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Tuesday, 4 April 2000

The PRESIDENT (Senator the Hon. Margaret Reid) took the chair at 2.00 p.m., and read prayers.

QUESTIONS WITHOUT NOTICE

Health: MRI Scans

Senator CHRIS EVANS (2.00 p.m.)—My question is directed to Senator Herron representing the Minister for Health and Aged Care. Can the minister explain why he has still failed to make good his commitments to table documents in the Senate in relation to the advice provided by the Department of Health and Aged Care on the MRI scan scam? Why did the minister advise the Senate on 29 November 1999 that he would release the information by the end of last year and on 23 December 1999 that he would ‘very shortly’ table these documents, which were requested nearly four months ago? When will the minister release these documents so that the public can see the whole truth?

Senator HERRON—I thank Senator Evans for the question. I did approach the minister in response to Senator Evans’s previous question. The minister has advised me that he is continuing to examine the documents referred to in part (c) of the Senate order dated 21 October and he will advise me in due course of his response on that issue.

Senator CHRIS EVANS—Madam President, I ask a supplementary question. That is clearly not good enough. These documents were requested back in November. Will you give an undertaking to the Senate that you will attempt to get those documents by the end of the week? It has been more than four months. That is more than enough time for the minister to examine them.

Senator HERRON—Madam President, I will give an undertaking that I will approach the minister with Senator Evans’s request.

Trade: Exports

Senator GIBSON (2.02 p.m.)—My question is directed to the Leader of the Government in the Senate, Senator Hill. Will the minister inform the Senate how the latest trade figures are good news for Australian exporters? How will Australian exporters be further helped by the government’s efforts to reform the tax system?

Senator HILL—Yes, this is an important question. The latest figures on international trade in goods and services are good news for our exporters and good news for the economy in general. It is a pity that Senator Cook is not here today because he has taken a particular interest in this area and no doubt would want to acknowledge the improving trend. The figures show a big improvement in Australia’s trade deficit in February, supported by strong growth in exports. Exports grew by 6.4 per cent or $644 million. There was good news also for our rural exporters, with rural exports rising by 16 per cent or $282 million. Most importantly, these figures point to the increasing recovery in the economies of our major trading partners, in particular in Asia. Merchandise exports to Australia’s 10 largest trading partners in Asia increased by almost 16 per cent in February and were 37 per cent higher than in February last year. As the economies of the region continue to recover, our exporters can look forward to increased exports and increased wealth for Australia. In trend terms, the deficit in this area has been falling since May of 1990. So exactly what we said would occur through the strong economic base that we had established is in fact occurring. This has not occurred by chance; it has occurred through economic policies that have been able to bring the budget back into surplus and to maintain low interest rates and also low inflation.

Our government wants to give exporters even more help in their efforts. The new taxation system will deliver major benefits to Australian exporters. Rural exporters in particular will benefit from cuts in the cost of transport fuel, while all exports will be GST free. We estimate that the costs to exporters will be reduced by more than $3.5 billion. Even the Labor Party, which now supports the GST, admits we are on the right track. The shadow minister for industry, Mr McMullan, has said, ‘The GST overall should be good for exports.’ Even Senator Cook, who we regret is missing today, has
confirmed that the GST will deliver advantages to the mining industry and to Australia’s other major export earners.

By contrast, where is the Australian Labor Party on tax? We know that they now support the GST and that they intend to keep it. Perhaps they will roll it back a little around the edges, but they have crossed the Rubicon and they now support a GST for Australia. What is their position on other taxes? They will not commit to keeping the $12 billion in income tax cuts. There has been no commitment from Labor to keeping the cuts in diesel fuel excise which are so important to the bush and so important to our exporters. There has been no commitment from Labor that they will not add the GST to exports. Labor keep pretending that they will take the GST off certain items but they will not say how they will be able to pay for it. All we can do is look at their record. When we look at the record of the last Labor government, what did they do? They increased petrol tax, they increased wholesale sales tax, they increased tobacco tax, they increased company tax, they increased departure tax, they increased the Medicare levy and they increased the tax on motor vehicles. *(Time expired)*

Aboriginals: Stolen Generation

Senator BOLKUS (2.06 p.m.)—My question is addressed to the Minister for Aboriginal and Torres Strait Islander Affairs. I ask the minister: does he acknowledge that his ill-advised and mean-spirited submission to the Senate inquiry into the stolen generation has derailed the reconciliation process even further? How does the minister intend to put this reconciliation process back on track?

Senator HERRON—The answer to the question is no, and it does not need to be put back on track.

Senator BOLKUS—That answer is as astounding as the minister’s submission. Madam President, I ask a supplementary question. I ask the minister: hasn’t he noticed that his submission to the Senate committee has caused universal consternation in the indigenous community and is regarded by leaders of that community as a huge obstacle to further progressing the reconciliation process? Didn’t the minister anticipate this reaction when he signed off on the submission? Or was the government deliberately trying to wreck the reconciliation process?

Senator HERRON—Madam President, the government is very strongly in support of the reconciliation process, and let there be no doubt about that. The people who are wrecking the reconciliation process are the opposition on that side because they are bringing up this issue, when they signed off last year, on 26 August, on a motion of sincere regret, supported by the whole of the parliament. It is the Labor Party that are wrecking this. You may be interested to know, Madam President, that I received over 90 phone calls in my office and the overwhelming majority were supportive of the position that I have taken.

Telstra: Privatisation

Senator BROWNHILL (2.08 p.m.)—Madam President, my question is to the Minister for Communications, Information Technology and the Arts, Senator Alston. Will the minister inform the Senate of the government’s approach to the full sale of Telstra? Is the minister aware of growing support—Senator Forshaw interjecting—

Senator BROWNHILL—Oh, listen; why don’t you use your ears instead of your mouth?

The PRESIDENT—Senator Brownhill, ignore the interjections from the opposition.

Senator BROWNHILL—Is the minister aware of growing support within Labor ranks for the full sale of Telstra? Is the minister aware of any alternative policy approaches? What would be the impact if these were implemented?

Senator ALSTON—Madam President, it is a very good question because, really, there is only a phone box minority who are opposing the privatisation of Telstra. In fact, support is now coming from the most unlikely quarters—and I do not mean the *Herald Sun*, which said yesterday that leaving the organisation privately part owned will not guarantee any improvement in rural services. I was more impressed by someone who said, ‘With Telstra being sold, the fed
eral government is going to have so much money in its kitty, not even Ali Baba could boast that he had more.' Those are very wise words. You may ask why Carl Scully, the New South Wales Minister for Transport, said it. He said it simply because he knows that this is a source of revenue that can be used for rural infrastructure. He is big on roads. He knows that governments of any persuasion will not have the resources to fund those initiatives unless you use the proceeds of sale for capital works programs—not doing what Labor did by just using it on recurrent expenditure and making sure it all dissipates over a few years but actually putting it back into long-term projects. That is what Carl Scully is on about, and we support him.

We also support Lindsay Tanner. After all, Lindsay Tanner is the shadow minister for finance—not just any shadow minister but the man who, in government, would be responsible for privatisation. He is out there saying, in his book, that it is untenable to have part public, part private ownership. Who launched his book? It was the next member for Throsby, Mr Keating, who said, ‘We don’t need to own phone companies. It would be better to fully privatise Telstra.’ Of course, Mr Keating has had that view for a long, long time. He certainly had it when he met with John Prescott of BHP in September 1995 and offered to sell Telstra to Mr Prescott. Who else was there with him? It was his loyal deputy, Mr Beazley.

You ask: this was not a meeting of the Ku Klux Klan, so why would Mr Beazley not want to state his position on it? He was asked recently whether he was there and his spokesman said it was irrelevant whether or not he had attended the meeting. You do not have to be in this game for more than about five minutes to know that if the answer was no he would have said it like a shot. I want to make it clear, Madam President, that we will not be walking away from this issue. We will be continuing to ask Mr Beazley to come out and explain, firstly, why he was there and, secondly, what line he was peddling. If he was really opposed, why did he go at all? One assumes that this was a tandem effort, that you had the Prime Minister and the Deputy Prime Minister in there trying to flog the national phone carrier.

All we need to do is to get this on the record. Mr Beazley has the perfect opportunity to explain why he was there and what he said about this privatisation process. You do not have to be too smart to work out that it would be very much against the run of play if Mr Beazley said anything other than that he was totally in support because, as Minister for Finance, he privatised everything that moved. He was the greatest advocate; he enthused about privatisation as a principle down at the National Press Club. In other words, he was the strongest advocate of all. Now is the big time for Mr Beazley to come out of the closet and to tell us what really happened at that meeting, why he was there, what the strength of his support was and why he has now opportunistically changed his mind in opposition.

Aboriginals: Stolen Generation

Senator McLUCAS (2.13 p.m.)—Madam President, my question is to Senator Herron, the Minister for Aboriginal and Torres Strait Islander Affairs. Does the minister stand by the statement on page 18 of his submission to the Senate Legal and Constitutional References Committee that ‘the phrase “stolen generation” is rhetorical’? In how many of the numerous Aboriginal communities the minister repeatedly tells us that he has visited has he conveyed the government’s view that ‘stolen generation’ is merely a rhetorical phrase?

Senator HERRON—Madam President, it is quite interesting. I have had a great privilege over the last four years of occupying this portfolio. I consider it the greatest privilege that I have had in my life because it has given me the opportunity to visit hundreds and hundreds of Aboriginal organisations, both in the cities and in the remote communities, and people from all parts of life, including Aboriginals themselves, working in Aboriginal communities. It is often the fault of those—and, I suppose, not their fault entirely because they do not have the privilege to go to those remote communities in particular but also to the urban communities. It is my job to do that, and I relish it, because I have had the opportunity of meeting some
wonderful Australians who happen to be Aboriginals in both remote communities and in the urban situation.

It is interesting that that question has never been raised. The question has never been put to me about the phrase ‘stolen generations’. It is a construct that does not appear in the Human Rights and Equal Opportunity Commission report. The construct does not appear in it. It has become part of the media vernacular of this country. It just does not appear, Madam President. But it has become part of the rhetoric of the debate over this issue. I would say, as I go around the communities, what those people are concerned about and bring up with me is their housing in particular, their jobs, the education of their children, and particularly the education of their children. In this chamber a few years ago I recall that a lady was brought down from a remote community and she was shivering—

Senator Bolkus—No wonder they call you Senator Ostrich—head in the ground.

Senator HERRON—Senator Bolkus says ‘Head in the ground’. I would ask Senator Bolkus to tell us how many remote communities he has been in.

Senator Bolkus—They have got nothing good to say about you, either.

The President—Senator Bolkus, cease interjecting.

Senator HERRON—He seems to have his head in the telephone box with the rest of his friends. The reality is that those people out there are more concerned about the education of their children. You will recall that only last week the Prime Minister announced an indigenous education policy, the most far-reaching education policy that has ever been produced in history. We are spending a record amount on health. The amount of money we are spending in indigenous affairs is a record amount, $2.2 billion across all portfolios, $1 billion of which is administered by ATSIC itself. So we are doing an enormous amount. So I do not hear this phrase. With respect, I would have expected it somewhere in the last four years. I do not hear that in remote communities. I just do not hear it.

Those people out there are existing, in many cases, in squalid conditions because of the neglect of the Labor Party for 13 years of wasted opportunity, and I think it brings shame on this country that we were left with this legacy when we came into government when there was so much opportunity that could have been taken up by the Labor Party when they had the opportunity. So we acknowledge that children were forcibly separated: there is no question about history. We acknowledge that children were forcibly separated from their families. You cannot change the past. We have to recognise the events that occurred there. To the best of our ability, we are doing our best to redress those wrongs through the Reconciliation Council, which we totally support. We are doing it through the expenditure of money on the Bringing them home report. (Time expired)

Senator McLUCAS—I have a supplementary question. I note that the minister has evaded completely the point of the first question. But I ask: why did the minister feel it was necessary to make the statement ‘the phrase “stolen generation” is rhetorical’? What possessed him to make such an unnecessary and inflammatory statement? How could such a statement be in any way consistent with the government’s professed ‘deep and sincere regret for the injustices suffered under the practices of past generations’?

Senator HERRON—Madam President, I was asked to put a submission to the Senate Constitutional and Legal Affairs Committee.

Senator Schacht—who wrote it?

Opposition senators interjecting—

The President—Order! There are senators on my left shouting out questions. You will ask a question when you get the call. It is disorderly to be shouting out questions when a minister has the call to answer a question.

Senator HERRON—I was asked to put a submission, and I put the facts in. Sometimes the truth hurts. Sometimes it does. But they are the facts. I do not believe anyone on that side—and I suspect not many in this chamber—knows what the real issue in Aboriginal affairs at the moment is. It has been an issue
that was swept under the carpet by the Labor Party. It is family violence. When I go around communities—as Senator Crossin would know—one of the principal causes of premature death of Aboriginal females in the Northern Territory is homicide. In Aboriginal males, it is motor vehicle accidents associated with alcohol. I think Senator Crossin agrees with me. If you have any doubt, it is published in the Medical Journal of Australia. So they are the statistics of mortality over the last 15 years when the Labor Party was in power. (Time expired)

Aboriginals: Stolen Generation

Senator RIDGEWAY (2.19 p.m.)—My question is also to the Minister for Aboriginal and Torres Strait Islander Affairs, Senator John Herron. Minister, in August last year the government unanimously expressed to all Australians its deep and sincere regret that indigenous Australians suffered injustices under the practices of past generations, and acknowledged that the mistreatment of many indigenous Australians over a significant period represented the most blemished chapter in our national history. Minister, can you honestly say that your comments in the media this week and your words in this chamber yesterday have not added to the hurt and trauma that many indigenous people continue to feel as a consequence of separation from their mothers and children? Can you honestly say that your own actions, not those of past governments, not those of previous generations, now require you to apologise to the stolen generations for a new hurt?

Senator HERRON—Madam President, I am going to tell you something personal about myself, which is unusual in this chamber, but I think it is fair to put it on the record. I was personally responsible for separating children from their mothers. Over 30 years ago I was asked to take into my family expectant unmarried mothers from the country so that those children would not have to be aborted. It was over 30 years ago. My wife and I took 23 of those people, 23 of those girls—wonderful girls—who had their children adopted out voluntarily. So I was part of that. Those children were separated from their mothers—no question.

Opposition senators interjecting—

The PRESIDENT—Order!

Senator Schacht—Did they know their mothers? Did you return them to their mothers?

The PRESIDENT—Senator Schacht, you are behaving in a disorderly fashion.

Senator HERRON—The point of bringing that up is that in those days there was a stigma of illegitimacy. It was over 30 years ago.

Senator Schacht interjecting—

The PRESIDENT—Senator Schacht, I have warned you before.

Senator HERRON—These girls came from the country because they feared the stigma of illegitimacy and taking a child back to their families, it having been known they were pregnant. The point of telling you that is that that was that era. It was over 30 years ago that that occurred. They were the values and that was the morality of the events that occurred at the time. We cannot relate to those events. That does not occur today, as you are well aware—or very little if it does. But that era was that era. I am saying that this era is this era.

We have taken the position at all times that we are not going to apologise for actions and events that occurred in a previous era that were legal at the time. They were backed by the Labor Party and the opposition. They were backed by the government of the day. They were legal. The churches took those children away because they believed it was benign to educate them and for them to achieve assimilation. You will recall that we have gone through a whole period when there was an attempt to kill them—no question. There was an attempt to protect Aboriginal people totally against Aboriginal culture. Senator Ridgeway, more than anybody in this place, would be completely aware of that. But that was the era of the time. Those were the practices of the time. They were done in what those people in that era believed to be in the best interests of those children. We cannot apologise for something, I do not believe—any more than I am going to apologise for something that I did 35 years ago—that separated children from their mothers. But that was accepted. I
believed at the time that I was doing something that was beneficial for those children who were adopted out. I have maintained contact with some of the mothers. Those events occurred. That is reality. They probably occur today. I do not know whether it goes on because times have moved on.

I emphasise that I do not believe this generation can apologise for actions of predecessors of ours when they believed at the time that they were acting in the best interests of those people and children involved. In many cases—and we can see this from the records and the history—they were saving them from being killed. Does anybody sincerely suggest that the churches were going to take them out to kill them? If you adopt that process, at what stage do you start apologising for past events? Do you apologise for the fact that Britain made this a penal colony 210 years ago? Do you get the British to apologise for it? We can debate this extensively, but the reality is that it is not our place to apologise for the actions of the past. (Time expired)

Senator RIDGEWAY—Madam President, I ask a supplementary question. I note the minister’s comments. I am not talking about 35 years ago: I am talking about three days ago. Minister, are we to understand from your comments in the media and in the chamber yesterday that because it was only one in 10 indigenous people who were stolen we can simply ignore this tragedy and not seek to draw any lessons from our past mistakes? Do you not acknowledge that this denial of our history creates an impassable obstacle to the process of reconciliation between black and white Australia?

Senator HERRON—With respect to Senator Ridgeway, I have not done that. If you look at my submission, which I have before me, you will find it contains the history of what occurred preceding 1910.

Senator Schacht—Who wrote it? Which redneck?

The PRESIDENT—Senator Schacht, I have spoken to you a number of times in question time today. You are persistently interjecting. I invite you to read the standing orders.

Senator HERRON—I personally apologised, as you know—I did that three years ago—for the events of the past, recognising that I had nothing to do with them. Having said that, of course we have to learn from the events of the past. We must never commit them again. I do not believe we ever will. This is a vibrant country with over 220 different racial and ethnic groups in it, recognising the primarity of the Aboriginal people in this country. I would invite anybody listening to this debate in the media to get a copy of the submission. I will stand behind all the facts in that. There is no question that it is a factual response. I am not saying in any way that we should diminish those events that occurred in the past. We must acknowledge them. We are not true to ourselves or to our history if we do not acknowledge the events of the past and learn from them. (Time expired)

Aboriginals: Stolen Generation

Senator FAULKNER (2.27 p.m.)—My question is directed to Senator Herron, the Minister for Aboriginal and Torres Strait Islander Affairs, and it follows the question just asked by Senator Ridgeway. Will the minister explain to the Senate and the Australian community, in the four minutes that he has available to him, precisely why the government continues to find it impossible to apologise to the thousands of Aboriginal children who were taken from their families and to the families and the communities who also suffered?

Senator HERRON—As I mentioned previously, on 26 August last year both houses of parliament endorsed the Commonwealth government’s historic motion of reconciliation and, through the motion, the national parliament expressed its deep and sincere regret that indigenous Australians suffered injustices under the practices of the past generations and for the hurt and trauma that many indigenous people continue to feel as a consequence of these practices. That follows on, as Senator Faulkner did, from Senator Ridgeway’s question. But it also reaffirmed a wholehearted commitment to the cause of reconciliation between indige-
ous and non-indigenous Australians as an important national priority for all Australians. We did that jointly.

Both the Prime Minister and I have individually expressed our personal feelings and deep sorrow in relation to the injustices suffered by indigenous people as a result of the practices of past generations. All state and territory governments have now offered motions of sorrow or regret, as have many government and non-government organisations formerly associated with child separation. However, the Commonwealth government does not support a formal apology to indigenous people. Such an apology could imply that present generations are in some way responsible and accountable for the actions of earlier generations, actions that were sanctioned by the laws of the time and that were believed to be in the best interests of the children concerned. I have expressed that consistently for the last three years. That is the government’s position. In fact, it is interesting that when the Pope gave his motion of regret recently, Cardinal Clancy followed it up with a statement of sincere and profound regret to a variety of groups, including indigenous people, for actions which may have adversely affected them over the past 200 years. Cardinal Clancy, who is head of the Catholic Church in Australia, made a similar statement in a mass on 12 March this year. Anglican Bishop Peter Watson, who is to replace Archbishop Keith Rayner in May 2000 as archbishop of Melbourne, raised the issue of a national apology in a press conference on Monday, 28 February this year.

Senator Faulkner—Why can’t you say sorry?

The PRESIDENT—Senator Faulkner, stop shouting. It is your question that the minister has the call to answer and the time for answering has terminated.

Mandatory Sentencing Legislation

Senator Brown (2.32 p.m.)—My question to the Minister for Aboriginal and Torres Strait Islander Affairs relates to the government’s decision to allow suspension of standing orders for the so-called Andren bill to be debated in the House of Representatives. I ask the minister: is it the government’s intention to allow a full debate of that bill and a free vote for members of the government at the end of that debate; and, if not, why not? Secondly, in regard to the announcement the Prime Minister has made regarding the meeting with the Chief Minister of the Northern Territory, is the Prime Minister going to go cap in hand to that meeting, simply to trade money to get himself off the hook, or is he going to make a real endeavour to insist that mandatory sentencing, particularly of children, in the Northern Territory is brought to an abrupt end?

Senator Ian Campbell—Madam President, I raise a point of order. I cannot possibly see how the question asked by Senator Brown relates to the portfolio responsibilities of the minister for Aboriginal affairs. It is either an issue of the management of the
government’s business program in the House of Representatives or a scheduling issue. That bill falls under the Attorney-General’s portfolio from memory. I do not think it has any relationship whatsoever to the Minister for Aboriginal and Torres Strait Islander Affairs, and I ask you to rule accordingly.

The PRESIDENT—I have difficulty in accepting that there is anything in it that is relevant to the Minister for Aboriginal and Torres Strait Islander Affairs. If there is anything the minister wants to say on the matter, I would allow him to do so, but I doubt that he is the appropriate minister.

Senator HERRON—Madam President, I was going to say much the same as Senator Campbell. It is a bill that is before the House of Representatives, in another chamber. It is certainly not my responsibility in that sense, but I am happy to answer it in the sense that that will have to be approached in the House of Representatives. The lead will be taken on that by the Prime Minister. If Senator Brown can do it, he should get somebody in the other chamber to ask the Prime Minister that question.

Senator BROWN—Madam President, I ask a supplementary question. The second part of my question related very much to the exchange of money to allow the government to obviate its responsibility to override mandatory sentencing which incarcerates Aboriginal children—very much the bailiwick of this minister—behind bars in the Northern Territory in breach of international conventions as well as a proper commitment to the children of the Northern Territory.

The PRESIDENT—What is the question, Senator?

Senator BROWN—The question is: what is the government’s basis for its approach to the Chief Minister of the Northern Territory? Is it cap in hand, or does the government have a commitment to the interests of Aboriginal children locked up in the Northern Territory to set them free and to put them on a much more productive path with their rights met?

Senator HERRON—I recognise that Senator Brown represents his own party only in this chamber—a party of one—and he is here because of the vagaries of Senate pre-selection and the numbers in Tasmania. Having said that, he has a legitimate right to be heard, and I accept his non-supplementary in the manner in which he—

Opposition members interjecting—

The PRESIDENT—Senator Herron, just a moment, I cannot hear a word you are saying.

Senator HERRON—Madam President, I think, as I said, he should get that question asked in the other chamber by somebody who is prepared to ask it.

Aboriginals: Stolen Generation

Senator O’BRIEN (2.36 p.m.)—My question is to the Minister for Aboriginal and Torres Strait Islander Affairs. Is the minister aware that Sir Ronald Wilson has stated in the press this morning, and I quote:

There was no evidence whatsoever to support the Government’s claim that no more than 10 per cent—of Aboriginal children—were removed.

And further:

It was not only those children forcibly removed who suffered but also their parents, siblings and communities.

In light of this, does the minister still maintain that the phrase ‘stolen generation’ is merely a rhetorical phrase?

Senator HERRON—I did read that report of Sir Ronald Wilson’s statement in the papers this morning. It is interesting that yesterday I reiterated the second part of the question that was just asked. I said quite clearly yesterday: nobody knows the exact number. I said it repeatedly on the media last night and during the day. Nobody knows the exact figure because records were not kept as accurately as they might have been in that era. So nobody knows the exact number. As you are aware, the 10 per cent figure came out of an Australian Bureau of Statistics survey that was done in 1994, when they surveyed 5,000 households covering over 17,000 people. That was the most recent survey. It was just a survey and it was not a complete survey. But it was done through all states and territories of Australia and it is
mentioned in the Human Rights and Equal Opportunity Commission report. They go on to say that it may have been one in three. I mentioned yesterday that in the Australian Bureau of Statistics survey in the Kimberley it was actually 22 per cent and, surprisingly, in Central Australia, apart from one small area, it was three per cent. It varied across the country enormously. Nobody is too sure. For example, as Senator McLucas would be aware, no Torres Strait Islanders were affected at all. There were no children separated from the Torres Strait Islanders. It is fact.

I agree with the second part of the question completely. It had a ripple effect across generations. It had an effect. It affected many people. I also am aware of the fact that if one child is stolen from its mother against the mother’s will, then that has a ripple effect on the siblings, and on the fathers if they are there, and all those other effects that come through to the grandchildren. There is no question about that. I certainly have never said anything opposite to that—that there is an effect on other people. It would be ludicrous to say anything other than that. Of course it does. You and I would be aware. I am sure all of us have relatives who did not know one or other of their parents because that parent had died when they were children. The effect of that goes through right throughout their life. I do believe that it does affect generations across the spectrum. I have never said anything else.

Senator O’BRIEN—Madam President, I ask a supplementary question. Given the minister’s answer, does the minister still maintain—as I asked him in the question I have just asked—that the term ‘stolen generation’ is merely a rhetorical phrase? Further, why did the minister claim, as he did a short while ago, that the term ‘stolen generation’ was not used in the Bringing them home report when this is plainly wrong?

Senator HERRON—The phrase ‘stolen generation’ came up subsequently. I would be interested to know where it is in the report, because the Bringing them home report was the report into bringing them home. The Bringing them home report said that ‘assisting family reunion is the most significant and urgent need of separated families’. We are devoting $63 million to ameliorating the destructive effects that occurred as a result of those past policies, principally in assisting separated families to come together. We are putting that into action. The ‘stolen generation’ is a grab bag going right across children who were voluntarily given up, children who were taken by—(Time expired)

Rural and Regional Australia: Services

Senator FERGUSON (2.41 p.m.)—My question is to the Minister for Regional Services, Territories and Local Government, Senator Ian Macdonald. The minister will be aware that the recent successful Regional Australia Summit identified better coordination of regional services and program delivery between federal, state and local governments. Will the minister outline to the Senate how the government is responding to this very important issue.

Senator IAN MACDONALD—The Howard government was elected to get on with the job, to address the issues of real concern to all Australians. We have done that. We have economic, health and welfare policies—and the Labor Party after four or five years in opposition have not got a single one.

Senator Ferguson, as a regional person himself and one committed to regional Australia, rightly asked me about the government’s approach to rural and regional affairs. That is one of the major issues that the government have been looking at. We have recently had the regional summit, which was attended by many of my colleagues who have an interest in this area. One of the issues of concern raised there by rural and regional Australians, amongst a series of others, was the question of duplication and triplication of government services, something that grew astronomically during the Labor years of federal government. During that conference, Mr Anderson announced that he and I would be meeting with state ministers for regional affairs, regional development and local government to see if there was some way that all governments of Australia could work together in the interests of country people.
The federal government is already doing that with our Rural Transaction Centre program. That is a program where we put Commonwealth services back into the bush, where we ask the community what they want in their locality, we ask them how they want those services delivered and then we go in and fund it for them. We encourage communities not only to look at federal government services but as well to look at local government services and see if they can all be brought into a one-stop-shop type of operation. In fact, in a couple of the RTC units that have been established and some to be established—Kalbar in my state of Queensland is one—we have involved the Queensland government service QGAP in the Commonwealth’s Rural Transaction Centre program. We are doing that.

But we decided we would get the state ministers together at a conference to see if we could build upon that. During the last week the state ministers came to Canberra to look at ways that we could work better together in the interests of rural and regional Australians. That meeting was a very successful one. It was an opportunity for an update on regional development in different jurisdictions, with the aim of reaching agreement on some of the key areas that would benefit from a more collaborative approach. This is something that we would hope the Labor Party might look at in their policy. But, of course, they do not have a policy and, in spite of many pronouncements, it appears that they are never going to have one. One of the things that came out of the meeting with the state ministers was an agreement to establish a time limited task force to help work through some of the immediate and concrete opportunities for improved collaboration and cooperation in areas of shopfront delivery of services, regional leadership development and, as I mentioned already, a one-stop shop.

We are committed to building on our commitment to provide services for rural and regional Australia, and to do so in the most effective way, and by the best means, for rural and regional communities. As Senator Ferguson would well know, we have already done a lot of work in the health area, and we have done a lot of work in the telecommunications area with my colleagues Senator Alston and Senator Campbell, providing a lot of money to help rural and regional Australians. (Time expired)

Aboriginals: Stolen Generation

Senator CHRIS EVANS (2.46 p.m.)—My question is directed to Senator Herron, the Minister for Aboriginal and Torres Strait Islander Affairs. The minister, in replying to an interjection in question time yesterday concerning Aboriginal stolen generation members requesting an apology from the government, replied, ‘I do not hear that.’ Is the minister seriously claiming that he has not heard the heartfelt pleas of many stolen generation members for the government to apologise and to help ease their pain? Minister, do you not hear, or is it just that you refuse to listen?

Senator HERRON—I am not certain which interjection yesterday that Senator Evans was referring to. There was a lot of noise, and I am not certain as to what he is referring to. But, certainly, to answer his question directly, I have heard the pleas of people that were affected by this. They are heart rending. I suggest to Senator Evans that he go through the 535 oral submissions and papers that were put through in the Human Rights and Equal Opportunity Commission report. There is no question. All of us are affected by those. We are people with emotions and hearts. All Australians are. They recognise that. There are some that may not be affected by it, but I think that most would be. What did Senator Evans’s party do in the 13 years that it was in power? That is really the question. What did it do about the heart rending effects that were occurring while it was in power for 13 years?

Honourable senators interjecting—

The PRESIDENT—Order! There are too many senators contributing. Senator Herron has the call. He is answering a question of Senator Evans’s, and I ask that senators give an opportunity at least for me to hear the answer.

Senator HERRON—Thank you, Madam President. The legacy of the Labor Party’s 13
years, as I mentioned in response to a previous question, is the terrible family violence that is occurring in Aboriginal communities. Labor had 13 years in respect of the events that are occurring in Aboriginal communities—the alcoholism, the family violence and the sexual abuse. Madam President, do you remember when Senator Richardson, the then health minister, was shown on the Sunday program turning a tap on in a camp in the Northern Territory near Katherine? I have been up there. It was a photo opportunity. Nothing was done. That was Senator Richardson’s legacy as minister for health. It was a photo opportunity. It was heart wrenching. It was great for the media. That is what has been done all the time. I am personally affected.

Senator Chris Evans interjecting—

Senator HERRON—Senator Evans just called out, ‘Four years.’ I am happy to tell you what we have done in four years. We have spent an extra $97 million.

Senator Chris Evans interjecting—

The PRESIDENT—Order! Shouting while a senator has the call and is speaking is disorderly and I would remind all senators of that.

Senator HERRON—Madam President, I recognise Senator Evans’s interjection. He said, ‘What have you done in the four years?’ We have revolutionised Aboriginal affairs in this country. We have brought about a change from welfare dependency. If there is no other legacy of this government, it will be bringing about economic independence from welfare dependency, which the Labor Party institutionalised in the 13 years that they were in government. We have people like Noel Pearson now saying, ‘What we want is to get off welfare and to become economically independent. We want money in our pockets, we want roofs over our heads, we want clean water, we want sewerage and we want to do something about the alcoholism.’

I thank Senator Newman because she is the first minister ever to devote $6 million to try to counteract the problems of family violence in the community, which I could not get from ATSIC, I might say. They may give me a million dollars in this next budget, I hope. Senator Newman, through her Office of the Status of Women, has taken a major lead in relation to family violence in the community, and that will be another legacy that we will leave behind us because, for the first time ever, we are a government that is doing something constructive about the problems that were left to us as a legacy of the previous Labor administration.

Senator CHRIS EVANS—Madam President, I ask a supplementary question. I note the minister uses the Bronwyn Bishop defence, but I do not think it will wash. The important question, Minister, is: if you do feel sympathy for these people, if you do have empathy and if you have heard their pleas, why can’t you bring yourself and the government to say ‘sorry’? Why do you have to adopt the David Irving defence to deny historical fact rather than to say ‘sorry’ if you really do feel sympathy? That is the key question. What have you got to say to that?

