THURSDAY, 31 AUGUST

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The DEPUTY PRESIDENT (Senator Sue West) took the chair at 9.30 a.m., and read prayers.

PETITIONS

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

Older Australians: Bonuses

The petition of the undersigned shows that we believe all Older Australians should be treated equally and fairly in respect to Bonuses For Older Australians.

Your Petitioners request that the Senate should:

- Recognise the discriminatory nature of Bonuses For Older Australians as legislated by the Howard Government, recognise the unfairness of this same legislation against aged Australians in need to live.
- Introduce the necessary legislation to provide payments to all Older Australians who were deprived of financial benefit because of their unfortunate financial status, exacerbated by the GST.

by Senator Faulkner (from 155 citizens).

Political Asylum

To the Speaker and Members of the Senate in Parliament assembled:

Whereas the 1998 Synod of the Anglican Diocese of Melbourne carried without dissent the following Motion:

That this Synod regrets the Government’s adoption of procedures for certain people seeking political asylum in Australia which exclude them from all public income support while withholding permission to work, thereby creating a group of beggars dependent on the Churches and charities for food and the necessities of life:

and calls upon the Federal government to review such procedures immediately and remove all practices which are manifestly inhumane and in some cases in contravention of our national obligations as a signatory of the UN Covenant on Civil and Political Rights.

We, therefore, the individual, undersigned Members of the Gisborne Anglican Parish, Gisborne, Victoria 3437, petition the Senate in support of the abovementioned Motion.

And we, as in duty bound will ever pray.

by Senator Tchen (from 66 citizens).

Petitions received.

NOTICES

Withdrawal

Senator COONAN (New South Wales) (9.31 a.m.)—Pursuant to notice given at the last day of sitting, on behalf of the Standing Committee on Regulations and Ordinances I now withdraw business of the Senate notice of motion No. 1 standing in my name for today.

Presentation

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

That the Senate—

(a) draws to the attention of the Reserve Bank board its statutory obligation under section 10 of its Act to exercise its powers in a way that will best contribute to the maintenance of full employment in Australia and the economic prosperity and welfare of the people of Australia in addition to the stability of the currency;

(b) notes that:

(i) the 1996 Statement of Policy objectives commits the bank to an objective of ‘keeping underlying inflation between 2 and 3 per cent, on average, over the cycle’ rather than always within that range, and

(ii) inflation was below 3 per cent for the past 4 years while unemployment is above 6.5 per cent and any reasonable definition of full employment; and

(c) calls on the Reserve Bank to decline raising interest rates further until it is clear that the full employment objective is being threatened by inflation clearly setting a cyclical average above 3 per cent.

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

That the Senate—

(a) notes that:

(i) September is Biodiversity Month and that land clearing is the leading cause of loss of biodiversity and land degradation in Australia,

(ii) Biodiversity Month is a significant opportunity to take action to address the causes of loss of biodiversity,

(iii) Australia has not arrested or reversed the decline of remnant vegetation despite an agreement by the Common-
wealth, state and territory governments to do so by the year 2000, and 
(iv) the powers of the Commonwealth Minister for the Environment and Heritage (Senator Hill) to ensure improved biodiversity have been significantly increased with the introduction of the Environment Protection and Biodiversity Conservation Act 1999; and 
(b) calls on the Minister for the Environment and Heritage to: 
(i) move to incorporate further triggers in the Act to cover land clearing, greenhouse gas emissions and the construction of major water projects, 
(ii) request the Environmental Resources Information Network to prepare geographically-based items of national significance by biogeographic, catchment and local government area, as defined in the Act, and 
(iii) encourage local government to provide rate rebates for land covenant conservation management agreements.

Senator COONAN (New South Wales) (9.31 a.m.)—On behalf of the Standing Committee on Regulations and Ordinances, I give notice that 15 sitting days after today I shall move that the following delegated legislation, a list of which I shall hand to the Clerk, be disallowed.

The list read as follows—
5. Determination PIB7/2000 made under Schedule 1, paragraph (bj) of the National Health Act 1953.

Senator COONAN—I seek leave to incorporate in Hansard a short summary of the matters raised by the committee.

Leave granted.

The document read as follows—
A New Tax System (Goods and Services Tax) Amendment Regulations 2000 (No.4), Statutory Rules 2000 No.110 Schedule 2, Item 2, new subregulation 168-5.12 relates to the tourist refund scheme (TRS). The Explanatory Statement, but not the new subregulation, states that a decision of the Customs officer of whether or not the acquirer is entitled to a refund is not subject to review, and that the acquirer’s entitlement would still be enforceable under section 168-5 of the Act.

Schedule 2, Item 2, new subregulations 168-5.15, 16 and 17 each specify a mechanism whereby the amount of TRS refunds may be posted from Australia to an acquirer within 60 days. The Explanatory Statement does not indicate whether these arrangements would have the potential to work to the disadvantage of TRS refund recipients.

A New Tax System (Goods and Services Tax Transition) Regulations 2000, Statutory Rules 2000 No.111 New subregulation 5(5) provides for a payment to be made ‘as soon as practicable’ after the application is made rather than provide for a definite time frame for payment.

New subregulation 7(4) specifies 8 July 1999 as determining whether certain requirements must be met by certain suppliers. The Explanatory Statement provides no information about the significance of this date.

A New Tax System (Wine Equalisation Tax) Regulations 2000, Statutory Rules 2000 No.113 New subregulation 25-5.03 specifies the amount of wine tax borne on wine as ‘29% of half of the
GST inclusive price paid by the purchaser for the wine. The Committee is seeking clarification of the basis for using this figure to calculate the amount of wine tax.


The Regulations make the necessary administrative provision for the collection of the dairy adjustment levy.

New subregulation 11(5) states that an agreement under subregulation (2) can only be entered into if the Secretary or authorised person is satisfied that the payment of levy “can be verified other than by requiring the agent to issue a receipt”. The Explanatory Statement advises that alternative methods of verification may be approved but provides no information on these methods.

New regulation 19 provides for review of a decision by the Secretary or an authorised person to either refuse an exemption for a collection agent or collection sub-agent to issue a receipt, or refuse to refund a levy payment. New subregulation 19(3) specifies that the Secretary must reconsider the original application “within 45 days” after receiving an application. No explanation has been given for this long time period.

Determination PIB7/2000 made under Schedule 1, paragraph (bj) of the National Health Act 1953

The determination amends a determination made on 15 May 2000 to ensure that it operates prospectively and not (as had been the case) retrospectively. The Explanatory Statement puts the view that ‘while s 48A of the Acts Interpretation Act 1901 appears to prevent the determination on 15 May 2000 from being remade, it does not appear to prevent the determination made on 15 May from being amended’. No further information was given on the basis for this view.

Electronic Transactions Amendment Regulations 2000 (No.1), Statutory Rules 2000 No.101

The Regulations prescribe various Commonwealth laws to which the Electronic Transactions Act 1999 will apply. Schedule 2 commences on 24 June 2000 while the remainder of the Amendment Regulations commence on gazettal. The Explanatory Statement provides no explanation for the different commencement dates.

Federal Magistrates Regulations 2000, Statutory Rules 2000 No.102

The Regulations prescribe matters relating to the fees payable in relation to proceedings in the Federal Magistrates Court.

The Explanatory Statement indicates that the basis for the prescribed fees is that “similar fee regimes” exist for Family Court proceedings and Federal Court proceedings. However, there is no comparative information concerning those other fee regimes, nor an explanation as to why the Family Court and the Federal Court are considered to be appropriate comparisons for fees in the Federal Magistrates Court.

New regulation 13 specifies that decisions concerning waiver of fees under new regulation 9 are reviewable. However, a decision concerning the deferral of fees under new regulation 10 is not subject to review.

Income Tax Amendment Regulations 2000 (No.4), Statutory Rules 2000 No.117

The Regulations exempt from income tax the pay and allowances earned by members of the Defence Force deployed on the United Nations Transitional Administration East Timor.

The Amendments introduce an exemption which is to apply after 19 February 2000. The Explanatory Statement does not refer to the retrospective effect of the Amendments, nor to the operation of section 48(2) of the Acts Interpretation Act 1901 in this regard. Whilst there does not appear to be any disadvantage or liability resulting there is no assurance that no person other than the Commonwealth has been disadvantaged.

There is no indication when the certificate issued by the Chief of the Defence Force under subsection 23AD(1) of the Act was issued.

Telstra Corporation Regulations 2000, Statutory Rules 2000 No.103

The Regulations specify the class of persons within the “inner extended zones” in remote Australia for the purposes of the enabling Act. Regulation 3 defines ‘charging precinct’ and ‘extended charging zone’ by reference to section 16 of the Telstra Public Switched Telephone Service Standard Form of Agreement instead of including the definitions in the Regulations so as to ensure that the scope of the Regulations is sufficiently clear to the public.

Withdrawal

Senator COONAN (New South Wales) (9.31 a.m.)—On behalf of the Standing Committee on Regulations and Ordinances, I give notice that, at the giving of notices on the next day of sitting, I shall withdraw business of the Senate notices of motion Nos 2 and 3 standing in my name for seven sitting days after today for the disallowance of Federal Court of Australia Amendment Regulations 2000 (No. 3), as contained in Statutory Rules 2000 No. 45, and High Court of Australia Regulations 2000, as contained in
Statutory Rules 2000 No. 46. I seek leave to incorporate in Hansard the committee’s correspondence concerning these regulations.

Leave granted.

The correspondence read as follows—
Federal Court of Australia Amendment Regulations 2000 (No.3), Statutory Rules 2000 No.45
High Court of Australia Regulations 2000, Statutory Rules 2000 No.46
8 June 2000
The Hon Daryl Williams AM QC MP
Attorney-General
Parliament House
CANBERRA ACT 2600
Dear Minister
I refer to the Federal Court of Australia Amendment Regulations 2000 (No 3), Statutory Rules 2000 No. 45, and the High Court of Australia Regulations 2000, Statutory Rules 2000 No. 46, which increase to $1,000,000 the amount above which ministerial approval must be sought before contracts may be entered into by the Chief Justices of the Courts.

The Explanatory Statement to each of these Regulations notes that the previous limit (of $250,000) above which the relevant Chief Justices were required to obtain ministerial approval before entering into contracts, has applied for the last ten years. However, the Explanatory Statement does not indicate:
(a) why no change has been made to that amount at any time during that period,
(b) the basis for choosing $1,000,000 as the new upper limit; or
(c) the nature of the contracts that may be entered into by the Chief Justices.

The Committee would be grateful for your advice on these matters as soon as possible to enable it to finalise its consideration of the Regulations.

Yours sincerely
Helen Coonan
Chair

99/4970
M201758
14 August 2000
Senator Helen Coonan
Chair
Standing Committee on Regulations and Ordinances

Australian Senate
Parliament House
CANBERRA ACT 2600
Dear Senator
Thank you for your letter of 8 June 2000 seeking further information in relation to the Federal Court of Australia Amendment Regulations 2000 (No 3) and the High Court of Australia Regulations 2000 (your reference: Ctte 72/2000).

As you note in your letter, the Regulations were made to increase from $250,000 to $1,000,000 the amount above which ministerial approval must be sought before contracts may be entered into by the High Court and the Federal Court.

You ask why no change was made to the contract amount over the 10 year period during which the $250,000 limit applied to the High Court and the Federal Court. During this time, the limit also applied to the Family Court and the Administrative Appeals Tribunal (AAT). It also applied to the National Native Title Tribunal (NNTT) from its commencement in 1994. It was not until March 1997, however, that any of these organisations formally expressed concern in relation to the contract provision. While regulations were made in June 1998 to increase the limit applying to the Family Court, the AAT and the NNTT to $1,000,000, regulations could not be made in respect of the High Court and the Federal Court until the relevant legislation had been amended to include a standard regulation making power.

You also seek advice regarding the basis for choosing $1,000,000 as the new limit. In choosing this amount, the courts and the tribunals were consulted and, while a range of limits was suggested, most support was for a limit of this order of magnitude. I also had regard to the nature and value of contracts that in recent years had required ministerial approval. Of these, no contract under $1,000,000 had been in any way contentious. After taking these matters into account, I concluded a limit of $1,000,000 would be appropriate. My colleague, the Minister for Finance and Administration, the Hon John Fahey MP, was consulted in relation to the appropriateness of this amount and he indicated that he had no objections to the contract limit being raised to $1,000,000.

Finally, you seek advice regarding the nature of the contracts that may be entered into by the High Court and the Federal Court. Typically, contracts for which my approval has been sought by the courts and the tribunals relate to the fitout of premises and the purchase of services such as airline travel, records storage and management, telecommunications, court reporting and security.
I trust this information is of assistance to the Committee.
Yours sincerely
DARYL WILLIAMS

Senator COONAN (New South Wales)
(9.32 a.m.)—On behalf of the Standing Committee on Regulations and Ordinances, I give notice that at the giving of notices on the next day of sitting I shall withdraw business of the Senate notices of motion Nos 1 and 2 standing in my name for the next day of sitting for the disallowance of Civil Aviation Amendment Order (No. 2) 2000, made under the Civil Aviation Regulations 1988, and Civil Aviation Amendment Order (No. 4) 2000, made under the Civil Aviation Regulations 1988. I seek leave to incorporate in Hansard the committee’s correspondence concerning these orders.

Leave granted.

The correspondence read as follows—

Civil Aviation Amendment Order (No.2) 2000 and Civil Aviation Amendment Order (No.4) 2000 made under the Civil Aviation Regulations 1988.
11 May 2000
The Hon John Anderson MP
Minister for Transport and Regional Services
Parliament House
CANBERRA ACT 2600
Dear Minister
I refer to the Civil Aviation Amendment Orders (No. 2) and (No.4) 2000 made under the Civil Aviation Regulations 1988.

The Committee notes that the making words of Orders (No.2) and (No.4) 2000 state merely that they are made under the Civil Aviation Regulations 1988). On 6 April 2000, the Committee also raised a similar concern with Orders (No.1) and (No.3) 2000 and sought your advice on the source of the authority for making those Orders.

Civil Aviation Amendment Order (No. 2) 2000
The Committee is concerned that the Explanatory Statement accompanying this Order is unclear. In the fourth paragraph of the Statement there is a reference to subparagraph 4.1A(a), as requiring a certain capability of an automatic pilot, but in the following paragraph of the Statement there is a reference to the need for automatic pilots to comply with subparagraph 4.1A(d). The Committee would appreciate clarification of this matter.

The Committee notes the Explanatory Statement advises that the purpose of the Order is described as being to insert a Note in subparagraph 4.1A(d) “to clarify the effect” of the provision. In such cases, it may be preferable that the meaning of a legislative provision be clarified by another legislative provision and not by means of a non-legislative Note. The Committee would appreciate your views on this matter.

….. [correspondence concerning Exemption EX28/2000 was incorporated in Hansard on 28 August 2000 when the notice of disallowance on this instrument was withdrawn.]

The Committee would be grateful for your advice as soon as possible but before 20 June 2000 when disallowance action may be initiated.
Yours sincerely
Helen Coonan
Chair

18 July 2000
Senator Helen Coonan
Chair
Standing Committee on Regulations and Ordinances
Parliament House
CANBERRA ACT 2600
Dear Senator Coonan
Thank you for your letter of 11 May 2000 raising concerns regarding Civil Aviation Amendment Order (No. 2) 2000 and Exemption No. CASA EX28/2000, and their Explanatory Statements (ES). Your letter was referred to the Civil Aviation Safety Authority (CASA) for advice. I have now received CASA’s response and am able to address the issues you raise. I regret the delay in replying.

The Committee has sought clarification as to why the fourth paragraph of the ES to Civil Aviation Amendment Order (No. 2) 2000 referred to subparagraph 4.1A(a), while the next paragraph referred to subparagraph 4.1A(d). CASA has advised that the capabilities that an automatic pilot must have are set out in subparagraphs 4.1A(d), (e) and (f). Therefore the reference to subparagraph 4.1A(a) in the ES should have been to subparagraph 4.1A(d). The error is regretted. However, the Order itself is correct.

The Committee also noted that the ES advised that the purpose of the Order was to insert a Note to clarify the effect of subparagraph 4.1A(d). The Committee advised that in such cases another
legislative provision may be preferable to a Note. CASA has advised that the purpose of the Note was to dispel doubts as to whether autopilots that maintained altitude by use of an accelerometer had "a capability to maintain flight and manoeuvre the aircraft about the roll and pitch axis" as required by subparagraph 4.1A(d). While the general consensus of operations and airworthiness specialists in CASA was that they did, some uncertainty existed within the aviation industry which needed to be dispelled.

In this instance, CASA considered that the most satisfactory means of reassuring the aviation industry about the effect of subparagraph 4.1A(d) was by means of a Note that addressed their particular concern, specifically for the following reasons. Firstly, the present wording of subparagraph 4.1A(d) was considered satisfactory and did not need amendment. Secondly, CASA was concerned that reference in the legislation to automatic pilots with a particular attribute as having the prescribed capability could lead to questions about the failure to refer to other types of automatic pilot.

In relation to Exemption No. CASA EX28/2000, the Committee questioned the reference in the ES to the instrument ceasing to have effect at the end of June while the Exemption refers to the end of July. CASA confirms that the Exemption is intended to cease having effect at the end of July as set out in the instrument itself. The discrepancy between the Exemption and the Explanatory Statement was unintentional.

Finally, in relation to Civil Aviation Orders (No. 2) and (No. 4) the Committee raised concerns that the making words of the Orders do not quote their source of authority. CASA has advised that in both cases, the sources of authority for making the Orders we’re fully set out in the relevant Explanatory Statements. This is consistent with the practice followed when making Statutory Rules. While it is possible to include the authority for Orders in the making words of each specific Order, CASA believes that it is more appropriate to include those details in the Explanatory Statement accompanying each Order, particularly when some Orders rely on several different heads of power.

Yours sincerely
JOHN ANDERSON

17 August 2000
The Hon John Anderson MP
Minister for Transport and Regional Services
Parliament House
CANBERRA ACT 2600

Dear Minister

Thank you for your letter dated 18 July 2000 concerning Civil Aviation Amendment Orders (Nos. 2 and 4) 2000 and Exemption No. CASA EX28/2000. The Committee considered your response at its meeting today and agreed that it met most of its concerns.

However, the Committee reiterates its concern that the authority for making the Orders is not clearly identified in the instruments themselves. The Committee is of the view that as the Orders are the primary document they should clearly indicate the legislative source(s) from which they are made.

The Orders are subject to a notice of motion to disallow which is set down to be resolved on 4 September 2000. The Committee would therefore appreciate your response before this date to allow it to finalise its consideration of these Orders.

Yours sincerely
Helen Coonan
Chair

30 August 2000
Senator Helen Coonan
Chair
Standing Committee on Regulations and Ordinances
Parliament House
CANBERRA ACT 2600

Dear Senator Coonan

Thank you for your letter of 17 August 2000 raising concerns regarding the authority for making Civil Aviation Amendment Orders (Nos. 2 and 4) 2000. Your letter was referred to the Civil Aviation Safety Authority (CASA) for advice. I have now received CASA’s response and am able to address the issue you raise.

CASA is still of the view that it is sufficient to include the heads of power which underpin the Orders in the Explanatory Statement. Nevertheless, I have determined that it should in future include in all Orders details of the legislative source(s) on which the Orders are based, and have advised CASA accordingly.

For the Committee’s information, the authority for making Civil Aviation Amendment Order No. 2 is subregulation 207(2) and subregulation 5(1) of the Civil Aviation Regulations 1988 (the Regulations) and subsection 84A(2) of the Civil Aviation Act 1988 (the Act). The authority for making Civil Aviation Amendment Order No. 4 is Regulation
200.10 of the Regulations and subsection 84A(2) of the Act.
Yours sincerely
JOHN ANDERSON

BUSINESS

Government Business
Motion (by Senator Ian Campbell) agreed to:
That the following government business orders be considered from 12.45 pm until not later than 2 pm this day:
No. 5 Customs Tariff Amendment Bill (No. 3) 2000,
No. 6 Trade Marks Amendment (Madrid Protocol) Bill 2000,
No. 7 Therapeutic Goods Amendment Bill (No. 3) 2000, and
No. 8 Retirement Assistance for Farmers Scheme Extension Bill 2000.

General Business
Motion (by Senator Ian Campbell) agreed to:
That the order of general business for consideration today be as follows:
(1) general business notice of motion no. 670 standing in the name of Senator Cook relating to Australia’s participation in the UN Human Rights Committee system; and
(2) consideration of government documents.

LEAVE OF ABSENCE
Motion (by Senator Calvert)—by leave—agreed to:
That leave of absence be granted to Senator Ferguson for the period of 31 August 2000 to the end of the summer sittings 2000, on account of parliamentary business overseas.

NOTICES
Postponement
Items of business were postponed as follows:
General business notice of motion no. 607 standing in the name of Senator Stott Despoja for today, relating to the work for the dole scheme, postponed till 4 September 2000.
General business notice of motion no. 612 standing in the name of Senator Stott Despoja for today, relating to international trade, postponed till 4 September 2000.

General business notice of motion no. 613 standing in the name of Senator Stott Despoja for today, relating to unemployment and worker protection, postponed till 4 September 2000.
General business notice of motion no. 614 standing in the name of Senator Stott Despoja for today, relating to a special session of the General Assembly of the United Nations on social development, postponed till 4 September 2000.
General business notice of motion no. 672 standing in the name of Senator Stott Despoja for today, relating to captioning of television programs, postponed till 4 September 2000.

Motion (by Senator Cook)—by leave—agreed to:
That general business notice of motion no. 663 standing in his name for today, relating to commitments made by the Chair of the Economics Legislation Committee (Senator Gibson) in respect of questions taken on notice, be postponed till the next day of sitting.

Presentation
Senator Sherry to move, on the next day of sitting:
That the Senate notes:
(a) the continued failure of the Chair of the Economics Legislation Committee (Senator Gibson) to ensure that questions taken on notice by the Department of the Treasury during estimates hearings were responded to within 30 days as promised by Senator Gibson; and
(b) despite repeated calls by Senator Gibson for cooperation and goodwill to exist amongst committee members, his failure to ensure a reciprocation of such goodwill and cooperation as evidenced by the fact that answers to questions taken on notice are now some 60 days overdue, despite Senator Gibson’s commitment.

COMMITTEES

Information Technologies Committee
Meeting
Motion (by Senator Calvert, at the request of Senator Ferris) agreed to:
That the Select Committee on Information Technologies be authorised to hold a public meeting during the sitting of the Senate on
5 September 2000, from 6 p.m. to 8 p.m., to take evidence for the committee’s inquiry on e-privacy.

**RENNELL, MR STUART**

Motion (by Senator Watson) agreed to:

That the Senate—

(a) congratulates Mr Stuart Rendell, a member of the staff of the Senate, on his selection in the Australian team for the Year 2000 Olympic Games being held in Sydney; and

(b) wishes Mr Rendell the very best in the hammer throw event.

**COMMITTEES**

**Community Affairs References Committee**

**Extension of Time**

Motion (by Senator O’Brien, at the request of Senator Crowley) agreed to:

That the time for the presentation of the report of the Community Affairs References Committee on the provisions of the Gene Technology Bill 2000 be extended to 10 October 2000.

**TELSTRA: CONTRACTS WITH LEIGHTON HOLDINGS**

Motion (by Senator Mark Bishop) proposed:

(1) That there be laid on the table by the Minister for Communications, Information Technology and the Arts (Senator Alston), no later than immediately after question time 3 sitting days after today, contracts between Telstra Corporation and Leighton Holdings and its subsidiaries which were the subject of question on notice no. 29 asked by Senator Bishop at the 1999-2000 Additional Estimates supplementary hearings of the Environment, Communications, Information Technology and the Arts Legislation Committee on 3 May 2000 (*Hansard*, p.57).

(2) That the documents referred to in paragraph (1) may be provided to the Senate with any genuinely commercially-sensitive information deleted.

**Senator IAN CAMPBELL** (Western Australia—Parliamentary Secretary to the Minister for Communications, Information Technology and the Arts) (9.37 a.m.)—by leave—I want to make it clear that the government will be opposing this motion. We believe that it is purely a political attack on the chairman of the panel that is doing the inquiry into telecommunications services. We believe that the information that is being sought by this motion is entirely inappropriate. It highlights the fact that, of the approximately 41 carriers registered with the Australian Communications Authority at the moment, there is only one carrier that could be subject to this sort of political interference by parliamentary process—that is, Telstra. It puts Telstra at a significant competitive disadvantage. It highlights the fact that the Commonwealth remaining in majority ownership of Telstra puts it under constraints and anticompetitive pressures that are unfair to that organisation and constrict its growth and its potential to provide quality services, particularly to regional and remote parts of Australia.

In relation to the information that is being sought, if Labor seriously want to peruse the various contracts entered into by Leighton and Telstra, they can do something quite simple. It may be beyond the capability of some people opposite, but all they need to do is look at an annual report. Details of all the contracts that Leighton is involved in are available in its annual reports. Indeed, if the honourable senator who has moved the motion—or any other honourable senator—wants to do so, he can even visit the Leighton web site. It is on the World Wide Web. It is a new invention for the Labor Party—it is called the Internet. Leighton’s information is up there, and they will be able to find it. For these reasons, we regard this as a crass political exercise.

We believe that Telstra have, in their answer to question No. 29 asked in the supplementary additional estimates round, provided all the information that is required. They have gone further and offered senators confidential briefings on all these matters. Any reasonable person knows that to seek the information that is being sought by this motion would significantly harm the commercial interests of Telstra, and that is something that Labor stand condemned for.

**Senator MARK BISHOP** (Western Australia) (9.40 a.m.)—by leave—Senator Ian Campbell was correct in one of the points he made—that is, that Telstra is the only company with which the opposition is pursuing
this issue of particular contracts or documents relating to commercial-in-confidence information. The opposition is not pursuing the same information in relation to the other 40 or 50 telcos that operate in Australia or around the world. The reason we pursue this information with Telstra does not relate to the allegations raised by Senator Ian Campbell; it is simply that Telstra is 51 per cent government owned. That is the sole justification, and the only necessary justification, for seeking this information. If we sought to inquire further into the matter, we would refer to the 1998 report of the inquiry by the Senate Finance and Public Administration References Committee into the issue of commercial-in-confidence documentation. It is becoming a recurring theme with a range of agencies that the opposition has to deal with that, every time the opposition make what we regard as a legitimate request for the tabling of material or information, we are told that the material in dispute is commercial-in-confidence and cannot or will not be tabled, or can be tabled on the proviso that it is made available only to members of a particular committee.

If the opposition accepted such a proposition it would be unable to fulfil its obligation to inquire into a range of matters associated with the administration of a large public enterprise which is being set up to be privatised through an inquiry about which it can at best be said that there are some doubts as to the bona fides of the chairman, given his public record, his public statements and his public utterances as that inquiry has gone on the road. With those comments, there is no point in adding any further to this debate. I simply say that the opposition will inspect the relevant documentation, when tabled, with interest.

Question resolved in the affirmative.

WORKPLACE RELATIONS AMENDMENT (SECRET BALLOTS FOR PROTECTED ACTION) BILL 2000

PROTECTION OF THE SEA (CIVIL LIABILITY) AMENDMENT BILL 2000

First Reading

Bills received from the House of Representatives.

Senator IAN CAMPBELL (Western Australia—Parliamentary Secretary to the Minister for Communications, Information Technology and the Arts) (9.44 a.m.)—I indicate to the Senate that those bills which have just been announced are being introduced together. After debate on the motion for the second reading has been adjourned, I will be moving a motion to have the bills listed separately on the Notice Paper. I move:

That these bills may proceed without formalities, may be taken together and be now read a first time.

Question resolved in the affirmative.

Bills read a first time.

Second Reading

Senator IAN CAMPBELL (Western Australia—Parliamentary Secretary to the Minister for Communications, Information Technology and the Arts) (9.44 a.m.)—I move:

That these bills be now read a second time.

I seek leave to have the second reading speeches incorporated in Hansard.

Leave granted.

The speeches read as follows—

WORKPLACE RELATIONS AMENDMENT (SECRET BALLOTS FOR PROTECTED ACTION) BILL 2000

The Coalition’s 1998 workplace relations election policy More Jobs, Better Pay contained commitments to further legislative reform in our second term of office.

These commitments were reflected in four pieces of legislation already introduced by the Government since October 1998, dealing with small business unfair dismissal exemptions, superannuation, youth wages and multiple reform issues in the Workplace Relations Legislation Amendment (More Jobs, Better Pay Bill) 1999.

That bill was passed by the House of Representatives on 29 September 1999 but subsequently blocked by the combined opposition of the Labor Party and the Australian Democrats in the Senate.

Since opposing the More Jobs Better Pay Bill 1999 last November, the Democrats have publicly indicated that they prefer to deal with the contents of that bill on an issue by issue basis, not as an omnibus piece of legislation.

In a speech to the ACT Industrial Relations Society on 6 April 2000 Democrats spokesman Sena-
tor Murray said, and I quote, “In my view only technical bills should be general and broad ranging. Policy bills should be specific. It is far better for a reformist government to deal with one issue at a time on a specific and limited basis.”

And again, in the course of the inquiry by the Senate Employment, Workplace Relations, Small Business and Education Legislation Committee into the bill, the Senator said, “It seems to me the Act can be conveniently broken up into major sectors … I find these kind of omnibus bills result in a lot of negativity and it is very difficult to progress them.”

Taking these sentiments into account, the Government has sought to accommodate the preferences of the Australian Democrats by proceeding, other than on technical issues, with an issue by issue consideration of policy matters arising from the More Jobs Better Pay Bill 1999.

The first of these issue by issue bills was a bill dealing with pattern bargaining and related matters which passed the House on 1 June 2000, but which is now also being opposed in the Senate by the Labor Party and, so far, by the Democrats.

The Government is now in a position to introduce further single issue bills drawn from the More Jobs Better Pay Bill 1999.

This bill deals with secret ballots prior to the taking of protected industrial action.

Secret ballots provide a fair, effective and simple process for determining whether a group of employees in an enterprise want to take industrial action.

Although Australia has long had provisions for secret ballots at the federal level, they have not been compulsory as a precondition to industrial action. In the past this was not such an issue as prior to 1994 virtually all industrial action was unlawful.

The Government believes it is appropriate, in view of the protections against civil liability for industrial action taken in pursuit of enterprise agreements provided by the Workplace Relations Act 1996, that secret ballots become a precondition to accessing protected action. Extension of the existing scheme of secret ballots in this way would enhance freedom of choice, minimise unnecessary industrial action and strengthen the accountability and responsiveness of unions to their members.

Evidence from the UK where secret ballot provisions have been operating since 1984 – and were retained in the Blair Government’s Employment Relations Act 1999 – shows that the introduction of legislative requirements for secret balloting has:

- provided union members with a direct say in the authorisation of industrial action;
- encouraged greater consultation by unions of their members;
- in conjunction with other legislative reforms, helped to significantly reduce strike activity; and
- had the support of UK trade union leaders.

The UK experience shows that secret ballots are about improving the way unions consult with their members and so reducing the likelihood of unnecessary and illegitimate industrial action.

This bill will enhance the opportunities for democratic participation by employees in making decisions about taking industrial action. A more democratic process will enable the employees who are directly concerned to decide for themselves whether industrial action is warranted. This will ensure that protected industrial action is not used as a substitute for genuine discussions during a bargaining period.

Support for secret ballots has been a position advocated by the Australian Democrats.

In the Democrats Senate Committee Report last November, Senator Murray indicated, and I quote, “As a principle the Australian Democrats are generally strongly supportive of direct democracy. Democrats are also strongly supportive of the democratic protections afforded by secret balloting processes.”

And following the rejection of the More Jobs Better Pay Bill 1999, the Leader of the Democrats has indicated that the Democrat concern appeared to be with matters of detail, not matters of principle. In speaking on Sydney radio about mandatory secret ballots, Senator Lees said on 29th November 1999, and I quote, “If we could go back to the government and talk to them as you’re talking to us, you know in what I would describe as a reasonable and logical fashion, then the answer comes out as yes, there should be that provision.”

In introducing this bill I am clearly indicating that the Government is determined to proceed on an issue in respect of which there appears to be Democrat support. We invite the Democrats to make us keep the promise we made to the Australian people in October 1998 to introduce secret ballot requirements. The Government is prepared to consider amendments to refine the detail of the secret ballots regime proposed by the bill, if it is the detail that is the barrier to the bill’s passage through the Parliament.

Our intention is simple. We intend to implement the legislative amendments that reflect the policy
objective on secret ballots in our second term workplace relations policy.

The provisions contained in this bill will introduce a requirement for a secret ballot to precede industrial action organised by employees or a union. If this precondition is not met the industrial action will not be protected. The precondition will not, however, apply following the suspension of a bargaining period unless the protected action proposed varies from that which was authorised by the ballot.

Either a union or an employee who is a negotiating party will be able to apply to the Commission for a protected action ballot to be held. If an application for a ballot is made by a union, only union members whose employment would be covered by the proposed agreement would be entitled to vote in the ballot. If the application is made by employees who are seeking a non-union agreement, all employees whose employment would be covered by the proposed agreement would be entitled to vote in a ballot.

