, on 12 May 2009:

To date, what costs have been incurred by the Australian Building and Construction Commission in the case of Alfred vs Primmer SYG 1222 of 2007 in the Federal Magistrates Court for:

- (a) solicitors, and
- (b) counsel.

Ms Gillard—The answer to the honourable member's question is as follows:

- (a) As at 29 May 2009, the Office of the Australian Building and Construction Commissioner has incurred solicitor's costs of \$153,338.34 in the case of *Alfred v Primmer* SYG 1222 of 2007 in the Federal Magistrates Court.
- (b) As at 29 May 2009, the Office of the Australian Building and Construction Commissioner has incurred counsel costs of \$64,151.05 in the case of *Alfred v Primmer* SYG 1222 of 2007 in the Federal Magistrates Court.

Australian Building and Construction Commission: Legal Costs
(Question No. 716)

Mr Melham asked the Minister for Employment and Workplace Relations, in writing, on 12 May 2009:

Further to her answer to Question No. 333 (*Hansard*, 21 October 2008, page 9844), what total costs have now been incurred by the Australian Building and Construction Commission in the case of *Hadgkiss v CFMEU (NSW), Lane and Casper*, for

- (a) solicitors, and
- (b) counsel.

Ms Gillard—The answer to the honourable member's question is as follows:

- (a) As at 29 May 2009, the Office of the Australian Building and Construction Commissioner has incurred solicitor's costs of \$714,338.43 in the case of *Hadgkiss v CFMEU, CFMEU(NSW), Lane and Casper*.
- (b) As at 29 May 2009, the Office of the Australian Building and Construction Commissioner has incurred counsel costs of \$229,388.24 in the case of *Hadgkiss v CFMEU, CFMEU(NSW), Lane and Casper*.

Resources, Energy and Tourism: Annual Leave
(Question No. 724)

Mr Ciobo asked the Minister for Resources and Energy, in writing, on 13 May 2009:

How many annual leave days have been accrued by (a) staff, as a cohort, in his department, and (b) his personal staff.

Mr Martin Ferguson—The answer to the honourable member's question is as follows:

From 3 December 2007, the following annual leave has been accrued:

- (a) 9,452.74 days
- (b) 204.18 days

Influenza Vaccine
(Question No. 765)

Mr Lindsay asked the Minister for Employment and Workplace Relations, in writing, on 28 May 2009:

- (1) Since 1 April 2004, how many public servants have received the influenza vaccine administered by their workplace, and how many of these employees have reported having adverse reactions to it?
- (2) What workers' compensation arrangements are in place for Commonwealth employees who report adverse reactions to the influenza vaccine administered by their workplace?
- (3) Is there consistency across Commonwealth departments concerning the workers' compensation payable for adverse reactions to the influenza vaccine when administered by the workplace; if not,

what are the specific details, by department, of all payments made whether under workers' compensation legislation or by other arrangements, since 1 April 2004?

Ms Gillard—The answer to the honourable member's question is as follows:

- (1) Comcare has no data on the number of public servants who may have received the influenza vaccine through their workplace since 1 April 2004.

Since 1 April 1994, Comcare has received five notifications under the *Occupational Health and Safety Act 1991* of adverse reactions by employees to influenza vaccines provided by their employers.

- (2) The *Safety, Rehabilitation and Compensation Act 1988* provides access to workers' compensation benefits for Australian and ACT Government employees who have an injury that arose out of or in the course of their employment. Any such employee can lodge a claim with Comcare and Comcare will determine if compensation is payable based on the available medical and other evidence.
- (3) The *Safety Rehabilitation and Compensation Act 1988* provides the consistent basis for compensation for any injury that arises out of or in the course of Commonwealth employment.