Senator HERRON—Senator Evans asked: why haven’t I and the government said ‘sorry’? I have, Senator Evans. I said it three years ago. I have repeatedly said it.

Senator Chris Evans interjecting—

Senator HERRON—Oh, now we are twisting the question. The government, together with the Democrats and the Labor Party, moved an expression of sincere regret for what has occurred in the past. On 26 August last year, the government, with the assistance of Senator Ridgeway and the Labor Party, moved a motion of sincere regret for what occurred in the past. There is no question about what occurred. I have put in that submission the historical events that occurred, and I would ask anyone who is listening to get in touch with the legal and constitutional affairs committee and get a copy of that report. (Time expired)

Aboriginals: Stolen Generation

Senator WOODLEY (2.52 p.m.)—My question is addressed to the Minister for Aboriginal and Torres Strait Islander Affairs, Senator Herron. I draw the minister’s attention to media reports today, including the Courier-Mail editorial and Donald Horne on Radio National. Is the minister aware of
historian Donald Horne’s comment on Radio National this morning that the Prime Minister is the instigator of the statement that there is no stolen generation? Can you tell the Senate the exact nature of the involvement of the Prime Minister or his personal staff in the preparation of your submission?

Senator HERRON—The statement was prepared by the Office of Indigenous Policy, which referred it to me. I altered it in a few respects, perhaps a little in phraseology. It was sent to Minister Ruddock’s office—I think he was overseas at the time. They ticked it off, it went back to the Prime Minister’s office, and he ticked it off. I think he was busy at the time. I am not sure whether he actually physically saw it, because he was otherwise engaged with the Queen’s visit and a lot of other things. That is the process that it went through, and then I signed it again, and put it into the Senate legal and constitutional affairs committee. I understand—the chairman may correct me—that it was released last Thursday, but I am not absolutely certain about that. I was told by my counterpart in the other chamber, who had a copy when we were on a radio program. He is nodding his head. That was released by the Senate legal and constitutional affairs committee on Thursday last week.

Senator WOODLEY—Further to the answer of the minister: Minister, was this policy part of a poll-driven strategy to shore up votes for the coalition in marginal regional seats in the lead-up to the next election, as many people in the media have claimed?

Senator HERRON—I have seen that statement too. I absolutely refute that categorically. The government’s position has not changed in three years. What I put in that submission is exactly the position that we have maintained. But I have never criticised the HREOC report, as you would be aware, because I do not believe it was my place to. That was a submission put forward by Sir Ronald Wilson on behalf of his committee. He interviewed 535 people with oral and written submissions and then the legal services did other collections—I think thousands of submissions. I have never been critical of that. But there has never been an opportunity to put the facts on the table; there just hasn’t. I did not wish to debate that. The legal and constitutional affairs committee, with its instruction, gave us the opportunity to put the facts on the table, and I think people should judge them for themselves. That is why I say that I think everybody should get hold of that submission. All the historical matters, as best as we could get them, are in that document. (Time expired)

Aboriginals: Stolen Generation

Senator FAULKNER (2.56 p.m.)—My question is directed to Senator Herron, the Minister for Aboriginal and Torres Strait Islander Affairs. Does the minister support the assertions of his Queensland colleague, the member for Leichhardt, Mr Entsch, made on Radio 4QR this morning, that none of the constituents of Leichhardt, an electorate with many thousands of Aboriginal people, would have been amongst the stolen generations? On what basis could Mr Entsch make that claim?

Senator HERRON—I did not hear that, so I cannot answer the question. I just cannot, because I did not hear that and I do not know what basis he had. But I could add something that may be of benefit to Senator Faulkner. If you get the maps of the Australian Bureau of Statistics survey, you will find that part of North Queensland, north of Cairns, has a nil response for people who are separated from their families—including the Torres Strait Islanders. That is matter of fact. You can check that on the Australian Bureau of Statistics survey. It may be that that is the basis, but I cannot answer for the member for Leichhardt—a most outstanding member, I might say, and one of the most successful. In the last election, there was a 30 per cent shift among the Torres Strait Islanders from the Labor Party—

The PRESIDENT—Senator Herron, that is straying somewhat from the question.

Senator HERRON—Madam President, I thought it should be on the record. There was a 30 per cent shift in vote from the Labor Party to Mr Entsch when he won that seat. So I believe that Mr Entsch speaks for the majority of the constituents in Leichhardt.
Senator FAULKNER—Madam President, I ask a supplementary question. Does the minister agree with Mr Entsch’s apologist’s view of history where, in the same interview on Radio 4QR this morning, he said, in relation to the stolen generations, ‘If it had not happened this way then we would have been condemned as a government for the actions of previous governments sitting on their hands and letting the children, you know, die unnecessarily’?

Senator HERRON—As I said, I did not hear Mr Entsch’s statement on the radio, and I am not game enough to take on Mr Entsch, when you consider his size, his physical ability, his crocodile farm and all the rest of it. I am not responsible for Mr Entsch or his statements, so I cannot comment on anything he said on radio—or may or may not have said, knowing Senator Faulkner’s track record.

Welfare Reform: Interim Report

Senator PAYNE—My question is to Senator Newman, the Minister for Family and Community Services. Last week the Welfare Reform Reference Group presented its interim report to the minister and to the government. Would the minister advise the Senate of any developments in this area and any alternative policy positions?

Senator NEWMAN—It is interesting that the opposition are not prepared to ask questions about welfare reform. I do not know that they are too interested in it. I do appreciate Senator Payne’s question because it is really very important that people know that this independent report which was brought down by the reference group has been very well received Australia-wide both in the media and by the public. It amounts to a very valuable blueprint as to what the route ahead might be for Australia in terms of reducing long-term welfare dependency. I would have hoped that this whole parliament would think that that was a goal that we should be working towards in this country. It is of course only an interim report, and we do expect that firmer policy recommendations will come forward in the final report which we are expecting by the end of June, at which time the government will make a response across the whole of government. But, in the meantime, the reference group will be conducting consultations around the country.

I think what has been particularly interesting, when watching this whole thing flow through over the last few weeks and months, is the approach taken by the opposition about the whole setting up of this process and the report when it was received. It demonstrates clearer than you could ever see anywhere else the opportunistic approach of the ALP to major reform in the welfare system, and I have struck it in just about everything I have tried to do over the last four years. The opposition spokesman, Mr Wayne Swan, consistently starts off by trying to frighten people. He frightens the most vulnerable. He tries to frighten people who are on a disability pension or lone parents by saying, ‘This is going to be a dreadful thing for you. Mark my words, this minister has got something in her bottom drawer.’ If I had all the things in the bottom drawer that he says I have, I would need a wheelie bin for a bottom drawer. There is just not enough room for all the things that he claims I have in the bottom drawer.

Mr Swan has also portrayed this whole exercise as a farce and a charade—so apart from being something scary that you should be frightened of, it becomes something of a charade that you do not have to take seriously—and has said that we are just trying to give the impression of community input into this process. Then when he actually fails to discredit the report, what does he do? He backs away from it all. He has seen from the media that there is unanimous support around the country for the direction that we are taking. It is interesting to see what a few editorials and some columns can do to a poll driven opposition. Quite often in here we hear about poll driven governments, but who is poll driven on welfare reform? The opposition. So what does the poll driven Mr Swan, the humbug, do? He then claims it is his own. He claims that it is all based on his own ideas.

Senator Calvert interjecting—

Senator NEWMAN—Yes, we know that they are a policy free zone. How does the government pick up any policy from the opposition when they have no policy? So Mr
Swan is really a desperate humbug. Having seen all of those things, we wait to see the next instalment. But let the people of Australia remember: this is an opportunistic opposition who have opposed work for the dole, opposed the youth allowance, opposed the setting up of Centrelink, opposed the job network and opposed the migrant two-year waiting period until they discovered that the people of Australia thought they were all right and then the opposition changed their minds. So talk about humbugs! They are all humbugs. (Time expired)

Senator Hill—Madam President, I ask that further questions be placed on the Notice Paper.

ANSWERS TO QUESTIONS WITHOUT NOTICE
Goods and Services Tax: Private Binding Rulings

Senator Kemp (Victoria—Assistant Treasurer) (3.04 p.m.)—On Monday, 3 April, Senators Sherry and Conroy asked me some questions regarding the treatment of private binding rulings by the Commissioner of Taxation. I have here a response by the commissioner. I seek leave to have my answer incorporated in Hansard.

Leave granted.

The answer read as follows—

Yesterday, I said that I would check with the Commissioner of Taxation to see if there was anything further he was able to add in relation to this matter. The Commissioner advised caution in respect of comments touching on the Petroulias case; however, the Commissioner said that he has never stated that potentially thousands of private rulings are at risk of not being binding on the ATO. A number of rulings and advance opinions, which can be counted in the tens rather than hundreds or thousands, are under review by the joint AFP/ATO Taskforce. All of these rulings or opinions relate to Employee Benefit Schemes. None of these rulings relate to the GST.

The Commissioner has also reaffirmed his view that private binding rulings perform an important and ongoing role in the administration of the tax system.

Goods and Services Tax: Deposits

Goods and Services Tax: Motor Trade

Senator Kemp (Victoria—Assistant Treasurer) (3.04 p.m.)—In response to questions without notice from Senator George Campbell on Monday, 13 March and Senator Collins on Tuesday, 14 March, I undertook to provide further information. I now seek leave to incorporate into Hansard this information in response to the questions.

Leave granted.

The answer read as follows—

On Monday 13 March 2000, (Hansard page 12365) Senator George Campbell asked me:

Can the Minister confirm that the mere payment of a deposit on a good or service triggers the full GST liability becoming payable by the supplier of that good or service? If, for example, a $100 deposit is placed on a $2,200 holiday package, then the supplier of that package is liable to pay the full $200 GST, regardless of the fact that they have not yet collected the GST from the purchaser? What impact will this have on the many thousands of small businesses for which the purchase of goods and services on deposit is a regular occurrence? How is this bungle possibly beneficial to the cash flow of small businesses?

Response:

Businesses will account for GST on either a cash or accruals basis. Taxpayers with an annual turnover below $1,000,000 can account on a cash basis.

Taxpayers with an annual turnover of less than $1 million who choose to account on a cash basis will account for GST in the following manner:

- GST will only be payable on amounts actually received in the period; and
- Input tax credits can only be claimed on amounts actually paid in the period.

Therefore, for cash basis businesses, deposits received do not trigger a GST liability on the full amount.

The basic rule under the accruals method is that the full amount of GST is payable in the period in which any consideration for the supply is received or when an invoice is issued, if this occurs first. This means that the full amount of GST will be payable even though all of the consideration has not been received. However, the same princi-
ple applies in relation to acquisitions. An input tax credit for an acquisition can be claimed in the period in which any consideration is provided or an invoice is received, if this occurs first. This will mean that the payment of full GST triggered by a deposit will be offset by the ability to claim credits for full amounts on any deposits paid.

There are special rules that apply in relation to deposits which are held as security for the performance of an obligation. Deposits that fall under this provision are only subject to GST if they are forfeited or applied as all or part of the consideration for a supply. GST only becomes payable when one of these events occurs and not at the time the deposit is received. An example of a deposit that is a security deposit is where goods are hired and a security is payable over and above the hire charge. If the goods are returned the security is refunded. However, if the goods are not returned or damaged all or part of the security will be forfeited.

In many cases the treatment of a deposit will depend on the facts of the particular case. However, a true security deposit is usually intended to be forfeited if the person fails to perform a certain obligation.

Continuing consultation with the tourism industry suggests that the security deposit provisions could apply in many situations. The Commissioner will issue a ruling outlining the situations where it will be accepted that a deposit is a security deposit.

On Tuesday, 14 February 2000 (Hansard page: 12432) Senator Collins asked me:

i. Can the minister explain on what basis the Australian Taxation Office has provided advice to members of the Motor Traders Association that, in order to avoid paying the GST on the sale of a truck for which a deposit has been received, dealers should put deposit proceeds into a trust fund.

ii. Isn’t this tactic the only way of avoiding the immediate payment of the GST by the supplier to the Australian Taxation Office until total payment has been received on the actual delivery of the vehicle? Doesn’t this example highlight the complexity of the supposedly simple GST?

Response:

In relation to the GST treatment of deposits generally I would refer Senator Collins to further advice I provided on a question without notice asked by Senator George Campbell on Monday, 13 March 2000 (Hansard 12365).

Where a deposit is not received by the supplier because, for example, it is to be placed in a trust account for the supplier and the purchaser until such time as it is decided who is entitled to the deposit, payment of the GST does not arise until the deposit is released to the supplier.

This is the rationale for the advice provided to the motor vehicle industry.

NURSING HOMES: RIVERSIDE

Senator HERRON (Queensland—Minister for Aboriginal and Torres Strait Islander Affairs) (3.04 p.m.)—In relation to the return to order of the Senate on 3 April 2000 concerning the Riverside Nursing Home, I have received a communication from the Minister for Aged Care and I table that document.

ANSWERS TO QUESTIONS WITHOUT NOTICE

Aboriginals: Stolen Generation

Senator BOLKUS (South Australia) (3.05 p.m.)—I move:

That the Senate take note of the answers given by the Minister for Aboriginal and Torres Strait Islander Affairs (Senator Herron) to questions without notice asked today, relating to Aboriginal reconciliation and the stolen generation.

In question time today we saw a minister who is clearly under pressure and should be sacked. In question time today we saw a minister who is not on top of his portfolio and should be sacked. We saw in question time today a minister who claimed that stolen generations were not mentioned in the Bringing them home report—a matter on which he is totally incorrect. In question time today we saw a minister who denies that his actions over the last few days have been a huge obstacle to getting reconciliation back on track, and if he cannot appreciate what he has done he should be sacked. The Adelaide Advertiser this morning got it right: ‘The issues simply will not go away by adopting a mean-spirited policy of blind denial.’ They say: ‘It is offensive and mean spirited for the federal government to now effectively deny what was a widespread practice.’

I think the public is incredulous at this minister, this Prime Minister and this government’s position on an issue which will continue to haunt us until we get it right. The country is essentially going through a crisis which we did not need to have. It is a crisis of policy which we do not need. It is in fact the last thing we need. It is a crisis which will do both economic and social damage to
this country. It is the job of government to build a nation, to build a national spirit, to build a national cohesiveness. It is to build, not to wreck. It is to bind, not to divide. But this is to the contrary: the actions of Senator Herron and his puppeteer, the Prime Minister, have inflamed what was already a difficult situation. Be under no delusion: their actions over the last few days have exacerbated the divide in this nation. It is a nation that is poorer for this episode. As I say, most people I have spoken to are incredulous at the degree of obscenity in policy formulation and exposition over the last few days.

Most people are saying, ‘Why have we got this? What is the motivation?’ At best those people’s rationale, their reasoning, is that it is incompetence. On that ground alone, on the best assessment you can make of the minister’s performance, he should be sacked. But this is an action which was taken with intent, an action developed over some time, and it is an action which was designed to attract the hate vote. It is all about wedge politics. It is all about resurrecting some sort of constituency in regional Australia. It is about being down in the polls, and the only way this Prime Minister knows how to resurrect himself is to try to appeal to that hate vote. This document was done with intent. This document was leaked by the minister’s office. It is a document which was produced at the highest level of government by the Office of Indigenous Policy in the Department of the Prime Minister and Cabinet, and it is in line with instructions from the Prime Minister’s office—instructions which led this government’s case in the Federal Court in the Northern Territory, which was completed just a few weeks ago.

The buck stops with this Prime Minister. On election night he promised reconciliation, but what he did not say was that he wanted reconciliation between himself and the stolen generation of voters, the One Nation voters that he had lost at the last election. It was not about nation building and reconciliation; it was about base politics. Peter Yu from the Kimberley Land Council put it quite rightly—it was yesterday or today—when he said that what is missing in this nation at the moment is the right spirit; we have a terra nullius of the spirit of the nation, and I think that is something that concerns all decent, thinking Australians. The real disappointment of many of them is you, Senator Hill, as well as Senator Vanstone, Mr Williams, Senator Payne and Senator Eggleston—the so-called wets of Liberal Party, those who have claimed that they stood for something bigger and better, those who have pretended to distance themselves from the policies of Senator Minchin and from the race related motivation of some of their colleagues. When will you draw the line in the sand?

The DEPUTY PRESIDENT—Address the chair, please, Senator Bolkus.

Senator Hill—Madam Deputy President, I rise on a point of order. I would argue that it is an adverse reflection upon a senator to claim that the individual’s policies have been determined on the basis of race, and I think that Senator Bolkus should be asked to withdraw that.

The DEPUTY PRESIDENT—Senator Bolkus, will you withdraw?

Senator BOLKUS—I will not withdraw, Madam Deputy President. That is not a reflection which is unacceptable here. The motivation is very clear, and I will continue to make that point as I have made it over recent years.

The DEPUTY PRESIDENT—Would you please address the chair.

Senator Hill—I have raised a point of order and I look forward to your ruling.

The DEPUTY PRESIDENT—I understand it was an accusation about policy, not about a particular aspect of policy.

Senator Hill—I do not want to debate it with you, Madam Deputy President, but it was not in relation to policy at all. It was an adverse reflection upon a senator because it said that the senator had formed a view on the basis of racial attitudes, which is not in relation to policy at all. If it were a debate about policy that did not make reference to any particular senator, then I would not have objected, but Senator Bolkus knows that he said it in relation to Senator Minchin. It is offensive and he ought to withdraw it.
Senator BOLKUS—On the point of order, Madam Deputy President: Senator Hill knows full well that I have about 40 seconds to go and he is trying to take up time. The reflection was on the policy motivation and on the strategic motivation. It is not the first time that point has been made, and it is a point that I will continue to make. The point I would make is one that is reflected in the paper this morning when, for instance, Ton-That Quynh-Du from Lyneham said, of the difference between the Howard government and those who do not overtly fan racist sentiments, that the ‘other 50 per cent are too busy counting the votes milked by such tactics’. I put Senator Hill in that category. Senator Hill may not like that and he may raise points of order, but unless he puts his hand up against these tactics he will be smeared by them.

The DEPUTY PRESIDENT—I do not consider that there was any unparliamentary reflection upon another senator.

Senator BOLKUS—The real concern here is that this issue has been kicked off by this minister in this government at a quite sensitive time for this nation. We are not far away from the Olympics. This was an act of provocation. Over the next few months we will be getting team after team of foreign journalists in this country and what this government has done will ensure that those journalists, apart from going to Homebush, will be going out to see the conditions of indigenous Australians and will be reporting not just negatively on those conditions but also on the sort of government that uses these people, the most underprivileged in our society, as political footballs and as the targets of their politics in Australia. (Time expired)

Senator FERRIS (South Australia) (3.12 p.m.)—Senator Bolkus has just claimed in his speech that we have been watching a minister under pressure. I would have to say, Madam Deputy President, that I have never seen a minister so in control of his portfolio. The reason is that this minister has been out around Australia: he has not sat in his office, he has visited more Aboriginal communities than Senator Bolkus would have had hot meals. If Senator Bolkus had gone over the Adelaide Hills and actually visited some of the communities that Senator Herron has visited, and that indeed I have visited, he would have found that people in those communities are not talking about this issue; they are actually talking about the issues of concern to them. I would like to report on what they raised with me two weeks ago when I met a large group of them up in the Riverland. They did not talk about this issue; they talked about family violence, drunkenness, alcohol abuse and sexual abuse. They talked about educational opportunities and homelessness. Those are the issues they are talking about on the ground and, if Senator Bolkus and his colleagues went out there and sat down and listened like I did and like Senator Herron does, you would not see people on this side of the parliament under pressure. We are not under pressure, and I am sorry that Senator Bolkus has left the chamber and is not able to hear me make my remarks.

This government and this minister do not deny that past practices led to the separation of many Aboriginal children from their families. I would have to say, whether they are children in the Barnado family resettlement program using children from Britain or whether they are indigenous children, they are all children and the result has been the same. These children need help and they need the recognition that this government has given to them. This minister acknowledges that this has been a blight on our history and has had profound and continuing effects on indigenous people and indigenous communities on a wider scale. We passed the motion of regret last year and we sincerely, each and every one of us, regret that past action. We responded to the Bringing them home report three years ago. We introduced a $63 million package to help separated families to get back together and to deal with the trauma of separation. We have actually taken some steps to introduce these measures. We gave that money to ATSIC to make those reparations and to begin the process of bringing those families back together and dealing with the trauma that individuals still feel. We are also determined to address the continuing legacy of disadvantage that many indigenous people suffer.
There is no doubt that over a period of years these people have carried their secrets. They have grieved in private, and those mothers and fathers who lost their children, who never saw those children again, have also grieved in private. The *Bringing them home* report brought this out into the open in such a way that this government was able to recognise the problems and deal with the problems. That $63 million is a pretty good example of the sincerity with which this government, the coalition government, has dealt with this problem. This minister has visited communities where he has discussed this issue and I have visited communities where I have discussed this issue, and this is not a high priority issue in those communities. They are actually more worried about family violence. They are actually more worried about the age at which their children are getting involved in the drug scene and that they are leaving home, if they have got a home. Homelessness is a critical issue for Aboriginal communities. *Bringing them home* will begin to settle these people’s secrets down in a more open way and in a more caring way than the opportunities those on the other side of this chamber were ever able to deliver to these people in 13 years. I know that the people that I have spoken to in South Australia, as I go around frequently meeting with indigenous women in particular, understand that this government has been putting its money where its mouth is and this minister’s credibility can be measured by it. There is no doubt in my mind that when you get out on the ground it is well recognised.

(Time expired)

Senator CHRIS EVANS (Western Australia) (3.18 p.m.)—That latest contribution in defence of Senator Herron I think just summed up the problem. Senator Payne’s view was that $63 million proved their sincerity.

Senator Ferris—I am Senator Ferris, not Senator Payne.

Senator CHRIS EVANS—I am sorry, Senator Ferris, and my apologies to Senator Payne. The $63 million of sincerity is not what the Aboriginal people wanted. That is not proof of sincerity. Most of the Aboriginal people whom I have spoken to who have told the stories of their experiences as part of the stolen generation have only asked for an apology. They have not asked for money. They have asked that the government recognise what occurred to them and that it apologise on behalf of the Commonwealth government. This government has not been able to bring itself to say sorry, and I think the Australian community are beginning to wonder why not. It is all right to say, ‘Oh, we have thrown money at the problem and that is the sign of our sincerity.’ That does not wash when you cannot bring yourself to say sorry, and it is not washing with the people who have horrific stories to tell, who have had their lives ruined by their experiences and who continue to suffer pain, and whose family members continue to suffer pain, as a result of those experiences. For the government to maintain the position it has has been deeply hurtful to those people.

Senator Herron said today that he had heard that they wanted the government to say sorry, and I appreciate that he recognised that today, because yesterday he seemed to be denying it. But, despite all his sympathy, despite all his concern, he and the government cannot bring themselves to say sorry. What is worse, in the last couple of days the current imbroglio has come from their determination to adopt a David Irving approach and to try and deny the historical fact. They now refer to the term ‘stolen generation’ as a rhetorical one in an attempt to demean, downplay the significance of and deny the very real experiences that occurred to thousands and thousands of Aboriginal people in this country. To say that it did not happen evenly across the nation and that sometimes only one in 10 children were stolen—though the point I made today is that almost half were stolen at certain periods in the Kimberley in Western Australia—does not go anywhere near dealing with the central point. The central point is that these people were stolen from their families and have suffered enormous pain, dislocation and suffering as a result.

They asked the government to say sorry but the government could not bring itself to do that. But now they are tremendously upset and hurt by the fact that the government has
moved to a new stage—a stage of denial of their experiences. Senator Herron says he has read the report and has listened to the stories. I do not know how anyone who has listened to even one of the stories can adopt the sort of position that he adopts. The stories are told with great dignity, without rancour and without a sense of vengeance, but they are told as heartfelt stories and stories that have ruined the lives of many Aboriginal people.

Today the minister insulted the parliament and the whole Australian community by adopting the Bronwyn Bishop defence: it is all the Labor Party’s fault. Apparently we somehow snuck into Prime Minister and Cabinet and wrote this submission on the stolen generation report. That is how desperate this government has become. It blames everybody. Now it is the Labor Party’s fault that the government has sought to deny the experiences of these thousands of Aboriginal people.

Minister, I know the Prime Minister has given reconciliation to another minister because he does not trust you to handle it. I know they have moved all of your policy officers out of your control and put them into the Department of the Prime Minister and Cabinet so that all the Aboriginal policy comes out of PM&C now and is not under the control of the Aboriginal affairs minister. I know the government do not take you seriously. What I really want to ask the minister is: don’t you recognise the damage you are doing to race relations in this country? Don’t you think you ought to take responsibility for the damage you are doing? Don’t you think you ought to front up to your responsibilities and do better? Or, if you cannot do better, get someone who can do better, because you are doing enormous damage to race relations in this country, causing enormous hurt to the stolen generation and setting back reconciliation many years by the lack of sensitivity and the lack of understanding that have been shown in dealing with the real tragedy of these people’s lives. I urge the minister, if he cannot do that, to go and see if there is somebody who can do a better job. (Time expired)

Senator EGGLESTON (Western Australia) (3.23 p.m.)—This, of course, is a very topical and controversial matter at the moment. Senator Evans said this afternoon in question time, and he said it again now, that the government is seeking to deny historical fact and to pretend that there was no policy of removing children from their families and that there were no sad consequences and hurt caused by that policy. In fact, the truth is quite the opposite. The government does not deny that these policies occurred. Senator Herron made it quite clear this afternoon that they did occur and that he understands fully the pain, trauma and hurt that resulted from those policies. He said to the Senate this afternoon that he, in a minor way, was in fact involved in a part of the operation of the policy of removing Aborigines from their families. As a young person, I saw Aboriginal children from the Moore River Mission in Perth—who were probably taken away from their families—brought down to Busselton, where I lived, in the summertime to go on holidays. There is no doubt that this policy occurred and nobody denies it.

However, it has to be understood that the policy of removing Aboriginal children from their homes was a policy of the time, and the policy was introduced in an attempt to improve the opportunities of young Aboriginal people by providing them with better health services and education and by generally giving them a background which would fit them into the Australian society of the time. It has to be said that there were a great number of success stories from that policy. One of them, which I would like to quote, is that of Cedric Wyatt, who was until recent years the head of the Aboriginal Affairs Department of the government of Western Australia, a member of the senior executive service of the state public service. Cedric Wyatt is somebody who I know reasonably well and with whom I have discussed this policy of the removal of children. Cedric said to me in 1996 when we were in the Kimberley that, if he had not been removed when he was a young man, sent to a Catholic school and given an education, he would be just another drunk on the streets of Meekatharra. Instead of that, he is a man with tertiary qualifications, who, as I said, was a member of the senior executive service of the Western Australian state public service. Another example is
Polly Farmer, a great footballer known throughout this country. He, too, is a man who benefited from that policy.

I repeat the point that you cannot judge the past by the values of today. The past is the past, and values change. History is history. For example, the restrictive immigration policy which Australia had for many years, known as the White Australia Policy, was introduced by the Labor Party in the early 1900s. The Labor Party would never think of introducing a racist immigration policy like that in this day and age, but they did so in 1900 because that was consistent with the view which the white members of Australian society took of the world at that time. It was, of course, the Holt coalition government which abolished the White Australia Policy in 1966.

When I lived in the Pilbara—where I lived for some 22 years—I took a great interest in Aboriginal affairs. One of the things that I used to do was go to Aboriginal bush meetings. The Aborigines in the Pilbara used to get together every three months to discuss issues. About 300 of them would gather on the banks of a river somewhere in the Pilbara and talk about issues. The issues that were raised were housing, health services, education and social problems like domestic violence and alcoholism. Strangely, the removal of children and land rights were not raised by those ordinary Aboriginal people, obviously because they did not see them as important issues. I think there is a message in that, and the message is that Aborigines are more concerned with the practical issues of education, housing and social problems than with issues built up—and beat up—by people who have a vested interest in promoting somewhat trendy, controversial issues. Such people are promoting those issues rather than sitting down and tackling the boring issues which would actually bring some benefit to Aboriginal people—issues like housing, health services and education. (Time expired)

Senator LUDWIG (Queensland) (3.28 p.m.)—Going on from what Senator Eggleston has contributed to the debate, I see we have more anecdotal stories about the past and more talk about how we then, at some point, have to cut off the past. Perhaps we could cut off our arms at the same time! It is not a case of saying, ‘We’ll jump into a time warp, we’ll be a Dr Who—we’ll pretend that the past didn’t exist.’ I think it is very important to look at the past, take a valuable lesson from the past and learn from the past. What you can learn from the past is that policies that discriminated, policies that were wrong, can be rectified and you can say sorry—it is not a very difficult word. A government can say sorry; it can look at the past and move on. Unless it can recognise the past, it may have difficulty moving on.

In the future, I wonder how much you are going to support the policies that you have supported in the Senate today—the policies of reconciliation. Or are you going to say next week or next year, ‘That was a matter that we dealt with last year and the year before; it is a matter we no longer have to deal with’? Are you going to say that reconciliation is not important anymore? Do we have to second-guess you every time you say something now as to what is going to happen in the future? Do we have to then critically analyse all the government’s statements today so as to know what might happen in the future, so that when the future does arrive, they do not reflect upon today negatively and say, ‘That’s something we said in the past. We can cut it off, we can truncate it—it is no longer rationally relevant any longer’? It is just not good enough.

In answer to Senator McLucas’s question, Senator Herron referred to the stolen generation and talked about the rhetoric that surrounded it, paraphrasing, and also threw up a new term. We now find that it is nothing more than ‘a construct’—no definition, just simply a construct. I think that is a very poor summation indeed of the issue of the stolen generation. In fact, three years ago when the HREOC report was put forward, some of the questions surrounding that report were answered in a press release put out by the department. The text of that press release says, ‘In developing these initiatives, our primary aim has been to address the fundamental concern that lies at the heart of this issue—family separation and its consequences.’ As the report itself states, ‘Assisting family reunions is the most significant and urgent need
of separated families.’ It is not only about the people themselves; it is about their families.

This government then says, ‘We should move on. We should concentrate on education, health, youth affairs and other matters.’ Those issues do not go away. The government should continue to address them. It should not simply say that we should look at those rather than look at the holistic view. Until we can deal with the holistic issues, it is very difficult to then put them in little boxes and say, ‘These are the matters we are going to deal with. We will deal with them only because we want to deal with them. We will deal with education, if we can,’ and I think the record there stands for you to demonstrate that you will deal with it. You have said you will. Now we will watch you try. You then say, ‘We will deal with health,’ and the same thing goes. You then talk about youth affairs or about the problems of drugs and whatnot in those communities. We will see your record on that, but it does not mean that you will deal with only those issues. You have to deal holistically with all of the issues that need to be looked at.

Also, in that press release some time ago you said, ‘We know that we must never forget the past, that we must learn from the past so that we never again allow such things to happen in our community.’ It seems to me that you have made these statements but take no responsibility for them. You simply say, ‘That was the past. We certainly care about the past, but we won’t take any responsibility for the future.’ It is a poor reflection. In response to Senator Bolkus’s question to Senator Herron about the reconciliation process, Senator Herron commented that the reconciliation process was not a matter that he needed to turn his mind to. As I understand his answer, he believes that it is still on track. When you look at the newspaper clippings—(Time expired)

Senator RIDGEWAY (New South Wales) (3.33 p.m.)—I take note of the answer from Senator John Herron to my question in relation to the stolen generations. I am somewhat bemused and find it difficult to refrain from expressing anger about what I see as the conviction and commitment of the government as being nothing more than semantics. It seems very much divided on a human question. I agreed with the government last year and the government acknowledged that indigenous Australians suffered injustices under the practices of past generations, and there was also an acknowledgment about the mistreatment of many indigenous Australians over a significant period of time. It was described by the Prime Minister as the most blemished chapter in our national history. My question today was not so much about the past alone. It was very clearly about the question of the minister’s comments no more than three days ago, not 35 years ago, not longer. All it required was a human response from the minister, perhaps from the government, perhaps from the Prime Minister to acknowledge that the comment that ‘there is no such thing as a stolen generation’ is, in fact, the infliction of a new hurt and a new trauma upon members of the stolen generation.