Where the application is made by an employee, or several employees acting jointly, there must be evidence that the ballot application is supported by a prescribed number of employees at the workplace. Where the application for a protected action ballot is made by an individual employee or employees, they will also have the option of doing so through an agent so that their identity will be protected. This protection will also be extended to employees initiating a bargaining period.

The new provisions set out procedural requirements for ballots, including specific information that must be provided to employees in ballot papers. Industrial action would be authorised by a ballot if at least 50 per cent of eligible voters participate in the ballot, and if more than 50 per cent of the votes cast are in favour of the proposed industrial action.

The Commission will be required to act quickly in relation to applications for protected action ballots, and would be required, as far as possible, to determine an application for a ballot order within 4 working days of the application being made. In making a determination in relation to a protected action ballot application the Commission must be satisfied that the applicant has genuinely tried to reach agreement with the employer.

This bill enhances the role of the Commission. This is an outcome that should be welcomed by the Australian Democrats and the Labor Party who both regularly make calls to enhance the powers of the AIRC.

Unions would normally be liable for any costs incurred in the process of consulting their members over proposed industrial action. However, consistent with the Government’s commitment to ensuring responsiveness and accountability, the Commonwealth will reimburse 80 per cent of the reasonable cost of the ballot – whether the application is made by a union or an individual employee or employees.

These measures will improve the quality of workplace relations in our community, and the grass roots involvement of working people in decisions that affect their jobs, job security and working conditions.

Of course this matter has already been before a Senate committee. However, the government would welcome further Senate scrutiny provided that such a committee will review the bill in order to achieve a workable scheme rather than just be a platform for union opposition to fundamental democratic principles.

The right of the Coalition to implement its workplace relations mandate, subject to constructive Senate review, is a principle that has been acknowledged by the Democrats – and one that they should now act upon.

On 15th June 1996 the then Leader of the Australian Democrats (now Labor shadow Minister Kerin) said on the issue of workplace relations, and I quote:

“The Democrats accept that the Government has been elected to govern and that it has its right to present its legislative program to the Parliament for consideration. But the Democrats have been elected to do a job, and that is to closely scrutinise legislation to ensure that it is fair, workable and the best solution to an identified problem.”

“...the Democrats have no intention of being obstructionist in this Senate. As we have done for 15 years of holding balance of power, we will carefully review legislation, suggesting ways to make it work better if possible.”

Adopting a just say ‘no’ attitude to this bill would be inconsistent with not only the proper role of the Senate as a House of Review, but also breach the principle under which the Democrats themselves marked out their past approach to these issues, at least until 1997.

THE PROTECTION OF THE SEA (CIVIL LIABILITY) AMENDMENT BILL 2000

The Protection of the Sea (Civil Liability) Amendment Bill 2000 will amend the Protection of the Sea (Civil Liability) Act 1981 (Civil Liability Act) to strengthen Australia's existing legislation governing the protection of the marine environment.
The most important amendment in this Bill is the insertion of a new Part IIIA into the Civil Liability Act to require all ships entering or leaving an Australian port and which carry oil either as cargo or as fuel to be insured to cover the cost of any pollution damage from the ships. The amendment will only apply to ships of 400 tons or over. This is the size of ship to which international conventions on marine pollution generally apply.

The amendment will not apply to oil tankers carrying more than 2,000 tons of oil as cargo. The Civil Liability Act already requires those ships to have an insurance policy to cover the cost of the clean up following a spillage of oil. This is in accordance with the International Convention on Civil Liability for Oil Pollution Damage.

The amendment will give effect to recommendations contained in the 1992 Ships of Shame report and the 1998 Ship safe report. It is also consistent with the Government’s ongoing commitment in this area as set out in Australia’s Ocean Policy, which was released by the Government in 1998.

Shipowners already have an obligation to meet any pollution liabilities they incur in Australia. This legislation will merely require shipowners to have insurance to cover those existing liabilities. There is a risk in the case of a major spill that an uninsured shipowner would not be able to meet his or her liabilities to contribute to the cost of the clean up. A shipowner does not have unlimited liabilities in the case of an oil spill. However, existing liability limits are high enough to meet the total cost of the clean up following the majority of spillages. The requirement for insurance will ensure that the cost of the clean up does not have to be met by Governments and the community. The amendment has the full support of the shipping industry.

Customs officers will check every ship that enters an Australian port to determine if the ship has appropriate insurance cover. As this check will be part of the routine check of documentation that already occurs for all ships, it will not place an administrative burden on either the crew of ships or on Customs. Any ships that do not have adequate insurance may be detained until the requirements of the legislation are met. While the master and owner of an uninsured ship will be liable on conviction of a penalty of up to 500 penalty units, the possible detention for failure to be insured is a greater incentive for a shipowner to arrange insurance.

In the international context, Australia, as a member of the International Maritime Organization, has been a key advocate for an international regime of compulsory insurance to cover the cost of pollution damage following a spill of bunker fuel. A draft text for a new international instrument has been developed and is expected to be concluded in early 2001, although it is expected to be some years before any new convention comes into effect internationally.

These amendments to the Civil Liability Act are being introduced now, rather than waiting for the conclusion of an international convention, because of the importance placed on the protection of the Australian marine environment by the Government. A number of other countries, such as Canada and the United States, have similar domestic legislation in place.

The Australian Maritime Safety Authority (AMSA) is empowered by the Protection of the Sea (Powers of Intervention) Act 1981 to take “intervention action” to prevent or reduce pollution where oil or some other noxious substance has escaped from a ship or is likely to escape from a ship. The intervention action may range from moving the ship to another place to, in an extreme case, sinking the ship. The cost to AMSA of such intervention action may be recovered from the shipowner. The shipowner’s liability is limited by section 20 of the Civil Liability Act. There is currently some uncertainty about the liability limits that apply, due in part to the use of obsolete terminology. Part 2 of the Bill amends section 20 to remove the uncertainty by specifying that the limit will be the limit that applies under any international conventions in force in Australia that apply to the ship.

The Civil Liability Act allows AMSA to recover any costs it incurs in performing its function under its enabling legislation to combat pollution in the marine environment, where the pollution is caused by a discharge or disposal from a ship. The Civil Liability Act is quite explicit in stating that AMSA may recover its costs where there has been an actual discharge or disposal from a ship. But there is some doubt about AMSA’s ability to recover its costs where there has been a threat, but no actual discharge or disposal, for example, where a ship has gone aground. The amendment contained in Part 3 of the Bill will remove this doubt.

Finally, in accordance with modern drafting practice, Part 4 of the Bill will convert all penalties in the Act to penalty units.

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

Ordered that the bills be listed on the Notice Paper as separate orders of the day.
DEFENCE LEGISLATION
AMENDMENT (AID TO CIVILIAN
AUTHORITIES) BILL 2000
In Committee
Consideration resumed from 28 August.
The bill.
Senator ELLISON (Western Australia—
Special Minister of State) (9.45 a.m.)—I table
a supplementary explanatory memorandum
relating to the government amendments to be
moved to this bill. The memorandum was
circulated in the chamber on 28 August this
year.
Senator BOURNE (New South Wales)
(9.46 a.m.)—I move Democrat amendment
No. 1:
(1) Page 2 (after line 2), after clause 3, insert:
4 Review of operation of Act
(1) If an order is given under section 51A,
51B or 51C, the Minister must cause a
review of the effect of the order to be
undertaken within 6 months after the
order ceases to be in force.
(2) A person who undertakes such a review
must give the Minister a written report
of the review.
(3) The Minister must cause copies of the
report of the review to be laid before
each House of the Parliament within 5
sitting days of that House after receiv-
ing it.
This amendment is so that, if an order is
given under this bill, there is a full and writ-
ten review to report why the order was given,
what it was for, how it was carried out and
why it was needed. The points about our re-
view, as opposed to others, are that it should
be undertaken within six months of the order
ceasing to have effect, the minister must re-
ceive the report and it must be tabled in each
house within five sitting days of the minister
receiving it.
I should make the point at the very begin-
nning of this committee stage that this would
be in addition to a sunset clause. We think the
bill should not go through—which I
certainly hope it does not—firstly, we need a
sunset clause and, secondly, we need an aw-
ful lot of other amendments. This is the first
of the amendments that we are recommend-
ing. I really think it is an improvement on
any other review amendment, so I commend
it to the chamber.
Senator ELLISON (Western Australia—
Special Minister of State) (9.48 a.m.)—For
the record, the government will oppose this
amendment. We believe there are sufficient
proposals in this bill for review, and I refer to
the parliamentary committee and the inde-
pendent review which forms part of those
proposals. So for those reasons, we will op-
pose the amendment put by the Democrats.
Senator FAULKNER (New South
Wales—Leader of the Opposition in the Sen-
ate) (9.48 a.m.)—I indicate through you, Mr
Temporary Chairman Watson, to Senator
Bourne that the opposition certainly accepts
the view that she has expressed to the cham-
ber that the question of review is a funda-
mental one and one worthy of this committee
deliberating on at some length. I indicate that
the approach of the opposition will be to
commend the next amendment that this
committee will deal with in relation to re-
viewing the operation of the act.
Simply put—and I do not want to delay
the committee too long here—while we ac-
cept obviously that this is an essential matter
for amendment, I will be proposing very soon
an amendment that I think is a better option
for this committee, and a significantly better
option at that. When presenting that to the
committee, I will speak at greater length.
Given that the opposition will oppose this
Democrat amendment, I did want to put that
in some context—namely, that the opposition
will put forward what I think a more thor-
ough, more effective and more useful review
process. It is in that context, but in that con-
text only, that the opposition will not be sup-
porting this particular amendment that is pro-
posed by Senator Bourne on behalf of the
Democrats and that we will be putting for-
ward our own proposal in short order.
Senator BROWN (Tasmania) (9.50
a.m.)—My view on this matter on behalf of
the Greens is that we ought never be in a po-
sition where we are asking for a review after the deployment of the Australian defence forces in a domestic situation in which parliament has had no say. This legislation enables the ministers of the day—that is, politicians here in Canberra—to bring out the Australian defence forces for a situation where they think and they have the pretext in their mind, whatever it might be that enables them to think, that there is likely to be violence. Let us make it clear that this covers such events as the Olympics and the upcoming World Economic Forum, where there has been speculation in the media and abroad about potential violence in both cases and where it would be quite within the purview of this legislation for Canberra to send in the troops.

I would like to know from the government at the outset to what degree the Australian defence forces are being deployed for either of those events at the moment. I noted on the news last night that soldiers are being used for surveillance at the Olympic site for the purpose of making sure that the site is safe. I would like to know under what conditions the soldiers are being used there and whether the previous stipulation which was in place—a specific directive to the defence forces that they were not to be training for a potential situation in which they could be used against Australian civilians—is still in place or whether it has been lifted.

I refer the chamber to a question by Mr Cameron in the House in 1993 of the then Minister for Defence, Mr Beazley, about the use of the Manual of Land Warfare produced by the department, which is effectively pamphlet No. 2 ‘Aid to civil power’, for the use of the defence forces were they to be involved in a civil situation in Australia. Mr Beazley said, as part of that answer, ‘I reiterate that there is a specific directive which prohibits this type of training.’ I ask the minister: is that directive still in place? If it is not, what sort of training has been taking place for the use of the Australian defence forces against civilians, under what circumstances and when did that change take place?

Senator ELLISON (Western Australia—Special Minister of State) (9.53 a.m.)—I understand that the directive is that the ADF does not train for the sort of activity as outlined by Senator Brown—that is, in relation to domestic situations. However, there is training in relation to peacekeeping. That is something which is quite distinct, and we have seen that in places like East Timor. But there is no training as such for the domestic situations that Senator Brown has outlined.

Senator BROWN (Tasmania) (9.54 a.m.)—Could the minister foresee the use of the Australian defence forces during the Olympics?

Senator ELLISON (Western Australia—Special Minister of State) (9.54 a.m.)—Yes, there is a memorandum of understanding between the Australian defence forces and the New South Wales police for activities which would be low level and non call-out. That is something which is not the subject of what we envisage here, which would be a call-out situation. That is set out in the memorandum of understanding between the New South Wales police and the Australian defence forces.

Senator BROWN (Tasmania) (9.55 a.m.)—Is the government in any way contemplating a call-out? Are there circumstances in which a call-out would come or is the minister giving the chamber an explicit commitment that there will be no call-out in the Olympics, regardless of circumstances?

Senator ELLISON (Western Australia—Special Minister of State) (9.56 a.m.)—The national antiterrorist plan does envisage the possibility of a call-out. It is not something I can predict or not predict. I do not have a crystal ball. What I can say is that the national antiterrorist plan does have a provision for that possibility. Senator Brown asked whether I foresee it happening or whether the government contemplates it happening. We would think the need would not be there and hopefully the games will go ahead incident free. But the national antiterrorist plan does have a provision for the possibility of a call-out.

Senator BROWN (Tasmania) (9.56 a.m.)—The Victorian government has pointed out that there is no point in having this bill implemented prior to the Olympics if the supporting protocols are not in place, and it
points out that there are no supporting protocols. I ask the minister, seeing that he has flagged the potential for the use of the defence forces in a terrorist situation in the Olympics: where are the protocols that would allow the provisions of this legislation to be used? When did the discussions take place with the states that would allow the provisions of this legislation to be used? Or is the minister saying that this legislation is incidental and is not to be drawn upon as far as the Olympics are concerned, that any use of the ADF during the Olympics would be a use that would be contemplated under the existing legislation?

Senator Ellison (Western Australia—Special Minister of State) (9.57 a.m.)—Dealing with the second part of Senator Brown’s question first, there is currently a situation where the Commonwealth could call out the Australian defence forces. This bill is setting out to clarify the circumstances and also to bring consistency to the various sorts of call-outs you can get. Yes, this bill does affect any potential call-out, whether that be during the Olympics or not. The first part of Senator Brown’s question touched on the point of protocols. The national antiterrorist plan, which the states and the Commonwealth subscribe to, does have provisions which would deal with the situations that Senator Brown has mentioned, and we feel that would be sufficient. Protocols are really not essential because the national antiterrorist plan caters adequately for any situation that might arise. Should this bill be passed, there may well be some slight amendments to the national antiterrorist plan. We would say that those protocols are not necessary. Any potential situation is covered by the provisions of the national antiterrorist plan.

Senator Brown (Tasmania) (9.59 a.m.)—The government cannot have it both ways. The government is saying on the one hand that any situation is covered by the existing situation. On the other hand, if there is a call-out during the Olympics or some other event, such as the World Economic Forum or some future event that has not come to mind yet, then the provisions of this legislation will be invoked. I want to read from the submission by the Victorian government to the Senate committee, which said:

If the bill passes through parliament, the existing SAC-P AV NATP protocols already in place—the ones that the minister referred to—to support the Defence Act must be updated to take into account the new call-out framework proposed by the bill. Such protocols should be developed prior to the bill taking effect.

That is a reasonable point, one would submit. The submission continued:

So that all relevant parties are clear about the roles in the event of an emergency. If the bill takes effect prior to the protocols being revised, there is a risk of conflict between the legislation and the existing protocols. Potentially conflicting and confusing guidelines are not going to be an asset in an emergency situation. There is no point in having this bill implemented prior to the Olympics if the supporting protocols are not in place.

Indeed, the New South Wales government’s submission flagged the unthinkable situation where the police would be on one side and the ADF on the other side, with no clear guidelines drawn up to deal with that situation. I ask the minister: where are the protocols that will be used under this legislation? Have they been drawn up? If so, will he present them to the committee?

Senator Ellison (Western Australia—Special Minister of State) (10.01 a.m.)—For a start, I think that letter was written by the Premier of Victoria in circumstances where Victoria was of a view that there would not be any consultation with the states. In relation to this bill, there are some amendments forthcoming which will deal with consultation, and they will adequately address those concerns. So we have moved on since that letter from the Premier of Victoria.

In any event, this bill sets out to reflect the national antiterrorist plan. It is entirely appropriate that any plan of that sort is covered by legislation which is transparent, succinct and consistent. That is what we are doing because the current system needs that clarification. We would argue that this legislation, if for nothing else, is needed for that purpose. The question of protocols has already been covered by my previous answer in relation to the national antiterrorist plan—the provisions are there.

Senator Brown (Tasmania) (10.02 a.m.)—So the minister is telling the commit-
tee that there are no new protocols, that there has been no work on new protocols and that there is no work the government or its agencies have done on the guidelines for the use of the ADF, consequent upon this bill. We simply have the legislation and a totally old set of protocols that do not cover the range of possibilities envisaged by this legislation. Nothing new has been done in terms of guidelines, manuals, protocols and instructions for the use of the ADF under this legislation.

Senator ELLISON (Western Australia—Special Minister of State) (10.03 a.m.)—I answered that question about manuals in question time the other day when Senator Brown asked that. If this bill goes through, there will have to be a revision of various manuals. The one that Senator Brown cited in particular I said would have to be revised. There is work already being done on revising the national antiterrorist plan to meet the requirements of this bill, should it be passed. As I said previously this morning to Senator Brown, should this bill be passed there will be necessary revisions, albeit slight, to the national antiterrorist plan. So that is quite clear—there will be revisions to the national antiterrorist plan as a result of passing this bill. I think that squarely meets Senator Brown’s question.

Senator FAULKNER (New South Wales—Leader of the Opposition in the Senate) (10.04 a.m.)—My comments are on the same matter that Senator Brown is pursuing. I think the minister would acknowledge that some of the concerns that state governments have had are in fact that the national antiterrorist plan will remain in place. So that is quite clear—there will be revisions to the national antiterrorist plan as a result of passing this bill. I think that squarely meets Senator Brown’s question.

Senator ELLISON (Western Australia—Special Minister of State) (10.05 a.m.)—I can place on record the government’s assurance that the passing of this bill will not interfere with the operation of the national antiterrorist plan. In fact, I see the two as being complementary.

Senator FAULKNER (New South Wales—Leader of the Opposition in the Senate) (10.05 a.m.)—I thank the minister for that assurance. There was a second element to the question that I asked, following up Senator Brown’s line of questioning. It would be an assurance to hear that the bill in no way would interfere with the operations of the national antiterrorist plan—I think that is an important assurance to give the committee, too.

Senator ELLISON (Western Australia—Special Minister of State) (10.06 a.m.)—Yes. I can also give that assurance on behalf of the government: it will in no way interfere with the operation of the national antiterrorist plan. I think that meets Senator Faulkner’s question.

Senator COONEY (Victoria) (10.06 a.m.)—I would like to follow on from what Senator Faulkner and Senator Brown have been saying. I think what has us concerned is that, if in fact an incident did occur, people would be at risk. Military personnel and the terrorists who are carrying out the exercise would be there. But other people at risk in a city like Sydney would be the citizens—the adults and children—that might be in the area. I think the concern is that we as a parliament ought to have some criteria we can look at, so we can say that the action in this case was such as preserved the safety of the people who might be around, including that of the soldiers.

That is a very difficult thing, because the sorts of actions that the soldiers might use may well be much more restrained than the sort of actions that terrorists use. Minister, having appeared many a time in a criminal case as an advocate—of course—and as an outstanding advocate in Western Australia, may I say, you would understand the point I am making. The sort of action that the police or the troops might use has to be much more
restrained than that which the terrorists might use. This is the whole problem about policing: because you want to have a civilised society, you have to act in a particular way. What is being asked is this: what criteria can be made public so that people can say, ‘Yes, these are the sorts of things that apply,’ to assure us that the troops will act in the way that we would like? That is distinct from the battle plan, or whatever you want to call it, that you might have.

Senator Faulkner—It is a very tense century!

Senator COONEY—Yes, that is right. I do not think the plan to overcome terrorism is what is being sought, but rather what criteria can we look at so that we can be assured that things will be safe for citizens.

Senator ELLISON (Western Australia—Special Minister of State) (10.09 a.m.)—I am advised that the MLW—which, to the uninitiated like me, is the Manual of Land Warfare—covers a good portion of what Senator Cooney is addressing, and is much like the police standing orders which police forces around the country have. There are, however, some security aspects which are operational and are not public, of course—and that is understandable. But the MLW would, as I understand it, meet what Senator Cooney is talking about. It is quite a comprehensive document, I understand. But there are aspects to security operations which are not made public—again, for obvious reasons. Capability of response and types of responses—the sorts of things that I saw at the SAS barracks on my visit the other day—are things that you would not make public because, obviously, any potential terrorist would then know what to cater for in a situation. That, I think, covers Senator Cooney’s question.

Senator FAULKNER (New South Wales—Leader of the Opposition in the Senate) (10.10 a.m.)—Let me follow through on what Senator Cooney has been asking, because it is a very important issue, as you would appreciate. Perhaps I can encapsulate this, and I hope this assists Senator Cooney. I think what Senator Cooney is asking, Minister, is whether in the event of a call-out the ADF would operate under the doctrines of the Manual of Land Warfare or whether there would be new doctrines established, as a result of the passage of this legislation, to apply in the event of a call-out. I see some of my colleagues in the chamber nodding their heads. I am trying to encapsulate this, but I think that is a key point on which the committee would like to hear from the minister. That is it, Barney, isn’t it?

Senator BROWN (Tasmania) (10.11 a.m.)—I would like to assist the chamber here by saying that the Manual of Land Warfare that the minister refers to has only a cursory reference to what would happen if there were a civil disturbance. It does not cover the field at all. The minister has hinted at some other form of regulation, and I think that is really what Senator Cooney is wanting to know about. You see, what we have here is a piece of legislation that is not antiterrorist; that is part of it. If it were antiterrorist, I would not be nearly so concerned about this, but it opens up the whole field to the use of the ADF in circumstances where civilians are not just indirectly but maybe directly involved in a protest situation, for example. We are trying to find out here what the operative guidelines are in those circumstances. The Manual of Land Warfare certainly is not an operative guideline and does not deal with that in any detail at all.

Senator ELLISON (Western Australia—Special Minister of State) (10.12 a.m.)—I think both Senator Faulkner’s and Senator Brown’s points do have relevance to each other. Perhaps I can put it this way: the Manual of Land Warfare of course would have to be reviewed after the passage of this bill, as I have mentioned earlier. Furthermore, there are training notes supplementary to that manual. So it is not just the manual itself; there are supplementary training notes to it. I would draw that to Senator Brown’s attention.

In relation to the points that Senator Faulkner raised, I think we have to remember, as the very basis, that any member of the Australian Defence Force would be subject to the law as it applies in that state or territory, and there is no escaping from that. So the Manual of Land Warfare would not necessarily give that person exemption from any of the laws of the land. For example, a member
of the Australian Defence Force would not be exempted from the provisions relating to murder or assault. Those criminal provisions would still apply to that member of the ADF as much as to any other citizen in that jurisdiction. That is the starting point. The law applies to any member of the ADF in the call-out situation as it does to any other citizen. What you have, of course, with the MLW is a manual which deals with how they go about their business in that call-out. But it is not a manual which overrides in any way the law which applies in that jurisdiction.

Senator MURRAY (Western Australia)  (10.14 a.m.)—Minister, I think behind the questions is a knowledge by the Senate that, really, any manual on standing orders or procedures needs to be broken up into its different uses in situations of different intent. Typically, if I may deal with the first and most obvious, a manual of land warfare would have to deal with a situation where Australia was at war and either conducting a war on foreign ground or defending a situation on its own ground. Secondly, it would need to deal with a situation of civil war. Thirdly, it would need to deal with your being required to act, generally speaking, in a foreign situation in pursuit of a particular objective. That might be a situation such as the East Timor objective, which is not a situation of war, but it is obviously a situation of great danger at times. Lastly, and I would think very far back in the military’s mind—I would not think of it as being something that the military contemplates as being an expected occurrence—would be the situation that this bill deals with: troops being called out to deal with a domestic incident of some sort, perhaps provoked by terrorism.

I have not read the MLW; I have just gone through a set of logical characterisations which seems apparent to me. I think it is not just a matter of the committee asking that that manual be reviewed to reflect the intentions of the bill but also that that manual would need to very much reflect the very different circumstances of troops being involved, to use Senator Cooney’s example, in Sydney during a terrorism incident. It is the specific development of standing orders to deal with a domestic situation, particularly an urban situation, in Australia which any manual of standing orders would need to deal with. That is an explanation I would seek, because I assume that the Manual of Land Warfare, in fact, covers the other range of activities that I have outlined and would be deficient in the area of domestic incidents.

Senator BROWN (Tasmania)  (10.17 a.m.)—Just to follow on from Senator Murray: I was wrong a while ago when I said that the Manual of Land Warfare does not cover the civil situation. I had the manuals mixed. It does, in fact, and it is still in place. What would happen if the Australian defence forces were to confront a crowd of Australian people who are protesting? Let me quote from the Manual of Land Warfare, the pamphlet on the ‘Aid to Civil Power’:

Use of Force
537. The intention of the military commander to use force must be communicated to the crowd. Communication can be achieved by the use of a loud hailer or banners giving a first and second warning as follows:
(a) First Warning. ‘DISPERSE IMMEDIATELY OR WE WILL USE FORCE.’
(b) Second Warning. ‘DISPERSE IMMEDIATELY OR WE WILL OPEN FIRE.’
538. A possible sequence of events in dispersal of a crowd is shown in Table 1.
At paragraph 539, suddenly the terminology applying to the crowd changes. It is now headed ‘Firing on a mob’. It states:
539. Firing on a Mob. Before opening fire to disperse a crowd, the commander must be sure that his decision to open fire is his only viable option. To that end, after the crowd has been warned, all actions performed by the troops in preparation to fire must be obvious to the mob. The ‘LOAD’ and ‘ACTION’ orders may serve to convey the import of the troops’ action to the crowd and encourage its dispersal, thereby avoiding the necessity to open fire.
540. Opening Fire. Fire must be controlled and directed only at specific individuals by a responsible officer. For example, an order may be ...
and then there is the order:
‘NUMBER ONE SECTION, ADOPT THE KNEELING POSITION; LOAD; MAN IN BLUE SHIRT WAVING AXE, AIM; NUMBER THREE Rifleman, ACTION, INSTANT, ONE ROUND, FIRE!’
541. **The Point of Aim.** The nominated rifleman, on receiving a fire order, shall aim in such a way as to disable the person. Because of the many variable conditions and factors involved, the requirement to disable and avoid causing injury to innocent bystanders is met by aiming for the centre of the target, that is, the visible mass. The nominated rifleman should, therefore, aim for the centre of the mass, except where he is sure of accomplishing his intent by aiming to hit an extremity such as a foot, shoulder or arm, without endangering any other person.

Then it goes on to explain how a subunit can open fire without that sequence of orders, if they are in fear of being overrun.

I ask the minister: is this in compliance with the state laws? Remember that these troops are at a distance beyond projectiles, so the person wielding the axe, for example, cannot get to the troops in that situation. There are police and other members of the crowd in the immediate field. But here we have an instruction to kill somebody in a crowd of Australians who are demonstrating but who presumably have not committed a serious injury. I just wonder how the minister can maintain that this is a lawful action and that a soldier given these instructions is within the laws of New South Wales, Tasmania or wherever the state may be.

**Senator MURRAY (Western Australia)** (10.21 a.m.)—Thank you, Senator Brown, that was very helpful. With the permission of the chair and the minister, I would like to assist briefly. I have familiarity with high velocity weapons. A disabling shot to the central body with a modern weapon will kill, and that bullet will pass through the individual. Therefore, in situations of crowd control you cannot with a high velocity weapon take out one person and guarantee that that person alone will be hit, because the bullet will go through. The proposed section read did not indicate an awareness of that consequence.

**Senator ELLISON (Western Australia—Special Minister of State)** (10.22 a.m.)—Can I reiterate that the manual that Senator Brown is referring to is reflected in part 5 of the Australian Military Regulations 1927, which is headed ‘Duties in Aid of the Civil Power During Domestic Violence’. As I understand what the minister has told us, the plan is to repeal part 5 of the AMR and to replace it with new regulations. I think that is the indication that you have made to the committee, Minister. For the benefit of the committee, can you indicate the status of any new Australian military regulations and whether they are instruments disallowable in the Senate?

**Senator FAULKNER (New South Wales—Leader of the Opposition in the Senate)** (10.24 a.m.)—I thank the minister for that information and hear what he says about part 5 of the AMR, which is of course ‘Duties in Aid of the Civil Power During Domestic Violence’. As I understand the indication that you have made to the committee, Minister. For the benefit of the committee, can you indicate the status of any new Australian military regulations and whether they are instruments disallowable in the Senate?

**Senator ELLISON (Western Australia—Special Minister of State)** (10.25 a.m.)—I understand that, just as other regulations are disallowable, so are these.

**Senator HARRIS (Queensland)** (10.25 a.m.)—In rising to contribute to the debate in the committee, I would like to place on the record One Nation’s total opposition to the bill. In speaking to the point that has been
raised by Senators Faulkner, Brown and Murray, I would like to go to proposed section 51T(3). That portion of the bill refers to the use of ‘reasonable and necessary’ force. Clause 51T(3) states:

In addition, if a person is attempting to escape being detained by fleeing, a member of the Defence Force must not do anything that is likely to cause the death of, or grievous bodily harm to, the person unless the person has, if practicable, been called on to surrender—

so this raises Senator Brown’s earlier point—and the member believes on reasonable grounds that the person cannot be apprehended in any other manner.

The bill itself is wide open to an instance where the ADF will be able to use lethal force. The bill itself does not even state that that person has to be in any danger themselves. The ADF member does not have to substantiate that they were in imminent danger; all they have to be able to do is on reasonable grounds say that they could not apprehend the person in any other manner. If we go to the definitions in the front of the bill, the person that it is the intent to apprehend will be apprehended because they have one of the following things: a gun, a knife, a bomb or chemical weapons. I do not have any great problem at all with this applying to anyone who is threatening an ADF member with a gun, a knife—unless there is some reasonable doubt as to whether they should use lethal force—a bomb or a chemical weapon. But the definition itself also refers to ‘any other thing that is reasonably likely to be used to cause serious damage’. So the bill itself is so totally wide open that almost anything could be substantiated. A picket off a fence or anything like that used as a weapon could be substantiated as reason to use lethal force. For the purpose of the committee, can the minister convey how he sees that a member of the ADF will be required to prove on reasonable grounds that they believe there is no other manner of apprehending the person?

Senator ELLISON (Western Australia—Special Minister of State) (10.29 a.m.)—In relation to clause 51T of the bill, I point out to Senator Harris that subclause (2) has to be read with subclause (3). Subclause (3) begins with the words ‘in addition’, and that means ‘in addition to the provisions in subclause (2)’. In subclause (2), there is the requirement that a member of the ADF, in exercising that force, must not:

... do anything that is likely to cause the death of, or grievous bodily harm to, the person unless the member believes on reasonable grounds that doing that thing is necessary to protect the life of, or to prevent serious injury to, another person (including the member); or subject the person to greater indignity than is reasonable and necessary in the circumstances.

In subclause (2)(a) there is a restatement of the law as it exists across Australia in relation to self-defence, the protection of life, and also in relation to the protection of the life of another person or protection against injury to another person. Subclause (3) is in addition to that. You cannot read subclause (3) in isolation. Subclause (3) has been included because there may be a hostage situation where the person who is fleeing is fleeing to execute hostages. Subclause (3) is to incorporate any possible situation that might arise. Remember that we are dealing with very serious circumstances. Look back to the Munich Games and the hostage situation with the Israeli athletes—that is a classic circumstance where this provision might apply. But it must be read with subclause (2), which has that onus on the member of the ADF. Subclauses (2) and (3) must be read together, and we do not believe that gives a member of the ADF any increased licence to break the law.

Senator BROWN (Tasmania) (10.31 a.m.)—Minister Ellison has said that the new rules which are going to govern the use of the ADF in civil situations, if this legislation passes, will be a disallowable instrument. Until that instrument has been allowed or disallowed, he is indicating that the current Manual of Land Warfare ‘Aid to Civil Power’ is the instrument that will be in place to guide the potential use of the ADF in the coming months during the Olympics and the World Economic Forum period?
Senator COONEY (Victoria)  (10.30 a.m.)—In addition to Senator Brown’s comments, I turn to clause 51T of the bill. I have discussed this with Mr Dabb. It is always a great pleasure to discuss things with Mr Geoffrey Dabb—and with Mr McDougall, for that matter, but Mr McDougall is much younger and not yet as wise as Mr Dabb.

Senator Coonan—Shows enormous promise.

Senator COONEY—Yes. To look at subclauses (2) and (3), we have discussed the words ‘in addition’. Minister Ellison says that subclause (3) has to be taken with subclause (2), but I am not sure how it can be. Clause 51T talks about the ‘use of reasonable and necessary force’. Subclause (1) says that a member of the ADF may use such force against persons. Subclause (2) says that, in circumstances where you want to prevent serious injury to another person or to protect the life of another person, you can take certain action—that is, you can cause death or grievous bodily harm. That is where you have somebody who is going to cause serious injury to another person—for example, you are a soldier and you see that Senator Crowley is going to cause serious injury to Mr Evans, so you take action against Senator Crowley. That is a situation where she is causing serious injury to someone. Subclause (3) does not contemplate that at all. Subclause (3) is aimed at stopping somebody from escaping. There is nothing in subclause (3) that suggests that the person, while escaping, should be causing bodily harm to anybody else. In most cases where they are escaping, they are running away—of course, they might be shooting as they are running away. But, in spite of the words ‘in addition’, subclause (3) seems to contemplate something quite different from subclause (2). I do not want to cast any aspersions on the Office of Legislative Drafting—I would never do that—but I am not sure that the words ‘in addition’ do carry this into a situation where subclauses (2) and (3) are taken together. They seem to be quite separate situations—unless you say that you can take this action only when the person escaping is likely to cause injury to somebody else, but that does not quite make sense.
tion, that person—the criminal, if you like—is still going to inflict serious injury on another. The fact of escaping is quite irrelevant to that. So, the only additional thing in (3) is the escaping. If you were charging a jury, you would say that (2) really covers the whole situation and the only additional thing about (3) is that the person is escaping.