It is one thing to talk about giving commitment and conviction to a motion passed in August last year, but there must be an ability for government to be able to draw a line from that commitment to present day circumstances some seven months on. It seems to me that the government response has been a numerical one and a political one, but it requires a human one. No-one asked for anything other than an acknowledgment and understanding that Senator Herron’s comments in this submission and in the media in the past few days have opened old wounds. They have brought on new trauma and there must be an understanding that indigenous Australians, whether it is one in 10, one in two or every one of them, by one or two degrees of separation have all suffered the anxiety, the trauma and the hurts of the past as members of the stolen generations.

I do not believe that it is a big thing to ask for the government, the Prime Minister or Senator Herron to withdraw or to amend those comments and to understand that this requires a human response. We all acknowledge that indigenous people are the most disadvantaged and we talk well about the things that we are doing to try to remedy the effects of past colonisation. Yet I find it quite disturbing that all of our responses seem to
hinge very much on the way that we deal with words and how they are interpreted. It matters not whether the stolen generations were recorded in the Human Rights and Equal Opportunity Commission report, or in any other report. It is what is commonly known and commonly accepted by members of the stolen generation that defines their stories, their life experiences and their hurt about their past over a significant period of time.

It is no different to the idea of ‘burn baby burn’. We are not literally talking about babies burning, we are talking about an era in our history when particular things happened, and we understand that. It is no different to an understanding of the Anzac spirit: that it means something to people in this nation and that it allows people to unite under a common understanding of our history in relation to war in the first sense and in the second. It should be no different as a response from this government to understand that we are talking about the lives of people who continue to live in this society and who, quite frankly, have had their stories delegitimised and discredited as being nothing more than a myth and a lie. I do not believe it is beyond this government to confront these issues and to give a human response. We ought to feel outraged that the governments are not providing the responses required. I want to finish by saying that, if we are serious about our conviction of last year to reconciliation and to the stolen generations, then we ought to be able to match that rhetoric with action here and now.

Question resolved in the affirmative.

PETITIONS

The Clerk—Petitions have been lodged for presentation as follows:

Genetically Modified Foods

To the Honourable the President and the Members of the Senate in Parliament.

This is a Petition of the Citizens of Australia who draw to the attention of the Senate recent developments for the production, manufacture and sale of Genetically Modified Foods (GMFs) throughout Australia.

It appears that consumers are not adequately informed about the dangers of GMFs, nor are they (adequately) notified when GMFs are incorporated into products which are made available for sale in our stores.

Your petitioners therefore pray that the Senate takes action, as a matter of urgency, to ensure there is a moratorium on the production, manufacture, and sale of GMFs in Australia, until there has been adequate public consultation and debate on the issue and the full impact of GMFs is understood. This course of action will enable an informed decision about the sale of GMFs and therefore ensure the ongoing health and safety of the residents of Australia.

by Senator Stott Despoja (from 13,507 citizens)

Goods and Services Tax: Female Sanitary Products

To the Honourable the President and the Members of the Senate in Parliament.

The Petition of the undersigned shows that from July 1, 2000 a GST will apply to sanitary pads and tampons, items currently tax exempt. Your Petitioners request that the Senate call upon the Treasurer to exempt tampons and sanitary pads from the GST.

by Senator Stott Despoja (from 44 citizens)

Goods and Services Tax: Vitamin, Mineral and Herbal Remedies

To the Honourable the President and Members of the Senate assembled in Parliament:

The petition of certain citizens of Australia draws to the attention of the Senate, decisions by the Howard Government to apply a 10% goods and services tax to vitamin, mineral and herbal remedies which are listed, along with pharmaceutical medicines, on the Australian Register of Therapeutic goods.

This decision will disadvantage all Australians who use or provide alternative and complementary HealthCare products to maintain and improve their health and wellbeing, to prevent disease and to manage chronic illness. This is a new tax on those who, by taking care of their health with products and services which are not subsidised, reduce the burden on the health budget.

A tax on health is a bad tax. Your petitioners therefore pray that the Senate recognises that imposition of the HGST on therapeutic goods which are listed on the Australian Register of Therapeutic Goods is contrary to the maintenance of our good health and well-being. Our petition requests the Senate to call on the Government to zero-rate these products.
by Senator Stott Despoja (from 20 citizens)

Petitions received.

NOTICES

Presentation

Senator Gibson to move, on the next day of sitting:

That the Economics Legislation Committee be authorised to hold a public meeting during the sitting of the Senate on 10 April 2000, from 7.30 p.m., to take evidence for the committee’s inquiry into the provisions of the Customs Tariff Amendment Bill (No. 1) 2000 and the Excise Tariff Amendment Bill (No. 1) 2000.

Senator Mackay to move, on the next day of sitting:

That the Senate—

(a) notes that:

(i) National Youth Week is being held in the week beginning 2 April 2000, and

(ii) the week is aimed at celebrating the talents and achievements of young Australians, recognising their diversity and bringing national attention to their concerns;

(b) expresses its concern that:

(i) young people are being condemned to lives of uncertainty and instability as a result of the increasing casualisation of the workforce,

(ii) the concerns and views of young people are not being heeded by government, and

(iii) young people are receiving insufficient support in confronting the many serious challenges they are facing; and

(c) condemns the Government for its continual marginalisation of young people through:

(i) its failure to act on the recommendations of the 1999 National Youth Roundtable, including its unanimous support for the reinstatement of a peak youth body and the need for a formal apology to the stolen generation,

(ii) its contravention of Australia’s international obligations under the Convention of the Rights of the Child through its continued support for mandatory sentencing, and

(iii) its labour market policies, which are devoid of any focus on employment outcomes.

Senator Allison to move, on the next day of sitting:

That the Senate—

(a) notes:

(i) the delivery of 20 Falcon alternative fuel taxis to Hong Kong by Ford Australia,

(ii) that this is the first consignment in a project to convert Hong Kong’s entire taxi fleet, presently powered by diesel, to liquid petroleum gas (LPG) within the next 5 years, and

(iii) that this initiative is the outcome of cooperation between the Australian Trade Commission, the Hong Kong Government, Ford, and Hong Kong car dealership Wallace Harper;

(b) congratulates the Hong Kong Government for its proactive approach to reducing harmful pollution caused by diesel use, and Ford Australia for its involvement; and

(c) urges the Federal Government to convert its vehicle fleets to LPG or compressed natural gas, which would:

(i) develop local demand for Australian gas,

(ii) decrease Australia’s reliance on ‘dirty’ and increasingly expensive fuel imports,

(iii) reduce airborne particulate pollution, and

(iv) place Australia in a better position to develop alternatives to continued use of dwindling international petroleum supplies.

Senator Faulkner to move, on the next day of sitting:

That a message be sent to the House of Representatives requesting that the House immediately consider the Human Rights (Mandatory Sentencing of Juvenile Offenders) Bill 1999.

Senator Faulkner to move, on the next day of sitting:

That the Public Service Commissioner’s Directions, made under the Public Service Act 1999, be disallowed.

Senator Allison to move, on the next day of sitting:

That the Senate—

(a) notes that:

(i) Victoria’s Western Regional Forest Agreement (RFA) was signed by the
Victoria State Government in the week beginning 30 March 2000, in spite of opposition from local governments in the region,

(ii) clear fell logging is being conducted in water catchments supplying Geelong, in spite of the fact that Geelong is in its third year of water restrictions,

(iii) Colac Otways Shire, Greater Geelong Shire and Surf Coast Shire have all made submissions to the State Government inquiry into RFAs arguing that tourism and water catchments are likely to be affected by logging in the Otways,

(iv) Gold Plains Council has criticised the RFA process,

(v) the Mayor of Wyndham Shire has expressed public concern over the Western RFA, and

(vi) this highlights local councils’ and communities’ concerns with the Western RFA; and

(b) urges the Federal Government to review the entire RFA process and move quickly to sourcing Australia’s timber and wood-chipping needs from plantations.

Senator Tierney to move, on the next day of sitting:

That the Senate—

(a) notes:

(i) the opening of the Newcastle Stock Exchange (NSX) by the Minister for Financial Services and Regulations (Mr Hockey) as Australia’s second only regional stock exchange in operation, after it was first opened 63 years ago, and

(ii) the potential for the NSX to boost local and regional businesses, with the aim to attract innovative and emerging industries to the region, particularly after the closure of BHP’s steelmaking division;

(b) applauds the success of businesses which were listed on the original NSX, such as Brambles Industries and Coal and Allied Industries Ltd, which are examples of local companies that went on to make significant achievements in the Australian corporate world;

(c) recognises that the re-establishment of the NSX was underpinned by the financial contribution of the Federal Government through the Hunter Structural Adjustment Fund; and

(d) condemns the New South Wales Carr Government for only spending $2.7 million of its $10 million Hunter Advantage Fund to help businesses in the Hunter region despite the state fund having been established 3 years ago.

Senator O’Brien to move, 15 sitting days after today:

That the Customs (Prohibited Imports) Amendment Regulations 1999 (No. 9), as contained in Statutory Rules 1999 No. 333 and made under the Customs Act 1901, be disallowed.

Senator Carr to move, on the next day of sitting:

That the Senate notes the Government’s belated acknowledgment of the failure of its regulatory regime to safeguard the integrity and the quality of Australia’s international education industry and, in particular, to:

(a) prevent the abuse of student visas; and

(b) act as gatekeeper for the quality of education provided to overseas students.

Senator Hogg to move, on the next day of sitting:

That the Senate notes that:

(a) it is 55 days since former Senator Parer resigned as a senator for the State of Queensland;

(b) the Queensland Liberal Party has said that it will not select a replacement for Senator Parer until 30 April 2000, another 26 days (a total of 81 days since Senator Parer’s resignation);

(c) at the Queensland Liberal Party’s request, the Queensland State Parliament will not be asked to appoint a replacement for Senator Parer until 16 May 2000 (a total of 97 days since Senator Parer’s resignation);

(d) the day of swearing-in of the successor to Senator Parer would be 5 June 2000 at the earliest (a total of 117 days since Senator Parer’s resignation); and

(e) the people of the State of Queensland have been denied their full Senate representation by the lethargy of the Queensland Liberal Party in appointing a successor to Senator Parer.

Senator Harris to move, on the next day of sitting:

That there be laid on the table by the Minister representing the Minister for Transport and Regional Services (Senator Ian Macdonald), no later that immediately after questions without notice on 11 April 2000, a report of an investigation into specifications of heavy trucks and consequential effects on truck dynamics and drivers.
COMMITTEES
Economics Legislation Committee
Extension of Time
Motion (by Senator Calvert, at the request of Senator Gibson)—by leave—agreed to:
That the time for the presentation of the report of the Economics Legislation Committee on the provisions of the Customs Tariff Amendment Bill (No. 1) 2000 and the Excise Tariff Amendment Bill (No. 1) 2000 be extended to 9 May 2000.

Rural and Regional Affairs and Transport Legislation Committee
Extension of Time
Motion (by Senator Calvert, at the request of Senator Crane)—by leave—agreed to:
That the time for the presentation of the report of the Rural and Regional Affairs and Transport Legislation Committee on the Albury-Wodonga Development Amendment Bill 1999 be extended to 5 April 2000.

NOTICES
Postponements
Items of business were postponed as follows:
General business notice of motion no. 474 standing in the name of Senator Stott Despoja for today, relating to the Advertising Standards Board, postponed till 5 April 2000.
General business notice of motion no. 479 standing in the name of Senator Stott Despoja for today, relating to financial institutions, postponed till 5 April 2000.
General business notice of motion no. 340 standing in the name of Senator Allison for today, proposing an order for the production of Commonwealth-State agreements, postponed till 15 August 2000.
General business notice of motion no. 489 standing in the name of Senator Murray for today, proposing an order for the production of documents by each minister in the Senate relating to indexed lists of contracts, postponed till 10 April 2000.

MINISTERIAL ARRANGEMENTS
Motion (by Senator Ian Campbell, at the request of Senator Alston)—as amended, by leave—agreed to:
That the continuing order of the Senate relating to the powers of parliamentary secretaries be amended to omit ‘Parliamentary Secretaries Act 1980’ and to substitute ‘Ministers of State Act 1952’.

COMMITTEES
Rural and Regional Affairs and Transport References Committee
Meeting
Motion (by Senator Woodley) agreed to:
That the Rural and Regional Affairs and Transport References Committee be authorised to hold a public meeting during the sitting of the Senate on 10 April 2000, from 7.30 p.m. till 10.30 p.m., to take evidence for the committee’s inquiry into air safety.

CONSTITUTION ALTERATION (ELECTORS’ INITIATIVE, FIXED TERM PARLIAMENTS AND QUALIFICATION OF MEMBERS) 2000
First Reading
Motion (by Senator Murray) agreed to:
That the following bill be introduced: a bill for an act to alter the Constitution to provide a method for altering the Constitution on the initiative of the electors, to change the terms of service of senators and the duration of the House of Representatives and to change the provisions relating to the qualifications of members of parliament
Motion (by Senator Murray) agreed to:
That this bill may proceed without formalities and be now read a first time.
Bill read a first time.
Second Reading
Senator Murray (Western Australia) (3.45 p.m.)—I move:
That this bill be now read a second time.
I seek leave to have the second reading speech incorporated in Hansard.
Leave granted
The speech read as follows—
The Republic Referendum of November last year was another example of the constitutional stasis this country has found itself in over the course of this century. The blame for this is often laid at either the mechanism for constitutional change (that it sets the hurdle too high) or the supposed innate conservatism of the Australian electorate. These analyses often overlook, however, the merit of the proposals that have been put to the people, and the behaviour of the major parties prior to referendums. The Republic Referendum was a classic example of a poorly conceived idea for
This experience should not dissuade, however, those of us who believe the Australian Constitution is desperately in need of modernisation. This Bill makes a modest contribution to updating the Constitution so that it is aligned with the expectations and values of our contemporary democracy.

The first Schedule of the Bill seeks to amend the Constitution to allow for its future amendment at the initiative of the Australian people. The right of the people of a country to make law independent of politicians should be a basic and independent right. Such systems have worked well and effectively in other countries, and there is a particular need for such a mechanism in Australia.

The machinery for elector initiated alteration to the Constitution proposed in this bill is very similar to that operating successfully in other parts of the world. The bill proposes in essence that if a proponent of a particular Constitutional change can get the bona fide signatures of 5 per cent of electors, then that petition can be put before electors as a referendum. Such systems have worked well and effectively in other countries, and there is a particular need for such a mechanism in Australia.

The machinery for elector initiated alteration to the Constitution proposed in this bill is very similar to that operating successfully in other parts of the world. The bill proposes in essence that if a proponent of a particular Constitutional change can get the bona fide signatures of 5 per cent of electors, then that petition can be put to the Governor General. The Governor General then sees that at the next House of Representatives election, the alteration put in the petition is put before electors as a referendum.

The whole process is overseen by the Australian Electoral Commission, which will ensure that all processes are adhered to. It is self-evident that a 5% threshold will not be an easy target to attain, and therefore there is no need to fear that this change would lead to masses of referendums.

The whole process is overseen by the Australian Electoral Commission, which will ensure that all processes are adhered to. It is self-evident that a 5% threshold will not be an easy target to attain, and therefore there is no need to fear that this change would lead to masses of referendums.

Australia today is better educated and more politically aware than in the past. The great media and public interest in politics and the rapid growth of citizen movements demonstrate this. The whole point of democracy is that it is the people who are sovereign. This part of the Bill would recognise and entrench this principle in the Constitution.

The Second Schedule of the Bill will give effect to proposed changes to the Constitution dating back to the Australian Constitutional Convention held in Adelaide in 1983. In particular, the Bill provides for the present three-year term for the House of Representatives to be increased to four years and for the new four-year electoral cycle to be fixed.

There is general agreement within the community that the present electoral arrangements have resulted in Australia having far too frequent elections. The Constitution allows the Prime Minister of the day to call an election virtually at whim for the House of Representatives and to demand a double-dissolution once the Senate has twice rejected a bill.

Not surprisingly early elections have occurred so regularly as to have become the rule rather than the exception. There has been increasing public unease about the lack of sufficient continuity and stability in Government, with a resultant atmosphere of uncertainty and controversy and strong pressure on governments to adopt short-term expedient policies to ensure electoral success.

The frequency of elections is not simply a nuisance or an irritation, it also has major ramifications for sound government decision-making, for budgetary policies and therefore, for the economic climate in which business operates. Frequent elections have an adverse effect on government planning and decision-making and this, in turn, adversely affects private sector planning and business confidence.

Under our present unfixed, three-year parliamentary term system, governments of all colours have had enormous difficulty reconciling careful and deliberate economic policies with the electoral imperatives of political survival. Undoubtedly, this helps explain why the four-year parliamentary term proposal has received support from all political parties, from a variety of institutions and political commentators and increasingly, strong support from the business sector and the public at large.

If Australians are given an opportunity to extend the Federal Parliamentary term then this country will, according to a study by the Inter-Parliamentary Union, join 25 other democratic countries with four-year terms. There are, incidentally, 24 democratic countries (including Canada and Great Britain) with five-year terms.
The fixed four-year proposal will not prevent a government from going to the people should a genuine deadlock occur between the House and the Senate but it will certainly remove the present incentive for governments to call an election when they believe the moons of fortune are in alignment. It will certainly provide for greater continuity and stability in the electoral cycle, since the average span of Parliament may be expected to increase substantially.

The Third Schedule of the Bill seeks to clear up the well known anomalies with respect to qualification and disqualification of members of Parliament. The proposed Section 34 enshrines in unequivocal language the requirements to stand for membership of the Parliament. Perhaps more importantly, the proposed Section 44 removes the difficulties that have given rise to litigation with respect to holding ‘an office of profit under the Crown’. It does this by providing that upon election to the Parliament, any holders of the positions set out in s44 are deemed to have vacated those offices. The proposed s45 ensures, however, that subsequent to becoming a member of parliament no person shall be able to be employed in any of the capacities set out in that section.

The new S45A seeks to prevent persons with a clear conflict of pecuniary interests being eligible to stand for Parliament. The section largely leaves the detail of the criteria to be resolved by the Parliament, although it does prohibit outright any person standing for Parliament who has a pecuniary interest in a contract with the public service, except where that person holds the interest only as a member of an incorporated company consisting of more than 25 persons.

This Bill is a small step towards clearing up some of the more blatant problems or omissions of the Australian Constitution. It should be recognised by Members that the substance of this document is every bit as important as the method of choosing our head of state. I therefore hope the Bill gets the serious consideration it deserves.

Debate (on motion by Senator Calvert) adjourned.

BUSINESS

Consideration of Legislation

Motion (by Senator Ian Campbell) agreed to:

That the provisions of paragraphs (5) to (7) of standing order 111 not apply to the following bills, allowing them to be considered during this period of sittings:

A New Tax System (Family Assistance and Related Measures) Bill 2000

Child Support Legislation Amendment Bill 2000

Road Transport Charges (Australian Capital Territory) Amendment Bill 2000

Interstate Road Transport Charge Amendment Bill 2000

Interstate Road Transport Amendment Bill 2000.

COMMITTEES

Rural and Regional Affairs and Transport Legislation Committee

Meeting

Motion (by Senator Calvert, at the request of Senator Crane) agreed to:

That the Rural and Regional Affairs and Transport Legislation Committee be authorised to hold a public meeting during the sitting of the Senate on 6 April 2000, from 3.30 pm till 7 p.m., to take evidence for the committee’s inquiry into the provisions of the Australian Wool Research and Promotion Organisation Amendment (Funding and Wool Tax) Bill 2000.

Corporations and Securities Committee

Meeting

Motion (by Senator Calvert, at the request of Senator Chapman) agreed to:

That the Parliamentary Joint Committee on Corporations and Securities be authorised to hold a public meeting during the sitting of the Senate on 5 April 2000, from 5 p.m., to take evidence for the committee’s inquiry into the provisions of the Corporations Law Amendment (Employee Entitlements) Bill 2000.

Extension of Time

Motion (by Senator Calvert, at the request of Senator Chapman) agreed to:

That the time for the presentation of the report of the Parliamentary Joint Committee on Corporations and Securities on the provisions of the Corporations Law Amendment (Employee Entitlements) Bill 2000 be extended to 10 April 2000.

GENETIC PRIVACY

Motion (by Senator Woodley, at the request of Senator Stott Despoja) agreed to:

That the Senate—

(a) notes:

(i) that President Clinton prohibited all federal departments and agencies in the United States of America using genetic information against federal employees in hiring or promotion ac-
tion by executive order on 8 February 2000,
(ii) that no such protection is currently available for Australian employees,
(iii) that 12 months have passed since the Senate considered the Genetic Privacy and Non-discrimination Bill 1998 without implementation of any of the recommendations of the report of the Legal and Constitutional Legislation Committee on the provisions of the bill, and
(iv) the recent release of the report by the Australian Health Ethics Committee (AHEC) of the National Health and Medical Research Council entitled ‘Ethical Aspects of Human Genetic Testing: an information paper’, and
(b) calls on the Government to:
(i) ensure that effective laws on privacy and discrimination form part of the overall regulatory framework for the application of gene technologies in Australia,
(ii) publicise the availability of the AHEC report and call for public submissions, and
(iii) refer the report and all submissions received to the Legal and Constitutional References Committee to undertake a thorough review of the issues relating to genetic privacy and discrimination including:
identifying current legislative protection, state and territory coordination and representation, health and life insurance, counselling and employment, provision of goods and services, clinical diagnosis and treatment, conduct of medical and other research, and genetic information concerning children.

ZIMBABWE
Motion (by Senator Murray) agreed to:
That the Senate—
(a) notes the current grave situation in Zimbabwe, in which:
(i) serious economic difficulties are leading to considerable unrest,
(ii) agricultural production has been jeopardised by the invasion of commercial farms by squatters and the squatters' actions have been ruled as illegal by the High Court of Zimbabwe, and
(iii) elections due to be held in April 2000 have been delayed;
(b) supports the British Government’s strongly expressed concerns about events in Zimbabwe; and
(c) calls on the Government in Zimbabwe to restore the rule of law and hold free and fair elections at the earliest possible date.

EDUCATION: EXPORTS
Motion (by Senator Woodley, at the request of Senator Stott Despoja) agreed to:
That the Senate—
(a) notes that Australia’s education sector is now a larger export industry than wool and that in 1999 the sector:
(i) enrolled 157 834 international students,
(ii) injected more than $3 billion into the domestic economy, and
(iii) provided thousands of Australian jobs; and
(b) congratulates the education sector for this achievement despite the Coalition Government’s budget cuts.

COMMITTEES
Legal and Constitutional Legislation Committee
Extension of Time
Motion (by Senator Harradine)—as amended by leave—agreed to:
That the time for the presentation of the report of the Legal and Constitutional Legislation Committee on the provisions of the Classification (Publications, Films and Computer Games) Amendment Bill (No. 2) 1999 be extended to Thursday afternoon 6 April 2000.

MANDATORY SENTENCING LEGISLATION
Motion (by Senator Faulkner) agreed to:
That a message be sent to the House of Representatives requesting that the House immediately consider the Human Rights (Mandatory Sentencing of Juvenile Offenders) Bill 1999.

MATTERS OF URGENCY
Aboriginals: Stolen Generation
The DEPUTY PRESIDENT—I inform the Senate that the President has received the following letter, dated 4 April, from Senator Ridgeway:
Dear Madam President,

Pursuant to standing order 75, I give notice that today I propose to move:

That in the opinion of the Senate, the following is a matter of urgency:

The need for the Australian Government to acknowledge that there exists stolen generations of indigenous Australians, that generation after generation of indigenous children were stolen from their families, and that the Government must act on its expression of deep and sincere regret for the injustices suffered under the practices of past generations by moving to ease the hurt and trauma that many indigenous peoples continue to feel as a consequence of those practices.

Yours sincerely,

Senator Aden Ridgeway

Is the proposal supported?

More than the number of senators required by the standing orders having risen in their places—

The DEPUTY PRESIDENT—I understand that informal arrangements have been made to allocate specific times to each of the speakers in today’s debate. With the concurrence of the Senate, I shall ask the Clerks to set the clock accordingly.

Senator RIDGEWAY (New South Wales) (3.50 p.m.)—I move:

That in the opinion of the Senate, the following is a matter of urgency:

The need for the Australian Government to acknowledge that there exists stolen generations of indigenous Australians, that generation after generation of indigenous children were stolen from their families, and that the Government must act on its expression of deep and sincere regret for the injustices suffered under the practices of past generations by moving to ease the hurt and trauma that many indigenous peoples continue to feel as a consequence of those practices.

I move this urgency motion because I believe that it is of vital importance and goes to the heart of national character and the heart of the nation. Earlier this year I attended the World Economic Forum in Davos in Switzerland. One of the things that struck me about that forum was that an author and a world renowned philosopher by the name of Umberto Eco spoke about what he regarded as important to the idea of memory. He made this comment:

If we lose our memory, we have no soul.

What he had in mind when he spoke about that particular phrase was that history and tradition are the very things that define us as people, as part of the memory of the things that we tell about ourselves to each other and the things that hold value as part of life.

Today I want to reassure the thousands of members of the stolen generations that their experience and their stories are not being dismissed as mythology by the government and that the government should not seek to deny their past and their stories. I am deeply saddened to be in this position only seven months after the Australian parliament acted in unison to express its deep and sincere regret to indigenous Australians, acknowledging the injustices they suffered as a result of the practices of past generations, and for the hurt and the trauma that many indigenous people continue to feel as a consequence of those practices. But when the language of the motion was negotiated with the Prime Minister in August last year, it was the most pointed reference that the government was prepared to make in terms of an apology to the stolen generations. The compromise that I and Senator Lees were prepared to make, after speaking with members of the indigenous leadership, such as Dr Lowitja O’Donoghue and Mr Charles Perkins, was something that I believe took an enormous amount of time and patience in agreeing to.

Although many indigenous people wanted a great deal more from the national parliament, it was but a small and significant step that the government was prepared to make to reopen the process of reconciliation between black and white Australia. It was a beginning that I believed at that time opened the way to further and more significant progress in the future. I think everyone in the Senate is conscious of the fact that reconciliation is a long and, at times, difficult process. But as I said in my first speech in this chamber, it is a process that perhaps in time becomes difficult by those that have false ideals and those that have an inability to forgive or to accept.

I seek to move this motion with the support of senators of all political persuasions because I think it is a matter that goes to the heart of this nation. It is a matter that cries
out for a human response rather than political manoeuvring or mathematical formulas. There is no doubt in my mind that Australia has had several generations of stolen children. There are many indigenous people alive today whose pain is still fresh and whose hearts are still scarred by their experiences. To somehow diminish those stories by not acknowledging them as being part of the stolen generations is no different from trying to demystify or take away the idea that somehow the Anzac spirit unites all Australians. We all understand what that means as part of Australian history. We ought to be able to accept that stolen generations are also part of our history—that they can be accepted and given a human response.

I have no doubt that the term ‘stolen generations’ can be applied to all generations of indigenous Australians today. Primarily, it is about those that were taken away, but it is also about the mothers that were left behind, the families that were left behind, and the generations that were denied opportunities for family, culture and identity. This leads me to question why the minister for indigenous affairs considers it appropriate or helpful to deny the experiences and the stories of so many indigenous people and their families. How does the government’s denial of the existence of the stolen generations advance the process of reconciliation when this fact of history is widely accepted by the Australian community?

I have been greatly heartened by the volume of messages of support from Australians from all walks of life and of all political leanings. Australians, both black and white, are morally outraged and disgusted by the suggestion that, as a nation, we would seek to deny the very identity and existence of the stolen generations. The level of passion and outrage conveyed in the messages to my office reassures me that any polls that suggest Australians do not want to apologise to the stolen generations are wrong. I gave the minister an opportunity this afternoon to deal with comments made in the past three days—not past history, not past actions of government, but recent comments that could easily have been repaired.

The fact is that no-one will ever know how many indigenous children were forcibly removed from their families. This was acknowledged by Minister Herron yesterday. This was acknowledged by others. Yet we continue to have a government that tells us that we ought to be relying upon a report written three years before the Human Rights and Equal Opportunity Commission report, that we are talking about one in 10. It does not matter what the numbers are. It is the fact that we are talking about the stories of people that are living as part of Australian national life. We ought to be decent enough to do the right thing. I think that Australian society demands and expects that we deal with these issues for what they are. It requires a human response to understand that these wounds have been opened again. If there is a festering sore we should be able to do the right thing and say sorry.

Senator Herron (Queensland—Minister for Aboriginal and Torres Strait Islander Affairs) (3.58 p.m.)—I have a great deal of respect for Senator Ridgeway. I certainly respect the motion that he has put forward as a matter of urgency. I can understand his motivation in doing so because it is an issue that tugs at the heart. It crosses our whole 210 years of history in this country. One cannot deny—neither I nor the government have ever attempted to do so—our past. Our past was a bloody one. That is not a word I usually use, but there is no question that it was—right from the time of transportation until the present time and our attitude towards the indigenous people of this country. I recall that initially Governor Phillip’s instructions were ‘be kind to the natives’. We introduced diseases which decimated people, particularly smallpox. Senator Ridgeway and many people who are interested in this field would be aware that Bennelong was a person who was affected by alcohol. We introduced a lot of dreadful things to this country unknowingly because we did not understand Aboriginal culture. One of the great events that have occurred in the last 50 years or so is a general understanding, particularly by academics, of the culture of Aboriginal people and its great strengths.
One can do no more than admire the Aboriginal people who have survived this period which started with killings and massacres over land in various places across the country, through to a protection era and then an era of assimilation, which was official government policy of the day. Nobody denies any of that. One of the worst things that we have done—both sides of politics—in recent years has been to introduce welfare dependency. For the last 30 years, we have done that. As I mentioned in question time this afternoon, I think that has probably caused an enormous amount of trouble. I love this portfolio, quite frankly; in fact, I am a volunteer in it. I asked for it after the last election to continue the work that I saw could be done, because I think we are producing a seachange in this country.

Having said that, what we have done to our Aboriginal people, even today, is horrendous: the effects of alcohol, the effects of family violence, as I mentioned. I believe there is an enormous task within our community today to redress those wrongs of the past, as they are afflicting the people today. We see all those statistics—the lack of education, the incarceration that was mentioned previously today, and the other effects on the indigenous community of this country. It is a tribute to them that they have survived. I recall being told as an observer, perhaps 20 or 25 years ago, that the Aboriginal people would not survive because of disease and alcoholism that were rife in the community. It is a tribute that they have emerged as a people whom we do honour.

We have never tried to deny this. I see in the media that somehow or other we are denying children were forcibly removed from their families. All that I have done in the submission is to try to get those facts on the table. For example, the word ‘stolen’ encompasses children who were removed from their families, often from one parent—because that is what occurred in that era—with consent. Since I was last in the chamber, and I have not had the opportunity to verify this categorically, I have been informed that, for example, between 1950 and 1957 in the Northern Territory 44 children were separated from their families, and in every case consent was given by the mother in that case because the father was absent. So over that eight-year period, the mothers of 44 children in the Northern Territory gave consent.

As I say, I have not been able to verify that. I have only just been told that by a patrol officer who was there at the time and who was responsible, so I accept his statement. All I am putting to you is that we need to verify all these things. It is a thing of the heart. I am not denying that. There is no question that there is an extraordinarily strong emotional element to it. I continually get asked by Aboriginal people who have succeeded in society and who are economically independent, ‘How can I help? What can I do as an individual to help the Aboriginal people?’ I believe the overwhelming majority of Australians feel the same way. They want to help. They want to assist in one form or another. That was why the Australian parliament as a whole passed that motion of a sincere expression of regret on 26 August 1999. We represented the Australian public. We were all elected to represent them. We did that.

We responded to the Bringing them home report. The Bringing them home report was 535 oral and written submissions to the Human Rights and Equal Opportunity Commission, which was commented on again today by Sir Ronald Wilson. I questioned Sir Ronald Wilson. I can verify this: I can find the date in my diaries. I said, ‘Sir Ronald, why is it that nobody who was an administrator at that time appeared before your committee? I would have thought that as a judge there should have been somebody who hopefully was still alive.’ One of the difficulties for him, which I acknowledge, is that most of the administrators of that era are deceased. Children were removed but adults, of course, were the administrators at the time. I said, ‘Why did nobody come forward or why didn’t you request that they come forward?’ He said, ‘We advertised and nobody responded.’ It is a reality, of course, that elderly people do not wish to have the glare of exposure, but I have actually met one who did respond to it. He was the deputy administrator of the Northern Territory. He asked to be heard, and he tried a number of
times, but somehow or another his request was never accepted. I accept Sir Ronald Wilson’s statement that nobody came forward, but somewhere along the line this particular person could have added to it.

I have read Colin Macleod’s book, which is mentioned in my submission as well. I think he is a magistrate in Victoria at the moment. He has written a book called *Patrol in the dreamtime*. I would recommend the book to anybody. He has in his book the criteria that were established when children were taken in the Northern Territory. Nobody is denying that that occurred. It is on the record. We responded to the Human Rights and Equal Opportunity Commission report, of course. It was not a myth. I have seen that in a headline, which was just irresponsible. We responded to that. We responded honestly and truthfully to the Human Rights and Equal Opportunity Commission report with a $63 million package to attempt to redress that. I do not think we will ever redress the emotional reaction of people or the descendants of those who were separated. Senator Ridgeway has a unique experience. I respect him for that and for what he has achieved in his own life. We are never going to cure that with money. I accept that. We are never going to redress those wrongs, the emotional hurt that that has caused and the ripple effect through the generations. That will always be on the record.

It is difficult to respond on a piece of paper and put your emotions into that piece of paper, but what I certainly did in relation to the submission to the legal and constitutional affairs committee was to put the facts on the table. I was not present, nor I suspect was anybody else. Senator Ridgeway has a unique experience. I respect him for that and for what he has achieved in his own life. But the facts have to be put on the table; they have to be acknowledged. It is all very well to pass an urgency motion in this chamber but it does not address the facts with respect to Senator Ridgeway.

**Senator Faulkner interjecting—**

**Senator Herron**—We are addressing the legacy that has been left us from the past. We are tackling the fundamentals of health, housing, education and employment. I believe there is a sea change occurring in Aboriginal affairs in this country in relation to welfare dependency. Leaders are coming out. They are coming out not because we came to government but they have been saying that for so long and they were not listened to—

**Senator Patterson**—Madam Acting Deputy President, I raise a point of order. I have been sitting listening to Senator Herron, who is speaking calmly and quietly, and Senator Faulkner has interjected over and over again in a most unacceptable way. I ask you to call him to order.

**Senator Faulkner**—On the point of order: I would make the point that of course it is disorderly to interject and any senator who does interject can be called to order. I did interject. I was just asking Senator Herron: is the government supporting the question before the chair? I just thought before the end of his contribution he could make it clear.

**The Acting Deputy President (Senator Crowley)**—As I think you said, Senator Faulkner, all interjections are disorderly.

**Senator Herron**—We are addressing the legacy of the past, the legacy of disadvantage particularly in relation to health—there is no question. You would be aware, Madam Acting Deputy President, of the significant advances that have occurred just through immunisation programs alone. We are addressing the health aspects. We are addressing the education aspects. The Prime Minister announced the new education policy only last week. We are addressing the fundamentals. While recognising that there are matters of an emotional and significant nature that do affect the community, I have made my personal expressions of regret, as has the Prime Minister. The whole of the parliament has expressed its regret. I believe this motion of urgency is unnecessary. *(Time expired)*

**Senator Faulkner (New South Wales—Leader of the Opposition in the Senate)** *(4.09 p.m.)*—I think most Australians understand what the government fails to comprehend and that is, of course, because most Australians do have a heart and they do want to be honest with our history. That is, that generations of Australians—generations
of Aboriginal children—were forcibly removed from their families and placed in care for the sole purpose of assimilation. This was done to Europeanise the indigenous people of this nation. I say that the government fails to comprehend the ramifications of these policies. If Mr Howard and Senator Herron comprehended the hurt, the suffering and the anguish of these people, they would never have produced such an inflammatory document for the Senate Legal and Constitutional Affairs References Committee inquiry into the stolen generation. They would not have submitted that particular document to the committee. I cannot fathom the government’s intentions in producing the document. In two question times, today and yesterday, and throughout two days of media interviews, the minister still has not produced one good reason why in one fell swoop the Commonwealth of Australia has insulted the stolen generations and undermined the process of healing that the Human Rights and Equal Opportunity Commission began, which led to the Bringing them home report. The government has questioned the very existence of the stolen generations and that is why this particular urgency motion is so critical.

The previous Labor government commissioned the Bringing them home report. The Labor Party prided itself in being at the forefront of the reconciliation process and promoting policies that would go some way to making amends for past wrongs. The failure of the government to accept its responsibilities in this matter now threatens the whole reconciliation process. Worse still, it reflects attitudes that suggest that past lessons have not been learned. As a consequence, both the integrity and the likely success of contemporary policies are called into question. It is true that moving forward together as a nation requires an honest and open approach to our shared history. Any honest and accurate history of relations between indigenous and non-indigenous Australians reveals facts of events, of attitudes, of actions and of policies that should be the cause of shared regret. It should be the cause of shared sorrow in our community. It should see a common purpose that such things are not perpetuated and are not repeated. That same history, with its consistent thread of dispossession, destruction of indigenous culture and heritage and the deliberate fracture of indigenous families should inform and illuminate our understanding of present-day despair and present-day social dysfunction in indigenous communities.

You cannot frame better policies if you fail to address the underlying problems—the underlying failures and prejudices—of past policies. It is an abrogation of principle to say that we cannot or should not evaluate past policies or actions according to contemporary values and contemporary attitudes. The fact is that virtually every evil of public policy and administrative action directed towards indigenous Australians was the subject of informed and widespread contemporary criticism. There was the Roth commission in Western Australia. In 1905 that provided one of the first systematic critiques. That was followed by, amongst others, the Finnerty report of 1908 and the Moseley report in 1935. The cautionary point for every member of the Australian parliament today—every legislator here—is that all the aspects of past policies for which we now express regret were framed in the context of the contemporary debate that did show it was criticised at the time. Perhaps those legislators were content to march forward safely with majority public opinion rather than to accept informed but perhaps less popular advice.

It is broadly accepted that the practice of removing indigenous children from their families continued into recent times. You cannot say we judge past practices by contemporary standards, as Senator Herron has, because contemporary Australians are still suffering from quite recent policies. We are having to frame policies today to assist those people. For many people this issue can be dealt with only by consigning mistakes to some ill-defined past. Those people try to forget it or to rationalise it, and that is what Senator Herron’s very ill-judged submission attempts to do.

In 1949, Australia ratified the United Nations Convention on the Prevention and Punishment of the Crime of Genocide. Arti-
cle II of that convention sets out to define genocide when it says in part:

In the present Convention, Genocide means any of the following acts ... 

It goes on to specify

(d) Imposing measures intended to prevent births within the group;
(e) Forcibly transferring children of the group to another group.

Public policy across this nation proceeded in either ignorance or defiance of that convention for the best part of a generation after its ratification. It is equally dangerous for policy makers to comfort themselves with the myth that, even when a policy was not done for the good of separated children, the net effect itself was good.

If we go beyond anecdotes to scientific research on this question, the myth is quickly disposed of. Recent studies show that a comparison of educational attainment, income level and employment status between indigenous Australians separated from their families and those who were not demonstrates consistently better outcomes for those who stayed with their families. Sadly, the statistics go in the other direction when we look at negative outcomes. One of the findings of the inquiry into Aboriginal deaths in custody—a finding that was a key motivation for the stolen generation report—was that those who had been separated from their families were overrepresented amongst the deaths in custody.

It is not surprising that individuals who have been denied parental and family love and support and education in their first language, and who have been separated from their own culture, would suffer social and psychological problems in later life. In fact, many of them also suffered systematic physical, mental and sexual abuse. That fact was a dominant influence in their personal development and had a massive effect on their ability to form relationships and their capacity to function in a society that was at best indifferent to them and so often actually hostile to them. Those who cannot bring themselves to apologise for past wrongs should at least be able to express sorrow for and empathy with such a widely documented personal and family tragedy and should not embark on just a demolition job of the stolen generation, which is what Senator Herron and his ilk have done.

Policy makers who fear history, Senator Herron—who are unable to honestly evaluate what went wrong and why it went wrong—are the sorts that are doomed to repeat history. I have heard some say that expenditure measures that the current government has made are better and more useful than any apology, but I beg to differ. Whilst any clawback of the massive cuts that this particular government—the Howard government—has made to programs to indigenous Australians is welcome, it is a mistake to identify the problems of indigenous communities as being primarily or exclusively caused by poverty.

Policies that fail to appreciate and address the personal and social dysfunction that has flowed from past and present injustices are policies that will not succeed. Just as policymakers of other generations were wrong in their paternalistic conviction that things needed to be done to or for indigenous Australians for their own good, so we will fail today if our policies are ill informed and enacted for, rather than with, indigenous Australians. It is in the interests of reconciliation, of a mature national identity and sound public policy that members of the government open their eyes and their ears—and, if they can, even their hearts—on this particular issue. The Prime Minister must act for all Australians, from the office of Prime Minister, and apologise as Australia’s Prime Minister.

The Prime Minister has of late offered all of us his personal opinions and views. It is clear he is trying to distinguish his personal views from his views as Prime Minister, as the elected leader of this country. In making that distinction, he is making the point that the office of Prime Minister is not his as an individual, but to a certain extent it is his in trust. He holds that office of Prime Minister in trust as the nation’s leader. It is in his capacity as Prime Minister, and not in his capacity as an individual, that he must apologise. It is the office of Prime Minister that must apologise for the grievous wrongs that
previous Australian governments have wrought on the indigenous people of Australia, and he has proven time and time again as Prime Minister that he simply cannot say ‘sorry’ to indigenous Australians on behalf of the government.

We have Senator Herron’s recent submission, and that has just attacked relentlessly the whole concept of a stolen generation. According to that submission, the stolen generation is, on page 2, ‘a simplistic concept’; on page 4 it is ‘simplistic terminology’; on page 4 again, it is ‘so-called’; on page 5 it is ‘a falsely constructed past’; and on page 18 it is ‘rhetorical’—among many other attempts at semantic diminishment or elimination. The submission canvasses past practices of assimilation as ‘benign in intent’ but, at the same time, points the finger squarely at state governments and churches, all of whom have taken the Bringing them home report on board, and all of whom have apologised to Aborigines for these allegedly benign past practices. Senator Herron’s own submission is not benign; it is poisonous. And it sets out to justify why the Howard government will not properly address this massive past wrong, the effects of which thousands of our fellow Australians are suffering to this day, as we speak in this chamber. And of course it sets out to attack the critics of the government. It squarely attacks the methodology of the Human Rights Commission. I heard Sir Ronald Wilson talking on Radio National today. He said: It staggers the mind that they can make these assertions when we spent a year travelling around the country, not only listening to members of the stolen generation, but listening to researchers, the people, the academics and professionals, in mental health and the law, and churches and governments. Every state Government plus the two territory Governments gave the inquiry every possible assistance - something that cannot be said of the Commonwealth government.

In other words, the only fly in the ointment in the stolen generation inquiry’s thoroughness was Mr Howard’s government. For no good reason, out of the blue, these words are presented by Senator Herron to a Senate committee, and they have reopened old wounds. They have greatly distressed members of the stolen generation. There is no sympathy in Senator Herron’s words. There is no empathy in Senator Herron’s words; there is a void filled with semantics and statistics. It is an attempt to define the concept of a generation in some sort of Herronesque, amateur legalese—and it doesn’t wash. The report tries to spread the legal blame to the states and the churches. It is in itself an apology for the policies of assimilation.

The submission has become a rallying cry for the racist cheer squad, including the racist cheer squad within government, like the member for Leichhardt, Mr Entsch, whom I quoted in question time today. He was at his worst on ABC Radio today when he was asked whether some of his constituents in the electorate of Leichhardt—an electorate with thousands of Aboriginal people—would have been stolen. Do you know what he said? ‘No’.

Senator Herron—Madam Acting Deputy President, I rise on a point of order. I would ask Senator Faulkner to retract his statement where he called Mr Entsch a racist. I think that is unacceptable for a member of another chamber, and it is not acceptable in this parliament. I ask him to withdraw it.

The ACTING DEPUTY PRESIDENT (Senator Crowley)—Senator Faulkner, I suggest that the association of your words do seem to suggest and imply that about Mr Entsch and I would ask you to withdraw it.

Senator Faulkner—If I have said something that is unparliamentary, I withdraw it. But the point is: the apologists for these past practices are out there drumming up support on radio. So you have to ask: why does Australia’s minister for Aboriginal affairs do this? Why do you do it, Senator Herron? Don’t you care just a little about your own legacy and the legacy of this government? You do not understand why there is such outrage, do you? Can you understand why someone who understands as much about government process as Bill Jonas does says that reconciliation is dead? I have no doubt, Senator Herron, that you did not write this report. We know that you did not write this report. I know that you claim ownership of the report, but I have absolutely no doubt that you had very little, if anything, to do
with it. I doubt very much whether you even bothered to read it.

Senator Herron—You know so little. How many Aboriginal people do you know?

Senator Faulkner—Anyone who claims to have spoken to as many Aboriginal people as you do would know how divisive, upsetting and outrageous the document is that you have provided to the Senate committee. A competent minister for Aboriginal affairs would not have signed off on the report. In fact, a competent minister for Aboriginal affairs would have put the submission right through the shredder and would have asked for more empathy from the Office of Indigenous Policy in the Department of the Prime Minister and Cabinet and a more appropriate response. You stand condemned because you did not. You have been exposed. You are a fraud and a disgrace as the Aboriginal affairs minister. You ought to get out and resign. (Time expired)

Senator Herron—Madam Acting Deputy President, I rise on a point of order. I would ask Senator Faulkner to withdraw the statement that I am a fraud. I do not mind any other comments he makes, but I am not a fraud and I would ask him to withdraw it.

The ACTING DEPUTY PRESIDENT—Senator Faulkner, I would ask you to withdraw the statement that Senator Herron is a fraud.

Senator Faulkner—If that is unparliamentary, I withdraw it.

Senator Ferris (South Australia) (4.32 p.m.)—I think it is a tragedy that we are having this debate in here today. I do not believe there is a person in Australia who does not believe that what happened in our past is tragic. It is regrettable and a vast number of people—who knows how many—have been affected by this. I have met some of them. I do not know how many there are, but I do not think there would be a person in Australia who would not regret that we are having this debate in this chamber today. And I do not think there would be a person in Australia who would not regret that this issue has been so politically manipulated and so disgracefully twisted and turned by the opposition, as we have heard in here today and yesterday. In my view, with the number of indigenous people I have met in South Australia, this is not an issue that indigenous people talk about readily. It is an issue that is very deep within their souls. When they have raised it with me at meetings that I have attended, it is with a great deal of regret and sorrow, and there is a lot of emotion around the table that this issue has been raised. I know that it is a regrettable part of our history. It is a part of our history that we on this side of the chamber have been working very hard to address since 1996.

When the Bringing them home report on the separated children was released in May 1997, the government went to great lengths to ensure that the response that we made would be both practical and realistic. Far from downplaying or dismissing the report in any way, the federal government responded to the 54 recommendations that were made within the report with a very comprehensive package of initiatives worth, as we now know, $63 million over four years. The package provided to ATSIC specifically addressed the issues raised in the Bringing them home report—that is, family separation and its consequences—and focused on family reunions and, of course, the very important provision of individual one-on-one counselling. That is in direct response to the essential recommendation that came out of the report, and that was that indigenous family separation and its consequences needed to be addressed as a matter of urgency.

This afternoon we have heard a lot of accusations against a very credible minister, about his commitment to his portfolio and, indeed, about the wider commitment of the coalition to improve the lives of our indigenous people and their communities. I believe that we can demonstrate that, on this side of the chamber, the coalition, since the 1967 referendum, have had policies which have tried to improve the lives of these people. In fact, in 1972 Prime Minister William McMahon made a very comprehensive statement of achievements in this area, and he outlined a five-point statement of policy objectives, the first of which is as relevant today to the coalition’s focus, priorities and objectives as it was almost 30 years ago. For
the Hansard record. I will read the very first of those recommendations because I am very proud to have my name associated with them so many years later. Prime Minister McMahon said:

The fundamental objectives of government policy in relation to Aboriginal Australians are that they should be assisted as individuals and, if they wish, as groups at the local community level to hold effective and respected places within one Australian society with equal access to the rights and opportunities it provides and acceptance of responsibilities towards it. At the same time, they should be encouraged and assisted to preserve and develop their own culture, languages, traditions and arts so that these can become living elements in the diverse culture of our Australian society.

I believe that this minister has had in the front of his mind, without perhaps even knowing about that report from Sir William McMahon, exactly those objectives, and they are the objectives of the coalition today. In fact, they were very much the objectives when this government responded to the Bringing them home report with its $63 million package of measures to help these people. Let us have a look at the details of what has been offered within that package. There is $17 million to expand the network of regional centres currently offering indigenous people emotional support. This funding initiative also enables counsellors to be given further professional support and assistance and it is a direct response to recommendation 30 contained within the report. I am very sorry to say that in my own state of South Australia, both in the Riverland and in Port Augusta, indigenous women are unaware that the availability of counselling has been instituted within that package. I hope that very soon ATSIC is going to be able to ensure that this opportunity is well understood by people in the more remote parts of Australia.

Other aspects of recommendation 30 are addressed through the provision of $16 million for an extra 50 new counsellors to assist the indigenous people who were affected and those who are currently going through the reunion process, another very important leg of the Bringing them home report and our response to it. There is $11.25 million to establish a national network of family Link Up services to assist individuals who have been separated. Again, that is very important for enabling the parents, the other children and the separated men and women themselves to gain the very important sense of belonging that comes from knowing who your family is and where you come from. We have responded to recommendations 1 and 12 of the report by allocating a further $9 million to boost the various cultural and language maintenance programs, $6 million for the further development of family support and another $16 million to help the National Library develop an oral history. In response to recommendation 22 of the report, the Archives have been given $2 million to index, copy and preserve thousands of files relating to these children. This response is very clear evidence that we not only regret—as we have said many times—what was done in the past to these children but, very clearly, are also attempting to respond to the recommendations of Bringing them home in a way that enables these men and women, their families and the elderly parents that they left behind, mothers in particular, to be reunited in a sensitive way. (Time expired)

Senator BROWN (Tasmania) (4.40 p.m.)—I am appalled at the nouveau paternalism which I hear seeping out of the government benches. It reminds me of the letter written to the ‘black men’ of South Australia, Senator Ferris’s home state, by the first Governor there, saying, ‘If you want to get ahead, be like the white people. Obey our laws, worship our god and, above all, learn English.’ We have come very little distance from that philosophy. It is wrapped up differently but that is what we are hearing here today, 150 years later. Moreover, it is compounded by policies not even being able to advance on the progress made by past federal governments but taking us back into the fifties, taking us back—worse still—into a new round of disgraceful behaviour in terms of allowing the growth of what can only be called imprisonment practices in Australia, leading to a jailed generation. This time we do it with our eyes open. Whatever the excuses—and I have heard them come thick and fast from the minister—about stolen generations, there is no excuse for this round.
When I hear that the Prime Minister is going cap in hand to barter with the Chief Minister of the Northern Territory over jailed children in that territory, I am appalled. He has the legislative power, he ought to be using it, but of course he cannot even apologise.

Let me tell you what I think is the measure of how this country is to succeed. It is not just by answering the questions that the minister puts up of how we can help and how we can assist, redolent with paternalism that they are; it is how close we move towards the model of Canada’s self-government for the new indigenous state of Nunavut. Across northern Australia in particular we have thousands of indigenous people, the majority of whom are still in a relationship with their lands. The terrible land clearances that have swept the south have not quite swept the indigenous people into the northern ocean. We have a chance as a nation to give self-determination to people in places like Cape York, in the north-east; the Northern Territory; the broadacre lands of Central Australia; and the Kimberley. It will be a measure of how much we have learnt from the past as to how fast we move towards giving indigenous people a complete right over their own affairs in self-governing states in territories like those. That is not even in the debate now. It is all a measure of what we can do to put solutions forward to the indigenous people. It is time we said to the indigenous people, ‘The best thing we can do is withdraw and allow you to make your own decisions.’

(Time expired)

Senator BOSWELL (Queensland—Leader of the National Party of Australia in the Senate and Parliamentary Secretary to the Minister for Transport and Regional Services) (4.44 p.m.)—Senator Ridgeway brings before us an urgency motion today and he brings up, I believe, the twin concerns of acknowledgment and action in relation to past policies of forcibly removing Aboriginal children from their families. It is time we said to the indigenous people, ‘The best thing we can do is withdraw and allow you to make your own decisions.’

I do not believe the Commonwealth was responsible at the time that these things happened. It was mainly the states that took part in these policies. But it is the federal government under the coalition that has put its money where its mouth is and put up $63 million to assist the Aboriginal people who have had their families separated. I think everyone in Australia acknowledges that there were grievous wrongs done. Many people did it because they thought they were doing the right thing at the time, though some probably did not. The legacy of those injustices filters through the Aboriginal communities now. That is why today’s government is morally obliged to address these issues. Whether it is 10, 30, 50 or 100 per cent, we are obliged to act, and we are in many ways. But governments do not act in a vacuum. They need research and they need figures and facts to put on the table. Perhaps if the human rights commission report had been able to identify the extent of the separated children then we would not be arguing this today. But the human rights commission was unable to get the exact numbers. Senator Herron has said that the records were hard to get and no-one knows, including the human rights commission, whether it was 10 per cent or 30 per cent. The question was discussed in only one page of the 600-page report.

The human rights commission brought down a harrowing report, and there was case after case of injustice and families torn apart by policies we view today as reprehensible and totally unacceptable. That is undeniable, and everyone concedes that. The government have acted, and that is undeniable. We have supported a resolution that sincerely regretted the fact that indigenous children were separated from their families. I believe that
Senator Ridgeway had a great input into that resolution, which was passed unanimously by this Senate. I want to say that I was very privileged to be able to vote for that resolution.

The National Party know far more about this issue than we are given credit for. It is the small communities in rural and regional Australia that are witness to the effect of children being separated from parents in the past. These small towns are eyewitness to the hardships and tragedies of indigenous Australians trying to pull their family lives back together without having had parental role models themselves. It is in the rural areas that reconciliation has to occur if it is to work, and arguing over whether it is a generation or generations, or five or 10 per cent, does not really help reconciliation. The government says that the cost of compensation as proposed by the human rights commission report would be in the order of $3.9 billion—and that is if only five per cent of children were wrongly removed. I think to raise those expectations does bring a false picture to the indigenous people.

Some of the more extreme indigenous views simply act in a detrimental way. Calling for burning of cars or banning the Olympics—I could not think of any worse way to support the Aboriginal community. It just drives people away. Today, as the conflict is being reawakened, it must be terrible to bear some of the memories this debate is going to raise. Some leaders in the indigenous community—I must include Charlie Perkins here—are using this debate to predict car burnings. Those sorts of comments just do not help the cause at all.

The government has worked hard at Aboriginal issues and taxpayers have worked hard too. This year $2.2 billion is targeted at indigenous specific programs. Progress is being made, including improvements in housing, with 33 per cent of indigenous families owning or buying their own homes, up from 24 per cent in the 1970s. There is also evidence of significant improvements in education, with more staying at school. Health is certainly unsatisfactory, but the government is doing what it can. The government is doing its best to look after indigenous people. (Time expired)

Senator RIDGEWAY (New South Wales) (4.51 p.m.)—I have heard what Senator Herron and others have said in this place. Of course it is tragic that we are having this debate, but the reason that we are having this debate seems to be lost upon most people. Not longer than four days ago Senator Herron made the comment that there is no such thing as the stolen generation. Unless there is a conspiracy amongst Aboriginal people to feel offended or angered by that, it seems to me to be a very natural human emotional response to insensitive comments.

For anyone to suggest that they have definitive figures is simply misleading. The government chooses, as part of its ‘argument of fact’, the figure from the ABS report of 1994 of about one in 10 people. If we are to deal with fact, then surely it is also legitimate for the government to deal with the Human Rights and Equal Opportunity Commission report, which spoke about one in two people and one in three people. But, beyond that, surely the detailed response must also take account of the members of the stolen generations. They should be allowed to speak for themselves, and their words should be treated as true accounts of history. Their stories are not mythical but factual—they are first-hand accounts of the trauma and the pain of separation, loss of identity and loss of family.

We as senators here today must feel compelled to set the record straight and to have the courage to stand up and face the reality of the past. The stolen generations deserve, as a bare minimum, our recognition, our acknowledgment of their pain and distress and our apology, as defined by the use of the term ‘stolen generations’. And if there ever was a time to say sorry, this is it. We are having this debate because Senator Herron created this climate and the unnecessary impasse to black and white reconciliation in this country. The motion that I have put before the Senate today is critical to the future of reconciliation in Australia. We are the generation that must take this step responsibly, and our positive intervention must begin
today. We cannot make statements to forget the stories of the memories of the stolen generations, and we cannot give a new definition to the term to mean that the stolen generations never existed—they simply did. I commend this motion to the Senate. (Time expired)

Question put:
That the motion (Senator Ridgeway’s) be agreed to.

The Senate divided. [4.59 p.m.]
(The President—Senator the Hon. Margaret Reid)

Ayes………… 37
Noes………… 32
Majority……… 5

AYES
Allison, L.  Bartlett, A.
Bishop, M.  Bolkus, N.
Bourne, V.W.  Brown, B.
Campbell, G.  Carr, K.
Collins, J.M.A.  Conrov, S.M.
Cooney, B.  Crossin, P.M.
Crowley, R.A.  Denman, K.J *
Evans, C.V.  Faulkner, J.P.
Gibbs, B.  Greig, B.
Harradine, B.  Hogg, J.
Hutchins, S.  Lees, M.H.
Ludwig, J.  Mackay, S.
McKiernan, J.  McLucas, J.
Murphy, S.M.  Murray, A.
O’Brien, K.  Quirke, J.A.
Ray, R.F.  Ridgeway, A.
Schacht, C.  Sherry, N.
Stott Despoja, N.  West, S.
Woodley, J.

NOES
Abetz, E.  Alston, R.K.R.
Boswell, R.L.D.  Brownhill, D.G.
Calvert, P.H.  Campbell, I.G.
Chapman, H.G.P.  Coonan, H.
Crane, A.W.  Eggleston, A.
Ferguson, A.B.  Ferris, J.
Gibson, B.F.  Heffernan, W.
Herron, J.  Hill, R.
Kemp, C.R.  Knowles, S.C.
Lightfoot, P.R.  Macdonald, I.
Mason, B.  McGauran, J.J.J *
Minchin, N.H.  Newman, J.M.
Patterson, K.C.  Payne, M.A.
Reid, M.E.  Tehen, T.
Tierney, J.W.  Troeth, J.M.
Vanstone, A.E.  Watson, J.O.W.

PAIRS
Cook, P.F.S.  Ellison, C.M.
Forsaw, M.G.  Tambling, G.E.

Lundy, K.  Parer, W.R.
* denotes teller

Question so resolved in the affirmative

Senator RIDGEWAY (New South Wales) (5.01 p.m.)—Pursuant to standing order 154, I move:

That the resolution relating to Aboriginal reconciliation and the stolen generation be communicated by message to the House of Representatives for concurrence.

Question resolved in the affirmative.

DOCUMENTS

Auditor-General’s Reports


BUDGET 1999-2000
Consideration by Legislation Committees
Additional Information

Senator McGAURAN (Victoria) (5.02 p.m.)—On behalf of Senator Mason, I present additional information and an attachment received by the Finance and Public Administration Legislation Committee relating to the budget estimates for 1999-2000. Further, on behalf of Senator Crane, I present additional information received by the Rural and Regional Affairs and Transport Legislation Committee relating to the additional budget estimates for 1999-2000.

ASSENT TO LAWS
Messages from His Excellency the Governor-General were reported informing the Senate that he had assented to the following laws:

- Therapeutic Goods Amendment Bill 1999
- Crimes at Sea Bill 1999
- Authorised Non-operating Holding Companies Supervisory Levy Determination Validation Bill 1999
- General Insurance Supervisory Levy Determination Validation Bill 1999
- Life Insurance Supervisory Levy Determination Validation Bill 1999
Retirement Savings Account Providers Supervisory Levy Determination Validation Bill 1999
Superannuation Supervisory Levy Determination Validation Bill 1999

TRANSPORT AND TERRITORIES LEGISLATION AMENDMENT BILL 1999

First Reading
Bill received from the House of Representatives.
Motion (by Senator Herron) agreed to:
That this bill may proceed without formalities and be now read a first time.
Bill read a first time.

Second Reading
Senator HERRON (Queensland—Minister for Aboriginal and Torres Strait Islander Affairs) (5.04 p.m.)—I table a replacement explanatory memorandum and move:
That this bill be now read a second time.
I seek leave to have the second reading speech incorporated in Hansard.
Leave granted.
The speech read as follows—
The purpose of this Bill is to amend a number of Acts, to help rectify some specific operational and technical anomalies. The Bill also allows changes for gender specific language and the correction of typographical and drafting errors.
The commencement provision of the Transport and Communications Legislation Amendment Act (No.2) 1992 is being amended to overcome a technical difficulty that prevents a Proclamation being made for the commencement of amendments to the Protection of the Sea (Prevention of Pollution from Ships) Act 1983. Those amendments relate to the discharge of sewage and disposal of garbage from ships in the Antarctic area. Currently, the commencement provision provides that the relevant provisions commence on a date to be fixed by Proclamation, being the day on which the Protocol on Environment Protection to the Antarctic Treaty enters into force. The Protocol entered into force on 14 January 1998. Insufficient notice of the entering into force of the Protocol was provided to enable a Proclamation to be made by that date. The amendment removes references to the Protocol. It is anticipated that Proclamation will be made soon after this Bill receives Royal Assent.

Schedules 2 and 3 of the Bill will make almost identical amendments to the Christmas Island Act 1958 and the Cocos (Keeling) Islands Act 1955. The amendments will remove the reference to a court of Western Australia, which has been abolished, and will make changes in relation to industrial disputes and repeal obsolete provisions relating to the removal and return to the Territories of accused persons and prisoners.
Those sections of the Christmas Island Act and the Cocos (Keeling) Act, which extended the provisions in the Workplace Relations Act 1996 relating to industrial disputes to the Territories, will be repealed and replaced. This change will permit those Western Australian employees, who are employed by Western Australian employers, to work in the Territories under the same industrial relations regime as they would when they are working in Western Australia. The new provisions will exclude the operation of the provisions relating to industrial disputes, the additional operation of the Workplace Relations Act in relation to certified agreements, the provisions relating to unfair dismissals and the provisions relating to AWAs from Western Australian employees who work wholly or mainly in the Territory.
A further amendment contained in the Bill relates to the Australian Capital Territory (Planning and Land Management) Act 1988, which currently requires that the full-time member (normally the Chief Executive) must be present at meetings of the National Capital Authority for there to be a quorum.
The amendments in this Bill remove the requirement for the full-time member to be present at meetings for there to be a quorum when the full-time member has disclosed a pecuniary interest.
The Chief Executive of the National Capital Authority is normally employed full-time and, together with the part-time members (the Chairperson and three other members), is subject to the requirements of the Financial Management and Accountability Act 1997.
The amendments are designed to meet the situation where a full-time Chief Executive of the Authority or a full-time Chairperson is the member who declares a direct or indirect pecuniary interest in a matter to be considered by the Authority and is therefore unable to be present at any deliberation of the Authority with respect to that matter. In that situation, under the current legislation, a meeting of the Authority cannot be held unless the Minister appoints a person to the acting position of full-time member or if, the Minister or the Authority determines that the member can be present.
Under the amendments proposed, if the full-time member is the Chief Executive and is unable to attend a meeting because of a declared pecuniary interest, a quorum will be formed by the part-time Chairperson and two other members. If the full-time member is also the Chairperson (and the Chief Executive) and is unable to attend a meeting because of a declared pecuniary interest, a quorum will be formed by any three members.