Senator ELLISON (Western Australia—Special Minister of State) (10.40 a.m.)—There is an aspect I would like to raise. Firstly, to take the scenario I mentioned earlier, it could be said to the member of the ADF, ‘Why did you fire? That person was running away.’ Subsection (3) covers that situation squarely. If you did not have (3), that could be raised under (2) and it could be said, ‘That person was escaping and you shouldn’t have fired.’ Then they would say, ‘I fired because that person was going away to do more damage.’ Then it could be said, ‘It did not look as though that was the case. Where were the reasonable grounds for thinking that?’ What (3) does is bring it into focus and squarely give that person the legitimate coverage. It adds another dimension. It has the requirement that the person is being called on to surrender.

It says that the member of the ADF cannot act in the manner described unless, if practicable, the person has been called on to surrender and that the member believes that the person escaping cannot be apprehended in any other manner. It provides also protection for the individual in the exercise of this power because, if you have a practical call to surrender and there is no other means to stop the person, it allows the ADF to act in circumstances where an escape is not really to run away but to run away and do some harm.

Senator BROWN (Tasmania) (10.42 a.m.)—Senator Cooney is pointing out the real core of the problem we have with this legislation. It is not anti-terrorist legislation; it is not confined to terrorism. It is legislation that is available to be used in a whole range of situations where the Prime Minister or the minister for defence of the day thinks there might be domestic violence, that is, in crowd control against Australian citizens. So, the list of instructions which might apply to a terrorist situation—like the Munich situation that the minister gave as an example—apply to crowd control situations in Australia without any further specific direction. It does not say that a person escaping can be shot if they are about to throw a grenade which will kill people. It just says a person can be shot if they are escaping.

I think that leaves the defence forces vulnerable, and it certainly seems to be a licence which ought not to be there when you are controlling domestic violence within Australia. The problem with this legislation is that it is aimed at terrorism but has been extended to a whole range of unspecified domestic situations in which it becomes terrifying. If the government wanted to have the ADF on hand to deal with domestic situations which do not involve foreign terrorists, the legislation should specifically deal with that. We should have a separate piece of legislation dealing with terrorism, but we do not. They are all bundled in together. That is the whole problem with this legislation. It is treating, in certain circumstances, an Australian crowd as a terrorist phenomenon. It is not, it never will be and it never has been. It gives the defence forces powers beyond those of the state police forces, and it does not specify them.

A really important question is: does the Manual of Land Warfare or whatever replaces it have the power of law? Would a soldier who fired on and killed an Australian citizen, under the rules as outlined in that manual, be able to use that as a defence in the court? I do not think they would. No wonder the states have said that it is unsatisfactory to bring this legislation before the parliament without consulting them. We have a century of developing laws under which the police are used in domestic violence situations, and the laws are honed very finely for that. They have always been upgraded to meet the situation of a civilian emergency or crisis. That is not the situation with this legislation.

The ADF has never been used in armed confrontation with Australian citizens, but suddenly it is going to be used without that whole history which allows the laws to be very explicit as to what soldiers can or cannot do. The police know what they can or cannot do. I submit to you, Minister, through the chair, that this leaves not only citizens vul-
nerable but also members of the ADF vulnerable. This manual is not a legal document. It exposes members of the armed services to court action which will make them very vulnerable indeed—and so they should be. The alternative is to say to soldiers who are brought into a civil conflict in Australia, ‘You have to know what the law is in the Northern Territory, Western Australia or Tasmania, wherever it might be. You have to do a crash course. You have to be up to speed, as police officers are.’ That is unreal. That is not going to happen. The government is exposing not only Australians but also the Australian defence forces to a legally indefensible situation through this legislation.

The minister did not answer my previous question, so I will ask him to do so. The Manual of Land Warfare currently guides the ADF on what to do in a confrontation in Australia. The minister says it will be replaced in the wake of this legislation with a new instrument which is disallowable. I ask the minister: will that instrument be brought before the parliament in the next week? If it will not, that means the Manual of Land Warfare which we have here is the guiding document as far as the armed services are concerned until some time after the Olympics. We are told that this is for the Olympics and for other events that might occur in the next couple of months, but we are not seeing the rules and regulations that come with this legislation. It seems to be a very profound shortcoming here.

I ask the minister: will he bring to the committee the new guidelines? I do not believe that they do not exist. I think they are there. I think they are ready to be put in place. If they are not, they should be because we should not have legislation before the parliament when its implementation depends on a set of regulations which are not available. The states have complained about that. The Senate should not allow the situation to occur where we have the legislation but we do not have the all-important regulations. We should be discussing the two together. Unless the minister can say otherwise, we are left with the real situation that this Manual of land warfare is going to be the de facto document—the set of standing rules—should the ADF be used in the coming months.

Senator ELLISON (Western Australia—Special Minister of State) (10.49 a.m.)—For a start, the manual is not a disallowable instrument and the manual can be revised as soon as this bill is passed. The manual reflects the regulations, which I have mentioned, and they will be replaced. From an operational point of view, on the passing of this bill the new provisions can be put into effect almost immediately. The manual is not the disallowable instrument. As I mentioned earlier to Senator Faulkner in relation to his query, it is the regulations that are disallowable. The regulations will be brought in as soon as possible.

Senator BROWN (Tasmania) (10.49 a.m.)—The new manual is sitting there waiting. I ask the minister to present it to the committee. Let us see what the new manual says.

Senator ELLISON (Western Australia—Special Minister of State) (10.50 a.m.)—I understand that the manual is actually under revision at this moment. The revision has not yet been completed.

Senator BROWN (Tasmania) (10.50 a.m.)—I do not believe that. We were told that a new manual would be ready to be brought in as soon as this legislation was through. That will be tonight. What the minister is saying is that there is a manual there that we cannot see because it is not finished, but it will be ready in the morning. I do not accept that situation. I think a lot of work has been done on that manual. I think we are being foxed, and that is not good enough. I believe there is a lot of secrecy being indulged in here. The parliament needs to know what it is dealing with.

The minister says that this manual comes from the 1920s. It is dated 1983. It is the current manual in place. It will not be in place with the passage of this legislation. I want to see the new manual. That is commonsense. I do not accept that somebody is still changing the rules and does not have a manual in place that would be the one we would be dealing with if the government’s legislation, as it stands, gets through. I am satisfied that there
may be some changes if there are amendments made in the Senate. But I believe that manual is there. I believe it has been drawn up to meet the provisions of the legislation as it stands and that the Senate should see it.

Senator ELLISON (Western Australia—Special Minister of State) (10.51 a.m.)—I said that the revision of the manual will be completed on the passing of this bill because, naturally, we have to see in what form this bill will be passed. I am assuming that it will be, but the fact remains that there are some other amendments coming from the opposition.

Senator Faulkner—Very good ones, too.

Senator ELLISON—We are agreeing to those amendments. As I understand it, we have had some consultation with the opposition on these matters. But I just want to say that the manual is under revision. That revision cannot be completed until this bill is passed so that we know exactly what we are dealing with. We are revising the manual at this moment. It is something which obviously cannot be completed until the bill is dealt with.

Senator HARRIS (Queensland) (10.52 a.m.)—I would like to go back to an issue that Senator Brown raised briefly earlier. He referred to a hypothetical event where in one area we have the state police and, if we then have the situation where the ADF has been called out, we have the ADF in another area. The minister earlier on said that Defence Force personnel are going to be submitted to the same laws as the police or any other citizen in the state. How does the minister reconcile that with section 51F subsection (2), which states:

Subsection (1) does not require or permit the Chief of the Defence Force to transfer to any extent command of the Defence Force to the State or the Territory, or to a police force or member of the police force of the State or the Territory.

So we have a situation where there is an incident and there are police and Army personnel involved. The bill itself specifically says that the troops are under the control of the Chief of the Defence Force. Is there any conflict then between the rules or the laws that they would be subjected to under the provision that they are being directed by the Chief of the Defence Force and the minister’s statement that they will be subject to the laws of the state in the same way as any other citizen?

Senator ELLISON (Western Australia—Special Minister of State) (10.54 a.m.)—The advice I have is that this reflects the constitutional provision of the states not being able to raise a military or paramilitary force themselves. You have this provision so that the Chief of the Defence Force is in command, because the Constitution says that if there is any military force the Commonwealth should be in charge of that. That does not mean, however, that the state or territory police—whoever it is—would not be in control of the situation. This merely covers that constitutional provision, citing that if you have a parliament paramilitary situation the Chief of the Defence Force should be in command. That is a constitutional provision.

Senator HARRIS (Queensland) (10.55 a.m.)—The minister is clarifying a section on defence. My question went specifically to the legal situation that a member of the Defence Force finds themselves in where the government’s bill clearly articulates that the Chief of the Defence Force is not even permitted to transfer the control of that force to anyone else. The minister clearly said before that those defence personnel would be subject to the laws of the state. Is there any conflict between the position of ADF personnel being members of the armed forces—in other words, they have rights and responsibilities as members of the ADF—and your statement where you said that they would be subject to the laws of the state?

Senator ELLISON (Western Australia—Special Minister of State) (10.57 a.m.)—Not at all. In relation to that, it is very clear. You cannot have a police superintendent commanding members of the ADF, and the fact that we have this provision in no way means that members of the ADF are above or in any way not subject to the laws applying to that state or territory. So I can assure Senator Harris in that respect that there is no conflict whatsoever.

Senator HARRIS (Queensland) (10.57 a.m.)—I would just like to go back to Senator Cooney’s reference to section 51T where he
was speaking of the structure and drafting of the bill. As the minister has indicated, if we look at subsection (2) of section 51T between parts (a) and (b), we find the word ‘or’—this is in continuation of Senator Cooney’s point—so there is a linkage between those two parts of the bill. There is no such linkage at the conclusion of part (b) and subsection (3). If it is the government’s intention that these be linked, I would suggest removing the full stop after ‘circumstances’, putting in a semicolon and inserting the word ‘and’. The bill would then read: ‘subject the person to greater indignity than is reasonable and necessary in the circumstances; and in addition’ That would provide the linkage. Would the minister also give us an indication of what is inferred by the word ‘indignity’?

Senator ELLISON (Western Australia—Special Minister of State) (10.59 a.m.)—I want to assure Senator Harris that the words ‘in addition’ in subsection (3) are exactly that—it is in addition to subsection (2). As I reiterated in response to this point when it was raised by Senator Cooney, I do not think I can take it any further. It is clearly the intention that this is in addition to the other subsection.

Senator HARRIS (Queensland) (10.59 a.m.)—It is normal drafting procedure that if there are to be linkages between sections of a bill that is clearly indicated. What I am saying to the government is there is no linkage between those two sections. If it is the government’s intention to have the linkage, put the word ‘and’ after the completion of (b). It is very simple. It is a simple amendment. Then there is clarity, there is absolutely no way that that could be misunderstood. The second part of that question that I put to the minister was: would the minister indicate to the committee what is the definition of the word ‘indignity’ when it is used in (b)?

Senator ELLISON (Western Australia—Special Minister of State) (11.00 a.m.)—Firstly, we just apply the ordinary meaning to ‘indignity’. I really do not think I can take it any further. If we included ‘and’ in this it would, we believe, add no value and make the drafting even messier. I think it is quite clear as it is, and I have expressed the intention of the government.

Senator BROWN (Tasmania) (11.01 a.m.)—I come back to my previous point. The minister has said that the Manual of Land Warfare is the current operative manual but that it will be replaced by a revised edition with the passage of this legislation. I have asked the minister to present the committee with the edition revised to take into account the government’s legislation, because that exists. If it does not, the minister can say so, but I tell you, Madam Chairman, that that exists. What the minister is saying is that he will have to change it to accord with the Labor amendments—which we now hear are going to be accepted by the government—so he cannot give us the final manual. What I am asking the minister—and I am going to get an answer on this, one way or another—is: will that manual be presented to the Senate before we rise for the Olympics?

Senator ELLISON (Western Australia—Special Minister of State) (11.02 a.m.)—I cannot give that undertaking, because we just do not know when this bill will be passed and in what form. I can say again—and I do not think I can take it any further—that this manual is under revision. It is a working document. It has not been finalised. I think that makes it very clear. Perhaps we can move on to some other areas and make some progress.

Senator BROWN (Tasmania) (11.03 a.m.)—The minister might hope! What we have here is a cover-up. We are being told by the government that they want this legislation through for the Olympics, and they have a manual which is going to replace the current instruction manual for soldiers who are deployed in a terrorist situation or in a situation against Australian protesters or strikers—forever and a day. The government are saying they have got the rules that apply to the new legislation, because they are not going to show the Senate and they are not going to tell the Australian public. I reiterate: if this was an antiterrorist bill I would have sympathy with secret instructions about the operations at ground level—that is sensible—but the government has opened this right up. This is now legislation where the Australian defence forces can be deployed against Australian civilians who are protesting or striking, in any situation in which a minister named in
the bill takes it into his head with colleagues that there could be domestic violence further down the line. What is more, the ADF in those circumstances can be deployed without the consent of a state or territory government. This is a massive change to a century of practice in this country.

I want to see—and this parliament should insist on seeing—the operative guidelines for when a future government brings out the troops against Australian civilians. We know what the police guidelines are at state level; we should know what the ADF guidelines are. It is reprehensible that this government is not honest enough to tell the Australian people how it would use the defence forces if they are brought out against the Australian people. It is not acceptable. I will not accept it. This government has an obligation—in a democracy; it is not an authoritarian state—to be open and honest about this matter.

Senator McGauran—Tell the UN that.

Senator BROWN—That interjection from the government ranks speaks for itself. This government has moved deliberately to give itself the power to bring out the ADF against Australian citizens protesting or in a whole series of situations, so let the government be honest and bring out the manual that is going to be used, given to those soldiers or service people, in that situation. What the government is saying is it will not, that it is secret. That is a totally intolerable situation in a free and open democracy. It is reprehensible. It is not acceptable. I reiterate: if we were dealing with terrorism per se—if that was it—different argument. If we were dealing just with a terrorist situation potentially with the Olympics, a la Munich: different situation. But the government has opened this right up, to every situation in future that occurs in Australia anywhere. It is up to ministers, to politicians here in Canberra, to be able to say, ‘Is this a situation where—for political purposes if they want to—we bring out the ADF, to defend a policy decision we have made?’

This is putting the ADF in a situation where it can be used for political purposes in this country. The government must, if it is honest about this, present the guidelines to the parliament. The states have said they were not consulted before this legislation came in. The states have said, ‘Where are the operative guidelines?’ The states have a point. I do not believe anybody in this Senate should allow us to pass this legislation without our seeing those guidelines. It is a very serious matter. I appeal to the rest of the Senate if the government has not got the decency to treat the Australian public with the respect it deserves with this massive change in the way in which the government can in the future employ troops in domestic situations in Australia.

Senator MURRAY (Western Australia) (11.08 a.m.)—On the same point, I would like to add my support to Senator Brown’s remarks. The fact is that, until such time as there is a manual, the current manual applies, as I understand it. And I would assume that soldiers in the ADF are trained in respect of that manual. When the new manual comes out—and we have no idea when it will come out—I assume that there then will be a training period required for soldiers to adjust to the new rules, which hopefully will be a little more apposite to our situation and the prospect of the bill than that manual is, such as I have heard read out. So my question to the minister is: when the manual comes out, how long will it be before ADF troops who are capable of being used under this legislation are fully trained in respect of the new manual?

Senator ELLISON (Western Australia—Special Minister of State) (11.09 a.m.)—I think I covered this the other day when a question was put to me about there being in existence some task force. I said there was some training in existence, which is the case. Having regard to that, the introduction of a new manual would not pose any problems in regard to the capability of any task force to be available for deployment in any situation at the Olympic Games. So, really, the introduction of a new manual would not be seen as such a problem in that regard.

Senator BROWN (Tasmania) (11.10 a.m.)—I ask the minister to clarify that. He says that there is some training taking place under the rules as they exist, but earlier in the debate he told the chamber that the situation still existed which Mr Beazley, the then
Minister for Defence, told the parliament about on 20 October 1993. Mr Beazley said:
I reiterate that there is a specific directive which prohibits this type of training.

Has that directive been abandoned?

Senator ELLISON (Western Australia—Special Minister of State) (11.10 a.m.)—That was a directive about riot control; this is something quite different that I am talking about. That directive which was mentioned then by the Leader of the Opposition is a directive which remains in force, and it relates to riot control.

Senator Faulkner—No, he was the Minister for Defence. He wasn’t the Leader of the Opposition; he was the Minister for Defence.

Senator ELLISON—He is the Leader of the Opposition now.

Senator Faulkner—Yes, but he was the Minister for Defence. That is the context that you’re talking about.

Senator ELLISON—I think the Leader of the Opposition, who was then the Minister for Defence—

Senator Faulkner—Correct. I’m glad you’ve got it right.

Senator ELLISON—He was referring to a different situation. If Senator Faulkner wants to prolong these proceedings, we can debate that all day. But I think that answers Senator Brown’s question quite clearly.

Senator BROWN (Tasmania) (11.11 a.m.)—It does the exact opposite; it gets the minister into further difficulties because this manual specifically is about everything but riot control. What the manual says is that riot control is a matter for the police. This is not a manual for riot control; it is a manual for assault on a civilian crowd which has gone beyond what is classified as a riot. This manual is specifically about everything beyond riot control. The then Minister for Defence said:

I reiterate that there is a specific directive which prohibits this type of training.

The minister said that there has been training under this manual. He then tried to duck it by saying it was riot control training. I have acquainted him now with the fact that this manual is about dealing with crowds, which is not riot control. He has told the parliament that there is a specific directive still in place which says that there shall not be training according to the rules in this manual. He is in a situation of contradiction. I would like him to clarify it.

Senator ELLISON (Western Australia—Special Minister of State) (11.13 a.m.)—I do not think I can take it any further than to say that Senator Brown is misunderstanding the difference between the training that I have mentioned and the directive that applies to riot control. The Manual of Land Warfare is quite clear in what it covers. The training that is in existence, and which I have mentioned, is not in conflict with the directive that was made in relation to riot control.

Senator HARRIS (Queensland) (11.14 a.m.)—I would like to broaden the discussion we are having on this point by drawing from the minister an explanation of how the Australian people can accept the situation that the government is going to put before them. The government is proposing a diametric change from any situation that we have previously had in Australia. The Australian defence forces are trained to neutralise an enemy, which is the sanitised terminology; they are trained to kill. On the other hand, we have the Australian Federal Police who are trained to protect both life and property.

My question to the minister is: why is the government bringing forward this bill which will result in Australian defence forces being brought out against Australian citizens, irrespective of the circumstances, when the Australian defence forces are trained to neutralise an enemy and the government has at its disposal the Australian Federal Police, which I might add the Australian defence forces can be and have been seconded to serve under? So why is it that the government is bringing forward this bill in the form that it is when it has the option of seconding Australian defence forces to the Australian Federal Police and the government is totally turning its back on SAC-PAV, which is the organisation that was set up to do exactly what the government is saying this bill will provide?

Senator ELLISON (Western Australia—Special Minister of State) (11.17 a.m.)—Senator Harris needs to look at the second reading speech and the speech in reply, which outline this all very clearly. This is setting in
this all very clearly. This is setting in place a fair and transparent regime which deals with call-outs. It is replacing an antiquated regime that we have in place at the moment and it provides, I believe, accountability and transparency, which is much improved on the current situation. It is a situation which deals with call-outs. Call-outs are not where you use the defence forces to merely do policing work. It is a very serious situation that is contemplated here and something which would only happen in extreme circumstances where the state or territory police force are not able to cope with a situation. I just ask Senator Harris to look at those speeches. It is covered adequately there.

Senator COONEY (Victoria) (11.18 a.m.)—The point I want to make—and I think the minister will understand this—is that a lot of these problems that have been raised give rise to the question of what sort of people are going to be used. We have all had the experience of young, immature policemen, as distinct from the mature and the wise, who can cause all sorts of problems in the street by approaching a group in the wrong way. I was wondering whether the Army or the government have in mind the sorts of people they are going to use to carry out any activity that needs to be carried out in Sydney or elsewhere. In other words, are there any regulations or guidelines as to the maturity of the troops? If you have a young fellow who is going to shoot because he is frightened, then that is understandable. The way to prevent that is to have people of the proper disposition and proper character—not in terms of moral character, but proper fibre—and people who are not going to panic in dangerous situations.

Senator ELLISON (Western Australia—Special Minister of State) (11.19 a.m.)—In answer to Senator Cooney’s question, obviously only experienced and capable people would be used. I just point out that 57 per cent of the ADF personnel these days have a tertiary qualification. It is obvious that people who are inexperienced would not be used in these circumstances. You would use them for the training and experience they have.

Senator COONEY (Victoria) (11.20 a.m.)—You would not want a person who was aggressive in the sense of wanting to force his or her way through when that is not called for.

Senator BROWN (Tasmania) (11.20 a.m.)—I come back to the point of the directive that the Australian defence forces were not to be used in the type of training which could be utilised against Australians. I ask the minister: is that the case? Has there been no training of that sort?

Senator ELLISON (Western Australia—Special Minister of State) (11.20 a.m.)—I am advised that there has been training in relation to the specific tasks as outlined in the national antiterrorist plan and that that training is appropriate for those purposes.

Senator BROWN (Tasmania) (11.21 a.m.)—What happens if a civil emergency arises where there are not terrorists but a domestic violence situation, to use the government’s word, involving a protest or a strike?

Senator Ellison—The police would deal with that situation.

Senator BROWN—Then why allow for the troops to be brought in in that situation under this legislation?

Senator Ellison—As I stated earlier, the call-out would only be in the circumstance that the situation was beyond the capability of the police force involved.

Senator BROWN—Has there been training by the Australian defence forces to meet a situation where a protest or a strike gets beyond the ability of the police to control?

Senator ELLISON (Western Australia—Special Minister of State) (11.22 a.m.)—I will briefly outline the tasks that are mentioned here—that is, in the event of a call-out, the sorts of tasks we are looking at are the recovery of hostages held by terrorists; recovery of aircraft, ships and land vehicles; recovery of offshore oil and gas installations; recovery of buildings and installations; cordon; building search; control of public movement; picketing; and guarding. Those are the sorts of tasks that we are envisaging in the situation of a call-out. I think that is fairly clear.

Senator BROWN (Tasmania) (11.22 a.m.)—So what is the training for the ADF
for a situation of controlling public movement or picketing, which involves civilians?

Senator ELLISON (Western Australia—Special Minister of State) (11.23 a.m.)—The advice I have is that the training does involve dealing with members of the public. The guarding and picketing I have mentioned could cover, say, the containment of a very dangerous situation—that is, a situation where the defence forces are guarding a potentially dangerous situation. For instance, to cordon it off from the public would be a highly desirable situation. They have training in relation to how they deal with the public.

Senator BROWN (Tasmania) (11.23 a.m.)—Is the minister referring to the public picketing or to the troops picketing?

Senator Ellison—It is picketing by the troops.

Senator BROWN—Minister, how does the ADF or the minister involved determine that the police are unable to handle the situation? Does this require in all circumstances a written communication from the police to say that they need help?

Senator Ellison—No, it is done in consultation with the police force in the state or territory where the situation has arisen.

Senator BROWN—The bill does not say that. I ask the minister to point out where it does, and I ask what ‘consultation’ means. Does this mean that consent?

Senator Ellison—There are proposed amendments dealing with this. But, in any event, the national antiterrorist plan covers that very point of consultation.

Senator BROWN—Is it required that there be police consent?

Senator Ellison—There is a provision under the bill itself for request by the police. But, in any event, the consultation of the police is required by the current national antiterrorist plan.

Senator MURRAY (Western Australia) (11.25 a.m.)—The point Senator Brown is making is that there is no requirement for the consent of the police commissioner of a state, there is no requirement for the consent of the premier of a state, there is no requirement for the consent of his or her cabinet, and there is no requirement for the consent of the leader of the opposition of a state. So you do not get the consent of the police commissioner of a state, the premier of a state, the leader of the opposition of a state or the cabinet of a state. In other words, if you read this bill, ‘consultation’ is the word used. Consent is not required, and that means that the Commonwealth authorities, the ministers concerned, could take arbitrary action. Where in this bill does it require consent?

Senator ELLISON (Western Australia—Special Minister of State) (11.26 a.m.)—I point to section 51F, which states:

... the Chief of Defence Force must, as far as is reasonably practical, ensure that:

(b) the Defence Force is not utilised for any particular task unless a member of the police force of the State or the Territory specified in the order requests, in writing, that the Defence Force be so utilised.

That is actually a request for the task to be carried out by the police.

Senator MURRAY (Western Australia) (11.26 a.m.)—But the authorisation, Minister, does not come from the Chief of the Defence Force; the authorisation comes from the authorising minister or ministers. They give orders to the Defence Force and the Defence Force will enact them. Nowhere does it require those authorising ministers to have received the consent of a police commissioner, a premier, a cabinet or a leader of the opposition. The authorising ministers are not required in this bill.

Senator ELLISON (Western Australia—Special Minister of State) (11.27 a.m.)—You could have a call-out, but the call-out would be to no avail if there was no request by the police. The call-out could be made and nothing would be done because the point I have just made is crucial. The particular task which has to be carried out has to be at the request of the police. You could have a call-out and they are all there but they do nothing. The action that is needed is only taken at the request of the police.

Senator BROWN (Tasmania) (11.27 a.m.)—So does that mean, where a Commonwealth installation is at stake, there is a
call-out and the ADF cannot be deployed without the use of the police?

Senator ELLISON (Western Australia—Special Minister of State) (11.27 a.m.)—That is a totally different situation which is covered by different legislation. The Crimes Act deals with that. There is also defence legislation which deals with that as an entirely separate situation.

Senator BROWN (Tasmania) (11.28 a.m.)—It is not. The problem here is that the minister is trying to fox us again. This bill does not require a call-out from the state. The bill gets around that. It says that, where Commonwealth interests are involved, the ADF can be sent in because a minister or three ministers believe that there is likely to be violence, which is unspecified. Minister, in that circumstance are the police going to be consulted, and in that circumstance is police permission required before the deployment of the ADF?

Senator ELLISON (Western Australia—Special Minister of State) (11.29 a.m.)—To reach call-out the minister has to be satisfied that there is a lack of capability, and that cannot be arrived at without consultation with the police concerned. So you just cannot get to that point. You are saying that this could lead to a situation where the police are bypassed. That cannot happen. There has to be that consultation for the minister to get to that decision that there should be a call-out.

Senator BROWN (Tasmania) (11.29 a.m.)—That is not so. That is not in this legislation. That is what we are moving to put into this legislation, that the consent of the state be required—that is, the consent of the police and the state government that is involved. The government is going to vote against that. Specifically because it does not want the consultation mechanism that it talks about to be a permission mechanism. It is not in the business here of saying, ‘We will be guided ultimately by the police as to whether or not they are being overrun.’ That is not in this legislation. This legislation is about sending in the troops anyway. The minister can talk about how consultations might or might not take place, but they are not specified in the bill and consent is not required. That is what is wrong with this legislation.

Mr Wilkins from the cabinet office in New South Wales, in writing to the Senate committee, pointed out that an extraordinary situation could arise where state police are in an oppositional situation to the Australian Defence Force—that is unthinkable. That is because this legislation is totally unsatisfactory, unless you are looking at it from an authoritarian viewpoint of a government here in Canberra which says, ‘In the future we want full rein on what we do in respect of interest groups and protests.’ The police are cut out of this. Consultation, as we all know in this place, means a phone call to tell you that something is happening, if that is what the minister wants to limit it to. It does not require permission or consent. It requires nothing more than a phone call to say that this is what is happening and a response. That is totally unsatisfactory. I cannot believe that the Labor Party is going to go along with that.

Senator MURRAY (Western Australia) (11.31 a.m.)—I rise to speak on the same point about the minister’s discretion. Minister, we are bringing your attention here to the problem that the discretion is too broad and the safeguards are too limited. Without specific consent from a state police commissioner, a state premier, his or her cabinet and a state leader of the opposition, we are left in a position under this bill of having to accept the ‘trust us’ line. I think your problem is that you are seeing it from the perspective of the current government. Whilst it may be appropriate to have a ‘trust us’ line for the current government or the Labor opposition, neither the current government nor the Labor opposition can foresee what kind of government and what kind of opposition we will have in the future. It might well be that you would act properly as a government, even despite the extraordinary discretion given to you by this bill. It might well be that the Labor opposition, if they obtained government, would also behave in that same way. But you cannot guarantee to us the nature, form, manner or morals of a future government or a future opposition in this country.

The discretion you are permitting to go through with this bill—the lack of consent, the lack of safeguards—can potentially put us in dire peril, as it has in other countries in the
world which have been given such discretions and authorities. It is an act of extreme naivety to believe that Australia can be protected from the evils and bad morals in government that have afflicted other countries. That is what we are arguing. We have consistently said that there is absolutely no problem with having a narrowly defined bill, specifically one that deals with terrorism and other issues of national emergency, but the discretions here are too wide and there are limited safeguards. Minister, it is true, is it not, that consent is not required? Consultation in the hands of a government of bad faith could simply represent the telling of that government as to what you are going to do because consultation is not defined and consent is absent from the bill.

Senator ELLISON (Western Australia—Special Minister of State) (11.34 a.m.)—Briefly, there is an amendment proposed in relation to consultation, which we agree with. The Senate committee, when it looked at this, made a recommendation that we are following, which dealt with notifying the state or territory. We believe that the provisions dealing with consultation are adequate. In relation to the discretion of the minister, this bill actually circumscribes the discretion which exists at the moment. In fact, this bill is bringing more transparency than previously existed. I remind Senator Murray and Senator Brown that the committee’s report looked into this, and we have been following the recommendations in that regard. We believe that the amendment which is being proposed in relation to consultation is satisfactory, and we will be supporting it.

Senator HARRIS (Queensland) (11.35 a.m.)—For the benefit of the chair, earlier on the minister in reply to a question on 51T described the word ‘and’ as messy as far as the drafting is concerned. Could the minister give me an assurance that, where the government has decided to be messy and put ‘and’ in the bill, it is used in the sense that either section of the bill that it joins can be used independently, or must they be viewed jointly?

Senator ELLISON (Western Australia—Special Minister of State) (11.36 a.m.)—I have made the decision on this quite clear. For the third time, I say that subclause (3) has to be read in addition to (2) and that if (3) comes into play it must be read jointly with (2). There is no escaping that.

Senator HARRIS (Queensland) (11.36 a.m.)—Moving to section 51F of the bill, ‘Assistance to, and cooperation with, State etc’. I will read into Hansard the whole of 51F:

Section 51F Assistance to, and cooperation with, State etc.
Subject to subsection (2) and to sections 51E and 51G in utilising the Defence Force in accordance with section 51D, the Chief of the Defence Force must, as far as is reasonably practicable, ensure that:

(a) the Defence Force is utilised to assist the State or Territory specified in the order and cooperates with the police force of the State or Territory; and
(b) the Defence Force is not utilised for any particular task unless a member of the police force of the State or the Territory specified in the order requests, in writing, that the Defence Force be so utilised.

With the government’s own drafting, if the word ‘and’ is to be used to bind those two together, then the government or the Governor-General cannot issue an order unless they have consulted with the police of the state or territory.

Senator BROWN (Tasmania) (11.38 a.m.)—The current manual in use, which we have referred to, is always in a situation in which the police are there to control the riot and, when the riot gets out of hand, the Australian Defence Force is brought in. But we now have the situation where the police may not necessarily be there. Under this legislation, you could have a call-out of the troops and notification of the state, but the state not having its police officers either working with or at the site of the point of concern.

Under the existing rules, section 525 talks about a number of operations that could be used against demonstrators for crowd control, including the use of gas, where gasmasks must be issued to the troops in that circumstance. The next part reads:

d. Application of Fire. As a last resort, troops may be required to open fire on the crowd to disperse it. The principle of minimum force must be kept in mind by the commander. Therefore, initially, only selected individuals should be nomi-
nated to fire upon selected agitators in the crowd. The agitators will be nominated by the representative of the civil authority—

that is, the police. My question here is: what happens when the police are not there to select the agitators who are to be shot in a protest that is occurring in Australia?

Senator ELLISON (Western Australia—Special Minister of State) (11.40 a.m.)—I have said it before and I will say it again: this manual is one that, on the passing of this bill, will be revised. It is the intention under the provisions of this bill that the ADF work closely with the police authorities concerned, and that very provision could well be one of the ones that is totally revised as a result of the passing of this bill. To discuss the current manual really is of no value, because we are talking about a new regime of things, which is incorporated in this bill.

Senator BROWN (Tasmania) (11.40 a.m.)—The minister is insulting this committee in that he is saying that we cannot validly discuss the current regulations but he is not going to give the new regulations to us to look at and debate. That is a travesty of informed debate in the Senate about a matter which affects Australia very much. It is totally unacceptable behaviour by the government. I would point out here that the rules will be revised, and they will be revised for the situation where there are not police on hand. We then have the situation where the Australian Defence Force will selectively pick out people in the crowd to be shot. These people are progressively described as ‘dissenters’ and then, when it gets to the actual crowd situation, they become ‘agitators’. The current rules go on to say that in those circumstances:

Such fire must cease as soon as the crowd begins to disperse. Fire by subunits—

that is, of the Australian Defence Force—

can only be justified as a final defensive measure if the troops are in danger of being overrun and weapons lost, or against armed dissidents ...

What we have been dealing with is an unarmed crowd, where the defence forces are used to shoot selected individuals in an unarmed crowd. I find this extraordinary. This manual, in some ways, would do justice to a regime in some of the worst places in the world. It is not defined. It is an outrageous projection of the abuse of the Australian defence forces against Australian civilians who are acting peacefully to protest or to strike. The revision should be before the Senate, so that we can eliminate this sort of military projection of the use of deadly weapons against crowds of Australian people. No wonder there has been a directive in place over the last decade that the Australian Defence Force shall not be trained, according to this manual, for use against Australian civilians. But it appears—although I cannot get to that, and the minister is certainly not going to admit to it here—that in recent times that directive has either been abused or at least loosened or bent to some degree.

We ought to have these matters being debated before the Senate. We are not going to get that debate, and I am surprised that the opposition is not leading the charge on this matter. This is profoundly serious legislation that affects the Australian community. As Senator Murray has said, legislation like this ought to be drawn up, having in mind a less responsible government somewhere down the line in the future, to circumscribe the government from unleashing the Australian Defence Force, so that it cannot be abused by a government down the line. To think that cannot happen in this country is to be naive, absolutely naive. We should be legislating responsibly here, and we are not. I can go on to enumerate other parts of this manual. The minister will always say, ‘Well, it is being revised.’ As far as I am concerned, the fact is that that revision will be taking place in secrecy and the minister has indicated that we are never going to see it; it will be confidential as far as the government is concerned.

Senator Ellison—That is not the case.

Senator BROWN—The minister is interjecting and saying that is not the case. I ask the minister again: will you bring the new regulations before the Senate next week? The government has mishandled this issue—and I notice that Senator Faulkner agrees with this.

Senator Faulkner—He has handled this very badly.

Senator BROWN—Yes, and the government has scheduled it now when debate is
being truncated. The minister will not get to his feet and say, ‘I’ll bring in the new manual next week.’ That is what I am asking for. If this is all aboveboard, let the minister say that. But the minister is not prepared to do so. That is what is wrong with this debate. The manual is not going to be a disallowable instrument. The regulations are; the manual will not be. There is a very clear difference there. I believe that the manual should be debated and approved by the parliament of this country.

Senator FAULKNER (New South Wales—Leader of the Opposition in the Senate) (11.46 a.m.)—I certainly agree with some of what Senator Brown has just said. Yes, I agree that the government has mishandled this matter very badly indeed. I think I mentioned it and provided support for that view in, I think, a persuasive argument I mounted in my speech on the second reading debate—and I would commend that to Senator Brown. No, I do not agree that the committee stage debate has been truncated. I think debate on the first amendment, which we are dealing with, has ranged widely. At some point we will perhaps get to determine that amendment and move on to others.

But the substantive point that Senator Brown raises is one that this committee should treat seriously. Senator Brown is saying to this committee—Senator Murray has been saying it, and I hear this point, and the opposition certainly has concerns about it—that the current situation is highly undesirable and unsatisfactory. Senator Brown has, in recent minutes and during his most recent contributions, placed into the parliamentary record some of the reasons why this current situation is so unsatisfactory. God, I am battling through this in illness and in health, as best I can.

Senator Murray—At least you can still smile.

Senator FAULKNER—Always. I want to make this clear: the opposition accepts that the status quo is imperfect—highly imperfect. Senator Brown and Senator Murray have made a strong case that the current situation is not acceptable. That is why the opposition, for its part, has gone into this question in relation to this particular legislation—which is significant legislation—with an open mind. We accept that we have to do something about this unsatisfactory situation. I rise to make that point because the motivation of the opposition has been questioned in the most recent contribution that Senator Brown has made.

It would assist the committee if the minister could be clear in relation to the timing for parliamentary scrutiny, and availability, of the manuals that will replace the current Manual of Land Warfare as opposed to regulations. Senator Brown in his most recent contribution makes the distinction—and it is appropriate—about which of these particular manuals or regulations are and are not disallowable instruments before the parliament. But for clarity’s sake, I think it would be extremely helpful if the minister would now indicate, in very clear terms to the committee, what the government’s intentions are in terms of replacement manuals—not the regulations. The regulations I think we have heard about, and we know they are disallowable. So we know that there is an opportunity in this chamber—and that there is also some capacity afforded to the House of Representatives, if it so desires—for parliamentary consideration.

Let us just get it clear, Minister, for the sake of the record: what will replace the manuals; and when do you believe they will be ready? And I hear the point you make, which is not without some justification. You are saying, ‘Well, their content to some extent—I imagine only a comparatively minor extent—’will depend on the nature of the final bill, if and when it is passed.’ You make that point. But, frankly, there are only a few amendments to this legislation—they are important amendments, but there is only a limited number—that this committee will be examining. When is it likely that those manuals will be ready? What opportunity will be afforded for parliamentary scrutiny, if any, of those manuals? What commitments will you, as minister, or the government be willing to make in terms of making that manual, or those manuals, available to the parliament or available publicly? Perhaps we can get some actual clarity around that. I do not think there is any certainty about that. I
think there is more certainty—I understand from what you have been saying—in relation to the regulations themselves.

We know that the situation is unsatisfactory and that the current manuals are unsatisfactory—that has been highlighted during the committee stage. If we can get some clarity about that, it might help. Let us just get on the record in this committee what will be made available and when it will be made available. I understand that the legislation has not passed the parliament yet and that, if it does, there might be some minor doubt about what it might contain in the final analysis. We all understand that is what we face. If you can give some indication to the committee about this, I suspect we might be able to move on and deal with the first amendment.

Senator ELLISON (Western Australia—Special Minister of State) (11.53 a.m.)—In relation to division 3 of the manual, which relates to the provisions which are contained in this bill and are relevant to this bill, I can say that the revised division 3 will be available to the Senate prior to the Olympics. In relation to division 2, which relates to counter-terrorism activity, that is more an operational matter and for obvious reasons that is not made public. That deals more with security matters. Division 3 is what we are concerned about. That has been the subject of Senator Brown’s comments and the comments of other senators. That will be available to the Senate in a revised form prior to the Olympics. That is on the assumption, I hasten to add, that this bill is passed before we rise.

Senator BROWN (Tasmania) (11.54 a.m.)—So the tanks could be used in any call-out situation?

Senator ELLISON (Western Australia—Special Minister of State) (11.54 a.m.)—It is obvious that you would use the tanks only if appropriate, but there would have to be a call-out and, if appropriate, the tanks would be used. That is obvious, Senator Brown. The emergency is the subject of the call-out, and if it is appropriate then the tanks are used.

Senator BROWN (Tasmania) (11.57 a.m.)—I have already acquainted the committee with the situation that the Australian defence forces are able to be used to shoot unarmed civilians in a crowd. The minister
now says that the tanks would be used only in an appropriate circumstance. I submit that there is no appropriate circumstance for using tanks against Australian civilians. If there is such a circumstance, I ask the minister what it is.

Senator ELLISON (Western Australia—Special Minister of State) (11.58 a.m.)—I might point out that in all of this you only use appropriate force for the circumstances—that is, where there is force, you provide equal force. The situation is that tank deployment would occur only if there were a risk, a threat or an emergency of equivalent proportions. That is quite clear. You would not use it willy-nilly. It would be used only in those extreme circumstances where it was necessary.

Senator BROWN (Tasmania) (11.58 a.m.)—The minister is wrong. He says that where there is force you should use only equal and opposite force. That is not what this manual is about; this manual is about overrunning crowds through force of arms. It is about overwhelming crowds. It is about the use of arms even when the crowd is not armed. That is what is so worrying about it. I get back to this point: if it is about terrorism then undefined words are sometimes used, because you cannot gauge all the situations. But the government is explicitly extending this legislation to deal with a whole range of protest and strike situations in Australia by Australians, and the Australian Defence Force is to be brought out against them.

It is wholly unsatisfactory that we have a manual in existence—until it is replaced—which allows unarmed crowds to be shot at. It allows the deployment of tanks in a so-called emergency situation—which the minister cannot define, but it could be any call-out situation and a situation in which, moreover, the request to the police is no longer required. Sure, there is going to be consultation, but the request and consent of the state and the state police force involved is not necessary under this legislation. Commonsense will prevail with governments as we know them, but legislation like this is quite dangerous if it does not take into account the potential for abuse. That is what is totally wrong with this legislation, and that is why it should be opposed. I could enumerate many things from the Manual of Land Warfare ‘Aid to Civil Power’. It has come from the point of view of dealing with terrorism, dealing with foreign invasion and dealing with threats from armed people. It applies this to the civil domain, and you cannot do that. That is why we have police forces. This is very dangerous, because it does not maintain the integrity of the last century of practice, where the police forces keep the domestic peace and the defence forces protect us from foreign insurgency. There is a crossover situation where there is potential for terrorism. We would be foolish not to be prepared for that. But I reiterate that we are not dealing with antiterrorist legislation; we are dealing with legislation that goes to the civil domain. It does not have the checks and balances in it that it should have, and it should not be passed in the Senate. I do not want to provoke Senator Faulkner—

Senator Faulkner—You’re very generous. But you’re going to.

Senator BROWN—Let me look at the changes in the Labor Party amendments that were presumably devised overnight. My office asked about amendments last night, and there were said to be none. But, suddenly, there are some this morning. These amendments change the circumstances in which the ADF could be brought in against a community collection in Australia. The previous version of Labor Party amendment (R3)—which, I hear, the government is going to support—read that the armed forces could not be used to:

... stop or restrict any protest, dissent, assembly or industrial action that does not pose a direct and immediate threat of serious injury or death to a person ...

It could not be used in those circumstances. But the new amendment says that the armed forces cannot be used to:

... stop or restrict any protest, dissent, assembly or industrial action that does not pose a direct and immediate threat of serious injury or death to a person ...

So what was a clear injunction is now a matter of opinion—a ‘reasonable likelihood’. I maintain that that is totally unsatisfactory. This is a retraction from the position that La-
bor held, which I found unsatisfactory before. It is a weakening of the Labor Party position. In the backroom overnight, the government and Labor found some words they can accommodate. That has provoked Senator Faulkner. Let us have an explanation as to why the change has been made. Labor had a long time to consider this legislation. I know Senator Faulkner is not going to argue that the Labor Party amendment has been strengthened by the change; it has been manifestly weakened. We can debate until the cows come home the meaning of the word ‘reasonable’ that has come in there—reasonable to whom?!

Senator Faulkner—I think you’re wrong on this, but I’m happy to respond.

Senator BROWN—I do not think I am wrong. I am very sorry that, at this hour, to get this legislation through, we have seen a change in the Labor amendment. In the overall order of things, it is a weakening of the amendment. We are dealing here with the crux of this matter, which is a situation in which the defence forces are brought out against strikers or peaceful protesters in Australia. It is a situation we all do not ever want to see, but it is now being codified in this legislation. The Labor amendment, which is going to be accepted by the government, is crucial.

Senator Faulkner—It’s not going to be accepted by the government, as I understand it.

Senator BROWN—I stand corrected, if that is the case, Senator Faulkner. I misheard Minister Ellison earlier on, when he indicated he would be accepting it.

Senator Faulkner—They’re saying that they’re now going to amend it and, therefore, it’s not going to be accepted.

Senator BROWN—It will be interesting to see what the amendment is, Senator.

Senator Faulkner—It will be, won’t it.

Senator BROWN—Yes.

Senator FAULKNER (New South Wales—Leader of the Opposition in the Senate) (12.05 p.m.)—Senator Brown is right about one thing: he has provoked me. Ill as I am, I must respond to a couple of the things Senator Brown has said. There seems to be a lack of clarity here. I want to say this to Senator Brown, through you, Mr Temporary Chairman: I understand why you raise the concerns that you have raised about the shooting of civilians and the use of APCs, or tanks. I note that you quote from the totally unsatisfactory manual that is currently in existence. We do share those sorts of concerns about the current situation. One difference is that we have tried to come to this with a somewhat open mind. We have come to examine this legislation from the perspective that, if we can improve it, we will. Like you, we are not satisfied with the situation. It is, as you have most eloquently and at great length outlined to us, unsatisfactory. You win that debate; you make that point. You have made it strongly, and you have made it consistently. Fair enough: very many people in the parliament—perhaps everyone in the parliament—and many in the wider community would share those concerns.

What has our approach been in that circumstance? We have come to the Defence Legislation Amendment (Aid to Civilian Authorities) Bill 2000 with an open mind to see if we can right some of those grievous wrongs that Senator Brown outlined to the committee. We do not believe the government has achieved that in the bill it has placed before the parliament. Again, we have come to the debate in the spirit of saying that, if we can improve the bill in a number of crucial areas so that it deals with those problems and the new problems that the government’s legislation has created, we will accept that is a significant improvement. But there are a lot of qualifications there, and they are really important qualifications from the perspective of the Labor opposition. What is the key qualification as far as this bill is concerned? Let me state it to this committee: we want to ensure that the Australian Defence Force will never—I stress ‘never’—be used against any peaceful protest, dissent, assembly or—particularly, from a Labor perspective—industrial action. That is why we have moved the amendment, and we are going to stand by it.

As far as the Labor Party are concerned, it is a principle we will never resile from and, if
it does not stand, the bill will fail. There is no argument about that. Senator Brown makes a point. Through you, Mr Temporary Chairman, let me say to Senator Brown: we are happy to have the debate around the Labor amendment. I would say to everyone in the committee: let us have the debate about the Labor amendment when it is moved and not during the debate on the first amendment that stands in Senator Bourne’s name about a review of the legislation. I do not want to duck away from it, Senator Brown. You are entitled to put your view on that strongly, and I want to engage in it. I am not going to slide away from it, Senator Brown. You are entitled to put your view on that strongly, and I want to engage in it. I am not going to slide away from it, Senator Brown. You are entitled to put your view on that strongly, and I want to engage in it. I am not going to slide away from the debate on the propositions that the opposition is putting before the committee. But, with respect, I would suggest we have it at the appropriate time and place.

The only difference between the Labor amendment that was originally circulated and the one that you now have before you is that in the meantime the drafters got at it. I am assured that, in effect, there is no difference at all and no diminution of its intention or effect. But let us have that debate and, if you can convince me otherwise, let me assure you. It is not the subject of some closed-door secret deal with the government or anybody else. That is the position that the Labor Party have put before this parliament and we will be arguing that position very strongly at the appropriate time in this committee stage.

We are not going to slide away from our commitment that the defence forces of this nation should never be used against peaceful protest or industrial action, and I think we share those concerns with many in this parliament and many in the community. Let the record be clear on what Labor intend to do and why we are going to do it. That is the initiative we have taken, and the opposition amendments are to give effect to that. As I hear from the Special Minister of State at the table, the government plan is to amend that opposition amendment that Senator Brown has quoted. I will have a look at what the government plan to do and what they say in support of any proposal to amend the opposition amendment. I cannot make a comment about that because I do not know what is being proposed at this stage.

The concerns that senators have raised are shared by the opposition. We are also concerned about the elements of the manual that Senator Brown has quoted—what can occur in the current situation. That is why we have looked at this bill from the point of view of trying to improve the status quo. That has been our motivation, and it will continue to be our motivation as we work through these issues before the committee—that is, if we move off the question of the review that stands in the name of Senator Bourne. I have indicated that we think it is an important principle too, but we think we have got a better formulation than the one Senator Bourne has put before this committee. We do accept that it is a crucial element of the bill, and we are treating that matter seriously as well. But for heaven’s sake—and I think the minister should have made this point—there is a range of issues of concern to senators and there is a range of issues where the current drafting of the bill, in the view of many in this chamber, is inadequate. I am going to try to focus my remarks on the matters that are before the chair. I think I am showing a great deal more discipline than the minister is in that regard.

Senator BROWN (Tasmania) (12.15 p.m.)—I will show equal discipline. I am going to come back to Senator Bourne’s amendment in a moment, but I want to respond to what Senator Faulkner had to say. The key point he was making is that the opposition wants to ensure that the Australian Defence Force will never be used against peaceful protest or industrial action. If you are going to achieve that aim, that is what you write into legislation. That is why the Labor Party should be supporting the Greens amendment. Let me read how the Greens amendment fulfils that aspiration. The Greens amendment says the ADF can be deployed:

Provided always that the Defence Force shall not be called out or utilized in connexion with an industrial dispute.

A further amendment says:

And further provided always that the Defence Force shall not be called out against people who are engaging in peaceful protest or civil disobedience.
That is exactly what Senator Faulkner says the opposition is setting out to do. If the opposition has those aims in mind, it should support the Greens amendments. It should not be using the weasel words that are in the ALP amendment which says the ADF can be used in civil situations, protests or strikes but not to 'stop or restrict any protest, dissent, assembly or industrial action, except where there is a reasonable likelihood of the death of, or serious injury to, persons'. I submit to the chamber that that covers many, if not most, of the great protests and strikes of the last century. It could be in the minds of an antipathetic government here in Canberra that that situation is likely to lead to serious injury or death. Many situations in civil life present that predicament. Many workplaces present that predicament. Travelling to and from work presents that predicament for all of us. It leaves the field open to the misdirected but imaginative mind of a future set of ministers in a government which is not behaving well, as Senator Murray said in other words. And we should be covering that situation.

I put to the opposition that, if its aim is indeed, as Senator Faulkner said, to improve this legislation—and it will accept significant improvements—and the aim is to ensure that the Australian Defence Force will never be used against peaceful protest or industrial action when that time comes, that is exactly what my amendments for the Greens do. They are quite explicit: there are no ill-defined words; they are quite clear. They say exactly what Senator Faulkner says the opposition wants to achieve, and therefore they should be supported. I support Senator Bourne's amendment.

Amendment not agreed to.

Senator FAULKNER (New South Wales—Leader of the Opposition in the Senate) (12.19 p.m.)—I move opposition amendment No. 5 on sheet 1895:

(a) before the end of 3 years after the commencement of this Part:

(i) an order under this Part ceases to be in force, where the order is not one of 2 or more orders to which subparagraph (ii) applies; or

(ii) 2 or more orders under this Part cease to be in force, where the orders were about the same or related circumstances and came into force in succession, without any intervening period when no such order was in force; and

(b) no order under this Part had previously been made;

the Minister must, subject to subsection (2), before the end of 6 months after the order mentioned in subparagraph (a)(i), or the last of the orders mentioned in subparagraph (a)(ii), ceases to be in force, arrange for the carrying out of an independent review (see subsection (5)) of the operation of this Part in relation to the order or orders.

Independent review not required if Parliamentary committee report

(2) Subsection (1) does not apply if a committee of one or both of the Houses of the Parliament has already presented a report to that House or both of the Houses, as the case may be, about the operation of this Part in relation to the order or orders.

Independent review where no orders made

(3) If no order under this Part ceases to be in force before the end of 3 years after the commencement of this Part, the Minister must, subject to subsection (4), as soon as practicable after those 3 years, arrange for the carrying out of an independent review of the operation of this Part during those 3 years.

Independent review not required if Parliamentary committee report

(4) Subsection (3) does not apply if a committee of one or both of the Houses of the Parliament has already presented a report to that House or those Houses, as the cases may be, about the operation of this Part during those 3 years.

Tabling of report of independent review

(5) The Minister must arrange for a copy of the report of any independent review...
under subsection (1) or (3) to be tabled in each House of the Parliament within 5 sitting days of that House after the Minister is given the report.

Meaning of “independent review”

(6) In this section:

independent review means a review, and report to the Minister, by 2 or more persons who:

(a) in the Minister’s opinion, possess appropriate qualifications to carry out the review; and

(b) include at least one person who:

(i) is not employed by the Commonwealth or a Commonwealth authority; and

(ii) has not, since the commencement of this Part, provided services to the Commonwealth or a Commonwealth authority under or in connection with a contract.

This amendment goes to the same issue that Senator Bourne has raised. As all are now aware, the purpose of the bill before us is to provide a proper legislative framework for the exercise of the existing constitutional powers of the Commonwealth government to use its defence forces in domestic security situations. As I have indicated I hope clearly in my most recent contribution, the opposition believe that the current situation, the status quo, is imperfect. We accept that change is required. We accept that good legislation is needed. That is the fundamental reason why the opposition are proposing this amendment to require a review of the legislation either within six months of the use of the call-out power or within three years of its enactment. This will ensure that the parliament and of course the community at large have an opportunity to not only review but, in the case of this parliament, amend the legislation if necessary.

I indicate to the chamber that the changes we have made to the original amendment—I have no doubt that Senator Brown might have identified this; he seems to look at these things pretty closely—which of course are reflected in the opposition amendment sheet 1895 revised 2, do not change the substance of our amendment on this issue. They, like the other changes I was speaking of a moment ago, are a response to the legislative drafting advice that we received and are aimed at ensuring our amendments are as clear as possible, as concise as possible and as effective as possible. I think the opposition’s amendment here on this question of review of the legislation is an important one, and I commend it to the committee.

Senator BOURNE (New South Wales)

(12.24 p.m.)—It appears to us that this is not nearly as good as having the review that we suggested—which has just been voted down—as well as the sunset clause. I cannot even say that it is a tenth as good. It is quite inadequate. Senator Faulkner mentioned that he believed a sunset clause would have the effect of returning to an unsatisfactory situation. No, it would not. Any government with any foresight at all and any feeling that this legislation was about to come to its sunset clause— and if a sunset clause is put in, we will all know exactly when that is—would write up a bill to replace this bill well and
truly, months and months at least, before that sunset clause took effect. And even if that did not happen, why do we think Australia has suddenly turned into such a dangerous place that we need this? We have been going since 1903 as we are now. Why is it that we have to change next week?

We are being told that it is because of the Olympics. I do not think that is right. I think there has been so much security and so much ability to use security put in place for these Olympic Games that this has to be the most secure Olympic Games—without this bill—ever held; incredibly secure. Look at the changes to the New South Wales legislation; look at the training of the New South Wales police force and the TRG—and even of the SAS. I know that they are from the Defence Force, but they could be used under certain circumstances. They could be used to show the police what to do; they could be used under other circumstances. There is no need for this bill; there just is not the need for it now. Australia is not that dangerous a place that we certainly have to have this. Since 1903 we have been going along very nicely, thank you very much. The disaster has not happened; the disaster is not going to happen. The disaster is certainly not going to happen before we can get this bill right. So I do not think this is necessary.

On the other hand, my proposed amendment for a review has just gone down, so we are not having one. I honestly fear that the proposed amendments for a sunset clause will probably go down—all of them. I am going to vote for all of them, but I think they are all going to go down. I also fear, more than anything, that the Labor Party in the end will vote for this bill. I think that is a great tragedy. Because of all of that, to make it a bit better, I will be voting for this because I think it is about the fifth-rate way of making it better. It is certainly not the best way of making it better and it is not the second-best way of making it better. How many amendments do I have? It comes after the Greens amendments; it comes after Senator Harris’s amendments and it comes after the opposition’s and the government’s amendments. This really is not the way to go—to just leave this bill in force and have a review.

We had a review after the incident at CHOGM in 1975. Justice Hope had a review and made some very good recommendations, some excellent recommendations, which have not been brought up in this bill. So you have a review, but that does not mean that what is said will be taken into account. We have Senate inquiries all the time that have excellent recommendations, very well thought out and very well-written recommendations, that could quite easily be put into legislation and should be, and everybody agrees that they should be. But they never are. There are an awful lot of Senate committee and joint committee recommendations that go absolutely nowhere. So you have a review and what happens? Nothing—far too often, nothing. I can see nothing in here at all that would make them implement the recommendations of any review. Where is the bit of this amendment that says that the recommendations of the review must be carried out? There is nothing like that, and of course they will not put that in.

There is a recommendation in the Hope report that states:

The Defence Force should be used only as a last resort, and an overriding principle is that troops should never in any circumstances be used to confront political demonstrators or participants in industrial disputes. Whatever logistical support they render, they must be protected by police, who alone must deal with any violence arising from objection to their support.

Where has the government put that into the bill? That was a very good recommendation of the Hope report. It came out of a review, and where is it in what has ensued from that review? Nowhere. The government has not even considered that recommendation. So what government is going to consider the recommendations? I guess it will consider the recommendations of any review that happens under this opposition amendment. Yes, it will consider those recommendations. Then it will probably say, ‘No, sorry, it is working perfectly, thank you very much,’ because nothing will have happened. And even if something does happen, it will probably be the
same. There will be a review and nothing will happen.

It is just as well to have a review, because—as I, myself, said with the last amendment—it would, I hope, bring out exactly what happened if any action was taken. I hope to goodness no action ever will be taken; but if it is then this should bring out what happened. But there will have to be a review of the legislation after three years and things will have to happen if there is a sunset clause. If we vote for this one, there will have to be a review but nothing need happen at all—and I suspect that is what will happen.

So a sunset clause, I believe, is a far better way to go. Better still than that is to vote against it now and let us start again. But we are not going to get that. Since we are not going to get that I will be voting for this. But I really think we should all go away and over the lunch break think very seriously about what will happen if this keeps going, what will happen if this bill is put in and there is no sunset clause, if this bill is put in at all. Australia is not that dangerous a place. It really is not a very dangerous place at all, thank goodness, and there is no necessity to put this in right now. We could do it next month or the month after or the month after. We could think about it properly. We could do it properly. We do not have to do this. Please consider that.

Senator BROWN (Tasmania) (12.31 p.m.)—We are dealing with guns and answering it with blancmange. That is what the opposition’s amendments are. Senator Bourne is absolutely right. A review that takes place here does not even have to have public input. ‘A review’—no specifications about it at all. Senator Bourne is absolutely right. This is legislation that was predicated on the Olympics; Lt. Gen. Cosgrove has said so again in the last couple of days. We should, therefore, be having a sunset clause to it and then a full debate about the ramifications of this legislation on a whole range of potential civilian situations in the coming century and on the balance under the constitution and between the states.

By the way—and I will get on to this later, Mr Temporary Chairman—I believe that there are eminent grounds here for a challenge to this legislation, because it is in breach of the Constitution. I have had advice on that from Mr Gary Corr, a barrister in Canberra, and there are other legal minds who believe the same. But we will keep that for later in the debate. I wholeheartedly agree with Senator Bourne. This is a very unsatisfactory amendment. It has to be read in conjunction, though—and I am sure Senator Faulkner will understand this—with the fact that Labor is about to vote down the sunset clause provisions put by the various parties in this corner of the House.

Senator Faulkner—I spoke about our approach on that. I am not denying we are going to vote down the sunset clause. We don’t want to get back to tanks rolling down the street.

Senator BROWN—I have not got any assurance that the tanks cannot roll down the street under this legislation. That is what worries me.

Senator Faulkner—They have got to come a long way from where they are at the moment.

Senator BROWN—That is what worries me. We are dealing with a real piece of legislation here which is not about the Olympics, which is about events that could unfold under a non-benign federal regime, government or set of politicians somewhere down the line. That is what we are dealing with, and that is what we should be concentrating on here. If we do not focus on that we make a mistake, and I am afraid Labor is not focusing on that potential.

Senator Faulkner interjecting—

Senator BROWN—You would not have an amendment like this before us as a review.

Senator Faulkner interjecting—

Senator BROWN—Like Senator Bourne said, it is all we are left with—because we are not going to get her proposal for a review and we are not going to get a sunset clause. We have here the potential for a review which could be an independent review held entirely in private without public input.

Senator HOGG (Queensland) (12.34 p.m.)—Firstly, the sunset clause was an issue that was canvassed at the hearing held by the
Senate Foreign Affairs, Defence and Trade Legislation Committee on this matter.

Senator Faulkner—Did you go to that hearing?

Senator HOGG—I am glad Senator Faulkner interjects here. Who was present at that hearing? I most certainly was there. I was there all day. I certainly did not see anyone from the Democrats at that hearing, and I did not see Senator Brown. The people who are raising the most objection about this bill did not front up at all.

Senator Faulkner—But Labor fought the good fight.

Senator HOGG—Yes. The issue of the sunset clause was raised, and in the discussions before the committee that day it was clearly determined that if we went down the path of having a sunset clause, Senator Brown, we would have exactly the circumstances that exist today, the circumstances that are completely anathema to what we should have. This bill goes to the point of tightening up—not opening up—the processes. Having a sunset clause there would achieve the very opposite of what you would hope it would achieve. That is the first thing.

The second thing is that a number of people—as I said in my speech in the second reading debate—have found this bill a fertile opportunity to go out there and stir up a lot of the conspiracy theorists. There is no doubt that that has happened. But there are genuine concerns that people have raised about this bill and that have been pursued both at the committee level in the Senate and also before the Senate Foreign Affairs, Defence and Trade Legislation Committee itself. I believe that the amendments that Labor have brought forward are genuine attempts to deal with the concerns that exist out there.

I have had people come to my office, sit down with me and go through some of the concerns that have been raised by Senator Brown, Senator Murray, Senator Harris and others in this debate. When I sit down with the people and take them through, firstly, the piece of legislation—which most of them have neither sighted nor heard of, apart from a couple of rumours on the news or something that someone has told them second- or third-hand—secondly, the Hansard of the Senate legislation committee, thirdly, the recommendations that came out of that legislation committee, and fourthly the further parliamentary processes that will be involved, whilst it does not offer them a complete panacea nonetheless it allays a lot of the fears that have been promoted during the campaign waged against this particular piece of legislation. The fact is that all the powers are, as I understand it, already there. What we have through this piece of legislation and, in particular, through the amendments that are being put forward by Labor, is a tightening up process—not a loosening process; a tightening up process. I think the review process will stand this piece of legislation in good stead. The process is one that was insisted upon by the committee in its report. The amendment that has been put forward by Senator Faulkner tightens up the legislation even further. I think that it is an excellent amendment, and I commend it to the Senate.

Senator BOURNE (New South Wales) (12.38 p.m.)—I cannot let that one go, I am sorry. We are not discussing the Senate committee report; we are discussing the bill. If we were discussing the Senate committee report, I think Senator Hogg would have some right to say that I did not turn up to that day of hearings. He can feel free to say it anyway—I do not care.

Senator Hogg—You put in a minority report.

Senator BOURNE—I said it in my own minority report—that is exactly right. In fact, Senator Hogg would have the right to tell me off for not canvassing this issue in that report if that were the case, but it is not the case. We are not discussing the committee report; we are discussing every aspect of this bill. Let me make this point very strongly; we are discussing those aspects of the bill which people had not even thought of when the committee report was done. That committee report was done at the beginning of the public discussion of this bill. This should not be the end, but it is. What we do today or on Monday, on Tuesday, on Wednesday or on Thursday—whenever this finishes—will be the end of the discussion of this bill. The reason that it will be the end of the discussion of this bill is that the Labor Party will agree to it, so we
the Labor Party will agree to it, so we will not have a chance to look at it again in the same way as we are right now.

Half the problem is that we have thought of things as we have gone through the bill since the beginning of the debate which started with the public hearing. I am sorry I could not get to that one day. If you had made it another day, perhaps I could have. But you did not. I did not get to that one day, and I apologise for that. But the point is that I read the submissions, I read the report and I wrote another report. Many things have come up since then. People have looked through the bill.

Senator Hogg—Most of them haven’t, Senator Bourne. You know the truth.

Senator BOURNE—People have not looked through the bill—you are right, Senator Hogg. People have come to me who have not looked through the bill as well. But some people have looked through the bill, and they have found problems. They have found things in this bill that they think are not addressed in that report—and I agree with them. If we had to stick to exactly what happened weeks ago when those hearings happened we would be in big trouble, but fortunately we do not.

Senator Faulkner—You’ve changed your position, haven’t you?

Senator BOURNE—Yes, I have, because I have evolved. You have changed your position—you have evolved. Senator Brown has changed his position. Senator Harris has changed his. The system is evolving, which is why it was so unfair and unfortunate of Senator Hogg to have said those dreadful things. But he did. The point is that we have all evolved since then, and we have evolved purely because we have all looked again at the bill. It is not just us in this chamber who have looked again at the bill; many people outside the chamber have looked again at the bill and have found things. They have thought of things and they have determined things that need to be looked at again. It is happening daily. It happened yesterday. The opposition keep changing their amendments. I see no problem with that. If they are improving them, great! But we have not fin-

ished, have we? We changed them again yesterday. We will probably change them again today. We might change them again on Monday or on Tuesday or on Wednesday or whenever this finishes. The point is that it still is evolving. We still are finding things that are wrong with this bill because it has not had enough public debate—that is the point. We will keep finding things that are wrong with this bill.