The amendments to the Northern Territory (Self-Government) Act 1978 provide for a mechanism whereby the Administrator of the Northern Territory may appoint Parliamentary Secretaries. The amendments also prescribe the wording of the oath and affirmation of allegiance to be taken by Parliamentary Secretaries before they enter on the duties of office.

Currently Parliamentary Secretaries in the Northern Territory Government are not members of the Northern Territory Executive Council and are therefore not eligible for remuneration for their services. Under the amendments prescribed, Parliamentary Secretaries will become members of the Northern Territory Executive Council and will receive remuneration, allowances and entitlements as determined by the Remuneration Tribunal.

Finally, the Bill proposes making some miscellaneous amendments to Acts, which contain drafting errors and gender specific language.

The Act is proposed to take affect upon receiving Royal Assent.

Debate (on motion by Senator O’Brien) adjourned.

**COMMITTEES**

**Legal and Constitutional Legislation Committee**

**Report**

**Senator COONAN (New South Wales)**

(5.05 p.m.)—On behalf of Senator Payne, I present the report of the Legal and Constitutional Legislation Committee on its examination of annual reports tabled by 31 October 1999.

Ordered that the report be printed.

**A NEW TAX SYSTEM (TAX ADMINISTRATION) BILL (NO. 1) 2000**

**Second Reading**

Debate resumed from 3 April, on motion by Senator Alston:

That this bill be now read a second time.

upon which Senator Quirke had moved by way of amendment:

At the end of the motion, add:

“but the Senate expresses its concern with the fundamental unfairness of the Government’s approach to taxation reform generally, including:

(a) the fundamental unfairness of a goods and services tax;
(b) the enormous compliance burden faced by small business from the GST; and
(c) the further increase in the compliance burden arising from the new Pay As You Go measures and other tax related changes such as those under the business tax reform process which will inevitably fall disproportionately heavily on small business”.

**Senator HOGG (Queensland)**

(5.06 p.m.)—Last night when I was discussing this particular issue I was focusing very clearly on the issue of the bakery and the problem which Mr Morgan had with Tracey Grimshaw on the Today Show. Last night, it was clearly recognised that Mr Morgan—according to the transcript of that show on that particular day—had developed a few grey hairs out of the initiative of the government by introducing the GST. That now seems to be beyond a shadow of a doubt.

Senator O’Brien interjecting—

**Senator HOGG**—No, there was no hair colour, Senator. If one goes to the very good second reading amendment which was
moved by Senator Quirke. Senator Quirke focused on a number of things about the GST and, in particular, he focused on the fundamental unfairness of a goods and services tax. Anyone who had listened to the story last night would clearly know that Mr Morgan would not think that there was any fairness in a goods and services tax.

I also mentioned in passing—and I am not going to speak at length on this today—the situation of the Packaged Ice Association of Australia and the problem confronted by them. My colleague from Tasmania Senator Sherry—and this is where the particular information emanated from—will be addressing this later on in this debate. I do mention it because it does create another dilemma, and that is whether ice is a food and should incur or should not incur a goods and services tax. The Packaged Ice Association of Australia canvassed, as I understand, a number of members of this Senate. I note one of those on the list of people canvassed was Senator Heffernan, so I would be interested in Senator Heffernan’s—

Senator Conroy—A contribution from Senator Heffernan? We would welcome that.

Senator HOGG—Yes, a contribution from Senator Heffernan in this particular part of the debate would be most welcome indeed in terms of hearing his view as to whether ice is a food or a beverage and whether it should attract or should not attract a GST. Undoubtedly, if that wisdom can be passed on to this Senate, we would relish it indeed. That is another group significantly affected by the GST.

Senator Murray, in his contribution last night, welcomed all of the changes to the GST that have taken place. But this was supposed to be a package that was signed, sealed and delivered. That was understood by the Australian people in terms of what they were taking on at the time of the election, when we supposedly voted in favour of a GST. That is the furthest thing from the truth. The fact of the matter is that there was a majority of Australians percentage-wise who voted against the introduction of a GST. If it had been fully understood at that time, I think one can reasonably conclude that the GST would not have got a look in, because people did not understand then the fundamental unfairness of a goods and services tax, and that has been very well picked up by Senator Quirke in his second reading amendment.

There is a fundamental unfairness which was not understood at that time and which people are only now coming to grips with. The bakery case that I quoted last night is a clear instance of that. Senator Sherry, as I have foreshadowed, will deal with the case of the ice makers. Again, it is quite a difficult situation for the people from Tasmania involved in packaged ice. But I am sure that same situation is being faced by others in similar situations right throughout Australia. Here we have a tax which was not understood by the public, in spite—

Senator Kemp—Madam Acting Deputy President, I raise a point of order. We have been very indulgent in the Senate about the nature of these second reading debate speeches. I have to say that 90 per cent of them have had nothing to do with this bill that is before us. What I would urge senators to do is to focus on the bill so that we can progress this debate. If people want the bill delayed, they can delay it, but all I am saying is that this has nothing to do with the bill.

The ACTING DEPUTY PRESIDENT (Senator Knowles)—Minister, I do not uphold your point of order on this occasion purely and simply because this bill is a very wide-ranging bill. Unfortunately, from your point of view, I think that Senator Hogg is quite in order.

Senator Kemp—On the point of order, this is not a wide-ranging bill at all—

The ACTING DEPUTY PRESIDENT—I am sorry, Minister, I have actually ruled on your point of order.

Senator HOGG—I am speaking to the second reading amendment moved by Senator Quirke. For the sake of the Assistant Treasurer—

Senator Sherry—He is here to listen to it, actually.

Senator HOGG—Yes, he is here to listen to it. I will just remind the chamber of the second reading amendment moved by Senator Quirke. It reads:
“but the Senate expresses its concern with the fundamental unfairness of the Government’s approach to taxation reform generally, including:

(a) the fundamental unfairness of a goods and services tax;
(b) the enormous compliance burden faced by small business from the GST; and
(c) the further increase in the compliance burden arising from the new Pay As You Go measures and other tax related changes such as those under the business tax reform process which will inevitably fall disproportionately heavily on small business”.

It seems to me that what was said by Senator Quirke and Senator Conroy—and I am sure what some of my other colleagues will speak about it in this debate—and what I spoke about last night falls quite clearly into the aegis of that second reading amendment. It goes to the very heart of the issue that has concerned us, and that is the issue of the fundamental unfairness of a goods and services tax. The case that I spent so much time on last night, whilst it had its amusing moments, unfortunately—

Senator Sherry—It is very serious.

Senator HOGG—As my colleague interjects, it is a very serious issue because there are substantial compliance costs—as seen in the latter part of the interview which I documented on the Hansard record last night—which are causing concern to large and small businesses alike, but more pointedly to small businesses. They are the people who are suffering as a result of the implementation of the GST. I am quite sure that if they had understood the full ramifications of the implementation of the GST we would not be debating this here today. It would have got the true thumbs down it should have got and would not be an issue before this parliament at all. It is because of the constant badgering that I, people in my office and other colleagues receive on the GST that it is an issue—an issue that the government have failed to address. Amendment after amendment in this place has done nothing but breed cynicism in the real world. People have no doubt that the GST is not for them.

Senator SHERRY (Tasmania) (5.16 p.m.)—I want to follow on from the comments made by Senator Quirke, Senator Hogg and Senator Conroy last night. The Labor opposition has moved an amendment that has three points to it: firstly, the fundamental unfairness of the goods and services tax; secondly, the compliance burden faced by small business; and, thirdly, the compliance burden arising from the new pay-as-you-go and other tax related measures such as those under the business tax reform. That summarises the points that we have encompassed in our second reading amendment.

We are dealing with yet another piece of legislation on the so-called new tax system and on the GST in particular—yet another piece of legislation. An extraordinary amount of time has been spent in this chamber debating the GST, as it should be. It is a big new tax. What concerns me in terms of simplicity is that the tax code of this country—the various acts that are passed through the parliament—seems to be getting bigger and bigger. We have dealt with thousands of pages of tax legislation in respect of the government’s tax package. One of the arguments of the Liberal Party in the lead-up to the last election was that the system would be made simpler and that we have too much tax legislation in this country. Yet we keep getting bill after bill to deal with the introduction of the government’s allegedly new simplified tax system.

I have touched on the first point of our second reading amendment: the fundamental unfairness of the GST. Many aspects of this issue have been debated, but today I want to go to two specific matters that I would like a response to from the Assistant Treasurer. It is good to see him in the Senate listening to this debate. And I would like a response to the two particular examples that I outlined to the chamber. I have received representations from a Mr Bush, who comes from my home state of Tasmania. Mr Bush is a national office bearer of the Packaged Ice Association of Australasia, and he is located in Tasmania. He came to see me some weeks ago to outline what the association justifiably regard as the unfairness of the application of the GST to ice. He made the point that ice does not
attract the wholesale sales tax—it was not included in the previous wholesale sales tax regime—and that the Australian Taxation Office had issued a ruling in respect of ice. That ruling is contained in a letter dated 21 December 1999. It was pointed out to me by Mr Bush and a number of other people who have contacted me about this issue that the government, in its gazetting of the schedules and the definition of food, did not include ice. Ice is therefore not exempt from the GST because, in the government’s opinion, ice is not a food.

It is interesting to note in passing that water is exempt from a GST. There are some interesting issues to do with water that I will get to a little later. There is certainly good evidence that ice is a food. A code currently being reviewed by the Australia New Zealand Food Authority recommends that it is reasonable to assume that a packaged ice product is made by the freezing of water that is fit for human consumption. It may not be made—I will get to that point later. The labelling and appearance of a packaged ice product would indicate the value of a product. On page 17, the *Review of the Food Standards Code 1999* reads:

This code will outline standards for packaged water and water based beverages. Ice will be manufactured from water governed by the standards.

The ice association has worked extensively over a number of years to develop a nationally recognised code of practice.

Even though most people do not eat ice, it is added to other foods and also to beverages to keep them cool. It is very common that foods such as salads, fish products and many other dishes have ice added to them to keep them chilled—to keep their temperature down—and to keep them safe from bacteria. The ice comes into contact with these sorts of food; it becomes part of the food; it becomes an ingredient of the food. It therefore becomes a food in its own right.

What is interesting is that every food code in the states of Australia, I believe, defines ice as a food. In the code drafted by the National Food Authority, ice is specifically included in the definition of food. If the health authorities of this country accept, for very good reasons, that ice is a food, it stands to reason, I believe, that the government should have included ice within the regulations for the purposes of food. There are good reasons for including ice as a food in food standards in this country. It has to be handled and served with some care. There has to be some precaution in the way in which ice is used in foods. Apparently ice, like other foods, can go bad. Ice that is bad can make people sick. It can become contaminated if it is not kept clean and free of harmful bacteria. Scientific studies show that germs can grow on ice. Apparently ice is not a food substance that can be kept free of bacteria if it is not handled in the correct way. Bad water, which is the base product of ice, and improper handling in the serving of ice, such as with dirty hands or contaminated utensils, can have serious consequences for people’s health. Fortunately in this country very few cases involving ice have led to food poisoning, but it has happened in some other countries with a quite serious impact on the health of people.

Turning to the fishing industry, fresh fish is packed in ice for transport to markets so it is kept in a safe and healthy condition. Another example that I have been given is that of broccoli, a well-known vegetable that has ice added to it when it is transported to market to maintain its colour and quality. That product is then onsold. The sellers of that product—in this case broccoli—cannot separate the ice from the broccoli. A significant proportion, if not all of it, will have melted by the time they sell the broccoli. There is a very compelling argument for ice to be treated in the same way as food. There is an interesting argument—it is not a semantic one—which is: at what point does water become ice? I would be interested to know from the minister whether there is a clear definition of what constitutes ice.

**Senator George Campbell**—More importantly, at what point does ice become water?

**Senator Sherry**—Exactly, Senator Campbell; I was going to get to that point. At what point does ice become water? I would be interested to know whether there is a tax
office definition of what constitutes ice and what constitutes water.

Senator Kemp—Hello, a roll-back!

Senator SHERRY—In this case we have a melt-back. If the ice becomes water it is not GSTable but, if it is ice, it is GSTable. Let me give you another example, Senator Kemp.

Senator Kemp interjecting—

Opposition senators interjecting—

The ACTING DEPUTY PRESIDENT (Senator Knowles)—Order! This is not a football match.

Senator Conroy interjecting—

The ACTING DEPUTY PRESIDENT—Order! Senator Conroy, I have called the Senate to order.

Senator SHERRY—I would point out to you, Madam Acting Deputy President, and the chamber, that this is a very serious issue for the Packaged Ice Association of Australasia. Senator Kemp should not treat this it lightly. They have made submissions to me through their national representative who lives in Tasmania. They consider this is a very serious issue. Ice does not have a wholesale sales tax applied to it. That is another compelling example of the unfairness of the GST.

Coming back to ice as a product, what do you do if you have a mixed product which contains water and ice? What proportion of that product is GSTable? We know that water is not GSTable, but what about the ice content in the water? How would you determine what you pay the GST on? Would you take a container of water and ice, separate it and attempt to determine the proportion, presumably by volume? It is interesting because ice changes in volume once it melts: it is smaller than the volume of ice. But that is another serious problem you have. Putting aside the physics of ice, how do you determine what proportion of a water drink with ice is GSTable or not? How do you measure that? Even if you bother to measure it, by the time you get the water into the container and the ice out of the container, part of the ice has already melted. It has now turned to water, which is not GSTable, so you would have to transfer it to the other container. We have literally got a melting GST. This is an important issue for the Packaged Ice Association of Australasia and it highlights an absurd approach by the government towards this product.

There was a ruling given by the Australian Taxation Office. I do not blame the tax office because, when you look at the communication from the tax office, they are obviously basing their view on the regulations that the government drew up on what constitutes a food. As it turned out, I think it was a mistaken schedule. I do not know what the Australian Democrats were doing, why they did not give any consideration to ice and the complexity and the problems that ice causes if it is not included as a food. Most ice in this country is manufactured, but there are areas of Australia where water is ice naturally. It is not converted to ice in a manufactured process.

Senator George Campbell—Particularly on the west coast of Tasmania.

Senator SHERRY—I will take that interjection and I will rebut it because Tasmania has a very cool temperate climate. We do not find too much ice occurring naturally in Tasmania. I am thinking more of the practical example of the snowfields: in the middle of winter, someone up there has a glass of water; they come back to it and it has turned to ice, and they have to pay a GST. It might sound a far-fetched example but it does highlight the absurdity.

Senator Conroy interjecting—

Senator SHERRY—We had the thermometers in the chickens; we are going to have to have thermometers in the water to determine whether or not it is ice and whether it has to attract GST. So it is an important issue for the Packaged Ice Association of Australasia. I would like to hear Senator Kemp’s response on the rationale of why ice is not a food, despite the fact that the food codes in this country determine that ice is a food product. As I have mentioned, it is also important for the safety of food. You cannot in a practical way separate out the ice from the food that it is mixed with. So you have to pay GST on the ice but no GST on
many of the food products that it is mixed with.

There is one other point about ice that is interesting. In some parts of Australia, for safety reasons groups of workers in hot climates are provided with ice. This is actually a provision of their industrial awards and agreements when working in a hot climate. Again, it seems to me that reinforces the arguments that I put earlier about the nature of ice and the fact that it should not attract a GST.

Having dealt with ice for a few minutes, I would now like to melt away to water, because I have had some issues that highlight the difficulties for water carriers. I would like Senator Kemp to respond to this as well. My understanding is that water is exempt from a GST. So for those of us who live in mainly an urban environment where we have water on tap, there is no GST payable. But I would like to put to Senator Kemp: what will happen with water carriers in rural and regional areas who purchase water and then on-sell it to people who are unfortunate enough not to have or be connected to water systems? Will water carriers who retail water to customers in rural and regional areas who put that water into tanks for consumption have to pay a GST on the water? I think that is a very important issue for people who live in rural and regional Australia.

It seems to me that, if you have to pay a GST on water cartage where people are not connected to a water main system, that is discrimination against those people who live in rural and regional areas. To anticipate one possible argument the minister might put—that is, the water delivered by water carriers is not necessarily for human consumption—I think a person living in a rural and regional area that is very dry or in drought would find it a very expensive proposition to buy enormous quantities of water delivered by a carrier for anything other than personal use. This is an important issue. There must be hundreds of thousands of people in this country whose properties are not attached to water mains. As I say, if you are attached to a water main, you do not pay GST on water; but what is the situation in respect to carriage of water in tankers for human consumption?

I also think there would be a significant problem in how you define wastage in those circumstances—a significant amount of the water would evaporate; a significant amount of it would be spilt—and how that would be treated in terms of GST that is payable by water carriers. They are two issues that I have touched on in the debate today. My time has almost ended.

*Senator O’Brien interjecting—*

*Senator SHERRY—* Yes, my time has almost evaporated. I think the two examples that I have touched on serve to highlight one of the points we made in our second reading amendment—the fundamental unfairness of a goods and service tax. We were supposed to get a simpler system, and yet the Labor opposition has been highlighting not just the two matters I raised today but many other examples of the particular practical problems in the introduction of a goods and services tax in this country. We believe the GST is bad for Australia and that it will not do anything to make the system fairer; it will make it more complicated. We are going to have over two million mainly small businesses collecting a tax. They are becoming tax collectors for the first time. (*Time expired*)

*Senator GEORGE CAMPBELL* (New South Wales) (5.36 p.m.)—I can understand the minister jumping to his feet and wanting to curtail this debate when one of my colleagues was speaking.

*Senator Kemp*—We won’t stop you, George.

*Senator GEORGE CAMPBELL*—You certainly won’t stop me. It will take much better than you, Rod, to stop me. Others have tried. I can understand you wanting to curtail the debate because every time we get a tax bill into this chamber—and we have a continuous stream of them now on a regular basis coming into this chamber—it provides an opportunity to the opposition to raise serious anomalies in this tax system.

This government started off by putting out a document saying that they would deliver a simpler tax system for Australia and for Australians. It would be understandable. We would get rid of the complexities of the complex tax system we currently have. It
would be a simple, straightforward, understandable tax. At last count, the documentation weighed something like 5.1 kilos. We are now continually confronted with a stream of taxation bills coming through the parliament to be dealt with, and I am sure there will be many, many more of them before this sorry saga in our taxation history comes to a conclusion.

Senator Kemp—Which you now support, George.

Senator GEORGE CAMPBELL—I actually support the Western Bulldogs and I hope that we do not have to pay GST on every goal that we beat Carlton by on a regular basis. After watching the game on Saturday, I am sure there would be no GST payable on the food that was being fed to the Western Bulldogs, because it was raw meat! Fed on raw meat as opposed to that highly processed food that you must be feeding the Blues on, which probably is GSTable! Obviously you have the wrong diet for your footballers and you have the wrong tax system for Australians.

The introduction of the A New Tax System (Tax Administration) Bill (No. 1) 2000 provides us with an opportunity to look at some of the issues that are raised in the context of the bill and some of the wider issues that are raised in the context of the taxation system overall. As you rightly said, Madam Acting Deputy President, this bill is fairly wide in its application and therefore allows for a fairly wide discussion of all the issues related to it. That also includes the business tax reform which is in part taken up by this bill relating to the PAYG payments. Yet we have not seen anything of substance on the table in respect of the bills relating to the business tax reform package. They will presumably dribble out into this chamber over time and we will get a look at them bit by bit.

Senator Kemp—Do you support those, George?

Senator GEORGE CAMPBELL—Yes, of course. We said we support it. We said we supported it on the basis that you honour all the commitments you gave back in November in relation to a series of issues, not the least of which was the issue dealing with contractors. This taxation debate is a bit like a penny arcade. Remember the old penny arcades? If you go to Echuca, Senator Kemp, they have still got one. You can go and have a look at it. You put a penny in—

The ACTING DEPUTY PRESIDENT (Senator Knowles)—Senator Campbell, it would be helpful if you addressed your comments to the chair and not directly across the chamber to the minister.

Senator GEORGE CAMPBELL—Through you, Madam Acting Deputy President—

The ACTING DEPUTY PRESIDENT—not through me; to me.

Senator GEORGE CAMPBELL—If ministers in this government who are responsible for the tax system and its implementation went and had a look at the penny arcade that is in Echuca, they would get a reflection of the way in which they are handling this debate. You put a penny in the machine, you crank the handle and you get the movie frame by frame. You do not get a continuous message, you get it frame by frame—and that is the way in which this government has chosen to deal with the tax package. This tax system is about to come into effect on 1 July. This bill ought have been titled the ‘tax maladministration system’ for the way this government has handled it. It is due to come into effect on 1 July. I got a package of material last week in which there was a video, a CD card, posters and a range of other material. I had a look at them and I must admit that I had difficulty understanding the material that was in it. But I gave them to my father-in-law who is an accountant, and he had trouble understanding the substance of the material that was in it. He said it would take some time for him to comprehend all of the issues that were raised in that material.

We have only got three to four months before this tax system comes into effect. The ATO have put out a number of press releases advertising that they are holding tax seminars on Sky Channel for the small business community, to be screened on 20 March, 18
April, 9 May and 30 May. Isn’t that a bit late? Isn’t it a bit late for a tax system that is due to commence its effect on 1 July, in terms of business having the opportunity to comprehend and come to grips with the complexities of the issues they are going to have to deal with? In New South Wales, all the broadcasts are due to take place between 7 a.m. and 10 a.m., when most small businesses—and they are the ones that are going to be affected by this tax system more substantially than the big businesses—are trying to get their work force to work, trying to get their businesses up and operating, trying to actually earn a quid. Why has the ATO not programmed some of these screenings to occur in the evening, when some of these small business people may have the opportunity to actually watch and find out first hand from the ATO how the tax system will apply?

Senator Conroy—Out of touch.

Senator GEORGE CAMPBELL—Totally out of touch with what the small business community are going to go through. But the small business community are not out of touch. The small business community know what they are confronting in terms of this tax system. They know the additional compliance that is going to be put on their shoulders. They know they are going to become the tax collectors for the government from 1 July and, more importantly, they do not like it. They do not like it at all. This is a tax that is universally despised out there in the small business community. The more information that is being put out and the more information that dribbles out about this tax system, how it will be administered and their involvement in the administration of it, the more they realise that they have been sold the biggest pup in a long, long time in respect of the role that they are going to have to play within it.

The same goes for the ABN. You would think it would be a simple process to apply for a business number. The ATO, again, have put out a press release heralding the fact that there have been one million applications received. But they have not heralded the fact that they have processed only about 75 per cent of them. I have one constituent from the south coast of New South Wales, who got in contact with my office last week, who wrote to the ATO four months ago for an ABN but who still has not received a reply. He has upgraded his accounting software and he has his $200 voucher, but it is useless to him because the supplier has not received his ABN yet. So in fact they cannot, at this stage, utilise the voucher.

I again say to you: my father-in-law has made four applications. He has written to the tax office on four occasions, he tells me, and they have not had the courtesy to even acknowledge receipt of his correspondence. Now I do not know if they have acknowledged receipt of any of the correspondence they have received, but he has not received any acknowledgment that he has written to them. I recall—and I think you may have been there, Senator Conroy—when we questioned staff from the tax office at estimates hearings. They said that they had got the problems all fixed and that there were no more problems. They said that there was a five-day turnaround, that it was all under control and not to worry, the system was working perfectly.

Senator Conroy—Yes, I was there.

Senator GEORGE CAMPBELL—The only place I think the system is working perfectly is in their minds, because it is not working perfectly anywhere else. There is a whole series of examples that one can go to that demonstrate the difficulties that people are confronted with in terms of the GST. My colleague Senator Hogg raised one last night, which was the example of the bakery. He read from a transcript of the Today program of 30 March, where Tracey Grimshaw, the presenter of that program, interviewed a Mr Morgan, who I presume owns a bakery, about the implications for that bakery. I do not want to go through all of the transcript, because Senator Sherry was talking about; I presume this is ice made with caster sugar—

Senator Conroy—Like an Iced Vo Vo.
Senator GEORGE CAMPBELL—That is a very good description, Senator Conroy: like an Iced Vo Vo. But we are talking about icing on the top of the bun. If he puts icing on top of the bun, he has to pay GST. If he provides the bun with raisins in it, he does not have to pay the GST. But, if he puts a glazing on the top of the raisins, he does have to pay GST. That is one example. The transcript then goes on to give the example of a Turkish loaf. Mr Morgan says he was told that, if he put cracked pepper on the Turkish loaf, it was GSTable because it was food and production, and that if he did not put cracked pepper on the Turkish loaf, it was GST free. Then, Tracey Grimshaw asked:

So do you pay GST on the cracked pepper that you buy, or is it food for human consumption by the time you’ve bought it?

MORGAN: Well I’m at the moment, I’m getting it tax free.

GRIMSHAW: Yes. After July the 1st?

MORGAN: That’s right. I don’t know. I’m not that good.

Mr Morgan then went on to say, which I think is a pretty telling point for most small businesses:

It gives me something to do at night—and he is talking about working out the accounts and working out what is GSTable and what is not GSTable—the late nights to work all the little sums out.

GRIMSHAW: You’ve invested $15,000 on infrastructure to cope with the GST. Is that going to sort out some of these accountancy problems for you?

MORGAN: It sorts out the retail accountancy problems...we employ a lot of staff, we have a café here as well. It sorts out, to a degree, what’s going through...

GRIMSHAW: Well good luck to you. It sounds like a headache but thanks for joining us this morning.

That is just one example of the sort of confusion and complexity this tax system is creating within the community generally in terms of how individuals will interface, particularly people who are running small businesses, with the tax system—what will be their role, how will they manage it, what do they have to pay tax on and what do they not have to pay tax on? I think that, in a lot of situations, it is really going to be ‘suck it and see’ on the way through.

There is a range of other issues that we can go to that only reinforce this complexity issue. Take the example of the caravan parks. The caravan parks are the classic confusion. Not only were the people who live in caravan parks confused and not only were the proprietors of caravan parks confused; members of the government were confused as to how the tax will apply to caravan parks. The Minister for Trade, Mark Vaile, prior to the 1998 election promised residents of caravan parks that they would be GST free. He made that promise to them. He was obviously wrong. He must have consulted everybody under the Treasurer. But he got it wrong, and he got it wrong in a big way.

What about the federal member for Richmond, Larry Anthony—isn’t he in trouble at the next election? That is one of the reasons why I was up at Richmond a few weeks ago, when Senator Coonan also happened to be there. I do not know why Senator Coonan was there—probably trying to rescue Larry Anthony. But it was a wasted trip and a waste of time because he has gone. There are 6,649 permanent caravan park residents in the electorate of Richmond. There is not one of them who is going to vote for this government at the next election. I spoke to several of them on that weekend. One of them, I might add, who led the delegation and who was a long-standing National Party supporter of some 30 years said to me, pleaded with me, ‘Get us some material. Get us some leaflets up and I will personally distribute them to the 6,649 Labor voters who live in caravan parks in the electorate of Richmond, come the next election.’

The Minister for Community Services, the member for Richmond, will not go near the place. Every time they ring his office, he is missing. He is in Canberra. They ring Canberra and he is in Richmond. They ring Richmond and they are told, ‘He is out doing his job; he is not available.’ He cannot be found. He is getting a reputation a bit like Senator Heffernan, the ghost that walks.

Senator Conroy—The ghost that stalks.
Senator GEORGE CAMPBELL—I am not so sure he does that.

Senator Conroy interjecting—

Senator GEORGE CAMPBELL—He is young enough; you never know these days. Certainly he is becoming known as the grey ghost in the electorate, because he cannot be found, he is never available, and he certainly does not know what he is talking about in terms of the subject. But there was some honesty in the government on this issue, and it came from the member for Gilmore, Joanna Gash. She would be struggling to hold her seat, too, come the next election, but at least she is more honest. She realises the difficulty she is in, and she was distancing herself from this government. She said it was a discriminatory tax on where you live. She said it was a stuff-up. There is no other explanation. She put it plainly on the table.

The most humiliating thing of all was when the Deputy Prime Minister, John Anderson, said the tax would be reviewed and reconsidered, and, within a matter of hours, he had to back down—humiliated by the Treasurer, who said there would be no reconsideration at all. There is a range of other examples—the auto industry, for example. The Prime Minister said during the 1998 election campaign that the price of cars would drop by 8.8 per cent. Two months ago, at Senate estimates, the minister responsible for the industry actually admitted that the price of cars may fall but that they would be dearer after 1 July. We are still trying to work out the mathematics of that little gem, but what he said is true. He was actually honest about the position. Then, within a matter of days, Senator Kemp, in response to a question in this chamber, reverted to what the Prime Minister said prior to the election—that cars, after 1 July, would be 8.8 per cent cheaper. We are used to the sorts of answers we get from Senator Kemp in this chamber, so we did not put too much store in what he said—in the same way we did not put too much store in what the Prime Minister said prior to the election. After all, if you look at the Prime Minister’s statements from 1995 on, there is a litany of broken promises all the way through—promises that became non-core promises that became broken promises that suddenly just fell off the end of the table. The greatest one of all was the ‘never, ever’ statement: ‘We will never, ever introduce a goods and services tax.’ That is what the Prime Minister said prior to the 1996 election: ‘never, ever’.

Let me tell you, Senator Kemp, that the Australian public at the next election will say to the Prime Minister: ‘You will never, ever do it to us again’. That is, if his own front bench does not get him first. That is if the Treasurer, with the plotting and the planning that is going on behind the scenes, does not get him first. That is if the coup is not in place before the next election.(Time expired)

Senator MURPHY (Tasmania) (5.57 p.m.)—I rise to speak on the A New Tax System (Tax Administration) Bill (No. 1) 2000. It is important that we address the issue of fairness in respect of the GST. Given that this tax administration bill has a lot of application to business within the country, I probably could not start anywhere other than the Yellow Pages Small Business Index of February 2000. I think it is relevant for Senator Kemp, the minister responsible for the implementation of the GST and the minister for no answers. It states:

Small business support for the GST—

and the minister should take note of this—

has deteriorated sharply over the past three months. While more than half of small business proprietors are still in favour of the GST—

Senator Kemp—Ah!

Senator MURPHY—We heard you singing praises about how you had them all in your pocket, so listen to this:

almost 40% are now against the new tax. Of those opposed to the new tax, the overwhelming majority are strongly opposed.

Nearly three-quarters of small business proprietors are concerned about the GST complexity.

Which goes to the very heart of this legislation. This is how you are applying the complexity. This is what the minister is responsible for. It says:

The majority of small businesses agreed that the GST will adversely affect their bottom line with almost 40% strongly agreeing with this statement.
I have to say: if that is not a condemnation of the minister responsible for—

Senator Conroy—Failure.

Senator MURPHY—Indeed. I take Senator Conroy’s interjection: the failed minister for the implementation of the GST. It is true, and, as I said before, the minister for no answers. In terms of fairness, this new tax system was supposed to have benefits for all. It was supposed to have compensation built into it to cover every aspect of whether or not there was a price increase or whether or not there was an inflation increase—which the government told us was going to be only 1.9 per cent. It is now freely acknowledged by everybody except the government, and it is even acknowledged by some people in the government, that inflation is now more likely to be well in excess of 5½ per cent.

Then there is the issue of petrol. When you are out there talking to the punters during the course of an election campaign, what do you say? You look at things that are likely to affect them most—and petrol is one of them. What did the government say during the course of their submission to the Australian public about why we should have a new tax system? They said, ‘Petrol will be cheaper, cars will be cheaper, just about everything will be cheaper.’ But the chickens will come home to roost for Senator Kemp—the failed minister for the implementation of the GST; the minister with no answers about the implementation of the GST. In August 1998, prior to the federal election, the Prime Minister said, ‘The ordinary motorist will not pay any more for petrol. But, of course, they will not get that reduction. They will not pay any more. It won’t go up. The price at the pump will be the same.’ That was a very interesting statement. The very strident Treasurer, Mr Peter Costello, even went one further, I think. He promised just one month later that no petrol price anywhere would rise as a result of the GST. Mr Mark Vaile—I think he was then the primary industries minister—said the same when appealing to the punters out there in rural Australia. Indeed, the government even said that the gap between country and city petrol prices would not increase. We have asked many questions about how they are going to manage that, and we are yet to receive an answer as to how that is going to be the case. In reality, it cannot be the case. If the minister thinks—by his puzzled look when I made that statement—that somehow his rebate system is the solution, I suggest he think again. But I will come to that a bit later.

It is important to deal with what has been almost a fraud on the Australian public with regard to what they were told, what is now happening and what will happen after 1 July 2000. Joe Hockey, the Minister for Financial Services and Regulation, went on 2UE and said that the price of petrol would actually fall. And that was not prior to the federal election; indeed, it was on 14 January this year. Of course, we did not hear too much from the Minister for Financial Services and Regulation after that because I think he got a severe belt around the ear. But on 8 February 2000 the minister responsible for the implementation of the GST, Senator Kemp, informed the Senate Economics Legislation Committee during estimates that petrol prices need not rise. I suspect that they will rise, and I think most Australians now believe that petrol prices will rise.

Senator Kemp—We’ll wait and see.

Senator MURPHY—I take that interjection from the minister. He says, ‘Wait and see.’ I will come back to the rebate system that the minister proposed—you know: ‘Line up for your coupon. Get your coupons here.’ Nobody believes that will work—not one person. Despite the fact that the Commonwealth government have tried to say that the states have some rebate process in place, it has been stated by the Australian Automobile Association that, whilst the rebate system is paid to the petrol wholesaler, none of the money—not one cent of it—finds its way to the consumer. These are the people whom the government told that petrol prices—depending on whose version you take—would either be cheaper or not go up. Even before an estimates committee the minister said that petrol prices need not rise. But they have not come into this chamber nor the other chamber and explained how they are going to make that work. Frankly, they cannot explain it.
The Treasurer, prior to the election and even after the election—indeed, right up until early this year—when he was confronted by the very clear difficulty of delivering this promise to the Australian public suddenly thought, ‘Oops, we need a back-out clause,’ and said on the Sunday program, ‘Obviously there are limits on this.’ There are going to be limits on it all right. It will just be interesting to see what limit they can put on how much petrol rises. Then, of course, a few days later the Prime Minister—I don’t know; there must be some internal struggle going on over there—restated his ‘unqualified guarantee’. He said: ‘I can only repeat what patently is our case; that is, we are going to honour our commitment.’ I assume the commitment is that petrol prices will not rise and that the gap between city and country petrol prices will not increase. We will wait and see just how the government contort themselves to manage this in a way that will actually deliver their promise to the consumers. In his closing remarks, Senator George Campbell mentioned the ‘never ever’ statement: ‘We will never ever have a GST.’ It is an interesting statement, coming from a Prime Minister who once described himself as Lazarus. But it will be very interesting to see how we proceed with the implementation of the GST.

Insofar as there is compensation for this package, businesses can get $200 if they register for the ABN. That is supposed to somehow compensate them. The poor old businesses that have been responding to the questionnaire for the Yellow Pages Small Business Index do not seem to think that that is of too much use. On 11 November 1998, the Treasurer said that the government have more compensation in their package than is required to make sure that low income earners are protected in relation to tax change. Senator Kemp—the minister responsible for the implementation of the GST—has come in here and said time and time again that there are tax cuts. It has been acknowledged and, frankly, just about everybody now accepts that your tax cuts are not going to compensate for the price increases across the board.

In terms of price increases, it was very interesting, in respect of beer, to note how you actually dealt with that issue, to note what you had promised, what actually happened and what has been proven to have happened. It is just amazing that the compensation package that you say you had, based on a 1.9 per cent increase in inflation, has been blown out the door, as has every other aspect of the claims that you have made. Take things such as cheaper motor vehicles: you were rushing around prior to the last federal election saying that cars would be cheaper; you were going to take off the 32 per cent, 36 per cent or whatever tax that may have been applicable to vehicles and replace it with a 10 per cent GST and therefore vehicles would be cheaper. The Australian public know that is not going to be the case. They know they have been hoodwinked about that issue.

Look at the complexity that you are going to wreak upon the businesses of this country and even non-profit organisations. I will give you, Minister—through you, Mr Acting Deputy President—the example of a non-profit organisation that runs a raffle. I really think the minister responsible for the implementation of the GST ought to listen to this. It runs a raffle, it sells tickets in the raffle and it has a cash prize. As I understand the application of the GST to be on that example, you take the funds raised by the sale of tickets, you take out the value of the cash prize and the GST is applicable to the remainder. But, if you run a raffle and you have, for instance, a meat tray or a television or a radio or some tangible object as a prize other than a cash prize, the GST is applicable to all of the funds raised by the sale of tickets for the raffle. It is then up to the non-profit organisation to make a claim for a credit on the input tax part of their revenue raising, so they do actually have to make a claim for the cost of the prize. In the case of some prizes—say, meat trays—some non-profit organisations that may be raising money to contribute to a playground in the local community et cetera will probably get a lot of those prizes donated. I would ask the minister to verify whether that is not the case, because it is my understanding that the tax office may have issued a ruling in this respect.
I would be interested in what the minister has to say about that.

Of course, we know that most businesses, as has been identified by the Yellow Pages Small Business Index, expect that the GST will affect their bottom line. What I have found interesting with the introduction of the GST is the maintenance of the dollar value in terms of the profit on a particular item. If it had a sales tax applicable to it, you take off the sales tax and it has a new GST applicable to it. But if there were a dollar value profit in that particular item, the business could actually maintain it. That is, if they got $1.50 in profit for something that had a wholesale sales tax on it, they could maintain that under the GST. If the wholesale sales tax were, say, 32 per cent and then you applied a new 10 per cent GST, obviously your profit would not be as great. But they would be allowed to actually increase the price, and that seems to be a contradiction given the claims by the ACCC and the government that no price could rise by more than 10 per cent. This is a whole area of discrepancy with regard to the application of this. It was put to me some time ago by some small business people that they would actually have to increase their margin, by the order of about eight per cent, just to stand still under the GST.

All of these things that are now happening out there were denied by the government, both prior to and shortly after the last federal election, and now the chickens are coming home to roost. The closer we get to 1 July, the more problems there are unfolding for this government in respect of the introduction of the GST. It is clearly the case that businesses, in terms of information seeking and registering for an ABN, are having great difficulty. The forms that they are required to fill out are convoluted and there are problems, to the extent that the government is spending millions of dollars on an education campaign because, frankly, all of this—even if it had been nationally agreed—is being rushed no end. This is creating a lot of angst for business people. There is total confusion for business people and, more importantly, as I said at the outset, we have a government that set itself up as an honest government and said it would have a budget honesty program in place but, if you take account of all of its claims, not one of them stands up.

Senator McGauran—The Charter of Budget Honesty is one of the most recognised of documents.

Senator MURPHY—The Charter of Budget Honesty—thank you, Senator McGauran.

Senator McGauran—It is recognised around the world.

Senator MURPHY—Yes, for its failure. Of course it is recognised but it is for its failure, because the government have just not followed it. They have tried to paint themselves as the vision of honesty and integrity but they have not delivered on all these things. Honesty was clearly not a core promise, because you have not kept any of the promises you spoke about in respect of the GST—not one. If it were about motor vehicles being cheaper or whatever, one would have thought that you could have at least maintained one promise, but you have not—not one.

Senator McGauran—are you telling me that they will not be cheaper?

Senator MURPHY—Senator McGauran obviously has a view that motor vehicles are going to be cheaper. Through you, Mr Acting Deputy President, I invite him to stand up and tell us how this is going to be so and to give a guarantee on behalf of the government to the Australian people that motor vehicles will definitely be cheaper. It would be very interesting to have a member of the National Party stand up on behalf of the Australian government and give a guarantee to the Australian people that motor vehicle prices will go down, a guarantee that if people line up after 1 July to buy a motor vehicle it will be cheaper.

Senator McGauran—they are now.

Senator MURPHY—The guarantee that they will be cheaper after the implementation of the GST—that is, that the GST will make motor vehicles cheaper—is a guarantee that you can give, Senator McGauran, to the Australian public on behalf of Prime Minister John Howard and this government. The Australian public would receive it well.
As has been said by others, there is a whole plethora of issues, whether you are buying iced cakes, lollies or whatever the case might be. This is a government in total disarray. The circumstances it now finds itself in, in trying to introduce a GST, are just unbelievable. The business community is saying, ‘Hang on, this is not what we were told when the ANTS package was first put out into the ether.’ This government has got to come clean. It owes an explanation to the public and it should give it. (Time expired)

Senator CONROY (Victoria) (6.16 p.m.)—I rise to speak to the amendment moved by Senator Quirke yesterday to the A New Tax System (Tax Administration) Bill (No. 1) 2000. I was talking before about the troubles that the tax office were having, but I just want to divert from that because I think it is important, when talking to this amendment, that many views are canvassed. I think the most interesting contribution on the unfairness of this GST was in Saturday’s paper by that well-known National Party member, Mr Katter. I know that Senator McGauran, who is in the chamber, will rise to the defence of Mr Katter if I misrepresent Mr Katter in any way whatsoever. National Party loyalty will come to the fore and, if I misrepresent one word that Mr Katter has had to say, Senator McGauran will be on his feet instantly.

Senator Murphy—Take note, Julian.

Senator CONROY—Senator McGauran should take note, Senator Murphy. Mr Katter is quoted in an article in the Age on Saturday, 1 April under the heading ‘Katter blasts at GST “horror”’. The article goes on to say:

There was a ‘horrific’ fear of the GST in the community and the tax would cost the Howard government the next election, according to the maverick Federal National Party MP, Mr Bob Katter...

Mr Katter said that as he travelled around his electorate he was meeting widespread hostility to the GST. ‘It will utterly destroy the Government throughout regional Australia, that’s the general opinion universally,’ Mr Katter said. ‘You’ve only got to look at Canada, the worst defeat in 500 years of democracy anywhere, after they introduced a GST.’

Mr Katter said he was getting ‘horrific’ feedback from constituents, especially those in small business, who were fearful about the GST. ‘It’s the confusion, the extra bookwork, having to do their tax returns four times a year, things like that,’ he said. ‘The only people who are not worried about the GST are in Canberra, and they are the ones who should be most worried.

I invite Senator McGauran, if I have misrepresented Mr Katter, to jump to his feet right now—

Senator McGauran—Mr Acting Deputy President—

The ACTING DEPUTY PRESIDENT (Senator Sherry)—Order! Senator McGauran, it was a rhetorical statement. Under the standing orders it is not allowed. Please resume your seat.

Senator McGauran—You will note, Mr Acting Deputy President—

The ACTING DEPUTY PRESIDENT—Is this a point of order?

Senator McGauran—A clarification. I cannot stand on a clarification?

The ACTING DEPUTY PRESIDENT—No, you must sit down.

Senator CONROY—I think you have been uncharitable to Senator McGauran there, Mr Acting Deputy President. I think the chamber deserved to hear the clarification. It was a hard ruling, but I guess you have to uphold some standards.

As I said, Mr Katter has rung the bell on this government and rung the bell on the National Party and where it has gone.

Senator Quirke—Is that the bloke that Senator Alston likes so much?

Senator CONROY—What did Senator Alston call him? A national disgrace. Again, I am waiting for Senator McGauran to jump to his feet to defend Mr Katter. It was disappointing that National Party members did not take the opportunity to defend their colleague, but I guess loyalty does not run as thick as it used to in the National Party.


Senator CONROY—No, someone else has registered that name now, Senator McGauran. I do not think you even own it. The message that Mr Katter is sending to this government is being joked about. It is nerv-
ous giggles at first, but it is being ridiculed just in the way that yesterday, when we were trying to discuss the problems of a bakery, or today, when we were trying to discuss the problems faced by the packaged ice industry, we got laughter and ridicule. That is the view of this government towards the problems small business are facing: laughter and ridicule. But I am willing to bet that Senator McGauran and Peter McGauran, colleagues of Mr Katter, were not laughing after the local council elections in Victoria recently when the GST rose up again and claimed their entire support base. Every councillor associated, affiliated or friends with the National Party in Gippsland was wiped out; every single councillor. It was just like the councillors in Mansfield; Mr McNamara’s friends were wiped out. Every councillor associated with the GST who was a National Party supporter was wiped out in Mansfield.

It was a terrible thumping right across Victoria, right across Melbourne. For the first time in Victoria, you saw the Labor Party claim control, and the mayorality, in Frankston. That is the marginal seat of Dunkley, in case you were wondering, Senator Murphy. You saw the Labor Party claim control of the city of Hume. McEwen is another marginal seat claimed. What happened in the eastern suburbs seats of Deakin, Aston and La Trobe? The Labor Party cleaned out Liberals everywhere. The response to the GST is out there if you are willing to listen. Mr Katter is telling it as it is in regional Australia, and all we get from the government is ridicule of the problems.

Senator Murphy—No answers.

Senator CONROY—No answers and ridicule—the government is ridiculing small business. I want to return to one of the themes I was talking about yesterday: the problems that the ATO were having in recruiting people for their 100 specialist staff positions. There was an interview with a woman from Canada who responded to an advertisement. She is considering moving to Australia and making use of her expertise in combating GST fraud, in which there was an upsurge in Canada after the introduction of the GST in 1993. She talks about a number of scams that were engaged in over there.

One of them is that some people indeed collected the GST but did not report it to Revenue Canada. Another is that people avoided the GST net by suppressing their sales figures and the like.

I always enjoy highlighting Canada’s experience with the GST, noting that the governing party in Canada which introduced the GST had more members than the Howard government before their GST election but came back following the election with only two members. That is the message. That is what happened in Canada. That is what happened in Mansfield to the Liberals and the Nationals. That is what happened in Gippsland. That is the message for this government, which does not want to heed the GST impact. And while I do not expect the coalition to be left with just two seats after the next election, if I were a coalition marginal seat holder, I would be very nervous. If I were the member for McEwen, Dunkley, Aston, Deakin or La Trobe, I would be very nervous. But it goes beyond that, as was shown in Mansfield and will be shown in Gippsland. Senator McGauran’s brother, Minister McGauran, is the member there, and I would be very nervous if I were him. Those Ingram supporters are after their next scalp at the next election, Senator McGauran, and you know it. In your bones you know you have got a problem down there.

Just ask Mr Larry Anthony or Ms Joanna Gash what they think their chances are of surviving the next election. We have seen Mr Anthony deliberately give his constituents false hope over the issue of the GST on long-term caravan park residents—Senator Campbell has already referred to it. Mr Anthony has now had to resort to untruths and, if it were not unparliamentary to do so, one could say he has lied to try to save his political skin. I do not think the electorate will fall for it, and we on this side have no doubt that Mr Anthony will be one of the first casualties of the GST, which this government is too afraid to even mention in its taxpayer funded propaganda campaign. If there are any doubts as to what a nightmare on main street this tax is, no one needs to look any further than the bumblings of the Acting Assistant Treasurer at the time, Mr Hockey, and the
number of times he put his foot in his mouth—the smartest politician! You went up in my estimate, Senator Kemp. You were away over Christmas and you left Mr Hockey to it. You did not come rushing back from your holidays like the Prime Minister. You stayed on holidays. You knew when it was a good time to be away, Senator Kemp. You went up in my estimation during that month because you left Mr Hockey to put his foot in his mouth over the GST in January of this year. If this were Minister Hockey’s attempt to instil small business with confidence about how easy the GST will be, then I would hate to see his attempts to explain to them how supposedly simple and easy the PAYG system will be. But let us look at some of Minister Hockey’s foot-in-mouth efforts—

Senator Kemp—I thought you were in favour of Mr Hockey.

Senator CONROY—Mr Hockey is a very good minister, I have to say. There is bipartisan support for his initiatives in the global finance area. There is no question of that, and Mr Hockey deserves some of the credit that he has been getting. I am quite prepared to say that on the public record. But, as Mr Hockey mused when we were overseas, he did have a tough time in January. Let us revisit that time to emphasise again the complexity of the GST for small business. Firstly, he said:

Tollway operators in Sydney who round up to minimise the number of coins would be prosecuted...

He went on:

I’ll use all the power available to me to go after these toll companies if they try to take advantage of the introduction of the GST.

On 14 January, Mr Hockey said:

Rounding up is allowed. What the ACCC have said is that, if there is an odd number within a $1 range, then a company can round it up to $1 or down to zero, but they are not allowed to make any money out of it.

On 15 January, a day later, Minister Hockey said:

Rounding up has limits. No prices will increase by more than 10 per cent as a result of the GST.

On 17 January, Minister Hockey had his fourth go at it, effectively saying that rounding up has ‘flexible’ limits. He said:

No prices should rise by more than 10 per cent as a result of the GST.

The bottom line is that, if Minister Hockey could not understand how the GST worked, how are the million-plus small businesses who were listening to this convoluted, inconsistent, flip-flopping explanation from the then Acting Assistant Treasurer going to understand it? To highlight this, my colleague in the other place Mr Thomson gave the case of Clubs Victoria, which had contacted him with their GST nightmare. This is what he told the House:

Recently I was contacted by Clubs Victoria, which has received verbal advice from the ACCC that they could increase their membership subscription by 10 per cent. They advised their member clubs of this only to subsequently receive a letter from the ACCC indicating that they had no such authorisation and that clubs which set membership fees would be obliged to calculate whatever savings they might be able to achieve as a result of the GST and pass them on to their members, even if this meant subsequent partial refunds of membership fees. That sort of arrangement involves ordinary clubs in an astonishing degree of paperwork and administrative red tape over relatively small amounts of money. It takes ordinary clubs into an area of price and fee setting that they certainly have not been in before, and I think it imposes on them undue hardship.

This is a perfect illustration of the degree of complexity and uncertainty that this government has created, aided and abetted by the incompetence of the Assistant Treasurer, Senator Kemp, and his protégé, Mr Hockey. To add to the concerns, it was reported in the Financial Review that, after the re-release of the ACCC guidelines, four key industry groups—the Business Council of Australia, the Australian Chamber of Commerce and Industry, the Australian Retail Association and the Food and Grocery Council—all had reservations about what they described as the draconian nature of the ACCC pricing laws, and these are the final guidelines.

I mentioned before the 7,000-plus rulings which so far have been given by the ATO because one of the difficulties which busi-
ness has is in getting advice from the tax office. There have been complaints about inconsistent advice from the tax office help lines. The office of the Leader of the Australian Democrats, Senator Meg Lees, has been receiving calls from people who say that the tax office or coalition members of parliament have referred them to the Democrats—talk about passing the buck. I do not know whether or not Senator Lees considers it appropriate to have the ATO and coalition members referring queries to her office, but I would actively encourage members of the public and in particular small business to contact Senator Lees’s office and have her office explain the GST to them. After all, it is the Democrats’ GST.

It was the Democrats who gave us the distinction between GST-free bread and GSTable bread if it has icing on it. Under the Democrats, GSTable bread is ‘bread, including buns, with a sweet filling or coating’. What happens if the filling or coating is not sweet? What happens if the filling or coating is bitter? Does that mean it is no longer GSTable? I do not know, but I am sure, if we ask the Democrats, that they will be able to tell us as it is their tax. The GST is a Democrat tax, and anybody who has a query about the Democrats’ GST should ring the office of the Leader of the Democrats, Senator Lees, or the office of their tax spokesman, Senator Murray. While they are at it, they might also want to ask Senator Lees why casino high rollers are a higher priority for the Democrats than small business, charities, education or women.

Lastly, I would ask the Senate to support the second reading amendment moved by the opposition. The three issues covered in the second reading amendment go to the important issues of the inherent unfairness of the GST, the enormous compliance burden faced by small business and the further compliance burden that small businesses will face from the introduction of the PAYG system. I have not spoken in depth in regard to the second reading amendment, as I am sure some of my colleagues may follow me.

There is one final issue which I want to draw to your attention and it is of such a serious nature. Yesterday, I read that Mr Carmody has cancelled his overseas trip because the tax office are facing an unprecedented crisis in confidence in the broader community, as well as low morale in their own organisation, and that is not trying to buy into the so-called Petroulias affair. This is a more fundamental problem which has the Australian public leaving the seminars being organised by the tax office shaking their heads saying, ‘They could not answer my questions.’ I wish I had a dollar for every small business person who has contacted me to say, ‘I’ve been to one of the ATO seminars and they could not answer my questions.’ I am hoping that Senator Kemp can answer a couple of very simple questions.

Mr John Raymond, who heads up the Independent Liquor Group Cooperative, would like to know what is going on in this industry. I hope Senator Kemp is listening because this is one of the issues I hope he will address when he responds. An article by George Megalogenis in the Weekend Australian of 1-2 April states:

John Raymond says the Government assured him that the new tax rates for alcohol to go with the GST would be released last September. ‘Then it was October, then not November or December because people would be on holidays, then February, then early March, now they tell us the end of this month,’ says Raymond.

We have a lot of work to do data processing, changing our systems, but we can’t advise our members of the new prices. My printer is looking at a blank sheet. My members would be pulling their hair out.

That is the impact. That is what this government is putting small business through. They are pulling their hair out, on their own admission. The article continues:

The Government has also been slow in releasing the so-called maps of which country towns qualify for cheaper diesel fuel. ...

It seems the ATO has a leave-it-to-last-minute approach. Mr George Megalogenis is somebody who, in the past, has expressed support—he is well known to the Treasurer’s office—in print for the GST. He says:

Matthews and his boss, taxation commissioner Michael Carmody, have boasted that the GST will turn out to be a non-event like the millennium bug. However, there are clear signs the ATO no longer buys its own line. It has relaxed the dead-
The Orwellian ID—that is what you are putting small business through. Mr Megalogenis describes this as 'the Orwellian ID they need to be part of the new tax system'. He continues:

The ATO has already received evidence that small business people are choosing to take early retirement or return to the paid work force rather than face the GST.

A regular ATO study has found this. I will be very interested in getting access to that study, Senator Kemp. I am hoping you may even be willing to provide it to the Senate because it has some very interesting information, according to Megalogenis. The article continues:

Kennards is one of the first businesses prepared to admit it has completed its GST preparations. Managing director Peter Lancken ... expects his prices will increase by 8 per cent ... but cannot be sure until all his suppliers have first told him what they are doing ... What will annoy the Government is that 8 per cent is a pretty big number for a business whose bread and butter is machinery, which carries the 22 per cent sales tax. The theory of the tax package is that these companies will save millions in sales tax, which will help keep price rises well below the 10 per cent rate of the GST.

But Lancken says ... for the Government’s plan to work, he would need to replace his entire stock on July 1. ‘What makes all the money is the equipment that’s in our fleets,’ he says. ‘The replacement value is $60 million to $70 million ...’

So what is the answer? What cost is Mr Lancken going to face? What price rise will you allow him to have?

**Senator KEMP (Victoria—Assistant Treasurer) (6.37 p.m.)—**Mr Acting Deputy President, I have listened to this debate, as I always do. I think I am regarded as a very attentive minister, and certainly for my patience it was difficult on this. During the second reading debate speeches it was a particular problem for me because of the quality of the speeches, by and large. There were some exceptions, Senator Murray, I thought, made a very interesting contribution. Senator Murray is a man whom I do not always agree with but he brings great credit to himself and great credit to the Senate with the way he conducts himself.

**Senator Conroy—**You are shameless.

**Senator KEMP—I** might say that if I have a criticism of Senator Murray it is for his amazing good humour in dealing with you, Senator Conroy. He shows an admirable restraint which I am not sure that I can match in every respect. I have noticed that minister after minister stands up here after second reading debate speeches, thanks senators for their contributions and says how interesting it all was. I shall vary this slightly. I said there were a couple of exceptions and there were some aspects of some people’s contributions which were worth listening to but, by and large, this was the worst series of second reading debate speeches that I have heard for a very long time.

**Senator Conroy—**That is what you said last week.

**Senator KEMP—I** was distressed, actually, because there was an attempt by certain people, Senator Conroy—although I will not name them because I am not that sort of person—to blame a very worthy Labor Party adviser for the low quality of the speeches, Jody Fassina. There was an argument that Jody had written these speeches. From a person who has listened to speeches and long admired Mr Fassina’s work, that is clearly untrue. I just wish to go on record that I do not accept that. There was an attempt in the lobbies to blame Jody Fassina for the low quality of certain speeches. My first bit of advice to Senator Conroy—and you know that I am slightly older than you, Senator Conroy, so I can give you some advice with the experience of years—is: do not write your own speeches. That is the advice I give you. You should ask Mr Fassina to make sure that he prepares some of these speeches for you. It would assist us all and would make sure that the debate remained more on course.

There was a range of issues raised, virtually none of which had anything to do with the bill before the chamber, except that I must say that when Senator Conroy read out aspects of the EM he basically got it right.
He can read and he could read the EM, and we of course listened with interest as he went through it and told us what was in the bill. But that had no effect on Senator Conroy, nor on any of the other speakers, regardless of what was in the bill and regardless of what this bill deals with. I might say that the Labor Party, if I take it correctly, supports all aspects of this bill. There will not be any amendments; there will not be any divisions, hopefully, in the committee stage.

Senator Conroy—There is a second reading amendment.

Senator Quirke—What about my amendment?

Senator KEMP—There is a second reading amendment which has been created by Senator Conroy and moved by Senator Quirke. Of course, we will be opposing that particular amendment, which is particularly unworthy.

Senator Conroy—Why?

Senator KEMP—I have been provoked and, as I said, I am not normally easily provoked.

Senator Conroy—Hopefully, Carlton will win next week.

Senator KEMP—What on earth Carlton’s recent performance has got to do with this bill obscures me, but it was referred to by virtually every speaker. Mr Acting Deputy President, because you are a man who is renowned for his balance—quite apart from his skill with fly-fishing—his fairness and his judgment, let me tell you what is wrong with this second reading amendment. Let me just take part (a) of the amendment, ‘the fundamental unfairness of a goods and services tax’.

Senator Quirke—Seconded!

Senator KEMP—That is very interesting, because as we all know the Labor Party has now incorporated support for a GST into its platform. As I said, I would not have debated this except for the second reading debate speeches and for Senator Quirke’s interesting contribution. Senator Quirke got one thing right, and I have raised this virtually every time I have got up to speak, Senator Quirke—

Senator Quirke—I am the president of your fan club. I am the secretary of your club and the only member.

Senator KEMP—I have a few silent admirers over there. Senator Quirke got this right: I have raised the issue of the Labor Party’s attitude to the GST on quite a number of occasions, and I have asked my staff to check with the ‘taking note of answers’ to see whether anyone has queried my arguments about the Labor Party and the GST. Speaker after Labor speaker has failed to tackle this issue head on. I will give you this, Senator Quirke: you attempted to tackle this issue head on and you inadvertently revealed the absurdity of the Labor Party position. You have adopted this formulation, ‘Bring back all these bills’—as if, after 72 hours, Senator Quirke, I would bring back all those bills. It is a very bold statement. ‘Bring back all these bills,’ says Senator Quirke, ‘and then you will see where we stand.’ I am not going to bring back those bills.

The issue, when we go to the next election, will be: where does the Labor Party stand on the GST? Is the GST going to form part of the Labor Party platform? The answer is: yes, it is. That is the answer, despite all this nonsense that went on in the second reading debate speeches and concerns about this issue and concerns about that issue. We have all noted one issue with the Labor Party’s GST policy: there is a roll-back. The other question is: how much does the roll-back cost?

Senator Conroy—How much are your tax cuts going to cost at the next election?

Senator KEMP—It is not up to me to advise the Labor Party, although I notice that, in the spirit of goodwill, Senator Conroy did advise us what to do and how to improve our electoral fortune. So let me just return the compliment, Senator Conroy. We have listened very carefully to the concerns that Labor Party senators have on aspects of the GST. We know they have adopted the philosophy of a GST, as they should. That is no surprise. The issue is the roll-back. A lot of Labor Party senators have gone on record in this debate—and, I might say, in other debates—to say, and have raised expectations
amongst a variety of people in the wider community, that somehow the issues they have raised—

Senator Conroy—How big are the tax cuts?

Senator KEMP—Don’t get sensitive, Senator Conroy. It took great control, but I listened to you in absolute silence.

Senator Conroy—That’s an absolute fib! That is a blatant misleading of this chamber.

Senator KEMP—Well, with one or two very minor exceptions, I listened to you in absolute silence. This is the dilemma that I think you now have. Senator after senator stands up and draws attention to issues that they think the government should address. As we run towards the next election it will be very interesting to see whether they form part of the roll-back. If you say that the GST is a major electoral problem, let me say that you said that before the last election.

Senator Conroy—And you lost 19 seats.

Senator KEMP—Senator, we happen to be over here, and you happen to be over there. It was not that big a problem. I happen to be standing here and you happen to be sitting there, as you will be for a long time. The next election will be different. Let me tell you why it will be different. The Labor Party will have a GST policy in its election platform. The question then will be: in what areas will the Labor Party alter the GST? And all these groups will look very carefully at what people like Senator Sherry, Senator Hogg and Senator George Campbell have said. I would just caution you, Senators, that in a recent shadow cabinet discussion, Lindsay Tanner, who is your shadow finance minister, warned the frontbench about committing an ALP government to further roll-backs of the GST ‘for fear the party would be left short of funds to fund its social programs’.

When the public wake up to the fact that, despite all the nonsense that has been going on in this chamber for an interminable period of time that the Labor Party actually support a GST in their program, I would hate to think what the electoral consequences will be for the Labor Party. The electorate will quite rightly believe that this is one of the most hypocritical parties in Australian history. ‘We are so opposed to the GST, but we are actually adopting the GST.’ We are talking about what they see as the potential problems of the GST, but the question is: are these part of the roll-back? It is a valid question on our side and I would urge the press, every time a Labor senator gets up and complains about the GST, to say, ‘Excuse me, Senator Hogg, is this part of the roll-back?’

Senator Conroy—How big is the tax cut?

Senator KEMP—Senator, I know you are sensitive on this, and I know this is not quite the Labor Party message, but let me tell you that I will be talking about the Labor Party GST policy from here until the next election and I will probably start preparing a list—thanks to Senator Hogg, Senator Murphy and Senator Conroy—of the sorts of issues that the Labor Party think may be part of their roll-back. I think you are raising hopes and expectations that you will not be able to deliver. The Labor Party have avoided policy for a pretty long time and probably rightly so, given the quality of the frontbench. I mean, you wouldn’t ask John Faulkner to develop forest policy, would you? The truth of the matter is that the Labor Party, as they go to the next election, are going to have to have a few policies. We know that your major tax policy is that the Labor Party will keep the GST. That is what we know the Labor Party will do. Then we know that the Labor Party have promised certain roll-backs. Best of luck, but let us keep the list going. The Labor Party are not going to promise to keep the tax cuts. I wonder why that is. I wonder why the Labor Party will not give any guarantee to keep the massive tax cuts that we are delivering. Could it be that you need to fund the roll-back? I will be drawing attention to that day after weary day. I think we are probably about to sound the siren. A number of questions were put to me, and I will seek to respond to those tomorrow—because I always try to help the Labor Party—on an agreement that we will speed the journey tomorrow.

Debate interrupted.
The ACTING DEPUTY PRESIDENT (Senator Murphy)—Order! It being almost 6.50 p.m., I now call for the consideration of government documents.

Department of Family and Community Affairs

Senator CHRIS EVANS (Western Australia) (6.50 p.m.)—I move:

That the Senate take note of the document.

This document is the government’s response to the Department of Family and Community Affairs’ report entitled Review of the measure to extend carer payment eligibility to carers of children with a profound disability—final report. This is the government’s response to the review which reviewed the new assessment tool for payments to the carers of children with a profound disability, which was introduced in July 1998. The review occurred because of a concern that many families were failing to qualify for the payment because of the strict guidelines imposed. A number of community groups and families believe the current criteria are far too rigid and do not recognise the care needs of some of the most common genetic disorders, syndromes and neurological afflictions. The disability community as a whole were hoping that the coalition government, through this review, would come to realise that often an individual’s disability cannot be defined to fit into prepared statements or tick-box approaches to assessment and neither can their care needs.