Senator Hogg—That was the thing I said.

Senator BOURNE—Exactly. That is the point. Senator Hogg says that was the thing that he said—which makes me wonder why he got up and said I should not have changed my mind since writing my report. I find that very odd.

Senator Hogg—I never said that. You’re not quoting me correctly. Read it again.

Senator BOURNE—I will go back and read it again, Senator Hogg. But I feel that you have been somewhat unfair to me, which is why I felt forced to stand up and defend myself. But the point about this is that we are discussing the bill. We are discussing aspects of the bill that people both inside this parliament and outside this parliament still are discovering to be in conflict with things—to be not what they thought. It is not true that this purely codifies without making any change. If it made no change, we would not need the bill. Of course it makes a change. Of course it enables the defence forces to do things legally that they could not do before. It has to. If it did not, we might as well toss it out now—who cares; we do not need it. But we do need something, obviously. Is this what we need? That is the question. The problem is that none of us know. We will not know until it has been gone through a lot more thoroughly—and it will take more than a couple of hours to do that.

Senator FAULKNER (New South Wales—Leader of the Opposition in the Senate) (12.44 p.m.)—I think that Senator Bourne has, in part, made a strong case for a review, which is the intention of the opposition’s amendment. I hope that, as she gives this further consideration, Senator Bourne might even consider voting for it.
Senator Bourne—I’m not going to vote for it. It’s lousy.

Senator Faulkner—we have accepted the time frame of the urgency of the Olympics that the minister talks to us about. Let me say, Senator Bourne, that we thought he was talking about the Sydney Olympics in the year 2000. Now we realise that you are talking about the Athens Olympics in the year 2004. Judging by the length of time taken on this debate, Senator Bourne, it will be 2004 before we finish.

Progress reported.

CUSTOMS TARIFF AMENDMENT BILL (No. 3) 2000
Second Reading

Debate resumed from 17 August, on motion by Senator Ellison: That this bill be now read a second time.

Senator Patterson (Victoria—Parliamentary Secretary to the Minister for Immigration and Multicultural Affairs and Parliamentary Secretary to the Minister for Foreign Affairs) (12.46 p.m.)—Most of the amendments to the Customs Tariff Amendment Bill (No. 3) 2000 have been previously tabled in the House of Representatives as Customs Tariff Proposals and now require incorporation in the Customs Tariff Act. I understand that all opposition parties will be supporting this. I thank honourable senators for their cooperation in this and commend the bill to the house.

Senator Forshaw (New South Wales) (12.47 p.m.)—With that very expansive detail, I indicate that the opposition supports the bill.

Question resolved in the affirmative.

Bill read a second time, and passed through its remaining stages without amendment or debate.

TRADE MARKS AMENDMENT (MADRID PROTOCOL) BILL 2000
Second Reading

Debate resumed from 17 August, on motion by Senator Ellison: That this bill be now read a second time.

Senator Schacht (South Australia) (12.48 p.m.)—The opposition supports the Trade Marks Amendment (Madrid Protocol) Bill 2000. To save the time of the Senate, I refer senators and other interested parties to the excellent speech made on this bill by my colleague the shadow minister for science, Martyn Evans, in the House of Representatives on 16 August.

Senator Patterson (Victoria—Parliamentary Secretary to the Minister for Immigration and Multicultural Affairs and Parliamentary Secretary to the Minister for Foreign Affairs) (12.49 p.m.)—I thank Senator Schacht for his very succinct contribution to the debate on the Trade Marks Amendment (Madrid Protocol) Bill 2000. As we know from discussions we have had about these lunchtime bills, they are non-controversial bills and I appreciate the cooperation of honourable senators. This bill provides a legislative framework to enable Australia’s ultimate accession to the Madrid protocol. I commend the bill to the chamber and I thank honourable senators for their cooperation.

Question resolved in the affirmative.

Bill read a second time, and passed through its remaining stages without amendment or debate.

THERAPEUTIC GOODS AMENDMENT BILL (No. 3) 2000
Second Reading

Debate resumed from 29 June, on motion by Senator Ian Campbell: That this bill be now read a second time.

Senator Tambling (Northern Territory—Parliamentary Secretary to the Minister for Health and Aged Care) (12.51 p.m.)—I table a supplementary explanatory memorandum relating to the government amendments to this bill. The memorandum was circulated in the chamber on 30 August 2000. I seek leave to make a brief statement in this regard.

Leave granted.

Senator Tambling—The original amendments provided in the Therapeutic Goods Amendment Bill (No. 3) 2000 strengthened the role of the secretary through the Therapeutic Goods Administration in the monitoring of access to unapproved drugs in Australia. Since 1991, a focus of the thera-
The Therapeutic Goods Amendment Bill (No. 3) 2000 will provide additional powers to the secretary to ensure the use, handling and supply of unapproved therapeutic goods is in accord with the terms and conditions applied when the exemption for supply is granted. This greater control will be achieved principally through the secretary’s new powers to require persons to whom an approval or an authority has been granted to supply unapproved products to provide information about how the goods are used. It also provides that, should the information provided warrant it, the TGA could audit the processes used to supply the goods, including the conduct of clinical trials. An amendment also enables the secretary to release information where necessary to appropriate authorities in the states or territories with functions relating to therapeutic goods and to medical or pharmacy boards.

The amendments which the government wishes to add to the Therapeutic Goods Amendment Bill (No. 3) 2000 today will ensure public health and safety through correcting a number of deficiencies relating to product recalls in the existing legislation. Since March this year, there have been two instances of product tampering involving paracetamol products. Both incidents involved attempted extortion and resulted in serious poisoning. In both cases, the sponsors of the paracetamol products, Herron Pharmaceuticals and SmithKline Beecham, undertook voluntary recalls of potentially affected products. To date, the extortionist has not been apprehended.

On 31 March 2000, following contamination of products supplied by Herron Pharmaceuticals, the Premier of New South Wales, the Hon. Bob Carr, wrote to the Prime Minister seeking agreement to urgent action by the Commonwealth to take a leading role in streamlining the product recall process at the national level. On 29 June 2000, the National Consultative Committee on Therapeutic Goods, comprising representatives of Commonwealth, state and territory health authorities, met urgently to agree on strategies to manage future attempts to tamper or interfere with therapeutic goods. At that meeting the adequacy of recall powers and other powers available under the existing therapeutic goods legislation, particularly those in the Commonwealth’s Therapeutic Goods Act 1989, was also examined. The committee urged the legislative amendments be made with some urgency to safeguard integrity of medicines and medical devices in the marketplace and to minimise the risk to public health.

The committee recommended that the Commonwealth’s Therapeutic Goods Act 1989 be amended to include a requirement for mandatory reporting of product tampering or implied tampering, incorporating penalty provisions for non-compliance; mandatory recall powers in cases of product tampering and/or where sponsors refused to recall goods with penalty provisions for non-compliance; the introduction of a new category of offence for the supply of a recalled product; and the release of information by the Commonwealth relating to product tampering to state, territory and overseas regulatory authorities with responsibilities for therapeutic goods or terrorism. The recommendations of the committee have been discussed with and agreed to by the peak therapeutic goods industry associations—the APMA, the ASMI, the CHC, the MIAA, and the Consumer’s Health Forum. State and territory governments have given their written support for the proposed measures to be effected through changes to the Therapeutic Goods Act 1989.

Senator FORSHAW (New South Wales) (12.55 p.m.)—I indicate on behalf of the opposition that we support the passage of Therapeutic Goods Amendment Bill (No. 3) 2000, including the amendments that the parliamentary secretary has foreshadowed. This legislation deals with very important issues. Firstly, the original bill deals with the monitoring of the supply and use of unapproved therapeutic goods, and, secondly, the amendments deal with the recent extortion
attempts and the impact that that had on the public of Australia. It was a very serious matter, as we know. We fully support the increased powers being granted to the TGA to deal with those issues involving public health and safety. On that basis, we support the passage of the bill.

Senator HARRADINE (Tasmania) (12.57 p.m.)—The Therapeutic Goods Amendment Bill (No. 3) 2000, as I see it, not only deals with the question of tampering, which I had inadvertently considered it to be, but also has privileges in it relating to the powers of the secretary and the CTN scheme. Honourable senators will recall that I have had a longstanding interest in the CTN scheme and whether it was adequate in a number of areas, not least the area of critical assessment of the application for the clinical trials as to their being ethical, as to their being safe, and the like. Honourable senators can see that I have raised these matters during estimates committee hearings and so on.

I do apologise to the parliamentary secretary for not raising these matters before and clearing them with him and his office. But I wonder whether the parliamentary secretary would elaborate on what is contained in part of the second reading speech where it states:

Since 1991 a focus of the therapeutic goods legislation has been to ensure greater access by the Australian community to new drugs through the creation of exemptions to the requirement for all drugs to be entered on the Australian Register of Therapeutic Goods before supply. These exemptions include supply through clinical trials, the Special Access Scheme and Authorised Prescribers.

The resulting exemptions have been very successful in achieving greater patient access to new drugs. Notification of clinical trials to the Therapeutic Goods Administration under the CTN scheme has resulted in a very marked increase in clinical trial activity in Australia. From less than 50 clinical trials conducted in 1990 there are now well over 400 new clinical trials notified to the TGA each year.

The very success of the programs has led to occasional concern.

This is a matter that I want to raise in the committee. It continues:

The nature of notification schemes is such that Commonwealth involvement is minimal. They rely on certification and approval by medical practitioners and institutions. Should the processes of approval be less than rigorous, the legislation gives no ability to the Commonwealth to investigate and take action to ensure patient safety.

The parliamentary secretary goes on:

The amendments in this Bill will provide additional power to the Secretary to ensure the use, handling and supply of unapproved therapeutic goods is in accord with the terms and conditions applied when the exemption for supply is granted.

It goes on to talk about how these greater controls are applied. I remind the Senate, however, that in respect of the clinical trials the TGA in effect is not required to approve trials because the approval is by an ethics committee. I know we are all concerned at times by the fact that some medical practitioners do believe that they have almighty powers, and I think that very often there is too much obsequience paid to doctors who have a couple of letters after their name. Obviously these are in the tiny minority of the profession. Members of the profession are very often concerned about the activities of these people because they reflect on the whole profession.

If the parliamentary secretary would not mind, I would like him to indicate to the committee just two things: one, is the proposal that is now before us actually strengthening the power of supervision of CTNs and, two, how will this be achieved? If that is the case, then obviously there is no need to pursue the matter at this particular stage. I do apologise again to the committee and particularly the parliamentary secretary that I had not noted this particular change. Obviously I did not then take advantage of my ability to seek to refuse this matter going formally before the chamber. I will not press that because it is entirely my fault that I had not sufficiently availed myself of the very generous offer of the parliamentary secretary to have his officers brief me.

Senator TAMBLING (Northern Territory—Parliamentary Secretary to the Minister for Health and Aged Care) (1.05 p.m.)—I thank the Senate for its comments and support with regard to the matters of tampering and recalls in this area. I now turn to the issues that have been addressed by Senator
Harradine, particularly with regard to clinical trials. I indicate that the changes relating to clinical trials and the use of unregistered drugs provide additional public health and safety measures so that people involved in trials or who need to use unregistered drugs for some reason can have greater confidence that their interests are protected and that there are appropriate powers resting with the Department of Health and the TGA to make inquiries and take action, should that be necessary. These changes clarify the necessary powers required for the secretary to ensure that there are appropriate oversight and safety measures for trials. Australia’s provisions for clinical trials, including the CTN scheme, have served Australia well. These changes strengthen protections for Australians, and I am certainly pleased to note Senator Harradine’s ongoing interest in this issue.

The current amendments leave intact the process of clinical trials and special access. They incorporate in the legislation that the standard of clinical trials should be that set by the NHMRC’s national statement on ethical conduct in research involving humans. This also incorporates the code of good clinical practice, which is an international standard for the conduct of clinical trials. The amendments provide for the TGA to have the power to inquire and, if necessary, to audit the function of doctors and institutions supplying unapproved products should there be any evidence that patients are not being adequately protected.

I think Senator Harradine also asked what sort of information would be sought under the power to inquire. I am informed that the information required by the secretary will be that which is necessary to allow the secretary to establish that the supply, handling and use of unapproved products meets acceptable standards. Depending on circumstances of the use of the product, this information may be required from the doctor to whom an approval is given in relation to SAS or authorised prescribers, the sponsor of a clinical trial who has either notified a trial under the CTN scheme or been given approval in relation to the CTX scheme, or a clinical investigator participating in a clinical trial using goods for which an approval has been given to someone else.

With regard to how the operation of the special access scheme will be affected, the day-to-day operation of the special access scheme will be unaffected. The main changes are in relation to the secretary’s ability to formally inquire about the use of unapproved products under the SAS, particularly in relation to supply to category A patients. The supply of unapproved therapeutic goods to category A patients as defined in the regulations does not require prior approval by the TGA. The secretary will be able to request information where necessary about the use of the product, including the condition of the patient being treated. This will ensure that this mechanism is not used to bypass the requirement to otherwise obtain TGA approval prior to the supply of an unapproved product. The proposed change does not change the original intent of the category A provisions whereby access to unregistered products for persons with life-threatening conditions is considered to be a matter for the patient and doctor without interference from government.

What effect will there be on the conduct of clinical trials? The overall effect of the changes will be to further enhance the rights, safety and wellbeing of participants in clinical trials in Australia. The changes ensure that investigators must comply with appropriate standards when conducting clinical trials. This will include the need for compliance with good clinical practice, an internationally accepted standard for the design, conduct, recording and reporting of clinical trials and compliance with the trial protocol and with Australian ethical standards. In addition, the secretary will be able to investigate matters relating to clinical trials conducted under the clinical trial notification and the clinical trial exemption schemes.

Initial inquiries about and subsequent inspections of clinical trials would be undertaken where necessary on safety grounds and to investigate non-compliance with legislative requirements, the trial protocol or accepted standards for conduct of a trial. The CTN scheme will remain a notification scheme. The CTX scheme remains an application-based scheme. I trust this explanation
picks up the points that Senator Harradine has raised. As I said earlier, we are pleased to note his ongoing interest in this issue and will continue in dialogue with him.

Question resolved in the affirmative.

Bill read a second time.

In Committee

The bill.

Amendments (by Senator Tambling)—by leave—agreed to:

(1) Clause 2, page 1 (lines 7 to 9), omit the clause, substitute:

2 Commencement

(1) Subject to this section, this Act commences on the day on which it receives the Royal Assent.

(2) Schedule 1 commences on the 28th day after the day on which this Act receives the Royal Assent.

(2) Clause 3, page 1 (line 11), omit “Each”, substitute “Subject to section 2, each”.

(3) Schedule 1, heading to Schedule 1, page 3 (line 2), omit the heading, substitute:

Schedule 1—Exemptions

Therapeutic Goods Act 1989

(4) Page 11 (after line 19), at the end of the Bill, add:

Schedule 2—Product tampering

Therapeutic Goods Act 1989

1 Subsection 3(1)

Insert:

actual or potential tampering has the meaning given by section 42U.

2 Subsection 3(1)

Insert:

National Manager of the Therapeutic Goods Administration means:

(a) the person holding the position of National Manager of the Therapeutic Goods Administration; or

(b) if the position of National Manager of the Therapeutic Goods Administration ceases to exist, or ceases to be referred to by that name—the person holding a position determined in writing by the Secretary.

3 Subsection 3(1)

Insert:

	tamper: therapeutic goods are tampered with if:

(a) they are interfered with in a way that affects, or could affect, the quality, safety or efficacy of the goods; and

(b) the interference has the potential to cause, or is done for the purpose of causing, injury or harm to any person.

4 After Part 4B

Insert:

Part 4C—Product tampering

42T Notifying of actual or potential tampering

(1) A person is guilty of an offence if:

(a) the person supplies, manufactures or is a sponsor of, or proposes to supply, manufacture or become a sponsor of, therapeutic goods; and

(b) either:

(i) the person knows that some or all of those therapeutic goods, or any other therapeutic goods, are or have been subject to actual or potential tampering; or

(ii) some or all of those therapeutic goods, or any other therapeutic goods, are or have been subject to actual or potential tampering, and the person is reckless as to that fact; and

(c) the person fails, within 24 hours after becoming aware of, or becoming aware of a substantial risk of, the actual or potential tampering, to notify the Secretary or the National Manager of the Therapeutic Goods Administration.

Maximum penalty: 400 penalty units.

(2) A person is guilty of an offence if:

(a) the person supplies, manufactures or is a sponsor of, or proposes to supply, manufacture or become a sponsor of, therapeutic goods; and

(b) the person receives information or a demand; and

(c) either:

(i) the person knows that the information or demand relates (either expressly or by implication) to actual or potential tampering with some or all of those therapeutic
goods, or any other therapeutic goods; or

(ii) the information or demand relates (either expressly or by implication) to actual or potential tampering with some or all of those therapeutic goods, or any other therapeutic goods, and the person is negligent as to that fact; and

(d) the person fails to notify the Secretary or the National Manager of the Therapeutic Goods Administration of the information or demand within 24 hours after receiving it.

Maximum penalty: 240 penalty units.

(3) For the purposes of subparagraph (2)(c)(ii), the person is only taken to be negligent as to the fact that the information or demand is of the kind referred to in that subparagraph if:

(a) the person’s acts or omissions involve such a great falling short of the standard of care that a reasonable person would exercise in the circumstances; and

(b) there is such a high risk that the information or demand is of that kind; that the acts or omissions merit criminal punishment.

(4) For the purposes of this section, it does not matter whether, at the time of receipt of the information or demand:

(a) the person has possession or control of the therapeutic goods to which the information or demand relates; or

(b) the therapeutic goods are in existence.

42U Meaning of actual or potential tampering etc.

*Actual or potential tampering,* in relation to therapeutic goods, means:

(a) tampering with the therapeutic goods; or

(b) causing the therapeutic goods to be tampered with; or

(c) proposing to tamper with the therapeutic goods; or

(d) proposing to cause the therapeutic goods to be tampered with.

42V Recovery of therapeutic goods because of actual or potential tampering

(1) The Secretary may, in writing, impose requirements under this section on a person if:

(a) the person supplies or has supplied therapeutic goods of a particular kind, or a particular batch of therapeutic goods of that kind; and

(b) the Secretary is satisfied that therapeutic goods of that kind, or included in that batch, are, have been or could possibly be, subject to actual or potential tampering.

(2) The requirements may be one or more of the following:

(a) to take specified steps, in the specified manner and within such reasonable period as is specified, to recover therapeutic goods of that kind, or included in that batch, that the person has supplied;

(b) to inform the public or a specified class of persons, in the specified manner and within such reasonable period as is specified, that therapeutic goods of that kind, or included in that batch, are, or have been, subject to actual or potential tampering;

(c) to inform the public or a specified class of persons, in the specified manner and within such reasonable period as is specified, that therapeutic goods of that kind, or included in that batch, could possibly be subject to actual or potential tampering.

(3) Requirements referred to in paragraph (2)(a) do not apply to therapeutic goods that cannot be recovered because they have been administered to, or applied in the treatment of, a person or animal.

(4) The Secretary must cause to be published in the *Gazette,* as soon as practicable after imposing such requirements, a notice setting out particulars of the requirements.

(5) The Secretary may impose requirements under this section whether or not the Secretary has been notified under section 42T.

(6) A person who intentionally refuses or fails to comply with a requirement under subsection (1) is guilty of an offence.

Maximum penalty: 240 penalty units.
This section does not prevent the Secretary from taking action under section 30.

**42W Supply etc. of therapeutic goods that are subject to recovery requirements**

(1) A person is guilty of an offence if:
   (a) the person supplies therapeutic goods in Australia; and
   (b) either:
      (i) the person knows that the therapeutic goods are of a kind, or are included in a batch, in respect of which requirements have been imposed under section 42V, on that person or another person, to recover therapeutic goods; or
      (ii) the therapeutic goods are of such a kind, or are included in such a batch, and the person is reckless as to that fact; and
   (c) the Secretary has not consented in writing to the supply.

Maximum penalty: 240 penalty units.

(2) A person is guilty of an offence if:
   (a) the person exports therapeutic goods from Australia; and
   (b) either:
      (i) the person knows that the therapeutic goods are of a kind, or are included in a batch, in respect of which requirements have been imposed under section 42V, on that person or another person, to recover therapeutic goods; or
      (ii) the therapeutic goods are of such a kind, or are included in such a batch, and the person is reckless as to that fact; and
   (c) the Secretary has not consented in writing to the exportation.

Maximum penalty: 240 penalty units.

(3) The Secretary must not give consent relating to an exportation unless satisfied that there are exceptional circumstances that justify giving the consent.

**42X Saving of other laws**

This Part is not intended to exclude or limit the operation of any other law of the Commonwealth or any law of a State or Territory.
culture Advancing Australia. This scheme allowed farmers a three-year period, commencing on 14 September 1997, to gift their farms and farm assets up to a value of $500,000 to their children or the next generation of the family without that affecting their access or entitlement to receive an age or Veterans’ Affairs pension. At the time it was said by the government that this was to assist farmers to pass on the operations of their farm and the assets of their farm to the next generation in the family.

A number of eligibility criteria were laid down, but the main ones were: first, there had to be a long-term involvement in farming; second, the total income had to be less than the applicable age or veterans pension rate for the three years prior to transfer; and, third, persons had to be of age pension age or reach that age before the expiry of this scheme. The government claimed at the time that this scheme would be taken up by 10,000 farmers.

Senator Woodley—Less than 2,000.
Senator FORSHAW—Yes. Senator Woodley has stolen my thunder, but I am happy to acknowledge his interjection. The government’s great predictions for this scheme, just as happened with their great predictions for other elements of the AAA package, have really come to very little. Indeed, rather than get 10,000 farmers to take up this opportunity, to date the figure is around only 1,400 farmers.

Senator Abetz—1,700.
Senator FORSHAW—The parliamentary secretary says 1,700. My figures say 1,400. In any event, the fact is that it is a long way short of the stated target—an expectation of 10,000. Of course, the farming communities themselves—the farmer organisations—have been particularly critical of the scheme, claiming that the asset and income test is too tight and is a barrier to farmers accessing it. As Senator Woodley will recall, this is an issue that we in the opposition—and I know he has—have taken up probably at every estimates hearing since the scheme was announced. So, once again, we have an indication of the claims made by this government at that time. As I said, Agriculture Advancing Australia has really done little to improve the position of the farming community.

We nevertheless do support the extension of the scheme because it will allow a further period of 9 months or so to enable any other farmers who may qualify and who wish to take up the opportunities under the scheme to do so. That is the purpose of the legislation being before the chamber. On that basis, we support it. As I said, we indicate that this would not have been necessary if the government had better understood the farming community’s needs and had not been as expansive in their predictions as they were at the outset.

Senator WOODLEY (Queensland) (1.18 p.m.)—Let me begin my contribution today by saying that the Democrats are very pleased to see the Retirement Assistance for Farmers Scheme Extension Bill 2000 introduced into federal parliament, legislation which extends the time for the take-up of the Retirement Assistance for Farmers Scheme. I add to the comments made by Senator Forshaw that our disappointment is that, although this is a very good scheme, it is far too restrictive. The last time we debated this legislation, I placed on record the fact that I wished to move a number of amendments to the legislation which would have solved many of the problems the bill has encountered over the last three years. Unfortunately, I did not get any support from the government for that. It should have supported me. At the time, the Labor Party indicated that it could not support those amendments either, although I feel that at the time perhaps Senator Forshaw would like to have supported them. However, that is history, as they say.

Senator Forshaw—There are so many problems to fix, Senator Woodley; it’s hard to know where to start.

Senator WOODLEY—That is true, Senator Forshaw, but of course my commitment to farming communities means that I always make that a priority, and I guess that is what comes forward. In fact, senators will be aware that the Democrats, over the past seven or eight years, have actively pursued the issues of farmers’ access to welfare payments.
I want to digress from 1998 to talk about a study tour which I have just concluded, which took in Ireland, Wales and parts of England. I followed up a number of agricultural issues that I had pursued a couple of years earlier, and I was very interested in the approach of the Irish government to rural policy. The one thing that we cannot duplicate, of course, in our rural policy is the subsidies that they receive from the EU, but I have got to say that they certainly use those subsidies in a very creative way and in a very comprehensive overall farm policy that I was entirely impressed with.

Senator McGauran—That wasn’t a study tour you were on, was it?

Senator Woodley—Why don’t you go over and have a look yourself, Senator McGauran, and maybe you would learn something. I discovered that they had this comprehensive farm policy which picked up the very issue that we are debating today: the retirement of older farmers so that younger farmers can access the farms and come onto the land. They did not treat it as welfare. That was interesting. It was administered by the department of agriculture in Ireland as a total approach to retaining population in rural communities and rural areas and supporting farmers in terms of their income, their approach to the environment and their approach to rural cultural heritage. In fact, it was a total overview of how farm policy can be used to support the total rural population and rural income in Ireland. In terms of retirement assistance for farmers, which is what I want to concentrate on today, they did not view the retirement of farmers as a social security issue; they viewed it as part of an overall approach to support for rural communities. Their retirement policy has few of the restrictions that our policy seems to be totally hedged in by. The pension there for aged farmers is around 10,000 Irish pounds per year—roughly around $20,000.

There are two very, very significant outcomes from the retirement policy in Ireland and the other support policies that surround it. The first one is that they are finding now that the average age of farmers is beginning to be lowered. In Australia and in many other developed nations we are finding that the average age of family farmers is going up; I think that it is about 58 at the present time in Australia. What is happening is that, because of the way in which this particular policy is directed in Ireland, the average age of farmers is starting to go down, because it is allowing older farmers to retire with proper support and with dignity and, therefore, allowing younger farmers at an earlier age to come onto the land and to take up farming. That is, I believe, a very beneficial outcome of that policy.

The other thing that this policy is doing is actually keeping farming families intact in rural areas. Of course, that is one of the biggest problems we have in Australia: young people are not only leaving farming but leaving rural communities altogether.

The Acting Deputy President (Senator Bartlett)—Order! I am personally quite interested in hearing Senator Woodley’s contribution and I request that members on both sides do not have conversations across the chamber.

Senator Woodley—Thank you, Mr Acting Deputy President. I was actually ignoring them, but I know you are closer and so you no doubt were being interrupted. These are some of the beneficial aspects of a total rural policy administered by the agriculture department, so it is not seen as a welfare payment or as a social security issue. That is why I believe we should be looking at what the Irish are doing. Perhaps we cannot access the kinds of subsidies which they access. Nevertheless, I believe we could learn much from many of the policies that they have put in place, which take a comprehensive approach to rural communities and to farming. In the coming weeks in this chamber I hope to put some more of what they are doing on the record, because I think it would be useful for us to have a look at that.

I think Senator Forshaw was arguing across the chamber in respect of the figure and whether it was 1,400 or 1,700. I am not sure that is an argument that matters. Less than 2,000 have taken up this scheme. Minister Anderson announced at the time, when he trumpeted the benefits of the AAA package, that 10,000 would take it up. The number is certainly well short of that mark. I urge
the government not only to extend the time for this scheme but also to have a look at some of the restrictions on it, because a lot of farmers will not take it up even if we do extend the time unless we deal with some of the other stumbling blocks.

I was going to give a fair bit of detail about those stumbling blocks, just as I did in my speech in 1998. However, given the limitation on time in this place and the wish of the government that the bill be passed, I will not do so. I am sure that senators are not going to rush off and read my 1998 speech. However, I will say that, in talking to staff from Mr Truss’s office who came to brief me on the bill, when I told them about some of those amendments and the Irish scheme they seemed interested and said that they would certainly look into it. They may wish to look up my 1998 speech, because it sets out all of the stumbling blocks that we see in the way of the operation of this scheme.

I might add that, in moving amendments in 1998, what we were doing, of course, was totally endorsing the approach of the National Farmers Federation, which agreed totally with the amendments that we sought to move. Those amendments were supported by a Senate inquiry; there was lots of evidence that what we said then was true. One of the amendments we wanted to move was to extend the scheme from three years to five years. In effect, that is what we are doing today. What we said then was true and the government is now catching up. That is good to see. I hope that the scheme—which is still, I believe, being strangled by restrictions—can be looked at in terms of extending the time and that the government will also in the future look at reviewing the eligibility criteria. If it does not do that, this will be an opportunity which, once again, the government will have missed. I commend the bill. It is a good piece of legislation. The scheme needs to be extended. At this point, we support extending the time for its take-up.

Senator ABETZ (Tasmania—Parliamentary Secretary to the Minister for Defence) (1.28 p.m.)—Mr Acting Deputy President, in common with you I look forward to further instalments of Senator Woodley’s travelogue and I am sure that we will all be, if not the wiser, better informed as a result of future contributions by the honourable senator.

I thank senators for their cooperation in this debate. This bill extends the successful Retirement Assistance for Farmers Scheme for a further nine months. For the record, I point out that 1,724 farmers and their partners have in fact been assisted under this scheme. It has enabled them to pass the farm to the next generation, continuing the tradition of the family farm. The number of farmers assisted so far is close to the target of 2,100, which I understand was the figure referred to during the second reading speech when this legislation was introduced.

Furthermore, there are a further 165 applicants that have been pre-assessed as eligible if they choose to go ahead. It should be remembered that this scheme is, in fact, demand driven. I understand that the figure of 10,000 may have been obtained from a media release that mentioned a preliminary review of ABARE farm survey data that suggested that as many as 10,000 farms could potentially meet the eligibility criteria for this measure. That figure has now been bandied around as somehow meaning that, of necessity, 10,000 would take it up. The simple fact is that that is what the ABARE figures indicated. When we introduced the legislation, we talked about a figure of 2,100.

Senator Woodley and Senator Forshaw undoubtedly know that this is a demand driven scheme. Also, Senator Woodley would be very well aware of the cultural difficulties for farmers in actually moving off the land or saying that they are going to retire from farming. Farmers have great emotional attachment to their properties, and the thought of giving up farming is a great emotional adjustment that some of them have made and others have not found themselves able to make. As a result, I think it is a bit unfair to try to criticise the scheme because of the quite understandable emotional attachment of many farmers to their property.

As I indicated, the bill does not change the eligibility criteria in any other way. I think there is acceptance around the chamber that, as part of our AAA package, this was a good initiative. We can argue around the boundaries, but in general terms there is support for
it. I thank honourable senators for their cooperation with this legislation.

Question resolved in the affirmative.

Bill read a second time, and passed through its remaining stages without amendment or debate.

NOTICES
Presentation

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

That the constitutional validity of the Defence Legislation Amendment (Aid to Civilian Authorities) Bill 2000 be referred to the Legal and Constitutional References Committee for inquiry and report by 11 October 2000.

Sitting suspended from 1.33 p.m. to 2.00 p.m.

MINISTERIAL ARRANGEMENTS

Senator Hill (South Australia—Leader of the Government in the Senate) (2.00 p.m.)—by leave—I inform the Senate that Senator Ian Macdonald, the Minister for Regional Services, Territories and Local Government and the Minister representing the Minister for Transport and Regional Services has been unavoidable delayed in returning from the annual conference of the Local Government Association in Queensland. He will therefore be late for question time. Until his arrival, I will respond to questions directed to Senator Macdonald in his capacities as the Minister for Regional Services, Territories and Local Government and the Minister representing the Minister for Transport and Regional Services.

QUESTIONS WITHOUT NOTICE

Treaties: Government Policy

Senator Hutchins (2.01 p.m.)—My question is to Senator Hill representing the Minister for Foreign Affairs. Is the minister aware that the member for Wentworth, Mr Andrew Thomson, has questioned the capacity of Mr Downer and the government as a whole to exercise the Commonwealth’s powers in relation to treaties by calling for the Senate to have a right of veto? Does the minister support Mr Thomson’s proposal to make a two-thirds majority vote of the Senate a condition for the government to ratify any treaty? If so, could the minister explain the benefits of such a system?

Senator Hill—That is not the position of the Commonwealth government. In the view of the government, the issue of approval should be an executive position. The government accept the additional parliamentary scrutiny that is now involved in the process through the Joint Committee on Treaties. We believe that that does allow parliamentary participation, and through the parliament a greater involvement of the community in the lead-up to ratification of a treaty. We think that that does provide a reasonable set of checks and balances to ensure that the executive is fully aware of the broad spectrum of community views, before ratifying a treaty. That is the position that we have now in the Commonwealth, and we believe that that is satisfactory.

Senator Hutchins—Madam Deputy President, I ask a supplementary question. In light of your answer, Minister, do you agree or not agree with Mr Thomson’s call for treaties to focus on obligations that nations must sign up to rather than on rights?

Senator Hill—I will finish my answer to the last question. It seems, from what the honourable senator has said, that there is a suggestion that we should adopt an American type ratification process. As I said, that is not the position of the Australian government. It is not consistent with the normal Westminster approach to these matters. In relation to the content of treaties, of course treaties are agreements between governments and impose obligations upon governments, and those obligations might include obligations in relation to the behaviour of governments towards their citizens. So issues concerning the rights of children, human rights and so forth for a long time have been an acceptable part of the international treaties system.