The response of the government to that review is, quite frankly, very disappointing. It was an opportunity for the government to come to terms with the very serious concerns about the families who are being excluded from eligibility for the payment—families with children with very severe disabilities and very high care needs, families who are under a great deal of stress and who would greatly benefit from being eligible for the carer payment. I know you have to draw the line somewhere, but I think it has been widely accepted that the current guidelines were proving to be very harsh and unreasonable in many circumstances. There was hope that by the process of this review many families would have their eligibility reassessed and that many who had been excluded would be allowed to access those payments.

As I have said, the government has missed that opportunity and has failed to pick up some of the key recommendations that came from its own review. The review made a number of recommendations. I do not think it could be described as radical in any terms, but it did pick up most of the key issues that were raised and made a fairly balanced response to the concerns of the community about how we might improve the carer payment eligibility criteria. Submissions to the reference group from both individuals and disability organisations identified many aspects of the current assessment procedures that are deficient in identifying and acknowledging that a child with a profound disability may require constant supervision for either medical or behavioural reasons. All the main disability groups stated that the assessment criteria were too rigid and needed to be broadened.

Despite the reference group also recognising the merits of the measure, the coalition government have ignored that recommendation. The government claim to have picked up the majority of the recommendations—I would dispute that—but they have certainly missed the core recommendations. They have picked up a couple of the functional concerns, and I appreciate that, but they have ignored the major recommendations that deal with the discretionary provision to be included in the system. Their response to the tube feeding criterion is disappointing, with a commitment to again review and look into the problem. I think that will not give any great satisfaction to the families affected.

A key finding of the review was about building some discretion into the system, and it was a matter that was argued strongly in a submission from the Social Security Appeals Tribunal. It advocated the inclusion of a discretionary clause on the basis that, no matter how long or exhaustive the list of criteria, there will always be deserving children who are not recognised. The Social Security Appeals Tribunal, which in some ways is the umpire in this area and deals with this sort of
thing all the time, said that the discretionary clause would be a useful addition. The reference group supported that recommendation, but the government has failed to do so. I think we will be left with a very rigid system, a system that does not recognise a range of conditions, demands, on carers. I think there will be many disappointed people in the community as a result of the government’s very disappointing, short-sighted and, I think, bordering on mean response. The key line to understand the government’s response is found in this document where it states:

Given that the review identified that customer numbers have substantially exceeded the number originally anticipated, the Government has decided not to adopt the recommendation. In other words, it is not prepared to spend any more money. (Time expired)

Question resolved in the affirmative.

ADJOURNMENT

The ACTING DEPUTY PRESIDENT (Senator Murphy)—Order! It being 6.57 p.m., I propose the question:

That the Senate do now adjourn.

Treaties Committee

Senator LUDWIG (Queensland) (6.57 p.m.)—This evening I rise to speak to report No. 30 of the Joint Standing Committee on Treaties. The Treaties Committee, in my view, does valuable work. An adjournment debate is one of those occasions when it is worth recounting some of the work that the committee does. It promotes an open and accountable model of parliament and ensures that the public has scrutiny of the treaties that are made. The committee’s work centres on its role of inquiring into and reporting on matters arising from treaties and the related national interest analyses that underpin the treaty making process.

All treaties find their way to the Treaties Committee. The Treaties Committee, on each and every treaty, actively accepts submissions from the public and will convene a public hearing on such treaties. This is to ensure not only that the executive government, through public servants, puts treaties information to the committee but also that public hearings are provided for the public so they can come along, make submissions and see the process in action. It is open to all interested persons to make submissions in respect of those treaties that are put before the Treaties Committee. In addition, the Treaties Committee undertakes, and has undertaken, a number of seminars to promote its work and the treaty making process. All of this work is directed at ensuring that the treaties Australia signs are open to both public and parliamentary scrutiny. The reason for much of this is to assist with the recognition that the signing of international treaties brings with it obligations and responsibilities that should not be ignored, but discussed and debated, and that treaties are an important and integral part of our place within the international community.

In my view, it is incumbent on members of the Treaties Committee to continue their work not only diligently within the committee process itself but also in the promotion of its work outside the parliament. The national interest analyses are an important accompaniment to proposed treaties. The NIAs include information about the economic, environmental, social and cultural effects of the proposed treaty, the obligations imposed by the treaty, how the treaty will be implemented domestically, the financial costs associated with implementing and complying with the terms of the treaty, and the consultation that has occurred with state and territory governments, industry and community groups.

Clearly, if the public are predisposed to inquire into a particular treaty, one of the first ports of call is to obtain the NIA to ensure that it has met those obligations and to dissect the NIA according to those five principles. The inquiry process of course may vary. It may vary depending on the circumstances and on the demand that is placed on the committee itself, but usually it consists of these steps: (1) a reference is received by the committee; (2) advertisements are placed in relevant major newspapers and submissions are invited from individuals and organisations—you can also go to the web site to see which treaties are coming up for public scrutiny; (3) submissions are received and authorised for publication; (4) the committee conducts on-site inspections or obtains back-
ground briefings or holds seminars, depending on what is appropriate for the circumstances of the particular treaty before the committee; (5) the committee conducts public hearings with selected individuals, and organisations can be requested to give oral evidence; (6) the committee considers the evidence and prepares an appropriate report; (7) the report is then tabled in parliament and may be debated; (8) copies of the report are sent to witnesses and persons who made submissions, distributed through the Ausinfo bookshop, or obtained online at the government Internet site on committees; and (9) the government then follows the process of considering the report and responds in kind to it and the recommendations made.

Turning now to report No. 30, which I spoke about earlier and which started the adjournment debate tonight, it contains, amongst other treaties, the UN convention to combat desertification, scientific and technological cooperation with Korea, the International Development Law Institute, and the denunciation of the Convention on Damage Caused by Foreign Aircraft to Third Parties on the Surface. As you can see, report No. 30 contains quite a diverse group and mix of different treaties that Australia is proposing to become party to.

I want to take the opportunity to use the UN convention to combat desertification as a focal point for this evening. The background on the UN desertification convention was that it was finalised in June 1994. The final text of the desertification convention was adopted by the international negotiating committee on 17 June 1994 at the conclusion of meetings in June 1994 in Paris. There is usually a long lead time before these matters actually come to Australia for signature. In fact, this particular convention had a false start. In 1994 it came into parliament and did not make it through. It has now returned and it appears that it will, at least from the committee’s perspective, be one that is recommended for signing. The preamble to the convention says that the rationale for the convention is to encourage countries to develop strategies for dealing with and preventing desertification. The impetus for the convention was largely to combat desertification in Africa; and, as noted, it arose out of the United Nations conference on desertification as early as 1977. It has been recognised as a significant issue globally—and it should be dealt with not only by Australia but also by other nations.

Perhaps we could go to the definitions to provide some framework on what desertification refers to. The issue of desertification, however, is contentious. There are differing opinions on what constitutes desertification and the extent of desertification. It is important to note, however, that desertification is more than the encroachment of deserts, which appears to be less of a problem than previously thought; it also includes land degradation, which is occurring over large areas of Australia and the rest of the world. Article 1 contains a broad definition of land degradation, which includes loss of biological diversity. You can see from the direction that desertification stretches far more broadly than deserts.

The obligations of the developed countries who sign the treaty are to undertake to actively support the efforts of developing countries, particularly in Africa, to provide substantial financial resources and other forms of support, to encourage funding from the private sector and to promote and to facilitate access of developing countries to the appropriate knowledge, know-how and technology to combat desertification. The financial obligations in respect of this treaty are not onerous and are quite within a reasonable budget allocation for the laudable goal that is being sought. Article 9 also talks about the preparation of national action programs, which in short refer to the development of a national program that is voluntary for both developed and developing nations that seek to receive funding under the convention. It appears that developing countries should be prepared to develop national action programs to be proactive in combating the desertification of their particular region.

The practical effects for Australia are that it does not have to prepare a national action program if it signs and ratifies the convention; and that even if it prepares a national action program, it is likely that existing plans and programs already in place can be com-
bined to form such a national action program. A short run of those programs include: landcare, national drought policies, national ecological sustainable development strategies, draft national range land management strategies, and national biodiversity strategies. In other words, these are matters to combat desertification in its many forms.

Turning to chapter 2 in the report, which deals specifically with the convention, to date 162 countries have ratified. In recommendation 1, the committee recommends binding treaty action be taken in addition to, at the time of ratification, the Commonwealth government providing the United Nations and the Australian state and territory governments a statement on land management responsibilities within the Australian federal system to promote a broader discussion in respect of the matter. That is a recommendation worth considering. (Time expired)

East Timor: UNICEF Visit

Senator PAYNE (New South Wales) (7.07 p.m.)—I rise in the adjournment debate this evening to make some comments essentially to follow those I have made previously on developments in East Timor. I visited East Timor most recently in late February, in my capacity as President of the Parliamentary Association for UNICEF, a multiparty association of the parliament made up of those members of the parliament who support the works of UNICEF Australia and work with UNICEF Australia and its board in that process.

I made that visit on 21 February, just a matter of days before the transfer of administration from INTERFET to UNTAET, the United Nations Transition Authority in East Timor. On that transfer, there was a significant reduction in the number of Australian troops present in East Timor, now at approximately 1,900, most located on the West Timor border. We still have approximately 80 members of the Australian Federal Police participating in the civilian police, the CIVPOL, in East Timor. They have ongoing tasks which will continue for some time to come. I understand that we also have a significant Australian presence in the UN professional staff currently operating in East Timor, and that is regarded as a highly valuable commodity by those in the United Nations.

This was a particularly valuable visit for me, having made my initial visit to East Timor in August of last year by prior popular consultation itself. As I have noted in the chamber, in December I visited the devastated areas of Dili and Suai in particular, as a member of the Joint Standing Committee on Foreign Affairs, Defence and Trade under the leadership of Senator Alan Ferguson. This visit enabled me to identify, perhaps on a more focused basis, the ongoing challenges facing significant parts of the East Timorese community. Obviously, that visit in my capacity as a member of the Parliamentary Association for UNICEF particularly concerned the situation of women and children in East Timor. I was briefed well by Rodney Hatfield, the UNICEF special representative in East Timor, and his field workers.

Before the poll, there were 160,000 students, or thereabouts, in primary schools in East Timor. At the time of my recent visit, there were 120,000 students back in the system. That was a very impressive figure, considering the challenges and the difficulties that these people had faced with their families over many months. There are approximately 6,000 teachers on the books of UNICEF. The evaluation of those teachers and the final realisation of how many would be on the lists was beginning at that stage. They had delivered almost 600 school-in-a-box kits for districts in East Timor and those kits set up 80 students at a time for three months. That is a continuing process, because there are many, many more students to whom this support needs to be delivered. There were distributions of additional student stationery because in the destruction all that had disappeared. Simple things that we might take for granted in the school environment, like blackboards, had also disappeared. When you take the roofs off buildings in destruction and violence that followed the poll, you often take the blackboards with you—and the stationery, and the desks, and the chairs. And so you have empty schools. That is essentially where UNICEF were starting in their efforts in East
Timor, with empty schools but most particularly schools without roofs.

For UNICEF at the time, very simple things were preoccupying them, even accommodation issues for their own team. They were renting a home. They had negotiated the rental of a premises in Dili with the Indonesian department of health just after the popular consultation. But, given that the Indonesian department of health has little or no relevance in East Timor now and UNTAET had asked them to leave those premises, they were in some state of flux about where UNICEF workers in East Timor might be living. They have seven international workers on their team. I suggested at the time that their occupation of the home would be a significant presence in the eyes of the law and they should perhaps stay there. I am not sure where that is up to now.

On that visit, we drove to Manatuto, which is an hour and a half east of Dili, and visited the headquarters of the Philippines battalion. I was briefed by Colonel Felix Cabreros on all of their work. They have doctors, nurses and dentists in their team. They had vaccinated thousands and thousands of East Timorese children for measles in that area. They were engaged in a re-roofing program for eight schools. But even at that stage in late February there were still enormous challenges in obtaining materials. It had not occurred to me, given that my skills do not extend to roofing, that the angle of ridge capping is particularly important if you want it to work properly in the wet. They did not have ridge capping in Manatuto at that time. They had corrugated iron. They had done all that roofing but they still had a gap in the middle. Those are the significant day-to-day challenges facing the people trying to make progress and trying to overcome some of the challenges in East Timor. Manatuto is a very difficult area to get around. It is a very hilly province. Access was a major issue. With a lot of good intent, which was not always able to overcome the challenges of things like the wet, the Philippines battalion had been making an enormous contribution in this process, with the very important assistance of UNICEF.

On that particular day, I participated with the Philippines battalion in an open forum of teachers, UNTAET and UNICEF. If I had ever thought that a constituent meeting in New South Wales was a challenge, I have reviewed that opinion. A forum of East Timorese teachers concerned with only one thing—the wellbeing of their children and the physical state of their schools—is a much more significant political challenge. Managing their expectations is the sort of challenge that is now faced in the rebuilding and reconstruction process. When a teacher, parent or child asks you what the priorities are and, in this case, why the ridge capping does not fit or why the food their children were getting is—they believe—inadequate, these are very difficult questions to answer from a simple background. The World Bank and UNICEF are negotiating endlessly. But that is not an answer to all of these people’s problems experienced on a daily basis.

If you go from school to school—as I did—and you see the scenes of devastation, which are much worse, for example, at the Catholic high school of San Antonio in Manatuto, it is even more difficult to answer. At this stage, their care and support is for primary school children. At high school level, there are further challenges indeed. They raised with me, for example, the difficulties of language. I was fortunate to be able to say that that is not something that the President of the Parliamentary Association of UNICEF is able to settle, but Tetun, Portuguese, Bahasa Indonesia and English are real and ongoing issues for these people to deal with.

UNICEF, of course, cannot answer all of those questions and problems, and it is to be hoped that the World Bank’s education mission, which was visiting at about the same time, would assist in that process. Hopefully, the financial agreement signed in late February by James Wolfensohn of the World Bank, Sergio Vieira de Mello from UNTAET and Xanana Gusmao for community grants—$18 million of $21.5 million in total—is the beginning of that process with World Bank funds.

I also want to place on the record some concern for the role of women in the devel-
oping, new East Timor. UNICEF supports a local NGO called FOKUPERS. It was established to provide shelter and support to women who have experienced violence, and I have to say that that is many more women than we in this chamber can even begin to imagine. FOKUPERS has been attempting to document and analyse cases of violence. It published a book with those stories in it last year. After it published that book, its facilities were destroyed. It is now in the process of attempting to revitalise the local capacity to address violence against women. But the group told me anecdotally, through interpreters, that if tonight—or the night that I was there in Dili—there is a domestic violence disturbance, the people they now have to call are the CIVPOL, the International Civilian Police. They told me through their interpreter that, if you get an Australian, a New Zealander or an American in your CIVPOL team, that is a good thing because they have a particular perspective on domestic violence and its unacceptability. But not everyone who is represented in CIVPOL, not every country that is represented in CIVPOL, in East Timor does have that perspective. These are real issues for the women who are calling police to support them in these situations.

They expressed to me eloquently their concerns about the involvement of women in the rebuilding process of their nation. Some would say that CNRT, and Fretilin and Falintil before them, have not always been typically good in the process of involving women in their organisations. But this is a new opportunity, an opportunity to rebuild. The women who I met are strong, brave and articulate. They had their premises destroyed, and they have told their stories in their publication. They have rebuilt those premises, and they are still looking after women and children. But I think it is important to take into account in the building of the legal frameworks women’s rights and children’s rights, and that is not always done in the context of an urgent rebuilding process. That is a challenge for UNTAET and for the CNRT and their constituent parts.

On that visit I met with Australian businesses. I met again with the AFP, particularly through Superintendent Fred Donovan, who was Commander of the Australian CIVPOL UNAMET Contingent No. 3. That was also a very valuable meeting, with their being able to relate to me their on the ground experiences, particularly in areas like the Oecussi Enclave. (Time expired)

Sydney: Gay and Lesbian Mardi Gras

Senator BARTLETT (Queensland) (7.17 p.m.)—On 4 March this year the Democrats were proud to participate in an important and joyful annual community event. The Democrats’ float in the Sydney Gay and Lesbian Mardi Gras parade was one of over 200 floats. We were amongst over 7,000 participants, with many hundreds of thousands of people watching on the streets. Since the parade, the Democrats have received a number of letters asking, amongst other things, why the Democrats participate in this event, why the Democrats’ leader, Senator Lees, sends a message of support, which is printed in the festival guide—which unfortunately the Prime Minister refuses to do—why the Democrats have a float and the broader question of why the Democrats stand up for and work so hard on the human rights of gay, lesbian, bisexual and transgender people.

I think it is appropriate to take the opportunity to answer some of these questions and to put on the record the Democrats’ reasons in relation to this issue. Since our inception as a political party in 1977, the Democrats have consistently championed the cause of the rights of gay, lesbian and bisexual people, and more recently those of transgender people as well. We are proud to support these communities. We march in the mardi gras parade, firstly, to remember the bad old days, to celebrate how far things have come and to highlight so many of the things that still need to be achieved. This year we were able to celebrate advances in the equalisation of same sex couples in domestic violence laws in Queensland and the anti-vilification and de facto relationship laws in New South Wales. We look to Western Australia and to the federal parliament to lift their game, and we do have hopes, which we hope will be fulfilled, for the new government in Victoria.

The Democrats’ float in this year’s mardi gras parade included participation by a num-
ber of Democrat parliamentarians, including our federal colleague Senator Brian Greig, the first gay activist to be elected to the Australian parliament, me as the Democrats’ spokesperson on these issues and the party’s Deputy National Leader, Senator Natasha Stott Despoja, who also participated in another event as part of the gay and lesbian mardi gras festival—a hypothetical about the invention of a test for a gay gene, which raised some interesting issues. Also a part of the float was Senator Aden Ridgeway. This was his first mardi gras parade as a senator, and I think it was particularly important and created a certain symmetry, given that a big theme of this year’s parade was the issue of reconciliation. Western Australian state MP Helen Hodgson, who has been very active in that state in trying to change that state’s archaic laws, particularly in relation to their unjust age of consent laws, which apply unequally to homosexuals, also participated. New South Wales state MP Arthur Chesterfield Evans and former New South Wales MP Liz Kirby, who have worked hard in that state on law reform to equalise the situation for same sex couples, were also there. Over a hundred other Democrat members and supporters participated in the parade.

I think it is worth emphasising a recent survey by the Australian Council for Lesbian and Gay Rights, which confirmed recognition of the Democrats’ record and position in this area. It found that nearly half of those surveyed nominated the Democrats as the party with the best gay and lesbian policies. It is a good thing to be recognised as having the best policies, but much more important is to see some of those policies actually implemented. It is of course an ongoing frustration at the federal level that there is still such a difficulty in getting acceptance and change to federal legislation. We are particularly keen to see the Sexuality Discrimination Bill, which has been before this chamber for four years now, actually come to a successful vote. Without this legislation, Australia will lag behind a growing number of countries, including New Zealand, Canada, South Africa and many others in terms of equal rights on the basis of sexuality.

The Democrats have participated in the Gay and Lesbian Mardi Gras parade for a number of years. This year, as in previous years, we wore black in remembrance of the difficulties, the shameful discrimination and the oppression that had to be endured in the past, and we wore rainbow sashes in celebration of how far things have come and to call for further improvements. The parade’s origin, as a civil rights demonstration, is an important and ongoing aspect. In 1978, many of those who marched were beaten and arrested. Fifty-three were charged and their names were printed on the front page of the Sydney Morning Herald, which led to some losing their jobs. I believe this year there was only one arrest, and that was a man selling milk crates off the back of a truck.

Another reason the Democrats participate in the parade is because we have a large number of members who are gay, lesbian, bisexual and/or transgendered—a record number of whom stood as candidates at the last election. The rest of us march in support of our colleagues and to indicate our own support for the issues. It is important to emphasise that you do not have to be gay to believe that justice for gay people is an important human rights issue. There is a very broad diversity of groups that participate, including church groups and the police, and this year there were a number of reconciliation floats. There was plenty of satire in the customary mardi gras style, which provided extra vitality, humour and entertainment value as well as the political message of the parade. If you experience the parade only through a grab on the news, you might think that it is a domain of only the young, the glamorous, the barely dressed and the seriously satirical. But the thousands and thousands who march in the parade are much more diverse than the glimpses that you occasionally get on the news grabs.

The parade is a culmination of a three-week cultural festival which attracts tens of thousands of tourists and millions of tourist dollars into Australia. It sends a vital message to the world and to those in isolation in their own communities that Australia can be a diverse, accepting and occasionally glamorous community. The Tourism Council es-
timated that the parade drew 12,000 tourists directly, and they spent four times more than the average visitor to inject $41 million into the economy of the state of New South Wales, making it one of the biggest and most lucrative tourism events in Australia. One estimate placed the event’s value for the nation at more than $153 million. The event this year was telecast live on pay-by-view cable TV as well as live to the world on the Internet, and there was a delayed broadcast on a free-to-air commercial station, getting the message out to millions of people.

As I mentioned at the start, the Democrats receive many letters relating to our participation in this event, and some of them are severely condemning. The letters tend to run along a common theme, and make statements such as: homosexuality isn’t normal; the parade is heterophobic; it is an offence against God; it is a sick and unhealthy event; it causes serious erosion to family life, family morals, family values and family ethics; it sends a message to young people of confusion, sexual perversion and rebellion against society; and it endorses the spreading of HIV and other diseases. There are other phrases describing the parade as evil, wicked, a heinous blot on the landscape and similar themes. I not only unreservedly reject these claims but I think they are of concern because they highlight the depth of antagonism, ignorance and hatred that is still out there in the Australian community and that gay and lesbian people still have to endure in so many aspects of their lives. An unfortunate common theme of virtually all of these letters is their reliance on a warped interpretation, in my view, of Christian teaching. Unfortunately, some church leaders continue to reinforce this as well, and I think it is important for church leaders to recognise how much impact they have and how important their leadership is.

Leadership is something we have heard a lot about in this place, in terms of calling on greater leadership from public figures such as the Prime Minister in areas such as reconciliation—an area where the churches have done a great job. Unfortunately, the churches have not done such a great job in terms of oppression, hatred and ignorance in relation to gay and lesbian people. Recently the Pope made a quite positive apology for all of the wrongs that the church has done over thousands of years. They left out the gay and lesbian people, and, unfortunately, the Australian Catholic Archbishop felt the need to emphasise that this apology most definitely did not apply to gay and lesbian people. This is the same archbishop who made the outrageous claim last year that being gay was riskier than smoking. I would like to call on church leaders to recognise the extreme suffering that still exists in Australia and to show greater leadership in getting a message out to those people who are supportive of their church about the need for a more accepting, understanding and informed view of gay and lesbian people. I would like to call on them to try to change social attitudes so that the oppression, discrimination and violence that some gay and lesbian people continue to face is removed from the Australian way of thinking, in the same way as the Democrats will continue to try to remove such things from Australian legislation.

(Time expired)

Organic Farming

Senator WATSON (Tasmania) (7.28 p.m.)—Tonight I wish to take a few moments of the Senate’s time to speak about organic farming in Tasmania. The National Standard for Organic and Bio-Dynamic Produce (OPAC 1998) states:

Organic farming systems include those which are referred to as bio-dynamic or biological. The basic principles are to achieve optimum quantities of produce and food of high nutritional quality without the use of artificial fertilisers or synthetic chemicals. Organic farming requires the nurturing and maintaining of the land for future generations. Emphasis is placed on the use of renewable resources, the need for conservation of energy, soil and water resources and the maintenance of environmental quality. The production cycle is as closed as possible, with limited use of external inputs permitted by this Standard. The objective of this system is to be sustainable.

Organic produce grown in Tasmania includes apples, beef, berries, cereals, dairy, flowers, eucalyptus seedlings, grapes, herbs, honey, vegetables, poultry and olives. The three-year Tasmanian organic farm monitoring project from 1995 to 1998 was a study initi-
ated by the Tasmanian Organic-Dynamic Producers Co-operative, known as TOP. The study found that good organic production models exist for a wide range of enterprises other than for broadacre organic vegetables or wool production. At the date of the report, the industry had been developed without any government assistance, had depended entirely on farmer-initiated research and development and had virtually no professional recognition. The report observed that, although objective data is limited, the incidence of pests and diseases in all enterprises other than apple production did not appear to be significantly different from those experienced on conventional enterprises. Generally, however, production levels were lower than those accepted as typical for conventional agriculture. For most commodities, organic production was unable to meet local demand and there was therefore minimal export out of the state.

Today there are 47 certified properties on 900 hectares, and the average property size is 19 hectares. Properties in the south of the state are small hobby type enterprises, whereas the north has more broadacre holdings. Twenty-nine per cent produce vegetables, 25 per cent produce beef, 17 per cent produce herbs, six per cent produce apples, six per cent produce berries, six per cent for dairy, and there are a number of single unit enterprises. In total, 556 hectares are for beef production, 297 hectares are for dairy, 14 hectares are for apples, 20 hectares are for vegetables, nine hectares are for herbs and five hectares are for berries.

In their publication entitled *The international market for organic food*, Peter Twyford-Jones and Robert Doolan state that over the whole of Australia it is estimated that only about one per cent of Australian producers are involved in organic production and the area devoted to such production is probably only about 0.8 per cent of the total area farmed. Organic agriculture is established worldwide. In many countries, locally based organic production is regulated by government and non-government certification organisations. The industry’s peak international non-government organisation, the International Federation of Organic Agriculture Movements, was established some 25 years ago and has a general secretariat based in Germany. Twyford-Jones and Doolan state that the market for organic products in these countries varies widely. The major markets are in the highly developed nations of Europe and in the United States of America, Japan and New Zealand. The precise size of the market in these countries is difficult to measure, but generally appears to account for about one per cent of overall food sales.

Europe and Japan are the main importers of organic products. In the United Kingdom, where the market for organic food is less developed but is growing rapidly, it is estimated that 70 per cent of organics are imported. The UK organic industry estimates that organic products sold in the United Kingdom will increase from the current one per cent to 10 per cent of the total. Sainsbury, the UK supermarket chain, has a range of over 500 organic products—one of the largest in the country. At least 50 of these products are available in every single Sainsbury store. You can buy anything from carrots and curry to baby food and beer. There is even a range of delicious pre-prepared organic meals for busy cooks. On their web site, Sainsbury tell their customers that some of their organic products carry a premium price, due partly to the nature of organic farming which is usually more labour-intensive and because yields can sometimes be less. They also say that, as the popularity of organic food in the UK increases, the costs will reduce and their prices—that is, Sainsbury’s—will reflect this.

Organic fruit and vegetable products stocked by Sainsbury include shallots, red onions, garlic, onions, dwarf beans, stringless beans, mushrooms, potatoes, swedes, carrots, apricots, strawberries and plums. Organic grocery items include ginger ale, apricot chutney, crisps, raspberry conserve, decaffeinated coffee, tea, walnuts, almonds, wholemeal flour, sugar, mayonnaise, stock cubes and peppercorns. They also have a large variety of organic meat products, baby food, beer, wines, spirits, dairy products and frozen foods. Sainsbury’s organic chocolate ice-cream sounds sensational. You can even buy organic dog food.
In Tasmania it is pleasing to see the organics industry moving on, and a specialist unit has been established on the north-west coast at the Department of Primary Industries, Water and Environment’s Forthside research station. The unit aims to encourage and increase the level of production of organically produced goods in the state to meet the growing demand. This consumer driven international trend of buying organic produce is thankfully promoted by vigilant supermarkets. From the UK figures that I previously outlined, Tasmanian producers, and in particular, the larger growers and exporters now trialing products, have an excellent opportunity to capitalise in worldwide markets on Tasmania’s clean, fresh and pure reputation.

Senate adjourned at 7.35 p.m.

DOCUMENTS

Tabling

The following government documents were tabled:


The following documents were tabled by the Clerk:

- Civil Aviation Act—Civil Aviation Regulations—Civil Aviation Orders—
  - Civil Aviation Amendment Order (No. 2) 2000.
  - Civil Aviation Amendment Order (No. 4) 2000.
QUESTIONS ON NOTICE

The following answers to questions were circulated:

Treasurer: Departmental Liaison Officers
(Question No. 1296)

Senator Robert Ray asked the Minister representing the Treasurer, upon notice, on 23 August 1999:

(1) How many departmental liaison officers are employed in, or were seconded to, the Minister’s office as at 23 August 1999.

(2) (a) What are the names of the officers; (b) what are their employment classifications; and (c) what duties are they assigned, that is, to which policy areas or agencies are they allocated responsibility.

(3) What was the total cost to the department of these officers.

Senator Kemp—The Treasurer has provided the following answer to the honourable senator’s question:

(1) and (2) Mr Mike Callaghan is a Senior Executive Band 2 and is filling the role of Chief of Staff; Ms Rosemary Deininger is an Executive Level 1 and liaises and advises on taxation matters; and Ms Marisa Purvis Smith is an Executive Level 1 and liaises and advises on macroeconomic policy.

(3) The total cost to the Treasury of these officers and their predecessors, since the date on which the second Howard ministry was sworn in, is estimated at $254,822.

Assistant Treasurer: Departmental Liaison Officers
(Question No. 1315)

Senator Robert Ray asked the Assistant Treasurer, upon notice, on 23 August 1999:

(1) How many departmental liaison officers are employed in, or were seconded to, the Minister’s office as at 23 August 1999.

(2) (a) What are the names of the officers; (b) what are their employment classifications; and (c) what duties are they assigned, that is, to which policy areas or agencies are they allocated responsibility.

(3) What was the total cost to the department of these officers.

Senator Kemp—The answer to the honourable senator’s question is as follows:

(1) and (2) Ms Julia Neville is an Executive Level 2 and liaises and advises on taxation matters; and Ms Michelle Calder is an Executive Level 1 and liaises and advises on superannuation.

(3) The total cost to the Treasury of these officers and their predecessors, since the date on which the second Howard ministry was sworn in, is estimated at $180,620.

Minister for Financial Services and Regulation: Departmental Liaison Officers
(Question No. 1321)

Senator Robert Ray asked the Minister representing the Minister for Financial Services and Regulation, upon notice, on 23 August 1999:

(1) How many departmental liaison officers are employed in, or were seconded to, the Minister’s office as at 23 August 1999.

(2) (a) What are the names of the officers; (b) what are their employment classifications; and (c) what duties are they assigned, that is, to which policy areas or agencies are they allocated responsibility.

(3) What was the total cost to the department of these officers.

Senator Kemp—The minister has provided the following answer to the honourable senator’s question:

(1) and (2) Ms Kerstin Wijeyewardene is an Executive Level 2 and liaises and advises on corporations and securities law; Ms Sarah Robertson is an Executive Level 1 and liaises and advises on consumer affairs.

(3) The total cost to the Treasury of these officers and their predecessors, since the date on which the second Howard ministry was sworn in, is estimated at $105,052.
Department of Immigration and Multicultural Affairs: External Staff Development Courses
(Question No. 1522)

Senator Faulkner asked the Minister representing the Minister for Immigration and Multicultural Affairs, upon notice, on 20 September 1999:

(1) How many departmental officers have attended external staff development courses since 3 March 1996.

(2) What is the total cost of external staff development courses attended by the officers of the department, or any agency in the portfolio, since 3 March 1996.

(3) (a) How many external staff development courses attended by departmental or agency staff since 3 March 1996, have contained training on making decisions under the Freedom of Information Act; and (b) of this number, how many: (i) were specifically focusing on the subject of freedom of information decisions, and (ii) how many dealt with the issue amongst others.

(4) Of the courses relevant to (3), which agencies or consultants provided that training.

(5) What is the total cost of the courses in (3)

Senator Vanstone—The Minister for Immigration and Multicultural Affairs has provided the following answer to the honourable senator’s question:

(1) – (5). A wide range of staff development options, including internal and external courses, on-the-job training and other learning activities have been available to the staff of my Department since 1996. Responsibility for those training activities has been increasingly decentralised in my Department over the past 10 years. Learning has also been integrated into performance and learning agreements that seek to tailor, at a local level, individual needs to operational requirements. Given these changes, there is no accurate means of collecting aggregated records of training and staff development activities. In addition, the level of resources required to retrospectively estimate these activities would involve a heavy investment in resources that could not be justified.

Members of Parliament: Queen of Australia Photograph Requests
(Question No. 1713)

Senator Faulkner asked the Special Minister of State, upon notice, on 2 November 1999:

(1) How many requests, and by which individual member or senator, have been received for photographs of the Queen of Australia, and of the Queen of Australia and the Duke of Edinburgh, in the 1998-99 financial year.

(2) What was the cost to the Commonwealth of the provision of these photographs.

Senator Ellison—The answer to the honourable senator’s question is as follows:

(1) The Department does not keep records of requests by individual Senators and Members. A total of 1,150 photographs were issued in 1998-99.

(2) No printing costs were incurred in 1998-99.

Garner MacLennan Group: Compact Disc
(Question No. 1788)

Senator Brown asked the Minister representing the Minister for Arts and the Centenary of Federation, upon notice, on 26 November 1999:

With reference to the answer to question on notice no. 1700:

(1) Can a copy be provided of the Commonwealth’s grant deed with Garner MacLennan Group Pty Ltd for the production of the compact disc (CD), ‘Mission: Australia’.

(2) (a)What process of advertisement, application and selection was undertaken to make the grant of $500 639 to the Garner MacLennan Group for the CD; (b) who made what decisions.

(3) What was the Garner MacLennan Group required to provide for $500 639.

(4) (a) Is the CD a government production or a private production; (b) to whom do proceeds from its sale accrue; and (c) can details be provided of expenditure and returns of all parties to the arrangement, for each financial year from its production to the present.
(5) (a) What requirements did the Government set down for the content of the CD; (b) how did it ensure that the content was fair and balanced; and (c) how did it ensure that sponsors such as North Limited did not unfairly influence the content.

(6) (a) Who appointed the editorial committee; (b) was it established for this project alone; if not, what was its brief; (c) who did it advise; and (d) what requirement was there for its advice to be heeded.

(7) (a) What other CDs have been produced in this series; (b) were they subject to similar arrangements; and (c) can answers for (1) to (6) be provided for any other CDs in this series already produced and that are planned.

Senator Alston—The Minister for Arts and the Centenary of Federation has provided the following answer to the honourable senator's question:

(1) A copy of the relevant Grant Deed has been provided separately to Senator Brown.

(2) (a) Grants for the Australia on CD program were advertised in the major capital newspapers and several regional newspapers. Applications were received and preliminary scrutiny conducted by the then Department of Communications and the Arts to eliminate applications that did not comply with the guidelines. All applications that met the guidelines were then passed to a selection panel to finalise a short list for recommendation to the then Minister for Communications and the Arts, the Hon Michael Lee MP.

(b) The selection panel consisted of:
- Mr Bob Edwards (Chair) - Art Exhibitions Australia, The Rocks, Sydney;
- Ms Cathy Santamaria - Deputy Secretary, Department of Communications and the Arts;
- Mr Craddock Morton - Director, Foundation for Australian Cultural Development;
- Mr Richard Heale - Managing Director, Impact Multimedia;
- Prof Marcia Langton - Northern Territory University, Darwin;
- Mr Djon Mundine - Arts Advisor, Ramingining Ramingining, Northern Territory.

The then Minister for Communications and the Arts, the Hon Michael Lee MP, endorsed the CD-ROM titles for the program. The first five CD-ROM titles were announced on 30 August 1995. The second five CD-ROM titles (including Mission: Australia) were announced on 8 February 1996.

(3) Garner MacLennan was required to produce 24,000 copies of the Mission: Australia CD-ROM that conformed to certain technical specifications and a general storyline as outlined in the Grant Deed:
- Item K 'Project Material' (see clause 10.1)
  - 24,000 production copies of a CD-ROM entitled Mission: Australia
  - a synopsis of the content of the CD as required by clause C4 of Annexure D
  - photographic images, video footage and any demonstration version required in accordance with clause C3 of Annexure D
  - the Material referred to in Item E of the Schedule [this assigned the newly created Material to the Grantee]; and
  - the Reports provided by the Grantee under this Agreement.

Garner MacLennan was also required to grant the Commonwealth a non-exclusive, royalty-free, irrevocable, perpetual, unrestricted licence to use, reproduce and distribute this material for the purposes of the Australia on CD program.

(4) (a) The Mission: Australia CD-ROM, as with all CD-ROMs in the program, was a private production which received funding support from the Commonwealth. Each Australia on CD Grant Deed specified that a condition of Commonwealth funding was a requirement to supply copies of the CD-ROM to the Commonwealth for it to distribute free to all Australian schools, public libraries, Austrade offices and overseas missions. The consortia involved in the production of the titles had the copyright on sales beyond those CD-ROMs distributed free by the Government. Copies of the CD-ROMs were also provided to Federal politicians.

(b) Once the Grant Deed requirements had been fulfilled, including supply of copies to the Commonwealth, proceeds from subsequent sales of the CD-ROM accrued to the consortium.

(c) The Commonwealth provided funding of $500 639 to Garner MacLennan towards the production of the Mission: Australia CD-ROM. The Grant Deed required the Commonwealth funding to be used
only for the purposes of performing the project (producing the CD-ROM), and that the grantee keep proper accounts and records of its activities in relation to the grant during the period of the grant. Other information regarding expenditure and returns to parties that do not relate to the Commonwealth cannot be provided by the Commonwealth.

(5) (a) The Government chose the topics from ideas that were presented by applicants under the Australia on CD program, but it did not stipulate exactly the content to be included in each CD-ROM. The description of the Mission: Australia CD-ROM is contained in Annexure B of the Grant Deed, as follows:

“Annexure B - The functional specifications:

Description of the Title

Mission Australia is an entertaining and educational tool, designed to give participants a first hand experience of Australia’s rich natural environment. From the mountains to the sea, Mission Australia uses the metaphor of a river catchment as the vehicle for an interactive journey.

“Cultural Identity

Australia’s environment encompasses our natural and cultural heritage. Our country’s unique landscapes form the essence of our identity and are home to one of the most diverse ranges of animal and plant species in the world. This diversity of our environment must be conserved for the future of a profitable and prosperous Australia. The way forward is to embrace ecologically sustainable development. Mission Australia communicates these fundamental concepts.

“Themes

Mission Australia is about sustainable development. It focuses on the national commitment to making our land, river systems and coastline healthy and prosperous again. It is about developing humility and a cultural relationship in attempting to live with the land, rather than from the land.

“Cultural Institutions

The contribution of the four Cultural Organisations in the consortium is essential; to providing the resources which will build the scientific, informational and visual content of the program. Garner MacLennan will then build the creative and technical formats of the program.”

(b) The broad range of the members of the consortium (which included National Cultural Institutions) was the assurance of a balanced and fair view of the topic.

(c) Each consortium involved in the Australia on CD program was free to pursue external sponsors to help finance the CD-ROM, if they felt that additional funding would enable production of a better CD-ROM. North Limited became involved in the Mission: Australia CD-ROM at a very late stage in the production process: after Beta copies of the CD-ROM had been supplied for testing (by which stage most of the content had been finalised).

(6) (a) The Editorial Committee was formed by the consortium as part of its independent application. One member of the consortium was the technical partner and the others were there to provide the resources which were to build the scientific, informational and visual content of the program.

(b) Each consortium set up its own Committee to work on each CD-ROM project. The tasks of the Editorial Committee for the Mission: Australia CD-ROM, as outlined at Item U of the Schedule to the Grant Deed, were as follows:

“Each party shall contribute its expertise and advice and provide introductions and lists of contacts to Garner MacLennan and such additional related information and guidance as Garner MacLennan may request from time to time. Specifically, the functions of the Editorial Committee shall comprise:

. determination of the creative content of the work
. obtaining independent advice for the Consortium
. determination of entitlements to credits for personnel and organisations associated with the work
. approval of beta testing version of the work.”

(c) See response to answer (b) above.

(d) See response to answer (b) above.

(7) (a) There have been nine CD-ROMs in the Australia on CD series produced so far, with the tenth CD-ROM to be released soon.
ROUND 1 TITLES
Under a Southern Sun: Stories from the Australian Landscape
Tales from the Kangaroo’s Crypt: 4 billion years of extraordinary Australia
StageStruck
Moortitj: Australian Indigenous Cultural Expressions
Voices from a War: The Australian experience of World War II

ROUND 2 TITLES
Real Wild Child!
Convict Fleet to Dragon Boat
Ingenious!
Mission: Australia
The final Australia on CD CD-ROM that is still to be released:
Play the Game

(b) Each of the CD-ROMs was subject to essentially the same Grant Deed format, with variations to reflect the specific details of each CD-ROM.

(c) The answers to questions (1) – (6) are similar for each Grant Deed, with variations as noted above (for example, funding and timelines).

Department of Transport and Regional Development: SES Officers
(Question No. 1828)

Senator Faulkner asked the Minister representing the Minister for Transport and Regional Services, upon notice, on 20 December 1999.

(1) How many senior executive service (SES) officers did the department and all agencies within the portfolio, employ as at 15 December 1999.

(2) (a) What are the names of the officers; (b) what are their employment classifications with the SES band structure; and (c) what are the officers’ total emoluments, including but not limited to: (i) salary (including any salary packaging undertaken), (ii) any travel entitlements, (iii) fringe benefits tax paid on the officers’ behalf, (iv) use of motor vehicles, (v) mobile or home telephones, (vi) superannuation, (vii) performance payments, and (viii) other non-cash benefits (please specify).

(3) (a) How does the department and/or agency determine the basis for performance payments; and (b) in particular, what is the relationship between the performance payments policy and the department’s and/or agency’s actual performance.

Senator Ian Macdonald—the Minister for Transport and Regional Services has provided the following answer to the honourable senator’s question:

(1) At 15 December 1999 the Department employed 37 substantive SES employees, and the National Capital Authority (NCA) employed 1 substantive SES employee.

(2) The following tables provide a response for both the Department and the NCA to parts (a) and (b) of this question. Please note that data has not been included for inoperative or acting SES employees. I am not prepared to provide a response to part (c) due to privacy concerns over individual remuneration outcomes.

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Aggregate APS data on SES remuneration as at 31 December 1998 is available from the Department of Workplace Relations and Small Business. A second survey gathering figures as at 31 December 1999 is currently underway and results are expected to be reported by 10 March 2000.

(3) The Department does not have performance payments.

The NCA has a performance pay system based on the achievement of specific outcomes, as agreed with the CEO. Performance outcomes are assessed by the CEO with reference to the Chairman of the NCA. These outcomes derive from the NCA business plan which is derived from the Portfolio Budget Statements.

Department of Veterans’ Affairs: SES Officers
(Question No. 1844)

Senator Faulkner asked the Minister for Veterans’ Affairs, upon notice, on 20 December 1999:

(1) How many senior executive service (SES) officers did the department, and all agencies within the portfolio, employ as at 15 December 1999.

(2) (a) What are the names of the officers; (b) what are their employment classifications within the SES band structure; and (c) what are the officers’ total emoluments, including but not limited to: (i) salary (including any salary packaging undertaken), (ii) any travel entitlements, (iii) fringe benefits tax paid on the officers’ behalf, (iv) use of motor vehicles, (v) mobile or home telephones, (vi) superannuation, (vii) performance payments, and (viii) other non-cash benefits (please specify).

(3) (a) How does the department and/or agency determine the basis for performance payments; and (b) in particular, what is the relationship between the performance payments policy and the department’s and/or agency’s actual performance.

Senator Newman—The Minister for Veterans’ Affairs has provided the following answer to the honourable senator’s question:

(1) There were twenty-nine (29) senior executive service (SES) officers (now employees), in the employ of the Department of Veterans’ Affairs (DVA) as at 15 December 1999. There were three (3) senior executive service (SES) officers, in the employ of the Australian War Memorial as at 15 December 1999.

(2) (a) and (b) SES officers, names and classifications
(c) The identification and assessment of each employee's individual financial arrangements and details is a major task and I am not prepared to authorise the time and expenditure to undertake it. In addition, the release of individual remuneration outcomes could raise privacy concerns. However, aggregate figures for SES salary packages were published by the Department of Employment, Workplace Relations and Small Business (DEWRSB) in the September 1999 Key Pay Indicators (online) Update No: 1999/03. The update document is located on the DEWRSB website under the Government Employment entry point (Agreement Making): http://dewrsb.gov.au/group_wr/agreemak/agree.htm. These figures were prepared in December 1998 by the Australian Bureau of Statistics on behalf of DEWRSB and cover 24 agencies and approximately 75% of all SES.

(3) (a) and (b)

In DVA, SES employees are on Australian Workplace Agreements (AWAs) which contain a requirement to participate in the Department's performance appraisal arrangements. These provide for employees to complete a Performance Agreement, with goals and tasks in that Agreement being defined against the key result areas of the Department's Corporate Plan. In addition to the work goals and tasks relevant to an individual's own business area, Agreements will reflect any corporate objectives identified by the Executive Management Group and/or business plans at a Divisional or State level, for which the employee has responsibility either individually or as part of a team. The performance of each employee is then assessed against the goals and objectives specified in his/her AWA. A major criterion in assessment of a staff member's performance is how his/her efforts assisted the Department to achieve its mission and the objectives of its corporate and business unit plans. The outcome of the performance assessment is the basis for performance pay. The quantum of the pay is based on the level of performance and is specified in each AWA.

SES employees in the Australian War Memorial are also covered by AWAs, which specify their performance arrangements. For SES employees of the Australian War Memorial performance is evaluated against the Memorial’s Corporate Plan and the annual Business Plan.
Senator Allison asked the Minister for Communications, Information Technology and the Arts, upon notice, 5 January 2000:

With reference to the Australian Communications Authority's Telecommunications performance report 1998-1999, which shows a decrease of 3,910 in the total number of payphones nationally over the 4 year period, 1994-95 to 1998-99:

(1) What public consultation process was required to be carried out prior to the removal of these payphones.

(2) In the case of payphones on commercially-owned premises such as pubs or service stations: (a) how many removals were initiated by Telstra; and (b) how many by the property owner.

(3) Can a list be provided of the locations from which these payphones have been removed.

(4) Did Telstra seek approval from the Minister prior to removing payphones; if so can details be provided.

(5) Has the Minister in the past four years instructed Telstra to install a payphone or payphones as provided for in the universal service obligation; if so, can details be provided.

(6) Given that the Herald-Sun Voteline result of 29 December shows that 94% of participants did not approve of the removal of payphones, will the Minister instruct Telstra to reinstate those payphones that were removed.

(7) What is the status of Telstra's Universal Service Draft Plan, which was released for public comment in August 1997.

Senator Alston—The answer to the honourable senator’s question is as follows:

(1) Telstra has advised that only some 600 of the 3,910 payphones removed during the period 1994-95 to 1998-99 were Telstra public payphones, the majority being privately operated payphones. Under Telstra's Universal Service Plan, Telstra has an obligation to provide a consultation period of three months before removing a payphone from a single payphone site. This process includes a notification inside the booth seeking feedback from the local community.

In response to concerns raised by the Government, Telstra has introduced new internal guidelines for the removal of payphones. Telstra has advised that these guidelines exceed requirements under its Universal Service Plan and recognise the sensitivity of payphone removals, particularly in rural and remote areas. For example, Telstra now places greater emphasis on face to face consultation with local communities about the removal of payphones.

(2) Payphones in pubs or service stations are typically customer operated payphones. Installation and removal of such payphones is always at the request of the customer/site owner.

(3) Telstra has advised that it removes some three to four thousand publicly located payphones each year. Removal is sometimes temporary and is required to allow payphones to be upgraded then reinstalled at the same location. In some cases, if a payphone is removed permanently, it is relocated to better meet customer requirements or to avoid vandalism. Telstra has advised that its records do not differentiate between payphones removed temporarily or relocated and those removed on a permanent basis each year. To produce a list separating out locations where payphones have been permanently removed over the past four years would be an extremely resource-intensive task. However, if the Senator is concerned about payphone removals from particular locations, Telstra has advised that it is prepared to provide such a list.

(4) The criteria for supply and removal of payphone services are set out under Telstra’s Universal Service Plan, which is subject to Ministerial approval. As Telstra is required to comply with this Plan, it is not required to seek Ministerial approval each time it removes or installs a payphone.

(5) As the universal service provider, Telstra must provide payphone services to all Australians on an equitable basis, subject to requirements set out under the Telecommunications (Consumer Protection and Service Standards) Act 1999 and the Universal Service Plan. The Australian Communications Authority monitors these requirements. Although I am able to issue a determination in relation to the installation and maintenance of payphones at specified locations, I have had no need to make such a determination in the last four years.
(6) Telstra has advised that the vast majority of payphones removed over the last 4-5 years were privately operated payphones, with the removal initiated by the commercial owner apparently as a result of increased mobile penetration. Other removals include individual payphones from multiple sites. I do not consider that there is sufficient evidence to warrant giving Telstra a general direction to reinstate the payphones it has removed. The Government has an open mind on this subject and will always consider any requests on their merit.

(7) I approved Telstra’s Universal Service Plan in May 1998. At my request the ACA reviewed the plan in the first quarter of 1999. I will respond to the ACA’s recommendations shortly.

Tasmania: World Heritage Area
(Question No. 1867)

Senator Brown asked the Minister for the Environment and Heritage, upon notice, on 21 January 2000:

(1) Is the Minister required to approve new major proposals affecting Tasmania’s World Heritage Area (WHA) such as the plans for recreational helicopter and float plane landings at sites inside the WHA; if not, does the Minister have the discretionary power to intervene to stop them.

(2) If the Minister has this discretionary power, will the Minister use it to stop the current proposal to establish up to 3 sites within Tasmania’s WHA to be used for recreational helicopter and float plane landings.

(3) Are the proposed recreational helicopter and float plane landings inside the WHA inconsistent with the current management plan which specifically states that these activities will not be permitted.

(4) What power will the Minister have to regulate the conduct and environmental impact of helicopters and float planes if their use in the WHA is permitted.

(5) What guarantee is there that the approval of helicopter and float plane landings within the WHA will not lead to further encroachment on the WHA including built accommodation, visitor amenities and infrastructure associated with aircraft landing sites.

(6) Who are the applicants for the proposed landing sites.

(7) What is the nature and permanency of any of the site’s infrastructure as proposed.

(8) What investigation has been made into the proposals.

(9) (a) Which if the proponents has the Government met; and (b) when and where.

Senator Hill—The answer to the honourable senator’s question is as follows:

(1) - (2) The Tasmanian Wilderness World Heritage Area Management Plan 1999 provides an open, transparent and comprehensive process for considering new major proposals and assessing their environmental impact. The evaluation of proposed additional landing sites is being undertaken in accordance with this process. The Tasmanian Wilderness World Heritage Area Ministerial Council, of which I am a member, will make decisions at key stages in the process, including the final decision on whether or not any additional landing sites will be approved.

(3) - (5) The proposal is consistent with the Tasmanian Wilderness World Heritage Area Management Plan which provides for up to three additional aircraft landing sites within the World Heritage Area. Proposals for additional landing sites must be in accord with the relevant provisions of the Management Plan. A decision whether or not to grant licences for additional landing sites will be made only after the outcome of the environmental impact assessment process. Such a decision must be consistent with achieving the management objectives for the World Heritage Area. The granting of any new landing sites would be subject to the operators meeting strict licence conditions that would be administered by the Tasmanian Parks and Wildlife Service.

(6) - (9) The proposal and impact assessment process is being undertaken by the Tasmanian Government. As part of the scoping stage of the process, meetings between the Tasmanian Parks and Wildlife Service, proponents and other stakeholders have taken place. Officials from my Department have not been involved in these meetings.

There are still many issues to consider concerning the detail of particular site proposals before a final decision on the provision of additional landing sites can be made. These issues will be addressed, appropriately, through the provisions of the Management Plan.
Department of the Environment and Heritage: Year 2000 Compliance
(Question No. 1890)

Senator O’Brien asked the Minister for the Environment and Heritage, upon notice, on 21 January 2000:

(1) What was the total cost of work undertaken by the Department to ensure that all systems were year 2000 compliant.

(2) (a) Who were the consultants selected as part of the above work; and (b) what was the cost of each consultant.

(3) Where consultants were engaged, were they selected through a tender process; if not, why not.

(4) Have there been any problems with any systems within the Department or any agencies since 1 January 2000; if so: (a) what was the nature of each problem; and (b) has each problem been corrected.

Senator Hill—The answer to the honourable senator’s question is as follows:

(1) The following costs are estimates due to the difficulty of precisely distinguishing between Year 2000 costs and normal expenditure on upgrades and replacement of information technology systems which had the added benefit of addressing Year 2000 issues.

Environment Australia: Approximately $2,725,000
Australian Antarctic Division: Approximately $760,000
Bureau of Meteorology: Approximately $2,590,000

(2) (a) and (b)

Environment Australia:
Interim Technology Solutions - $30,000 with the Office for Government Online (OGO) funding half.
Infrastructure Control Services - $84,173.06
Coopers & Lybrand - $20,000 with OGO funding half.
Pailio – $900
BHP IT – $57,660

Australian Antarctic Division:
Interim Technology Solutions - $20,000 with OGO funding half.
Resolve Facilities Management – total cost $46,700 of which only about $2,000 was related directly to Y2K issues.

Bureau of Meteorology:
Interim Technology Solutions - $18,205 with OGO funding half.
Hewlett Packard – $36,500
IBM – $108,000
Silicon Graphics – $750

(3) Environment Australia:
Interim Technology Solutions and Coopers & Lybrand were selected from a panel established by OGO.
Infrastructure Control Services was selected through a select tender process.
Pailio was contracted without a tender process on the basis it was the existing supplier of maintenance services and the low cost.
BHP IT was selected through a select tender process.

Australian Antarctic Division:
Interim Technology Solutions was selected from a panel established by OGO.
Resolve Facilities Management was contracted on a sole supplier basis due to their unique understanding of the Antarctic environment and the specific design of the Antarctic buildings and control systems.
**Bureau of Meteorology:**
All consultants engaged had supplied and/or manufactured the equipment and software being tested. They were thus considered best suited to conduct the work in the most efficient and timely fashion.

(4) (a) and (b)

**Environment Australia:**
Four older PCs failed to rollover automatically and displayed 1900 as the year. The problem was corrected by changing the date manually.

A PABX Traffic Information Management System (TIMS) in one of the Department’s buildings produced report data with a year of 100. This has been fixed.

A MAST 4800 Disk Array rolled over from 31-12-1999 to 01-01-1999. This was fixed by manually setting the date.

A problem occurred with the Register of the National Estate Database (RNEDB) which prevented the creation of new records. The vendor was able to quickly resolve the problem.

Annual entry permits for Booderee were printed with an expiry date of 1980 due to a PC which failed to rollover correctly. The problem was rectified by manually setting the date on the PC.

**Australian Antarctic Division:**
One specialist scientific application displays a false year on the screen of a computer that logs data for a Hydroacoustic instrument. Given the integrity of the data is unaffected, the problem will not be addressed until after the current shipping season.

**Bureau of Meteorology:**
A satellite display system displayed incorrect year dates. The date displayed in satellite imagery referred to year 2005 and month May. The problem has been rectified.

A sea state model did not run due to a problem in accessing the necessary input files. An alternative model output was available as part of the contingency arrangements.

Numerical Weather Prediction (NWP) fields were not available on a satellite display system: This restricted the overlaying of NWP fields over satellite data. The data was viewed through other sources and hence did not affect services. The display has been fixed.

Data from Automatic Weather Stations (AWS) in Sydney Harbour were not available on the continuous 1 minute display. This data could be accessed through other display programs. The problem has been fixed.

The Bureau’s supply ordering system, MATMAN (Materials Management System) did not accept dates between 1950 and 1999. A compliant version of the software has been installed.

**Human Rights: China**

*(Question No. 1913)*

**Senator Bourne** asked the Minister representing the Minister for Foreign Affairs, upon notice, on 8 February 2000:

(1) Is the Minister aware that China signed the International Covenant on Civil and Political Rights in October 1998.

(2) Was the Minister and/or the department then aware, or did the Minister and/or the department believe, that: (a) a group known as the Chinese Democratic Party had registered or attempted to register that party under Chinese law in July 1998; (b) members of the group who had sought to register the party were arrested shortly after attempting to register it; (c) according to statements made publicly by those seeking to establish it, the aims of the party were to achieve democracy in China by non-violent and peaceful methods; (d) one Wang Youcai was convicted of ‘subverting state power’ and sentenced to 11 years imprisonment in December 1998; (e) one Xu Wenlie was convicted of organising and planning to ‘subvert state power’ and sentenced to 13 years imprisonment in December 1998; and (f) the offences of ‘subverting state power’ of which both were convicted related to the formation of the party.

(3) Was the Minister or the department then aware that: (a) one Qin Yongming was convicted of ‘subverting state power’ and sentenced to 12 years imprisonment in December 1998; (b) Qin Yongming had attempted to form a human rights group, ‘The Human Rights Monitor’, in 1998; (c) ‘The Human Rights Monitor’ called for an improvement in
China’s human rights record; (d) Qin Yongming had attempted to register the group; (e) the conviction and sentence of Qin Yongming referred to in (3) (a) arose out of the matters referred to in (3) (b), (3) (c) and (3) (d).

(4) Did the Australian delegation at the third session of the Australia-China dialogue on human rights in 1999, or any other forum, ask the Chinese delegation about all or any of the matters referred to in (2) or (3); if so, what was the substance of the discussion between the Australian delegation and the Chinese delegation on each matter or matters referred to.

**Senator Hill**—The Minister for Foreign Affairs has provided the following answer to the honourable senator’s question:

1. Yes
2. (a) - (f) Yes
3. (a) - (e) Yes
4. In December 1998, the Government made three sets of representations on behalf of Wang Youcai, Xu Wenli, and Qin Yongmin, including at Ambassador level. The Embassy made further representations about the treatment of two other members of the China Democracy Party in August 1999. All five persons were included on the list of cases handed over during the third round of the Human Rights Dialogue in August 1999.

We told the Chinese that we considered the treatment of these persons to be inconsistent with China’s stated position that it wished to promote and protect human rights and with the terms of the International Covenant on Civil and Political Rights. The Chinese responded that these persons had been convicted of violations of Chinese law and that the actions of the Chinese government were not in contravention of the terms of the ICCPR as it allowed for the punishment of criminal activities which endangered state security.

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**Reserve Bank of Australia: Interest Rates**

(Question No. 1917)

**Senator Cook** asked the Assistant Treasurer, upon notice, on 14 February 2000:

With reference to the premature release by the Reserve Bank of Australia (RBA) of the recent interest rate increase on an email distribution list:

1. How many recipients were there of this information on that email list.
2. How many recipients were: (a) organisations; and (b) individuals.
3. What were the names of the organisations and individuals who received the early release of the RBA’s decision to increase interest rates.

**Senator Kemp**—The Treasurer has provided the following answer to the honourable senator’s question:

1. and 2. These issues are covered in the Governor’s Statement of 18 February 2000 on “Review of the Reserve Bank’s Arrangements For Releasing Market Sensitive Information”.
3. The Reserve Bank has not released the names on the list.

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**Department of the Treasury: Gavin Anderson and Kortlang**

(Question No. 1920)

**Senator Robert Ray** asked the Minister representing the Treasurer, upon notice, on 17 February 2000:

1. What contracts has the department, or any agency of the department, provided to the firm, Gavin Anderson and Kortlang since March 1996.
2. In each instance: (a) what was the purpose of the work undertaken by Gavin Anderson and Kortlang; (b) what has been the cost of the contract to the department; and (c) what selection process was used to select Gavin Anderson and Kortlang (open tender, short-list, or some other process).

**Senator Kemp**—The Treasurer has provided the following answer to the honourable senator’s question:

1. None.
(2) (a), (b), and (c) Not applicable.

**Australian Federal Police: Staff**

*(Question No. 1937)*

Senator Murray asked the Minister representing the Attorney-General, upon notice, on 17 February 2000:

Does section 40J(a) of the Australian Federal Police Legislation Amendment Bill 1999, passed by the Senate on 16 February 2000, apply to all employees of the Australian Federal Police whether members or civilians.

Senator Vanstone—The answer to the honourable senator’s question is as follows:

Paragraph 40J(a) of the Australian Federal Police Legislation Amendment Bill 1999 applies to all employees of the Australian Federal Police whether members or non-members.

**Australian Electoral Commission: Enrolments**

*(Question No. 1966)*

Senator Faulkner asked the Special Minister of State, upon notice, on 23 February 2000:

Can details be provided of the number of claims for electoral enrolment and claims for transfer of electoral enrolment received by the Australian Electoral Commission over the following periods:

(a) 1 January 1998 to 30 July 1998;
(b) 1 August 1998 to 30 August 1998;
(c) 31 August 1998 to 7 September 1998;
(d) 8 September 1998 to 2 October 1998; and
(e) 3 October 1998 to 30 December 1998.

Senator Ellison—The answer to the honourable senator’s question is as follows:

**ENROLMENT ACTIVITY 1998**

<table>
<thead>
<tr>
<th>Enrolment transactions</th>
<th>01/01/98 – 31/07/98</th>
<th>01/08/98 – 30/08/98</th>
<th>01/09/98 – 07/09/98</th>
<th>08/09/98 – 02/10/98</th>
<th>03/10/98 – 31/12/98</th>
<th>Total - Calendar Year 1998</th>
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<tbody>
<tr>
<td>Additions to the Roll:</td>
<td></td>
<td></td>
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<tr>
<td>New enrolments 1</td>
<td>324,277</td>
<td>22,685</td>
<td>64,014</td>
<td>28,696</td>
<td>54,427</td>
<td>494,099</td>
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<tr>
<td>Reinstatements 2</td>
<td>11,313</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>11,313</td>
</tr>
<tr>
<td>Re-enrolments</td>
<td>251,531</td>
<td>27,152</td>
<td>89,176</td>
<td>24,734</td>
<td>151,377</td>
<td>543,970</td>
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<td>Transfers into Divisions</td>
<td></td>
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<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Intra State</td>
<td>455,641</td>
<td>20,450</td>
<td>72,044</td>
<td>21,945</td>
<td>93,704</td>
<td>663,784</td>
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<tr>
<td>Inter State</td>
<td>88,706</td>
<td>5,937</td>
<td>22,808</td>
<td>6,676</td>
<td>14,489</td>
<td>138,616</td>
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<tr>
<td>Intra Divisional move-</td>
<td></td>
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<td></td>
<td></td>
</tr>
<tr>
<td>ment/amendment 3</td>
<td>766,881</td>
<td>33,828</td>
<td>81,825</td>
<td>29,342</td>
<td>162,339</td>
<td>1,074,215</td>
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<tr>
<td>No change enrolment 4</td>
<td>107,530</td>
<td>7,947</td>
<td>21,181</td>
<td>10,644</td>
<td>24,846</td>
<td>172,148</td>
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<tr>
<td>Total enrolment forms</td>
<td>2,005,879</td>
<td>117,999</td>
<td>351,048</td>
<td>122,037</td>
<td>501,182</td>
<td>3,098,145</td>
</tr>
</tbody>
</table>

Footnotes:

New enrolments from those persons not previously enrolled; it includes provisional enrolees who enrolled at age 17 and are first shown in the statistics on turning 18 years of age.
Due to computer system problems arising from Year 2000 compliance programming, “Reinstate-
ment” transactions from 1 August 1998 to 31 December 1998 are included in “Re-enrolment” transac-
tions.

Covers transfers of enrolment from one address to another in the same federal Division and amend-
ments to enrolment details in cases where there is no change of address e.g. change of name, change to
address description or street number arising from local authority re-numbering of land parcels. A pro-
portion of amendment transactions are raised directly by AEC staff, rather than on advice from electors.