Native Title: Mineral Exploration

Senator Ferris (2.04 p.m.)—My question is to the Minister for Industry, Science and Resources, Senator Minchin. Will the minister advise the Senate how the gutting of the Queensland state native title regime undermines the government’s strong policies
supporting the mining and exploration industries?

Senator MINCHIN—I thank Senator Ferris for her question. As Chair of the Joint Committee on Native Title and the Aboriginal and Torres Strait Islander Land Fund, she quite properly takes a very keen interest in native title matters. The Queensland Mining Council has quite properly described the federal ALP’s decision to gut the Queensland native title regime as absolutely devastating for Queensland’s resources industry. The Mining Council said:

The stalled investment, loss of jobs and collapse of exploration spending in Queensland now remains totally unsolved. The federal ALP has completely destroyed the workability of Queensland’s scheme by disallowing the very heart of that scheme—the alternative provisions to the right to negotiate under section 43A.

This is not only devastating for Queensland’s minerals industry but a complete and utter humiliation for Premier Beattie. He has pretty pathetically tried to put the best gloss on what is a disaster for him and Queensland, but he has been completely sold out—and he knows that he has been sold out—by his federal ALP colleagues. His scheme, which was designed to kick-start mining exploration in Queensland, has had the heart ripped out of it by Mr Beazley. We on this side are all glad that Mr Melham has resigned, so we will not have to watch him on the Sunday program any more, embarrassing himself and the federal Labor Party. But I cannot understand for the life of me why he has resigned, because he and his left faction have had a major victory over Premier Beattie and their own right faction. Back in April, Mr Beattie said about the prospects of defeat of his scheme:

Mining exploration has been virtually nonexistent since the High Court decision in December 1996. A defeat will be the most savage blow for both mining and indigenous communities in more than a generation. It will send mining companies offshore for their exploration and will destroy job opportunities.

That is what Mr Beattie said would happen if his scheme fell apart, and it has fallen apart. By gutting the Queensland scheme, the federal ALP will be responsible for delivering that outcome to Queensland. Mr Beattie knows full well that the 1993 right to negotiate process is unworkable on pastoral leases, and it was never intended to apply on pastoral leases. That is why he proposed his 43A scheme, which would have given native title claimants substantial procedural rights regarding mining on pastoral leases, better than the rights that even the titleholders—the leaseholders—have, but of course that was ignored by Mr Beazley in this attempt to appease his own Left.

The future for Australia’s minerals industry really is in doubt and it has now been made much worse by Mr Beazley’s weakness. Mineral exploration in Australia is in steep decline; it is heading overseas. The 2000 world risk survey of the 20 leading resource countries ranked Australia as the most risky country for land claims, and that risk is now compounded by what Labor did yesterday to this country.

The Queensland economy is particularly dependent on the resources industry. It is its major source of investment, jobs and growth. Of course, the major victims of this are Aboriginal communities in regional Australia. Aboriginal regional communities have as their best hope the future of the mining industry. The Century zinc mine, which the opponents of the resources in this country tried to stop, employs some 150 Aboriginals. About 35 per cent of the work force is Aboriginal, and the chances of having another Century mine have been dealt a massive blow by what the Labor Party did yesterday. Mr Beazley has sold out his own Labor Premier and the state Labor government in Queensland, and he has sold out the resources industry and everybody who works in it.

Research and Development: Funding

Senator MARK BISHOP (2.08 p.m.)—My question is addressed to the Minister for Industry, Science and Resources, Senator Minchin. Can the minister confirm that the Prime Minister—a self-confessed devotee of Dr Alan Greenspan—told beleaguered CSIRO scientists yesterday that, when he sought Dr Greenspan’s explanation for the success of the US economy, Dr Greenspan replied:

I have to say that the investment the United States has made in technology has been one of the
main reasons why there has been so much sustained economic growth in that country.

Exactly when did the Prime Minister hear this sound advice from Dr Greenspan? Is it true that Dr Greenspan twice advised the Prime Minister to invest in research? Why have the Prime Minister and the minister ignored this advice and allowed investment in R&D to run down?

Senator MINCHIN—I was present for the Prime Minister’s speech yesterday at the Discovery Centre, and a great speech it was, as is typical of our Prime Minister. He reiterated his strong support for the CSIRO and the fantastic work that institution does for Australia, and also the importance of science to the Australian community. As he often has in the past, the Prime Minister quoted Mr Greenspan’s views on the sources of economic growth and productivity in the United States and worldwide. As is well known, Australia’s productivity performance actually outperforms that of the United States. We have had a stunning performance on productivity over the past four or five years in this country.

It is perfectly true, as the Prime Minister said, that one of the keys to the success of the US economy and its productivity is the public and private investment in science, innovation and technology in that country. We recognise that very well. Our current budget for this financial year in science and innovation is in fact $4.5 billion—a record expenditure for this country and a real increase in dollar terms. So we are well aware of the importance of that to the future of the economy. That is why we conducted the innovation summit earlier this year. That is why we put together a high powered implementation group to report in the next week or two to the government on the outcomes of that summit. That is why we commissioned the Chief Scientist, Dr Batterham, to conduct a complete review of the science capability of this country. He has put out an excellent discussion paper—and I am pleased that the ALP itself is supporting that discussion paper and this process—and we look forward to getting his final report and acting upon it when we get it. Investment in science and innovation is critical to the future of this country. We know that only too well.

Senator MARK BISHOP—Madam Deputy President, I ask a supplementary question. Is it not true that Commonwealth investment in R&D dropped from $1.26 billion in 1996 to $1.19 billion in 1999 and that business investment in R&D fell from $4.2 billion in 1996 to $3.9 billion in 1999? Given the Prime Minister’s statements yesterday, isn’t it also true that the Howard government is all talk and no action?

Senator MINCHIN—I am sorry, Senator Bishop, but the Labor Party have been trying to stop us reforming this economy for the past four years. We are the government of action, and they have tried to stop us making sure this economy can perform to world standards. With their opposition to every major reform that we have tried to introduce, they have tried to damage this economy relentlessly. We are the ones with the track record, and you are the opponents of substantial reform.

Australian Labor Party: Fundraising

Senator GIBSON (2.12 p.m.)—My question is addressed to the Special Minister of State, Senator Ellison. The minister would be aware of allegations that the Australian Labor Party has avoided disclosure of electoral donations by holding extravagant fundraising activities, such as the Gough Whitlam tribute dinner. Is he aware of any other issues relating to electoral reform? Why is it important that the public disclosure provisions of the Electoral Act not be circumvented?

Senator ELLISON—I was stunned to read in the Bulletin yesterday Laurie Oakes’s article, which dealt with the Gough Whitlam tribute dinner where prices paid for auctioned lots ranged from $5,000 to $55,000. Of course, the electoral laws of this country require that donations or gifts in kind to a political party of more than $1,500 have to be declared. So how did Labor get around this? What they did was to get a fundraiser to organise the dinner, the payments were made to the fundraiser and then there was a disclosure of the total amount, which came to just under half a million dollars. So what you had was a complete breach of the intention of the fund-
ing and disclosure provisions contained in our electoral legislation. You have to remember what Senator Faulkner, who has paraded himself in this chamber and elsewhere as a paragon of virtue, said just a few months before this fundraising dinner:

As far as the Labor Party is concerned, we have always advocated tight and transparent funding and disclosure provisions.

There you are. That is what he said. I repeat: As far as the Labor Party is concerned, we have always advocated tight and transparent funding and disclosure provisions.

That was only a couple of months before this scam, when we had these 13 lots of donations ranging from $5,000 to $55,000, which got by that disclosure provision. As a result of that, I have written to the Joint Standing Committee on Electoral Matters and asked them to have a look at this, because we have previously referred to them the funding and disclosure report put out by the Electoral Commission. So we have asked them to look into this.

But the other part of the question was in relation to electoral reform. It is interesting to note that, in Queensland, where it had some convictions in relation to electoral fraud—

Honourable senators interjecting—

The DEPUTY PRESIDENT—Order! The level of noise is too high and the conversations across the chamber are not to be tolerated.

Senator Knowles interjecting—

The DEPUTY PRESIDENT—Excuse me, Senator Knowles. The level of general noise is too high, and the conversations from both sides across the chamber plus the interjections are not tolerable. I will have silence before we resume.

Senator ELLISON—We have all seen events in Queensland recently dealing with fraud in relation to the electoral roll—and what do we get from the federal opposition and what do we get from the Labor Queensland government? What we have done is asked for this to be looked at by the Joint Standing Committee on Electoral Matters.

But will the federal opposition show some leadership to the Queensland government and join with us in bringing in our regulations—regulations which will protect the electoral roll and will protect the integrity of enrolment procedures? Will the federal Labor opposition join with us? No, they will not. And they will not show leadership to the Queensland Labor government either—because that government is squarely saying no to our request to join in with us in supporting these regulations which will tighten those provisions and avoid the situations that we have seen recently in Queensland. In fact, there has been the third conviction in as many years dealing with electoral fraud. We are talking here about the integrity of the electoral roll and enrolment provisions. You know, it is a bit rich when the Labor opposition holds itself out as a paragon of virtue and you have this total disregard for electoral reform.

Goods and Services Tax: Exemptions

Senator SCHACHT (2.17 p.m.)—My question is addressed to Senator Ellison representing the Minister for Veterans’ Affairs. Is the minister aware of the comments by Mr Tim McCombe, the President of the Vietnam Veterans Federation, who has written in the September newsletter of the Vietnam Veterans Federation that the GST is a ‘cruel tax’ because it takes 10 per cent of the association’s membership fees? Is it true that the association has made numerous representations to the Minister for Veterans’ Affairs to have its membership fees exempted from the GST? Can he explain why these representations have—to quote Mr McCombe—‘fallen on deaf ears’? Is it also true that Major General Peter Phillips, the National President of the RSL, has made personal representations to the Prime Minister on exempting the GST from RSL membership fees?

Senator ELLISON—As I understand it, the federal opposition are supporting the GST. One might well ask: what are they doing about this? Quite frankly, it is all very well for them to raise these sorts of issues, but what is the federal opposition going to do about it—what are Labor going to do about it? I can say that, in relation to the veterans’ body that Senator Schacht has mentioned, I am aware that the department has been following closely the concerns raised by mem-
bers whom Senator Schacht talks about and that there have been discussions with them. The minister has asked the departmental officials to finalise their inquiries with that association as soon as possible.

Senator SCHACHT—Madam Deputy President, I ask a supplementary question. Does the minister feel any sympathy for Mr McCombe’s frustration, as indicated by his statement:

It is amazing how easily the government arranged for us to go to war, no problem there, but to exempt us from an obviously cruel and unfair tax is far too hard.

When will Major General Phillips receive a reply to his personal representations to the Prime Minister? Also, when will the minister respond to these inquiries?

Senator ELLISON—What Senator Schacht fails to realise is that those people who are on pensions or government benefits have enjoyed an increase—a four per cent increase—under the new tax system. This is something they do not want to advertise or bring to the attention of the wider community. But I have answered this question and, should any further development arise, I will get back to Senator Schacht.

Members of Parliament: Olympic Games Attendance

Senator ALLISON (2.20 p.m.)—My question is addressed to the minister for communications. The minister was reported in the press last week as saying that it would be criminal negligence for MPs to turn down Telstra invitations to attend the Olympics. Is that an accurate report and, if so, will the Commonwealth Director of Public Prosecutions be taking action?

Senator ALSTON—The silly season has arrived a bit early, it would seem.

Senator Robert Ray—Your brother sounded better this morning than you ever have.

Senator ALSTON—He is a long way away. The further away you are, the better they sound.

Honourable senators interjecting—

Senator ALSTON—Well, there’s always got to be one success in the family; I have always acknowledged that. That is why I have such a strong inferiority complex. Senator Allison presumably only half read that—have you got a point of order?

Senator Allison—Madam Deputy President, I raise a point of order. I could hardly say that the minister is debating the issue; he is not even debating anything to do with the question that was asked. Can I just invite the minister—it is a simple question, a direct question—to answer it in words of one word or less?

The DEPUTY PRESIDENT—I am sure the minister is coming to the question.

Senator ALSTON—Yes, I was, because it is obviously a very serious question. In fact, it raises a very serious issue as to whether Senator Allison actually read the press reports in any detail because, as far as I recall, I was at great pains in any interviews that I gave on the subject—and they were not deliberative ones—to simply make the general point of principle. That is, where there are opportunities to meet with senior people visiting this country—particularly in my area of responsibility, IT—it would be a very sad day indeed if people were deterred simply because people like the Labor Party, and presumably the Democrats, would want to score cheap political points.

I was not for a moment suggesting that anyone should be accepting $10,000 packages, but I was making the very clear point that it was not just in relation to Telstra. There are a whole range of companies who are making invitations available to attend the Olympics. Those invitations will involve opportunities to meet with senior people—and those opportunities would not otherwise be available—because they are guests of those corporate entities. In those circumstances, I was simply using a little bit of hyperbole and using the term ‘criminal negligence’. I am not sure that there is actually an offence under the Crimes Act. Negligence is generally a civil matter, a duty of care. I am sure that Senator Allison will take keen notice of what is involved in avoiding negligence. It usually means doing your homework first to avoid being held liable. There is a standard of care—maybe it is less for the Democrats. There are damages that flow.
Your standing in the public opinion polls is usually dramatically reduced. But I do not think that, in the case of the Democrats, it should be a criminal offence. We simply accept the fact that they are entitled to have their say in a democracy.

Instead of trying to come in via the back-door on this issue, Senator Allison ought to stand up and say whether she thinks we should ignore opportunities such as these, which come along once in a lifetime. Does she really believe that senior ministers in particular and any of those people with responsibility in certain areas should simply stay at home, put their feet up, watch it on telly and say, 'Didn’t we have a great two weeks on the public purse?' I would have thought the much more responsible thing to do would be to take the opportunity to sell Australia’s message and to make others aware that this is a very clever, high-tech, highly literate country in which there are boundless opportunities to invest, opportunities that should be of great attractiveness to them because Australia is by far the most appropriate regional headquarters if they want to access the Asia-Pacific region. I hope that in those circumstances Senator Allison will be able to leave home during the Olympics and actually get out and about to see whether there are some people around who are even prepared to talk to her about some of these issues and, if there are, to take advantage of the opportunity.

Senator ALLISON—Madam Deputy President, I have a supplementary question. I thank the minister for his answer and his assurance that we are not going to be charged. The secretary of the Committee of Senators’ Interests advised that, in relation to the Olympic packages, a prudent course to follow may be to decline any gift or other personal benefit offered because it could reasonably be seen to undermine the integrity of the senator or compromise his or her objectivity. Minister, why did you ignore that advice? How much is Telstra and the public purse forking out for these packages for parliamentarians? How many MPs were invited and why?

Senator ALSTON—I am afraid you will have to ask Telstra that. They have not consulted me about who they should invite or who they have in fact invited. I do not know why you have an obsession with Telstra.

Senator Robert Ray—The Prime Minister doesn’t consult you; why should Telstra?

Senator ALSTON—The government has actually made its position plain. As long as people are not in the business of accepting—

Senator Faulkner—That is criminal negligence.

Senator ALSTON—That is my perhaps colourful description of the term, but I was simply—

Senator Robert Ray interjecting—

Senator ALSTON—And went straight through with four runs, so you cannot complain about that. You might get caught behind most times, but if I can get them to the boundary I do not complain. Don’t get obsessed with Telstra; just worry about the fact that there are a lot of companies out there that are providing those opportunities. I am very sorry that they have not been knocking on your door. Perhaps I can understand why. If you showed at least a bit more interest in promoting Australia, you might find that there could be someone out there. Certainly I will take the opportunity to suggest it to them if I get the chance. (Time expired)
seeking that information, find out the reasons why the government is reviewing the status of ADFA so that the parliament and the public, particularly the ACT public, can contribute to the decision making process?

Senator ELLISON—I will take those comments on board.

Telstra: Services

Senator CRANE (2.27 p.m.)—My question is to the Minister for Communications, Information Technology and the Arts, Senator Alston. How is the government’s customer service guarantee improving telecommunications services? Is there recent evidence of the customer service guarantee further improving Telstra performance levels? Is the minister aware of any alternative policy approaches? If so, what would the impact be if these were ever implemented?

Senator ALSTON—I am indebted to Senator Crane for that very important question. He has actually raised a very important issue. I can say to the Senate with absolute certainty that it will be criminal negligence of the highest order if Labor is not aware of a release today from the Australian Communications Authority. It says:

... nationally, in the June 2000 quarter, Telstra had provided 85 per cent of new services in urban areas within the CSG—
the customer service guarantee—
timeframe—an improvement in performance of 22 percentage points compared with the June 1999 quarter.
Telstra’s performance in major rural areas was even better, rising by 27 percentage points to 83 per cent when compared to the June 1999 quarter.
ACA Chairman Tony Shaw said that performance in the June 2000 quarter in each State and Territory was also better than in the corresponding quarters in 1998 and 1999.
So it is quite clear that things are going in the right direction and that the customer service guarantee is very effective in delivering better outcomes for consumers, and that is what it ought to be about. That is a function of separate legislation that is designed to ensure that performance levels not only reach a required minimum but also continue to improve over time, irrespective of ownership. That is why it is extraordinarily important that the public should be aware of the continued disinformation that is being put out by the Labor Party. I suppose Mr Beazley gets a bit sick of denying that Carmen Lawrence is going to be put on the front bench, after seven goes at ducking that particular question. There is not much talent left on the left, as we have seen.

Senator Kemp—How about George Campbell?

Senator ALSTON—I do not think the Labor Party would stoop that low. You have to draw the line somewhere, Senator Kemp. What has he done, apart from make it plain in books and other writings that he thinks the quality of the frontbench is manifestly inferior? I do not think anyone would ever accuse Senator George Campbell of adding to the quality of public debate in this country. It is very unfortunate indeed that Mr Beazley is still labouring under the misapprehension that somehow the quality of service in rural areas is dependent upon the ownership of Telstra. It quite clearly is not, and it will not be under us—I cannot speak for the Labor Party. But it is even more disappointing and disturbing for people in rural areas to have people like Mr Stephen Smith running around saying that social bonus moneys are bribes and that all of the good things that we have been able to do as a result of the use of the proceeds of the sale of Telstra—which have been applied to improving the quality of telecommunications infrastructure in rural and remote Australia—are things the Labor Party not only does not support but opposes vehemently. It has never for a moment suggested that this should be funded from any other source. In other words: it is implacably opposed to improving the quality of service in rural Australia.

Only recently, the shadow minister for regional services, Senator Mackay, said that the federal government is trying to blackmail regional Australia. Mr Beazley, the Leader of the Opposition, said yesterday, ‘When you look at the appalling way the Commonwealth has wasted the product of the first couple of tranches of Telstra’s privatisation,’ so let us find out from Mr Beazley what he thinks has been wasted. Some $71 million has gone to providing SBS to 1.2 million more Austra-
lians, $150 million has gone to untimed local calls, $25 million has gone to rolling out mobile coverage on national highways, $45 million has gone to local government and $20 million has gone to online access to communities, and on it goes. Mr Beazley says that all of this has been wasted. We will be featuring him in our election campaigns, I can assure you. *(Time expired)*

**Information Technology: Outsourcing**

**Senator LUNDY** (2.32 p.m.)—My question is to Senator Ellison, the Minister representing the Minister for Finance and Administration. Can the minister confirm that a draft Auditor-General’s report into government outsourcing is currently being considered by departments? Can he also confirm that this report is very critical of the current outsourcing arrangements, both in terms of service to clients and value for money for the Commonwealth taxpayer? Given the seriousness of the concerns raised by the Auditor-General, has the government provided any advice to departments about how they should proceed with outsourcing processes that are currently under way?

**Senator ELLISON**—Senator Lundy is referring to a routine audit by the Australian National Audit Office. The draft report is just that, and I am not going to comment on a draft report. I am not going to be drawn into any comments on what it might or might not say. This is a routine audit of the outsourcing conducted by the government—outsourcing which is a shame the opposition does not support, when you consider the benefits that outsourcing brings, especially to the IT industry, in which Senator Lundy supposedly maintains an interest. You look at the fact that—by virtue of the outsourcing policy of the government—hundreds of millions of dollars are going to small to medium enterprises and when you look at the benefit to the IT industry generally, it is a shame that Labor does not come on board and support us on this instead of always nitpicking. It is interesting to look at what Senator Lundy has said on this: ‘Labor will continue its call for the government to ditch the IT outsourcing program.’ That is an amazing comment from an opposition which finds itself in the year 2000. This shows that Labor wants to go backwards in relation to the IT industry. The reforms that we are bringing in are also savings. The projected savings for contracts, with cluster 3 and group 8, are in the region of $265 million—outsourcing programs which will not only give money to the IT industry but save the taxpayer money. That is the benefit of our IT outsourcing, and what does Labor say? Labor is going to ditch it and go backwards.

**Senator LUNDY**—Madam Deputy President, I ask a supplementary question. Does the minister consider that departments would be well advised to put outsourcing proposals on hold until the Auditor-General’s report is tabled and the government has addressed its recommendations?

**Senator ELLISON**—I have answered the question. It is interesting to see that, at Labor’s national conference, it was stated that Labor will work to maximise the benefits for small firms that flow from the outsourcing of government contracts. So Labor are adopting it. They say that they will ditch IT outsourcing, according to Senator Lundy, and then they recognise the benefits of our programs. Why don’t they just come clean and join the government in promoting these programs, which will benefit the IT industry in this country?

**Superannuation: Investment**

**Senator WATSON** (2.36 p.m.)—My question is directed to the Assistant Treasurer, Senator Kemp. Will the minister inform the Senate of the government’s position in response to comments made by the ACTU president about directing where workers’ superannuation funds should be invested?

**Senator KEMP**—I thank Senator Watson for that important question. I suspect that there is no-one in this parliament who has taken a greater interest in superannuation than Senator John Watson. Indeed, the contribution he has made to policy in this area has been extremely important, and I am very happy, Senator Watson, to put that on record. There is some community concern about the recent statements from the ACTU president, Sharan Burrow, concerning superannuation.

**Senator Conroy**—Tell us what she said. Give us a quote from her speech!
Senator KEMP—That is exactly what Sharan Burrow said in her speech. This is what has caused some concern. Senator Conroy asked me what Sharan Burrow said, and I am very happy to say it. I am quoting from her remarks reported earlier this week:

Employee representatives, whether elected or appointed by unions, make up half the boards of funds with almost half of total superannuation assets—around $200 billion.

The point I am making here is that these funds do not belong to the ACTU; these funds do not belong to unions. They belong to the members of the funds. They belong to workers and to employees. There is some concern now that we are seeing the ACTU trying to flex its muscles, with its new president trying to make the point that somehow the ACTU and the unions may be involved in the direction of superannuation funds. I hope that is not the case. It is important that the new President of the ACTU make her position quite clear. Nothing is more likely to undermine confidence in superannuation than the idea that the unions and the ACTU should be directly involved in directing superannuation funds.

Nothing is more likely to undermine confidence in superannuation than the idea that the unions and the ACTU should be directly involved in directing superannuation funds. I want to make absolutely clear the government’s point of view that any attempt at direction will be contrary to the responsibility of trustees to act in the best interests of their members. Trustees will rightly resist any attempt by the ACTU to pursue a political agenda at the expense of retirement income security for Australian workers. If Sharan Burrow, the boss of all these Labor bosses over here in the Senate—

Opposition senators interjecting—

Senator KEMP—All these people facing us are union bosses. This is not a Labor Party, as I have said before; it is a union bosses’ party and, undoubtedly, at some stage Sharan Burrow will be joining you in the Senate. The ACTU should be supporting choice in superannuation to provide workers with a real chance to have an influence over their funds. If the unions were prepared to get out there and properly represent employees and workers, they would be supporting a choice of superannuation. (Time expired)

Universities: Research Funding

Senator CARR (2.41 p.m.)—My question without notice is to Minister Ellison representing the Minister for Education, Training and Youth Affairs. Does the minister deny that the government has plans to reduce the number of research training places at Australian universities? Is it correct that universities across the board will lose 3,500 research places? Is it also correct that the RMIT stands to lose more than 300 places, or 38 per cent, of its current level under this plan and that the University of Western Sydney would lose 250 places—a cut of more than 40 per cent?

Senator ELLISON—It is well known what we are doing in higher education. We have a record number of fully funded undergraduate places. That is an increase of four per cent since 1996 when we came to power and took over from Labor. In fact, the undergraduate targets have been exceeded by 6.4 per cent. The question we have is another beat-up by Senator Carr in relation to this government and universities. On the question of higher education research—

Senator Faulkner—Did you hear the question? What about the question?

Senator ELLISON—I am coming to that, Senator Faulkner. You might be interested to know that we have increased that by 13 per cent between 1996 and 1998. That brings it to a total of $2.6 billion. That is good news for the higher education sector. Senator Carr and the opposition need to take heed of what we are doing in higher education—not just stand back, nitpick and beat up the whole issue but join us and support our reforms to provide more resources to universities from fees, the private sector, from incentives for donations as well as increased government funding.

Senator CARR—Madam Deputy President, I ask a supplementary question. Can the minister also confirm that, under Minister Kemp’s proposals to dumb down Australian research capacity, the group of eight of Australia’s wealthiest universities will lose fewer than 10 places? Why is the Howard government attacking research at Australia’s newer, smaller and regional universities, and how can this be in Australia’s long-term interests?

Senator ELLISON—We are not attacking those smaller universities at all. In fact, we have increased the revenue available to them. Through our policies we have made a reve-
nue of just over $9 billion available to Australian universities across the board. That includes all universities. The eight universities that Senator Carr mentioned have been in the press recently saying that they want to see greater flexibility; they want to see greater opportunity to become more entrepreneurial. That is something we are encouraging across the board with all universities—to take up the opportunities that are being offered and not just rely on the government purse.

Queensland Cableway: Environmental Assessment

Senator BARTLETT (2.45 p.m.)—My question is to the Minister for the Environment and Heritage. Is the minister aware of the proposed Naturelink cableway between Mudgeeraba and Springbrook on the Gold Coast hinterland in Queensland? Can the minister confirm that the proposed route of the cableway will go through the Central Eastern Rainforest Reserve, one of Australia’s world heritage areas, and through areas containing the habitat of threatened species of plants and animals? Can the minister also confirm whether or not the proposal has been referred to him under the provisions of the new Environment Protection and Biodiversity Conservation Act by the proponent for the development? Will the minister confirm that the proposal does trigger the new EPBC Act, thus requiring his assessment and approval of the project before it can proceed and before any construction can commence?

Senator HILL—Certainly, if approval is required under the Commonwealth legislation, we will apply high standards. That is what we expect of proponents in very sensitive areas such as this. I am aware that there has been local criticism of the proposal—there is no secret about that. There are of course proponents of it also. If you look at the cable car in the Cairns region, at the time of construction it was roundly criticised. Subsequent to that, it has received a whole range of environmental awards. Some would argue that that is an ideal way to present a sensitive asset to the community. I remind the honourable senator that one of the obligations under the World Heritage Convention is in fact to present the assets—so it is not only to conserve and protect but also to present. How you do that in sensitive rainforest areas is quite complex, and some would argue that cable cars actually result in a smaller footprint and therefore are a viable option. But that is something to be considered. (Time expired)

Nursing Homes: Hillmont

Senator FORSHAW (2.48 p.m.)—My question is to Senator Herron, the Minister representing the Minister for Aged Care. Can the minister confirm that the Hillmont Nursing Home was recently inspected by the government only after Channel 7 informed the department of the mistreatment of residents in that facility? Minister, must nursing home residents now rely on the media to enforce the government’s care standards? Prior to that
recent inspection, when did the government last visit this facility?

Senator HERRON—I thank Senator Forshaw for the question. I have a brief. The department imposed sanctions on Hillmont Nursing Home on 30 August following a serious risk report from the Aged Care Standards and Accreditation Agency arising from a review audit of the home on 27, 28 and 31 July and 1 August this year. The sanctions are that the approved provider must nominate within 14 days a nurse adviser for the Hillmont Nursing Home who is approved by the department, or the approved provider faces revocation. In addition, Hillmont Nursing Home will not be eligible for government subsidies in respect of new residents for 12 months and will also not be eligible for an increase in its allocation of government subsidised places for 12 months.

A nurse adviser was approved by the department. She began work on 3 August this year. The department has been closely monitoring care at the home on a daily basis to ensure that immediate improvements are made. It will continue to do so until the end of this week, when the need for ongoing monitoring will be reassessed in terms of what improvements have been effected. There will be ongoing support visits after this.

Senator FORSHAW—Madam Deputy President, I ask a supplementary question. I thank the minister for that information, and in light of it can the minister explain why the report on the Hillmont Nursing Home, which identifies immediate and serious risks to residents, has not been published? Given that the inspection occurred over four weeks ago, don’t residents and the wider community have a right to know what risks were identified at this nursing home?

Senator HERRON—I would assume that this information would be made available if it were relevant to the particular patient concerned. But if it is relevant to the nursing home itself, then it would be protected by the usual sanctions that occur in relation to these matters—it would have to be investigated before anything further was done.

Violence: Young Men

Senator MASON (2.51 p.m.)—My question is to the Minister for Justice and Customs, Senator Vanstone. Will the minister inform the Senate of the effect of violence on the lives of young men, and what do young men say about solutions to violence?

Senator VANSTONE—I thank the senator for his question. He is a young senator, but he might not be regarded as a young man in this context—

Senator Carr—He’s not that young.

Senator VANSTONE—He is a very young senator, but he is very experienced, and we are very pleased to have him. It is a very astute question because violence is a pervasive part of the lives of many people, especially, sadly, those of young men. Young men sadly do get far more than their fair share of violence. Bureau of Statistics figures showed that young men aged between 15 and 19 made up 13 per cent of victims of violence, but they are only 4.5 per cent of the population. So 4.5 per cent of the population has to cop 13 per cent of the violence. The federal government recognises this disproportionate representation of young men as victims of violence and last year, in quite a serious fashion over a day and a half to two days, consulted 22 young men who had experienced violence either as victims or as perpetrators, or as both. Violence had touched the lives of these young men in a number of ways, either directly, as I say, as victims or perpetrators or as both. Violence had touched the lives of these young men in a number of ways, either directly, as I say, as victims or perpetrators in their families or schools or the public places where they meet their friends. Both the victims and the perpetrators in the group recognised that violence diminished their lives in a very permanent and long-lasting way. The advice from the seminar that we held with these men is of interest. But before I relate that, I might put on record my thanks to the members in the House of Representatives who assisted us in selecting the appropriate young men to participate.

Senator Jacinta Collins—Oh!

Senator VANSTONE—Oh! I notice the opposition mocks this, but it is a serious problem. To address it properly, rather than selecting the people from Canberra or picking a few mates, as Labor would do, I thought it appro-
Appropriate to go to the representatives of the people—that is, the members of the House of Representatives—in seats that might have had some concern with this matter and to ask them to assist us, and they did. Those members were Bruce Billson, the Victorian representative member; Ross Cameron; Janice Crosio, Craig Emerson and Martyn Evans—all Labor members, and I am happy to thank them; Teresa Gambaro; Julia Gillard, another Labor member; and Trish Worth.

Opposition senators interjecting—

Senator VANSTONE—I did that because, while clearly the members of the Senate opposite are not interested and do not care, this is not a political issue. It is something that people on both sides of parliament, other than the senators interjecting opposite, have a really serious interest in and are happy to do something about. The report from the group indicated these young men wanted to change their lives and avoid violence. They recognised they had an antagonistic relationship with the police and wanted that to change. They recognised their anger was a problem for them and for the people close to them, and they want to learn how to manage it. They wanted to make drugs harder to get—and I am sorry that Natasha is not here—because they did not think drugs were fun; they thought drugs and alcohol were a cost to their health. The report highlighted the difficulty of getting recreational activities. We will be using the information from this very well thought-out seminar that members from both sides contributed to. We are already planning some crime prevention programs and interventions to use the benefits of this seminar to assist these young men. (Time expired)

Tourism: Top End

Senator CROSSIN (2.56 p.m.)—My question is to Senator Minchin, the Minister representing the Minister for Sport and Tourism. Is the minister aware of recent research by Tourism Top End, the tourism peak body in the Northern Territory, showing that tourism revenue in the Territory has taken a sharp drop in this financial year? Can the minister advise whether the Commonwealth has any figures which would corroborate the findings of this research that tourism revenue has dropped by 20 per cent in recent weeks? Is the Commonwealth government concerned about the effect such a fall in revenue will have on the long-term viability of tourism operators in the Territory, an area which relies on tourism revenues for broad economic sustainability?

Senator MINCHIN—I have not been informed of the particulars of Senator Crossin’s question. She said that there has been a drop-off this financial year. This financial year is less than two months old. I am not sure whether you can draw proper analogies on the basis of a financial year being only a few weeks in duration. There may well be particular circumstances that have affected tourism in the Northern Territory in this six- to eight-week period if we accept at face value what Senator Crossin has said. The concentration on the Olympics would have affected the tourism market around Australia, I would have thought, in that obviously there is a focus on tourists coming into Sydney. This may, while adding in net terms significantly to Australian tourism, have some short-term impacts on other parts of Australia. I do not know if there have been particular weather patterns in the Northern Territory that have affected tourism. Maybe it has been wetter in this summer season that it has been in the past. But I am happy to have a look at those figures and see if there is anything in them that we should be aware of.

Senator CROSSIN—Madam Deputy President, I ask a supplementary question. It is unfortunate that the senator does not realise that in fact we have no rain in the Top End during this time of the year. My question referred to research which showed tourism figures had dropped by 20 per cent in recent weeks. Is the minister aware that the general manager of Tourism Top End has been clear in identifying the GST and higher fuel prices as significant causal factors in this decline in tourism industry revenues? Given that the government is responsible for the GST and that it failed to keep its promise that the GST would not lead to higher petrol prices, will the government be offering any compensatory assistance to the tourism industry in the Northern Territory?

Senator MINCHIN—That was a pretty feeble attempt at attacking a policy they now...
support. The Labor Party support the GST, but they still want to try to find excuses for saying there is something wrong with it. I am happy to report that, in relation to tourism and the GST, a preliminary survey undertaken by the Tourism Council shows a very good result for the tourism industry. For example, 70 per cent of small businesses surveyed claim to have coped well with the implementation of the GST; 75 per cent of respondents have not experienced a decline in demand since the introduction of the GST; and 80 per cent of all businesses surveyed anticipate no difficulties in lodging their first business activities statement. The GST is going to be great for the Australian economy and great for tourism.

Health: Immunisation

Senator CALVERT (2.59 p.m.)—My question is to Senator Herron, the Minister representing the Minister for Health and Aged Care. Will the minister inform the Senate about how the government is working to protect the community against vaccine preventable diseases? Is the minister aware of any alternative policies?

Senator HERRON—I thank Senator Calvert for his question. I am pleased to inform the Senate that the government will make an additional $20 million available over the next 12 months to provide young adults between the ages of 18 and 30 with free measles, mumps and rubella vaccine. This is the next step on our campaign to maintain at acceptable levels the number of Australians protected against vaccine preventable diseases. One of the greatest achievements of my parents’ generation was to eliminate the threat of poliomyelitis. The Howard government is committed to eliminating the threat of measles. Central to this goal is the measles control program, which my colleague Dr Wooldridge launched two years ago. This program has resulted in around 1.7 million—or 96 per cent—of primary school aged children being vaccinated. More than 1.3 million of these children were vaccinated under the school program in almost 8,800 schools across all states and territories—a 10 per cent increase in the number of six- to 12-year-olds who are immune to measles.

There has also been strong support from parents for the programs—89 per cent of parents overwhelmingly reported that they were satisfied with the primary school program, and 87 per cent of parents indicated that they would be willing to have their children vaccinated at schools in future. In the preschool group it was estimated that 97½ per cent of those aged 12 months to 3½ years had received their first dose of measles, mumps and rubella vaccine. This means that 89 per cent of children aged two to five are now protected against measles, mumps and rubella, an increase from 82 per cent before the campaign.

A subsequent evaluation of this very successful campaign identified young people between 18 and 30 as another at-risk group for not only measles but also rubella and mumps. Ninety per cent of cases during last year’s measles outbreak in Victoria were of people aged 17 to 27. People in this age group not only are more at risk of acquiring an infection but also are at higher risk of complications when they do get infected. A report of an outbreak in Western Australia in 1994 stated there was a high morbidity rate in young adults, and last year’s Victorian outbreak had a high rate of hospitalisations.

This issue should be above politics. But, unfortunately, as we have seen so many times, when it comes to the nation’s health care, the Labor Party consistently fails Australians. Labor’s failure to adequately address immunisation in its so-called policy will risk returning us to the bad old days when Australia’s immunisation levels saw us ranked 68th in the world. It is disappointing to me that the Labor Party included only four lines on immunisation in its health policy platform. This is an obvious reflection of Labor’s commitment to immunisation and protecting the community against vaccine preventable diseases. It is just another Labor failure. Labor has failed yet again to show the people of Australia that it does consider immunisation a priority. It was this government that linked immunisation to the principles of Medicare. Four lines of policy just is not good enough.
Senator Hill—Madam Deputy President, I ask that further questions be placed on the Notice Paper.

**ANSWERS TO QUESTIONS WITHOUT NOTICE**

**Australian Defence Force Academy**

Senator ELLISON (Western Australia—Special Minister of State) (3.03 p.m.)—Senator Hogg asked me about the Australian Defence Force Academy and what plans the government had in relation to that. There is a review dealing with postgraduate education. I am advised, in relation to that body, that there are no plans to change the current situation at the Australian Defence Force Academy.

**Universities: Research Funding**

Senator CARR (Victoria) (3.04 p.m.)—I move:

That the Senate take note of the answer given by the Special Minister of State (Senator Ellison), to a question without notice asked by Senator Carr today, relating to the reduction of research places at Australian universities.

The approach taken by this government on research funding and policy has been nothing less than dangerously short-sighted. It has been disastrous. Under this government, research and development tax concessions have been cut back from Labor’s 150 per cent to just 125 per cent. This has been a major contributing factor to the decline in Australia’s business expenditure on R&D, a drop of some nine per cent in 1998-99 from the levels of 1995-96. This government has itself identified the need to encourage industry investment in research, despite its crazy decisions to cut research and development tax concessions.

Last December the government produced a white paper which was entitled ‘Knowledge and innovation’, the purpose of which we were told at the time was in large measure to provide strong incentives for industry collaboration within higher education—within our universities. This white paper—the one that the government constantly relies upon in its own defence of research policy, as we saw here again today—in fact lays the foundations for the chaos in this crucial area of research—that is, research training. The white paper sets the scene for a voucher system in the area of university teaching and learning, a system where the funds follow the students. This is an unstable method of funding and one strongly opposed by most players in the Australian research policy scene. It works against the build-up, the nurturing, of a strong, sound and robust research and research training environment, because it does not guarantee that funding in any one institution will remain predictable and secure.

The government’s new model for research training also involves a cut of some 3,500 research student places at Australia’s universities. Currently there are some 25,000 full-time equivalent students undertaking research degrees in Australia. Every one of those young—and not so young—researchers is of incredible value to Australia’s future as the knowledge nation. If we are to compete in a global environment we must urgently boost our research output and lift our human resource infrastructure for research and development, yet the government in its particular wisdom has decided to cut the number of funded places for research students from 25,000 at present to just 21,500.

This cut is not evenly inflicted across the board. What we have seen is a crucial differential impact across the system. The cut will deal a body blow to the newer, often bolder and more innovative of the smaller universities. It will hit hard at our regional universities. It will strike at the heart of the research schools of those universities struggling to establish themselves. This cut will also create a swathe through the research schools of those universities that are outside the privileged circle of the sandstone group of eight. While the group of eight will lose just 10 places altogether, the newer and smaller universities will lose 3,470 places. This is because the cut is being inflicted on research student places that are subject to HECS; research places created by the universities themselves. They are outside the mainstream Australian postgraduate system, APA. The new universities have, in a bid to establish themselves as research institutions, stuck their necks out and used some of their HECS related student places to boost research funding. They had to do this so that they could compete with their older and more es-
established counterparts. Under the allocating system currently in place, these newer universities have been competitively disadvantaged. This is because their allocation of research student places has essentially been based on their past performance in research. Many of the measures used to assess research performance are themselves based directly or otherwise on a research track record that does not go very far back into the past.

This government essentially is seeking to accentuate that disadvantage. The newer universities will suffer quite savage cuts. Deakin University, for instance, will lose 224 places out of its current 525 places. The University of Western Sydney will lose half of its 687 total places. Central Queensland University will lose more than half of its research student places. The Australian Catholic University will end up with only one-third of its current number. All these universities have developed exciting, new, innovative programs in research in both the management and social science areas. They should not be disadvantaged in this way.

(Time expired)

Senator TIERNEY (New South Wales) (3.09 p.m.)—I am surprised to be back here again, one day later, to speak on education issues. Yet again we have Senator Carr ranting about various aspects of education—this time, research. But what he forgets is the absolutely appalling record of his government in the whole higher education area. If Senator Carr had his way, being a centralist command economy man he probably would prefer to return to the good old days when education was administered by the Whitlam government. At that time our universities were totally dependent on the budget. There were no fees—they were totally dependent on the government.

Senator Crossin—Is that where you got your degree? Is that how you got your degree?

Senator TIERNEY—No, Senator. When I entered there were fees, and I got a scholarship.

Senator Crossin—Oh?

Senator TIERNEY—Yes, I got a scholarship. You would deny that, would you, Senator? You think that is a bad thing, do you?

The ACTING DEPUTY PRESIDENT (Senator Watson)—Order! Address the chair, please.

Senator TIERNEY—Through you, Mr Acting Deputy President, I think we do need such things as that. But what we have here is, compared with that time, a massive improvement in funding for all universities. Back in the Whitlam era, funding was totally dependent on the budget. I was working in the sector at that time. We had a constant decline in standards, in ratios, in the actual funding for research. It was only when the Labor government finally were mugged by the reality that they did not have enough money to fund higher education—particularly as they had 50,000 people waiting to get in the door—or were not prepared to do it under their budgets that they reluctantly looked at other sources of income for universities. Since that time we have had a fee system, HECS, which is a very fair system of administering funding in universities. HECS now is regarded as being a world leader and is copied by other countries. The other thing that has happened is that more money has come in through overseas students and through industry research. Collaborative research systems like CRCs have been set up. All this has brought a lot more money into higher education—and, indeed, a lot more money into this field—since we came into government.

Senator Carr constantly chooses to ignore that there is a very large segment of private money coming into university sectors. There actually is $900 million more in the university sector now than there was when the Labor government left office. This is something Senator Carr chooses to ignore. He focuses only on the public part of the equation. He does not take into account the total amount of money, public and private, that has gone into our university sector—a record $9 billion. Our universities increasingly were freed up to use money in various ways under the Labor government and have been even more so under this government. There is enough money in universities to do these things—to fund the undergraduate places and to fund the re-
search. Indeed, the huge queues to get in the gates of universities have largely disappeared. Last year we brought down a green paper on the research area. There was widespread discussion on that paper. It then became a white paper and was widely accepted across the sector as being the way forward on research. We strengthened the role of the Australian Research Council as an allocative mechanism for high quality research funding, and we made special provision in that for the regional universities. In addition, since that time there has been an increase in the amount of private money coming into universities.

Senator Carr gets up here and tries to run scare campaigns as usual. He does not take into account the fact that universities like the University of Melbourne now are only about half reliant on the public sector for their money. They get in a lot of private money. They have some degree of discretion as to whether they put this money into research or into other parts of the university’s operations. The news out there in the universities is that the situation is improving, that there is more money—indeed, there is a record amount of money in the universities. What we have had here today is yet another scare campaign by Senator Carr on another area.

Senator CROSSIN (Northern Territory) (3.14 p.m.)—If we do have a record amount of money flowing into universities around the country in this day and age, why did we have, in Dr Kemp’s leaked cabinet document last year, eight regional universities specified as being under threat and as suffering because of the policies of this government? Let us have a really close look at what has happened at the Northern Territory University in the last 10 months. The Northern Territory government has had to bail it out to the tune of $7 million. How did that happen when, if you are to believe Senator Tierney, there is so much extra money swilling around in the barrels of higher education?

On Monday the Australian Bureau of Statistics released a report entitled Research and experimental development: all sector summary: Australia which showed that Australia’s expenditure on research and development has plummeted by 10 per cent. So investment in research and development, as analysed by the Australian Bureau of Statistics, has plummeted by 10 per cent; we have had a 10 per cent fall in growth expenditure on research and development, which is a damning indictment of a government that is holding back Australia’s science and innovation based industries. Coupled with that, we have the white paper on research that has now been released. It started last year as this government’s green paper. It has been translated into a white paper, and we now know it shows that this government plans to reduce the number of funded places for higher degree research students by 3,500 at the beginning of next year. So next year there will be 3,500 fewer places for higher degree research students—from 25,000 down to 21,500.

Under that scenario, the universities which again will be hit the hardest will be technological universities, regional universities and new universities. This represents a further disinvestment in our research capacity and capability at a time when we need investment in new knowledge, in our economy, in new industries, in new research and in new development. That is becoming an increasingly urgent imperative.

Let us have a look at the effect this will have on some of those regional and new universities. The government’s white paper on research clearly stated that the minister intends to reduce the funded load for postgraduate research places from 25,000 down to 21,500. But neither the minister nor DETYA, firstly, have ever provided any real reason or evidence for why the line was drawn at 21,500 places and, secondly, have ever been able to specify why removing 3,500 places from the industry was in the national interest in terms of investment in research and development. On the contrary, it seems to run counter to all the government’s rhetoric about the knowledge economy.

Let us have a look at exactly what this government’s record is on generating and developing ideas when it comes to research and development. Since 1996, $1 billion in government funding has been taken from our universities. Dr Kemp’s research white paper will slash the number of PhD places starting
next year. The government’s own science and technology budget admits that the Commonwealth investment in research and development has fallen by more than one-sixth; that was in the budget papers. We now know, because of the ABS statistics, that that is in fact one-tenth. In the Northern Territory University, this policy alone cuts the number of postgraduate research students that will be taken into the university next year from 34 to only 10. What does that mean? That means if they want to find the balance of those places, they have to go looking for them and find them around the country. That will not happen. This is a grave blow to regional universities. It limits the Territory’s ability to compete as a knowledge centre. They need those dedicated places in their own right. Thirty-four was low enough as it was, let alone decreasing it to 10. But places like the regional universities will have no guarantee of being able to compete with southern universities for further spots. (Time expired)

Senator CHAPMAN (South Australia) (3.19 p.m.)—All we see from the Labor Party these days, in the absence of any sustainable policy on their own part, is an attempt to scaremonger and create misinformation in the community about the good things that the Howard government is doing. We now see this occurring in this debate on education and research, in particular on higher education institutions. The fact is there has been no cut in postgraduate research places, as the Labor Party suggest. I think they suggested there has been a cut of 3,500 places in postgraduate research. In fact, the government is not cutting the number of places it funds, and it is not reducing the funding for those places. The gap between the number of Commonwealth-funded research places—which is approximately 25,000, it should be noted—and the number of HECS exempt research scholarships, 21,500, has arisen because the institutions have diverted funds from undergraduate places to offer research places on a HECS liable basis. The unfortunate fact is that a significant number of those students never complete that postgraduate work involved in those research places. So let us put the lie to this claim by the Labor Party that it is the government that is reducing funding and the number of places in postgraduate research. The government wants to ensure that universities have incentives to properly manage their research places while ensuring there is access to those institutions for undergraduate students.

Under the new framework announced in ‘Knowledge and innovation’, the government’s white paper on university research and research training, universities have the flexibility to revert their additional research places back to undergraduate places or to retain them as research places for reallocation into a funding pool where universities win places based on their performance. Another of the initiatives in the ‘Knowledge and innovation’ framework is a regional package which will assist universities to develop regional connections, foster a shift towards more entrepreneurial frameworks and concentrate research activity in areas of strength, assisting institutions to take advantage of opportunities presented through new fields of research. In that regard, the government has provided significant funding. There is $6 million provided under this package as a dedicated fund to support the research and research training activities of regional universities, in particular, and to assist their transition to the new funding system. A further $10 million a year is being provided for collaborative research on issues of benefit to regional communities. So there is a significant initiative there on the part of the government to ensure a greater commitment to research training in universities.

The government has continued to lift targeted public funding for university research in real terms from $411 million when we came to office in 1996 to $452 million in the current year, while also seeking to leverage increased private funding from industry. Since 1996 the government has announced increased funding for higher education research—additional funding totalling some $350 million by the year 2004. This includes an additional $62.9 million in this year’s budget for the Strategic Partnerships with Industry—Research and Training Scheme from 2002 to 2004 and a further $16.3 million for the Research Infrastructure, Equipment and Facilities Scheme from 2001 to 2004. As I said, research funding is up by
some $40-odd million over the four years this government has been in office compared with the record of the previous Labor government.

With regard to ABS statistics, the ABS bulletin Research and Experimental Development, Australia, Higher Education Organisations, which came out a couple of months ago, showed that total expenditure on higher education research and development is estimated to be $2.6 billion—an increase of 13 per cent in just two years. Higher education expenditure on research and development as a percentage of GDP has increased to 0.44 per cent compared with 0.34 per cent back in 1990—a dramatic increase under the policies of this government. (Time expired)

Senator FORSHAW (New South Wales) (3.24 p.m.)—Today during question time reference was made to earlier comments by one minister regarding criminal negligence. When it comes to the issue of funding research and development, the words 'criminal negligence' I believe are apt to describe the actions of this government since it came to office in 1996. The pathetic defence that is used by Senator Tierney and Senator Chapman demonstrates that they have absolutely no understanding, no appreciation nor do they care about the importance of research and development to this nation in the world today. We note at least that the Prime Minister has some understanding of this because when he discussed with Dr Alan Greenspan, the Secretary of the US Treasury, what the reason was for the great success of the US economy over the past number of years, Dr Greenspan replied, 'I have to say that the investment the United States has made in technology has been one of the main reasons why there has been so much sustained economic growth in that country.' It is a pity that this government did not take notice of Dr Greenspan’s words and do something positive about research and development in both the public and the private sectors.

As has been pointed out today in questions to the minister, the real facts are that Commonwealth investment in R&D in 1996 was of the order of $1.26 billion. In 1999, it was $1.19 billion—a reduction in Commonwealth investment. They are the real figures, not these trumped up statistics that Senator Chapman and Senator Tierney are throwing around, trying to disguise the real situation. We also know, as was pointed out by Senator Crossin, that when this government first came to office it ripped $1 billion out of the university sector. Senator Vanstone was the then minister. She did such a hopeless job trying to manage that portfolio that she was kicked out of cabinet and demoted to a junior ministry. Unfortunately, Dr Kemp has carried on, in an even far more ruthless way, the legacy that was left by Senator Vanstone.

In terms of business R&D, given the government has been reducing its investment in universities and R&D, it makes a big play about the role of the private sector. What has been the role of the private sector? I want to quote from the Australian Bureau of Statistics, a noted research organisation. If this government has its way, it will probably outsource or sell off the ABS one of these days. This is what the ABS had to say in their publication on 3 July:

Research and development (R&D) undertaken by Australian businesses decreased for the third consecutive year in 1998-99.

Figures released today by the Australian Bureau of Statistics (ABS) show estimates of business expenditure on research and development (BERD) were down 5 per cent in current price terms compared with 1997-98 and 9 per cent compared with 1995-96. Human resource effort expended on R&D was down 1 per cent.

BERD had been steadily increasing—I stress ‘increasing’—before 1996-97, with average annual rates of growth between 1992-93 and 1995-96 of 15 per cent in current prices and 13 per cent in volume terms.

They go on to point out that there has been a fall as a proportion of GDP. They also point out the decrease in R&D expenditure in key industries such as mining and manufacturing. So this government has presided over decreases in R&D in not only the Commonwealth sector but also the private sector. Prior to it coming to office, as the ABS, a noted independent research organisation, states, it was increasing under the previous Labor government. So there is no doubt that this government is involved in dumbing down
R&D right through the Australian education sector. It has happened in the universities, and it is now happening in the CSIRO. For the life of me, how the hell can you suggest that the CSIRO be outsourced? (Time expired)

Question resolved in the affirmative.

COMMITTEES

Community Affairs References Committee

Report: Government Response

Senator HILL (South Australia—Leader of the Government in the Senate) (3.30 p.m.)—I present the government’s response to the report of the Community Affairs References Committee entitled Rocking the cradle: a report into childbirth procedures, and I seek leave to incorporate the document in Hansard.

Leave granted.

The document read as follows—

Government Response to the Senate Community Affairs References Committee Report on Childbirth Procedures “Rocking the Cradle” Commonwealth Department of Health and Aged Care August 2000

INTRODUCTION

The Government provides the following response to the Senate Community Affairs References Committee Report “Rocking the Cradle - A Report into Childbirth Procedures”. The Report provides an overview of antenatal, birthing and postnatal phases of maternal and infant care in childbirth across Australia and builds on earlier reports at state and national levels relating to maternity services. Most of the views and recommendations of the Report however, are in the realm of State and Territory Government responsibilities or comment upon clinical decisions. The Government does not consider that this form of inquiry is best suited to assess quality, safety and relevance in clinical matters.

The Committee found that Australia has a high rate of obstetric intervention compared to some other developed countries. However, as the Report notes, intervention rates vary considerably between countries. The Committee found that there is widespread satisfaction with the quality of birthing services available in this country.

The Report draws attention to the significant improvements achieved in recent decades in maternal and infant mortality in Australia, this country’s rates now comparing favourably with those of other first world countries. Having a baby in Australia, by any standards, is a safe event for most women.

The Report notes that many factors have contributed to the dramatic improvements in maternal and infant mortality in Australia and highlights the role that population health measures have played alongside other factors such as medical advances in treatment and application of technology.

Government Approaches to Improving Australia’s Health System

The Government is funding and driving programs of health system improvement on a scale greater than has been seen in Australia before. Criteria of quality, safety, relevance, choice, equity of access and effectiveness based on evidence are paramount. This Response to the Report outlines some relevant initiatives.

The Government’s view however, is that a vital element of these initiatives has been to foster decision-making at the level and area most suited to meeting regional, local community or individual needs.

Needy Populations

The Report draws attention to the fact that aggregate data does not tell the whole story. There are particular efforts in place to improve outcomes in childbirth for certain population groups, including Indigenous peoples, and those living in rural and remote Australia.

People Living in Rural and Remote Areas

Improving the delivery of health and community services to Australians living in rural and remote regions is a major priority for the Government. In the 2000-01 Budget the Government introduced a $562 million Regional Health Strategy to improve health services in rural and regional Australia and to significantly increase the rural health workforce. Many of these measures are expected to have an impact on rural women receiving antenatal care i.e:

- $49.5 million over four years to increase the range of allied health services available to rural and regional communities. This will enable rural GPs to employ nurses and allied...
health professionals to meet locally identified need.

- $48.4 million over four years for a rural specialist outreach program, which will allow rural residents to receive some specialist services in their own communities, rather than having to travel long distances.

- $68.9 million to expand the Regional Health Services Program introduced in the previous Budget. These centres draw together health, aged care and other community services to a central location providing a flexible mix of services based on community need.

- $102.1 million over four years to increase the number of GP registrars in rural areas.

Other measures announced in the Budget will enhance rural education and training for health professionals through additional University Departments of Rural Health, the establishment of additional clinical schools in rural and regional areas, and the provision of additional training scholarships.

Aboriginal and Torres Strait Islander People

The Government continues to deliver on its commitment to improve the health status of Aboriginal and Torres Strait Islander people with a focus on expanding primary health care services. Building on initiatives announced in previous Budgets, the 1999 Budget boosted Commonwealth funding for this purpose by $100 million over four years.

The greater part of this funding ($78.8 million) is being used to improve access for Aboriginal and Torres Strait Islander peoples to primary health care through the Primary Health Care Access Program. This initiative will establish a framework for the coordinated expansion of comprehensive health care services including clinical care, illness prevention and early intervention activities.

For the first time, national performance indicators and targets for Aboriginal and Torres Strait Islander Health have been agreed to by all Australian Health Ministers. The indicators include measures relating to still births, infant deaths and low birth weight among Indigenous children.

With Commonwealth leadership, innovative service delivery models are being developed in collaboration with the Aboriginal controlled health sector, State and Territory Governments, General Practice and other health professionals. These will build on current services and help integrate mainstream providers in delivering services, including maternal and child health services, to Aboriginal and Torres Strait Islander peoples. This will mean that the best mix of care is available to meet the health care needs of these clearly disadvantaged people.

Leadership in Health

The Commonwealth’s role in health is to provide strong national leadership in a collaborative process of health sector reform aimed at developing a strong population health approach to disease prevention, health promotion and education; to improve the availability of high quality, integrated and cost effective services with a strong consumer focus; and to develop a sound evidence base to support population health measures and clinical care and treatment.

The Commonwealth provides leadership through working collaboratively with stakeholders to develop broad policy frameworks and through both the provision of funding and the purchase of services.

The Government’s reform agenda is consistent with the main thrust, and many of the recommendations, of “Rocking the Cradle” in that it aims to enhance continuity in care for consumers, to remove artificial barriers, and to encourage collaborative arrangements between health care providers at the community level.

Private Health Insurance

The Government is continuing to improve the attractiveness of private health insurance to the Australian population through key reforms that address affordability of premiums, innovative products and structural reform of the sector. These reforms increase the level of patient choice in health care for all Australians.

The 30% rebate on health insurance premiums has addressed the issue of affordability for all Australians.

Lifetime Health Cover builds on the existing community rating system through a new, fairer and workable lifetime approach to health insurance cover.

The Government can also increase the attractiveness of the private health insurance product through regulatory change. Steps have been taken to expand the models of care available to the privately insured that have previously been unavailable such as early discharge and hospital in the home care.
Industry efficiency benefits patients and their choice of care. A consumer strategy focusing on greater patient education and information is underway. Key features include a statement of what can be expected when holding private health cover and a trial of a consumer hotline are the first steps.

Through these and other reforms, the Government is active in ensuring the Australian population has a choice in health care. This is of particular importance with respect to all aspects of care during pregnancy and childbirth.

**Alternative Birthing Services**

The Report commends the contribution that the Commonwealth has made towards the promotion of consumer choice in birthing services through providing incentive funds for the establishment of birthing centres in States and Territories under the Alternative Birthing Service Program. ABSP funds also contributed towards the establishment of culturally appropriate birthing services for Indigenous women. The Report places particular emphasis on the provision of culturally appropriate and comprehensive antenatal information for individual women according to their ethnicity and cultural backgrounds.

**Evidence Base**

The Government has given priority to investing in research and information which will maximise the quality of services and the effectiveness of the health system.

The Australian Council for Safety and Quality in Health Care has recently been established by all Health Ministers as a means of coordinating national actions to build upon the many safety and quality improvement activities taking place around Australia. The new Council is a national partnership between governments, health care providers and consumers. It will contribute to improvements in the safety and quality of care for patients and help reduce the risk of adverse events.

The National Institute of Clinical Studies, which will be established by the Commonwealth Government later this year, will also play a role in improving the quality of health care in Australia and ensuring the health system is underpinned by world’s best clinical practice. The Institute will work closely with stakeholders to identify, develop and promote best clinical practice throughout the public and private sectors.

The Government has also invested in improvements to national information and data with a major focus being on the role of the Australian Institute of Health and Welfare. One of the particular activities that are funded through the auspices of AIHW is the National Perinatal Statistics Unit (NPSU). The NPSU has developed a number of data systems on women’s reproductive health services and pregnancy outcomes services that cover the period from conception to birth and up to one year. The NPSU publishes regular reports on mothers and babies including a separate report on Indigenous mothers and babies.

Research into the effectiveness of interventions, the development of best practice guidelines by the National Health and Medical Research Council and the co-sponsorship of the Australasian Cochrane Centre by the Government are contributing to the increase of knowledge and improving the basis for decision making.

**Commonwealth Funding Assistance to State and Territory Governments for Health Care**

For the greater part, the Report recommendations are concerned with service delivery issues which are the responsibility of State and Territory Governments. This observation was made in the minority report by Government Senators and included the comment that “the Federal Government should not be dictating to the States how they should be running services that fall within their responsibilities.”

This view is consistent with the recommendations of the Joint Committee of Public Accounts, a statutory committee of the Australian Parliament. In Report No 342 of November 1995 the JCPA Chairman stated:

*The Committee believes that the Commonwealth needs to have a clearer focus on strategic planning and articulating SSP (Specific Purpose Payment) objectives in the community... the Commonwealth should progressively disengage itself from SPP micro-management, leaving this task to state governments and other non-Commonwealth parties to SPP agreements. Primary accountability (by funded parties) to the Commonwealth should increasingly be for outcomes achieved rather than for inputs and processes.*

The Committee went further in Recommendation 3 of the same Report ie: *Commonwealth departments administering SPPs involving more than one level of government*
should ensure that the SPP agreements do not prescribe the method of service delivery by another level of government.

Public Health Outcome Funding Agreements
In line with the JCPA recommendations the Commonwealth Government contributes towards the capacity of individual States and Territories to maintain and improve the general level of Australia’s health through broad Public Health Outcome Funding Agreements (PHOFAs). The base funding in the PHOFAs resulted from the broadbanding of Commonwealth funding to States and Territories for eight established public health programs (SPPs), including the National Women’s Health Program and the Alternative Birthing Services Program.

The current PHOFAs are for a five-year period, 1999-2004 and will provide in excess of $900 million to States and Territories during that time. They focus strategically on maintenance of effort through the specification of annual performance reporting requirements for population health outcomes relating to the incorporated SPPs. State and Territory Offices of Health and Aged Care collaborate with State and Territory Health Authorities in monitoring and reporting performance under the PHOFAs at the local level. The annual performance reports from the States and Territories are published on the website of the Commonwealth Department of Health and Aged Care.

These funding Agreements are designed to provide States and Territories with the flexibility to ‘mix and match’ Commonwealth financial assistance to meet the varying needs of their respective populations while at the same time ensuring that the States and Territories remain part of a nationally coordinated effort in areas of high national priority.

Funding of Services
Commonwealth funding for public hospitals is provided through the 1998-2003 Australian Health Care Agreements (AHCAs). The Agreements are a vehicle both for committing Commonwealth funds to public hospital services delivered by the State and Territory Governments, and for instigating reform in the funding arrangements for acute health services.

Under the AHCAs the Commonwealth is providing substantial financial assistance to the States and Territories to meet the cost of public hospital services. Over the life of the Agreements, the States and Territories will receive total funding of around $31.3 billion, representing a 25 percent real increase in funding over the five years to 2002-03. State and Territory Governments have responsibility for, and indeed, are in the best position to, make decisions about the allocation of AHCA funding to public hospitals for particular purposes, including for the provision of obstetric services to women in rural and remote areas.

In addition to the core funding arrangements, the AHCAs also commit the Commonwealth and the States and Territories to working in partnership to achieve agreed health service delivery reform and set out a number of specific areas where reform of the health system and its funding may be advanced, including:

- integration of care through measure and share arrangements;
- information technology reform;
- more responsive funding;
- additional funding in the area of quality improvement and enhancement;
- funding for the establishment of a National Health Development Fund.

The Government is also a major funder of prenatal and birthing care through Medicare payments for a wide range of antenatal, peri-natal and birthing services for pregnant women, apart from those using birthing centres or public patients using hospital based services.

In 1998-99, $57.7 million was paid in Medicare benefits in respect of 1.55 million obstetrics services. In addition, in 1998-99 $38.6 million was paid in Medicare benefits in respect of 514,014 ultrasound in pregnancy services.

Private health insurers are also a major source of funding for all aspects of care during pregnancy and childbirth. While an indepth consideration of the role of the private insurance providers was not included in the Committee’s Terms of Reference, Committee members did acknowledge that the availability of private health insurance is providing many women with real options in antenatal care and birthing services.
Conclusion
Initiatives of this Government across the spectrum of funding of States and Territories, private health insurance, rural health, Indigenous health and quality in health provision have established an environment in which quality, choice, equity and effectiveness in health service provision can flourish as never before. In this environment, the Government is confident that the relevant decision-makers can assess the recommendations of the Report “Rocking the Cradle - A Report into Childbirth Procedures”.

While the delivery of medical and midwifery services is the responsibility of State and Territory health authorities, as well as clinicians in their support of patients, the Government has endeavoured as far as possible to provide responses to individual recommendations in this Report from the Opposition Members of the Senate Community Affairs References Committee. These responses are set out below.

(Note that a sequential numbering system has been added to the set of recommendations to assist in identifying the responses.)

CHAPTER 2: ANTENATAL CARE

Recommendation 1:
The Committee recommends that the Commonwealth Government work with State Governments to implement the recommendations of the National Health and Medical Research Council as they relate to continuity of care and shared care during pregnancy and birth.

The Government draws on the National Health and Medical Research Council (NHMRC) guidelines as part of its evidence base for national strategic planning across the full spectrum of health care including obstetric care.

The range of antenatal services available in Australia is extensive and Australian women have generally enjoyed access to a high standard of care during pregnancy and birthing. Maternity services are often based on a traditional model of obstetric care, with women in hospital being cared for by a team headed by a general practitioner or specialist obstetrician.

The Commonwealth is currently working with the States and Territories to provide better integration of care through the following provisions in the Australian Health Care Agreements for patients using public hospital services and through other mechanisms to ensure integrated approaches to population health and primary health care.

Australian Health Care Agreements

National Health Development Fund

The National Health Development Fund (NHDF) has been established to foster innovation in hospital services provision through funding projects at the regional or State wide scale that improve:

- patient outcomes;
- efficiency and effectiveness in, or reduce the demand for, the delivery of public hospital services; and
- integration of care between public hospital services and broader health and community care services.

Approximately $253 million in Commonwealth funding is available over the life of the Agreements for projects that bring about long term improvements in health care delivery.

Measure and Share Provisions

Under the Measure and Share provisions of the Australian Health Care Agreements the Commonwealth and the States and Territories have agreed to work on proposals for improving the integration of service delivery by removing artificial Commonwealth/State financial barriers. Decisions relating to the aspects of service delivery arrangements that are brought forward for consideration in relation to measure and share proposals remain with State and Territory Governments.

The National Demonstration Hospitals Program (NDHP)

Since 1995 the NDHP has funded time-limited, demonstration projects in selected hospitals to explore and develop new approaches to the organisation and delivery of acute care service.

Of the projects funded by the NDHP in major tertiary teaching hospitals over two thirds have taken place in hospitals with a substantial component of midwifery patients. Of the other 60 projects funded by the program, over three quarters have been in hospitals that provide care for some midwifery patients.

Divisions of General Practice Strategy

A sizeable number of Divisions of General Practice are involved in shared care arrangements for obstetric patients, such as the Brisbane Southside Collaboration referred to in the earlier Submission.
to the Committee from the Department of Health and Aged Care. This Collaboration is a linked project between a GP Division and a major hospital as part of the National Demonstration Hospitals Program. The focus is on piloting antenatal and postnatal shared care and in its evaluation information will be sought about patient and provider satisfaction as well as clinical outcomes.

**Recommendation 2:**
The Committee recommends that all pregnant women in Australia be provided with a maternity record by their principal carer giving details of their health as it relates to their pregnancy and any test results or treatment, with a duplicate to be held by their principal carer.

The issue of health consumer access to personal health information is an important one and one which this Government is addressing within the context of its planned Privacy Amendment (Private Sector) Bill 2000, which includes a commitment to consumer access to personal information.

Many Divisions of General Practice have programs targeting obstetric shared care, including several with a focus on antenatal and postnatal shared care. A number of these programs include the use of patient held personal record cards throughout pregnancy. The Government would be interested to see more widespread application of such approaches.

**Recommendation 3:**
Commonwealth Government fund major tertiary hospitals to extend the provision of satellite clinics and visiting teams of obstetricians to assist women in rural and remote areas.

The Commonwealth Government is committed to improving access to specialist services in rural and regional Australia. The 2000-01 Budget provides $48.4 million over four years for a rural outreach program for specialist services. This will include incentives and/or travel costs for specialists to conduct outreach specialty work and to act as mentors for local health professionals to help them increase their skills. The program will be implemented in collaboration with the States and Territories, as well as specialist colleges, divisions of general practice and rural workforce agencies. The program will target a range of specialist services and geographical areas based on need.

This initiative complements the existing Commonwealth initiative to establish specialist training posts in rural areas, under which four rural registrar posts in obstetrics and gynaecology were funded in 1999. It also complements the efforts of State and Territory Governments to increase the presence of specialists in rural and regional areas. In addition the Commonwealth has funded a female obstetrician post attached to the University Department of Rural Health in Victoria, to address the needs of Muslim women in the Hume Region.

**Recommendation 4:**
The Committee recommends that the Office of Aboriginal and Torres Strait Islander Health provide recurrent funding to ensure continuity for existing antenatal programs for Aboriginal and Torres Strait Islander women and to establish new programs in areas of need.

The Government contributes towards the provision of antenatal programs for Indigenous families through its funding of Aboriginal Community Controlled Health Organisations. As outlined in the Introduction, the Commonwealth emphasis is on improved access to primary health care for Aboriginal and Torres Strait Islander people, and will be achieved in two ways:

- expansion of Aboriginal community controlled primary health care services; and
- improved orientation of mainstream services to meet the needs of Aboriginal and Torres Strait Islander people.

Further expansion of community controlled primary health care services for Aboriginal and Torres Strait Islander health is aligned with the continued development of regional planning processes, which are the mechanism for identifying agreed priority areas of need. The expansion of primary health care through the increased federal budget commitment to Aboriginal and Torres Strait Islander health will support the continuation and improved development of ante-natal and post-natal programs in Aboriginal Community Controlled Health Organisations.

**Recommendation 5:**
The Committee recommends that the Commonwealth Government work with State Governments to reinstate programs to assist women from non English speaking backgrounds to gain access to antenatal services, using funding provided through the Public Health Outcome Funding Agreements.

**Recommendation 6:**
The Committee recommends that the Commonwealth Government work with State Governments to promote antenatal programs targeted to adolescent mothers.

**Recommendation 7:**
The Committee recommends that the Commonwealth Government work with State Governments to ensure that comprehensive, accurate and objective information is made available to all pregnant women on the antenatal and birth options available to them, with funding provided through the Public Health Outcome Funding Agreements.

**AND**

**Recommendation 8:**
The Committee recommends that the Commonwealth Government work with State Governments to ensure that comprehensive, accurate and current information is made available to all principal carers of pregnant women about the antenatal and birth options and services available in their area, with funding provided through the Public Health Outcome Funding Agreements.

As outlined in the Introduction, responsibility for delivery of population health measures rests primarily with State and Territory Governments and with Divisions of General Practice and individual GP’s. The Commonwealth has a broad policy leadership and financing role in promoting population health action including the integration of population health within the wider health system.

The Public Health Outcome Funding Agreements (PHOFAs) are broadbanded funding arrangements between the Commonwealth and the States and Territories that set out in a single Agreement the ongoing Commonwealth funding provisions for a number of public health programs including the National Women’s Health Program and the Alternative Birthing Services Program.

State and Territory Governments have the flexibility and the responsibility under the PHOFAs to allocate resources according to local priorities and population needs while maintaining effort and reporting annually against agreed national performance indicators set out in the funding agreements. Decisions about funding allocations to women’s health services, including birthing and pregnancy support services are the responsibility of State and Territory health authorities.

**Recommendation 9:**
The Committee recommends that the Commonwealth Government work with State Governments to ensure that antenatal information is made available to all Indigenous women in a language and format that meets their needs, with funding provided through the Office of Aboriginal and Torres Strait Islander Health.

Through the allocation of resources to establish and maintain comprehensive primary health care services, regional planning processes, and commitment to community consultation, the Office of Aboriginal and Torres Strait Islander Health (OATSIH) supports provision of culturally appropriate information in identified areas of need. In order to be appropriate, information must be locally tailored. OATSIH funded Aboriginal Community Controlled Health Organisations are well placed to contribute to the development and provision of this information. Facilities available through local tertiary health services should be accessible to the Aboriginal community controlled sector to ensure integration of culturally appropriate materials in mainstream health programs as well.

**Recommendation 10:**
The Committee recommends that the Commonwealth Government work with State Governments to ensure that antenatal information is made available to all women from non English speaking backgrounds in a language and format that meets their needs, with funding provided through the Public Health Outcome Funding Agreements.

See response to recommendations 5,6,7 and 8 above.

**Recommendation 11:**
The Committee recommends that the National Health and Medical Research Council, in conjunction with professional medical bodies and midwives’ organisations, establish guidelines governing the prior provision of counselling and information on all antenatal screening tests, for adoption and implementation by the professional bodies.

**AND**

**Recommendation 12:**
The Committee recommends that the National Health and Medical Research Council, in conjunction with professional medical bodies and midwives’ organisations, establish guidelines governing the provision of counselling and in-
formation on the benefits and disadvantages of
the various forms of intervention which may be
required by women during birth, for adoption
and implementation by the professional bodies.

The Committee’s recommendation has been re-
ferred to the NHMRC for consideration and pos-
sible inclusion in its work plan for the 2000 –
2002 triennium.

Recommendation 13:
The Commonwealth Government work with State Gov-
ernments to ensure that adequate and appro-
priate antenatal education classes are generally
available, using funding provided through the
Public Health Outcome Funding Agreements.

See response to recommendations 5, 6, 7 and 8
above.

CHAPTER 3: ANTENATAL SCREENING
SERVICES

Ultrasound in Pregnancy

The Commonwealth has a strong commitment to
ensuring that Australian women have access to
high quality, cost effective obstetric ultrasound
services through Medicare. The Department of
Health and Aged Care is responsible for managing
the Medicare funding of ultrasound and other
diagnostic imaging services.

As part of this management, the Department has
established the Diagnostic Imaging Agreement
with the Royal Australian and New Zealand Col-
lege of Radiologists (RANZCR). The purpose of
this agreement is to foster the joint management
of Medicare funding for diagnostic imaging be-
tween the Commonwealth and the profession. The
Agreement is intended to ensure that patients can
access high quality, clinically appropriate and
affordable diagnostic imaging services.

The Department has introduced a number of ini-
tiatives to improve the quality use of pregnancy
related ultrasound. These initiatives include
funding for the development of accreditation and
quality assurance for providers of obstetric ultra-
sound, the introduction of professional supervi-
sion requirements for ultrasound, and referral of
new technologies, such as nuchal translucency, to
the Medicare Services Advisory Committee
(MSAC) for assessment of evidence and appropri-
ateness.

As part of the management of diagnostic imaging,
the Department has undertaken a systematic re-
structure of the Medicare obstetric ultrasound
items.

The changes, effective from 1 February 2000,
introduce new obstetric ultrasound items that
cover the full range of services provided in preg-
nancy, and that fund these services according to
their complexity. New items are provided for early,
mid and late pregnancy ultrasound, and for
more complex services. The new items also intro-
duce clinical indicators to ensure that ultrasound
services are provided when clinically necessary
for the good management of the pregnancy.

It is important to recognise that while the Depart-
ment can make changes to the Medicare obstetric
ultrasound items, a significant proportion of ob-
stetric ultrasound is carried out within the public
hospital system, and in accordance with the provi-
sions of the AHCAs, decisions relating to service
delivery in public hospitals are the responsibility
of State and Territory Governments.

Recommendation 14:
The National Health and Medical Research Council develop
standards for the training of operators of all
obstetrical ultrasound equipment and for those
who interpret the results of those tests.

See response to recommendations 5, 6, 7 and 8
above.

The Government has provided nearly $400,000 to
the Royal Australian and New Zealand College of
Radiologists (RANZCR) over the past 3 years to
develop and implement standards for accreditation
of medical imaging practices. The College is cov-
ering all modalities of medical imaging in this
exercise, including obstetrical ultrasound.

In addition, the Government is providing $80,000
to the Australasian Sonographer Accreditation
Register (ASAR) to develop, establish and im-
pement a mechanism for the accreditation of So-
nography training and education programs.

The Department is also negotiating the provision
of $100,000 to the Royal Australian and New
Zealand College of Obstetricians and Gynaecolo-
gists (RANZCOG) and the National Association
of Specialist Obstetricians and Gynaecologists
(NASOG) for the development of Continuing
Medical Education and Quality Assurance Pro-
gram (CME & QA) requirements for obstetric and
gynaecological ultrasound practice.
In recognition of the particular problems facing rural areas, funding is also being provided to the Australian College of Rural and Remote Medicine, to work with the RANZCR and the Royal Australian College of General Practitioners (RACGP), to develop, establish and implement a CME & QA for general practitioners who utilise ultrasound under exemptions contained in the legislation governing ultrasound and payment of Medicare Benefits.

The four major Colleges concerned with obstetric ultrasound have agreed to work with the Government to develop appropriate CME & QA and accreditation standards for adoption by all Colleges.

Recommendation 15:
The Committee recommends that the National Health and Medical Research Council develop guidelines governing the safe use of all obstetrical ultrasound equipment.

The safety of medical service provision is principally a State responsibility. However, the Commonwealth is strongly committed to ensuring that services funded under Medicare are safe, clinically appropriate and reflect best practice, and has introduced initiatives to ensure this. Several of these initiatives impact on the use of obstetric ultrasound equipment. See response to recommendation 14 above also.

Recommendation 16:
The Committee recommends that the National Health and Medical Research Council develop or coordinate the development of evidence based assessments of the efficacy of routine ultrasound scanning in pregnancy and that it conduct a cost benefit analysis of current ultrasound practices.

AND

Recommendation 17:
The Committee recommends that the National Health and Medical Research Council conduct or oversee the conduct of an Australian multicentre trial of nuchal fold screening to determine its efficacy for use among pregnant women generally, and among those considered at particular risk of carrying babies with Down's Syndrome.

The Medicare Services Advisory Committee (MSAC) is an independent committee which has been established to provide advice to the Minister for Health and Aged Care on the strength of evidence available on new medical technologies and procedures in terms of their safety, effectiveness and cost effectiveness.

The MSAC process involves the rigorous assessment and classification of evidence from available medical research according to the National Health and Medical Research Council (NHMRC) four-point hierarchy of evidence. The findings of MSAC help inform Government decisions about which new medical services should attract funding under Medicare.

MSAC is currently establishing a committee to examine the nuchal translucency test and its use in early pregnancy ultrasound.

Recommendation 18:
The Committee recommends that earlier recommendations relating to the training of operators and the regulation of equipment used in routine ultrasound screening should also apply to nuchal fold screening.

Any action on this recommendation is dependent on the evidence that emerges from the MSAC evaluation of the nuchal translucency test.

CHAPTER 4: CARE DURING BIRTH

Recommendation 19:
The Committee recommends that the Commonwealth Government work with State Governments to ensure the continuation and expansion of hospital birthing centres.

The Government notes the Report’s findings on consumer satisfaction with birthing centres in public hospitals as a service of choice for many pregnant women. The Government also notes the Committee’s support for the expansion of birthing centres as part of the mainstream health system, with funding from hospital budgets. This is a matter for State and Territory Governments to determine in the context of their own budgets. It should be noted however that the Australian Health Care Agreements do not:

- require State and Territory Governments to ensure the continuation and expansion of hospital birthing services;
- afford the Commonwealth the authority to raise issues regarding the direction of funds to particular purposes with State and Territory Ministers.

Decisions relating to the allocation of AHCA funding to public hospitals for particular purposes, including for the continuation and expansion of
hospital birthing centres, rest with State and Territory Governments.

The Commonwealth provided funding under the Alternative Birthing Services Program to pilot increased options in birthing services including the establishment of new birthing centres. The Alternative Birthing Services Program is one of the broadbanded programs within the PHOFAs. States and Territories are required to provide annual performance reports covering the broadbanded programs, including for example reporting the number of midwife based birthing services established in the publicly funded health care system.

Recommendation 20:

The Committee recommends that the Commonwealth Government continue to fund midwives to assist at home births for women at low risk through the Public Health Outcome Funding Agreements.

See the response to recommendations 5, 6, 7 and 8 above.

Recommendation 21:

The Committee recommends that the Commonwealth Government work with State Governments to assist Aboriginal and Torres Strait Islander women who have to give birth outside their communities by funding an accompanying family member, with funding provided through their patient transfer assistance schemes.

Funding under the Patient Assisted Travel Scheme (PATS) was transferred to States and Territories who are now responsible for the management and funding of this Scheme. It has been recognised however that the Aboriginal and Torres Strait Islander people’s access has been problematic and that the need to travel long distances to give birth and lack of family support is a major issue for Indigenous people in remote locations.

The issue was raised by the National Aboriginal Community Controlled Health Organisation (NACCHO) members at the National Aboriginal and Torres Strait Islander Health Council in 1997 – 98. As a result, the Council referred the matter to the Australian Health Ministers Advisory Council (AHMAC). The Department is now awaiting the outcome of AHMAC consideration of this issue.

Recommendation 22:

The Committee recommends that the Commonwealth Government, through the Office of Aboriginal and Torres Strait Islander Health, fund culturally appropriate birthing services, either in hospitals or stand alone, in centres with large Aboriginal and Torres Strait Islander populations.

Tertiary care services are the responsibility of State and Territory Governments. Decisions relating to the allocation of AHCA funding to public hospitals for particular purposes, including culturally appropriate birthing services, rest with State and Territory Governments.

CHAPTER 5: INTERVENTIONS IN CHILDBIRTH – CAESAREAN SECTION

Recommendation 23:

The Committee recommends that the National Health and Medical Research Council work with the relevant professional bodies to develop best practice guidelines for elective Caesarean sections.

The NHMRC has had an ongoing interest in antenatal care, and in 1996 published the paper Options for effective childbirth that explored the then predominantly medically-based model of childbirth procedures, and offered other options without compromising the desire of consumers for safety. Subsequent to the release of the paper, the need for clear information for consumers on elective caesarean sections was identified, and the NHMRC is currently working with key organisations to prepare appropriate literature.

Recommendation 24:

The Committee recommends that the Commonwealth Government work with State Governments to decide a target rate for Caesarean sections, moving towards the target of 15% recommended by the World Health Organisation.

As the Committee Report notes, the rates for Caesarean sections vary greatly between countries. The Government believes that the key issue is to ensure adoption of best practice guidelines for elective Caesarean sections and to ensure women have appropriate information available to them. Setting targets does not necessarily address these issues although it may point to issues of differential practice that the profession may then address. Establishment of targets also raises the issue of what happens when that figure is reached and women who want, or need, a procedure, cannot be given it.
Under the AHCAs, State and Territory Governments are responsible for ensuring the provision of public hospital services, including admitted and non-admitted patient services, free of charge to public patients on the basis of clinical need and within a clinically appropriate period. Against this background, the AHCAs do not afford the Commonwealth the authority to raise issues with State and Territory Governments regarding the target rate for Caesarean sections in relation to public hospital services.

Recommendation 25:
The Committee recommends that the Joint Maternity Services Committee monitor the implementation of best practice guidelines for Caesarean sections and report upon the extent to which individual hospitals meet the proposed target for Caesarean sections of 15%.

As the Report notes, membership of the Joint Committee on Maternity Services includes representatives from the Royal Australian College of Obstetricians and Gynaecologists and the Australian College of Midwives Incorporated. The Committee is largely inactive at present. Any broader role for this Committee would need to be taken up by the Colleges involved.

See also the response to recommendation 24 above.

CHAPTER 7: BEST PRACTICE GUIDELINES FOR ANTENATAL CARE AND FOR CARE DURING BIRTH

Recommendation 26:
The Committee recommends that research and guidelines on the use of routine ultrasound in pregnancy be an immediate priority for the National Health and Medical Research Council. An earlier recommendation set out those aspects of routine ultrasound requiring urgent attention.

As a general rule the NHMRC does not dictate what research will be undertaken. The NHMRC directs the majority of funds on the basis of scientific excellence in research to projects initiated by the research community itself. While most research is investigator-initiated, the Strategic Research Development Committee (SRDC) of NHMRC is charged with identifying and filling gaps in the national research effort. The SRDC has recently completed consultative workshops around Australia to inform the setting of the SRDC research agenda. Peak organisations are asked to nominate issues they believe are important, addressing specific criteria which include measures of the burden of the disease and whether the issue is of particular relevance to Australia.

The Senate Committee’s recommendation has been referred to the NHMRC for further consideration.

Recommendation 27:
The Committee recommends the enhancement of the Joint Committee on Maternity Services to include professional groups involved in antenatal, birth and post natal care as well as consumers. The Joint Committee should have responsibility for advising Ministers on the implementation and evaluation of best practice guidelines in maternal and infant health care and on measures to reduce current fragmentation in the provision of maternal and infant health services.

See response to recommendation 25 above.

Recommendation 28:
The Committee recommends that the Commonwealth Government work with State Governments to ensure the annual publication of a list of all of its hospitals where births take place, with statistics on each of the birth-related interventions performed there and the insurance status of the women on whom they are performed.

The Australian Institute of Health and Welfare (AIHW) is an independent health and welfare statistics and information agency within the portfolio of Health and Aged Care. AIHW has responsibility, in collaboration with the Australian Bureau of Statistics, for the development, collection and publication of national health and welfare statistics. AIHW considers that a national report could be produced containing information on birth related interventions, if appropriate funding was available.

However, for confidentiality reasons such a report would not be able to include information identified at the establishment level.

CHAPTER 8: POST NATAL CARE

Recommendation 29:
The Committee recommends that the Commonwealth Government work with State Governments to ensure that maternity and infant welfare services are in place to assist women following their return home after childbirth.
State and Territory Governments have responsibility for the provision of maternity and infant welfare services.

Recommendation 30:
The Committee recommends that community care services for women discharged early from hospital following childbirth be eligible for funding through the National Demonstration Hospitals Program.

See response to recommendation 29 above.

Recommendation 31:
The Committee recommends that the National Health and Medical Research Council conduct research into post natal depression.

As discussed in the response to recommendation 26, while most research is investigator initiated, the Strategic Research Development Committee (SRDC) of NHMRC is charged with identifying and filling gaps in the national research effort. The Committee’s recommendation for research has been referred to the NHMRC for further consideration in that context.

In 1998 the NHMRC was commissioned by the Department of Health and Aged Care to develop information on postnatal depression that would assist clinicians to detect and treat the disorder. The NHMRC completed the project in November 1999 and endorsed the publication Postnatal depression: a systematic review of published scientific literature 1980-1999. The paper presents a review of current literature that may be useful for practitioners and consumers to understand the condition, and inform clinical management decisions.

CHAPTER 9: FUNDING ISSUES

Recommendation 32:
The Committee recommends that the Health Insurance Commission monitor the new Medicare rebate for complex births to ensure that it does not lead to overservicing.

The Department is monitoring the use of this item on an ongoing basis using Health Insurance Commission data. Monitoring is based on the appropriateness of item use as well as the identification of possible overservicing. The Department is working with the Health Insurance Commission in this regard.

Recommendation 33:
The Committee recommends that the Health Insurance Act be amended to define as ‘patients’ all neonates in hospital who require medical attention, regardless of whether they are located with their mothers or not.

The Government considers that there is no logic in admitting to a hospital, well persons (in this case well newborn babies), as they do not require the acute and intense medical and nursing care provided in a hospital setting. This arrangement has been well-established for many years and is accepted by all State and Territory health authorities and the health insurance and private hospital industries, as is evidenced by the definition of ‘admitted patient’ contained in the National Health Data Dictionary (Version 9, 2000, pp. 265-257).

As the Committee noted, where a neonate requires care which is available in a location separate from its mother in accordance with agreed standards for neonatal care facilities, then the neonate is considered to be an admitted patient. The Department of Health and Aged Care consults regularly with the Division of Paediatrics, Royal Australasian College of Physicians, regarding standards for the treatment of neonates. The College recently reviewed these standards and indicated to the Department that they remain current.

However, given recent advances in technology and treatments for seriously ill newborns, the Department has also requested the College to review whether babies with certain serious conditions might be safely accommodated and treated next to the mother’s bedside rather than in an approved special care nursery. Their advice will inform possible future developments in the standards for the treatment of neonates.

CHAPTER 10: LITIGATION AND OBSTETRIC PRACTICE AND PROVISION

Recommendation 34:
The Committee recommends that the Australian Institute of Health and Welfare establish national comprehensive data on medical defence organisations to cover negligence cases and include such data as premium payments, number of cases, number of claims, number of out of court settlements, size of payments and size of fund reserves.

The Australian Institute of Health and Welfare advises that to undertake such a collection would require the support of indemnity insurers and sub-
st destination additional resources. The Government does not agree that this recommendation is a priority or that there is sound evidence to support funds being allocated to this at this point in time.

**Recommendation 35:**

The Committee recommends that the Commonwealth Government establish an independent inquiry into medical indemnity and litigation, including the impact of litigation and indemnity on the provision and practice of obstetric services, alternative approaches to the funding of medical litigation and alternative approaches to the funding of compensation for disability.

The Government does not believe that an independent inquiry into medical indemnity is appropriate at this point in time. These matters will be best handled through the current consultative process between the Department of Health and Aged Care and the profession.

As an example, following the Australian Medical Association’s proposal of a Cerebral Palsy compensation scheme at their summit of 10 December 1999, the Department of Health and Aged Care has met with the profession in relation to the medical indemnity issue and will continue to do so in order to properly pursue these issues.

**Senator CROWLEY (South Australia)** (3.30 p.m.)—by leave—I move:

That the Senate take note of the report.

This government response is a welcomed government response, and one that is much more timely than others in the past. The report itself raises some very important questions, and in some ways I appreciate having, in this response from government, a fairly clear description of what I think is a major area of difficulty. One of the things our report found was that Australia was a country with one of the highest caesarean section rates in the world, and that if you were privately insured you were much more likely to have a caesarean section than if you were a patient in the public sector. Evidence provided to the committee showed there was no clear reason why that should be the case.

I received a report today, Thursday 31 August—-I think it is probably off my email—which said that, in the United States, after years of decline, caesarean sections are on the rise again. The evidence in the report from America is extremely similar to what we found in our report: that there is a very big difference between caesarean section rates across the country and that there is a much higher likelihood of caesarean sections for women if they are privately insured than if they are public patients. That seems to me to be, first of all, worthy of very serious investigation and follow-up. The government’s response says:

Most of the views and recommendations of the Report however, are in the realm of State and Territory Government responsibilities or comment upon clinical decisions. The Government does not consider that this form of inquiry—presumably a Senate inquiry—is best suited to assess quality, safety and relevance in clinical matters.

It says four paragraphs later:

**Government Approaches to Improving Australia’s Health System**

The Government is funding and driving programs of health system improvement on a scale greater than has been seen in Australia before. Criteria of quality, safety, relevance, choice, equity of access and effectiveness based on evidence are paramount. This Response to the Report outlines some relevant initiatives.

My first-up confusion about this is that paragraph 1 says that quality, safety and relevance are judged as clinical matters and outside the purview of a Senate inquiry, while paragraph 5 says that quality, safety, relevance, choice, access and effectiveness are criteria for the federal government’s health policy. If we do not want to have a brawl, could I please have some further clarification? If, as the government say, they are concerned that quality, safety, relevance and choice, for example, are criteria by which you would judge an Australian health system but not this report because some of those applied to clinical matters, then I am nothing if not confused about what is the government’s response in this area.

I am particularly concerned when they say that a lot of our recommendations go to things like how services are delivered in the states, but the states’ way of delivering the services is outside the responsibility of the federal government. However, the federal
government provide, through broad public health outcome funding agreements—PHOFAs—funding to state and territory governments and have agreements with them for delivering those services. If a caesarean section rate is not an outcome, what is it? If I seriously wanted to know how to judge in an appropriate way—without intruding on clinical professional decisions and without intruding on states’ rights to do things—where Commonwealth dollars allocated to childbirth and delivery go in this country, then the way I measure this is in outcomes. What is the caesarean section rate if it is not an outcome? The caesarean section rate is merely data counting. It would be entirely proper for the federal government to be concerned about an outcome under their public health outcome funding agreements where caesarean section rates are higher in this country than anywhere else in the world and higher by a significant factor for privately insured patients and higher from one state to another.

My own state of South Australia, as I recollect, has the highest figure, or it did in the findings of our report. When we asked if that had anything to do with the state having the highest number of obstetricians, there was some concern that there might be a correlation. We concluded that, as they were the only people who could do caesarean sections, it was a very valid reason to worry. The American data shows just that. In fact, one college in America is concerned that the only differences between caesarean section rates are the practices and the habits of doctors. We were also told of one doctor who went to a large public hospital in South Australia and had set out to significantly lower the caesarean section rate. He was very successful in doing this. There was no increase in infant mortality or maternal damage. There was just a significant lowering of the caesarean section rate in the public hospital and, interestingly, an allied reduction in the caesarean section rate amongst the private practitioners in the environs of that hospital. We also heard that this same pattern happened when a senior obstetrician in Tasmania set out to look at the figures in Tasmania and to work with clinicians to see if that figure could not be lowered. I have been talking about caesarean section rates, but the figures are on the increase for all interventions in childbirth—be they episiotomies, vacuum extractions, the use of forceps, medication, epidurals, anaesthetics and so on.

I thank the government for the response, but I have to remark on the way they have said that a number of our recommendations belong in the state and territory area and that, therefore, the Commonwealth does not want to have much say about them. When the Commonwealth directly funds those programs with precious Commonwealth taxpayer dollars, I would like to know how the Commonwealth is so easily able to say, ‘We handball that to the states; it is not our responsibility.’

I heard, during question time today, considerable kudos being claimed for itself by the government, for how it has reduced through the immunisation program the number of people who have had measles, mumps, diphtheria and so on. The immunisation program is a classic Commonwealth-state program. It is a service delivered by the states, providing data to the Commonwealth, and it is a very good example—and I think the Commonwealth properly can claim some responsibility for reducing immunisation rates. But it does not do this by saying, ‘Don’t talk to us about those figures; that is a state matter; we do not really have any responsibility for it.’ Yes, the Commonwealth does have. It has clear responsibility under its own public health outcomes funding agreements. I want to know what they call ‘outcomes’. I am also concerned about how I can go to the estimates and find out how our Commonwealth dollars are being spent on health and on obstetric services. To be met by the Commonwealth saying, ‘Well, it’s really a state matter—talk to them,’ is not, I believe, a sufficient answer or justification. As I say, it is quite contrary to what they are claiming in the area of immunisation.

There are some other points here that I think are very important. The government clearly recognises the importance of our inquiry and agrees that some of the recommendations we have made should be picked up on, particularly where we have asked whether the NHMRC could pick up and develop the research, and so on. The Commonwealth also
says—and this is a concern for me—that it has a very direct responsibility for something like, for example, ultrasound—and indeed this report tells us that in 1998-99 $38.6 million was paid in Medicare benefits in respect of ultrasound. But they then go on to say that a lot of the ultrasound work is done in public hospitals, and that that is a state funding matter and not something that the Commonwealth would concern itself about.

I find that extremely disappointing, because half of the funding to our public hospitals is from the Commonwealth and also because the criterion for reasonable and decent ultrasound has to apply in the public as well as the private sector—and some of that is acknowledged by the Commonwealth in its response to other recommendations. Importantly, continuity of care—which we found so important in reducing caesarean section rates and in having happier mothers and happier babies—is certainly given support by the Commonwealth. The government says in its response that some of its funding is going very much into that kind of area, and so I acknowledge that support for the recommendations we made in that area. I think it was an invaluable report from the Senate. The government's response is largely positive but, as I say, its qualification about some of these matters being state government responsibilities does not hold water and does not assist with outcomes for Australian women.

Senator KNOWLES (Western Australia) (3.41 p.m.)—I wish to make a few comments on the government's response to the report from the Senate Community Affairs References Committee on childbirth procedures, called Rocking the cradle: a report into childbirth procedures. It is an interesting coverage that Senator Crowley, as chairman, has just given in the response to the report, in terms of dismissing the way in which the states are responsible for funding of these procedures. My comments when the report of the committee was handed down were the same as they were when the reference was put to the committee, and they are the same as those I will make today. These are issues that are within the responsibility of the states. That did not seem to matter; we still went ahead with the inquiry.

Interestingly enough, I suppose one should also draw attention to the fact that, while there is little doubt that caesarean section numbers have increased over time, if one were to listen to the Labor opposition senators one would think that that has only occurred since this government has been in office. It has not. The trend rates quite clearly show that the increase has been happening for many years. Be that as it may, why then, when Labor were in government for 13 years, did they not act—if it is possible now, according to Labor—to have it reduced? I do not understand that. Anyway, my answer to that is that there is no doubt that the rate is high. Evidence has shown that. But my question still remains: how do governments, or in fact Senate committees, change that? They cannot. The decisions on the procedures that people undergo at any time are the decisions of clinical practice and decisions that are made between doctors and patients: not through senators, not via ministers of health and not via governments—and may I say thanks very much for that; I am glad of that.

I want to make sure that the government position is clear on the way in which we have increased funding in so many areas. One of the most important things for the government is the committee finding of widespread satisfaction with the quality of birthing services available in this country. Maternal and infant mortality rates are the lowest they have ever been in Australia and they compare favourably with the rest of the world’s, and that is solid proof that Australia's health policies are working. We should not be under any misapprehension about the level of satisfaction that exists.

The report identifies some concerns about access to antenatal services for women living in rural and remote areas. I just want to make sure that the Senate understands what has been done in that area, because much evidence was given of the concerns of rural and regional people. An amount of $49.5 million was allocated over four years in the 2000-01 budget to increase the range of allied health professionals working with GPs to meet locally identified needs. Another allocation of $48.4 million was made over four years to improve access to specialist services in rural
and regional Australia—and that, I might add, complements the existing initiative to establish specialist training posts in rural areas, including four registrar posts in obstetrics and gynaecology that were funded in 1999. Another amount of $68.9 million was allocated to expand the Regional Health Service Program—and these centres in rural communities will draw together a flexible mix of service based on community need. Also, $102.1 million was allocated over four years to increase the number of GP registrars in rural areas. It is important to note that these things have all been done since the coalition government has been in office. They were not undertaken under the previous government over 13 years.

The report commends the contribution that the government has made towards promoting greater choice for women giving birth under the Alternative Birthing Service Program. As the report points out, the birth centres have been an outstanding success in terms of both medical outcome and consumer satisfaction. Many of the states and territories have continued to fund models that were initiated by the program.

But the government is particularly proud of a current initiative that it has put in place—and that supports rural women’s access to appropriate antenatal information in their community. Under the fly-in female general practitioner service, about four times each year female GPs will visit up to 160 locations across the country where women do not have such local services.

This government also shares the concern of the committee about higher death rates for indigenous mothers and babies compared to the rest of the population. As a large proportion of indigenous people live in rural areas, Aboriginal and Torres Strait Islander people are expected to be major beneficiaries of the new regional health strategy—and that has been particularly targeted for them and needs to be acknowledged.

The government has, I believe, demonstrated its commitment to improve the health status of Aboriginal and Torres Strait Islander people through recent initiatives. The 1999 budget, for example, boosted Commonwealth funding by $100 million over the next four years, most of which will be used to improve access for ATSIs people to primary health care. This expansion of primary health care will support the continuation and improved development of antenatal and postnatal programs in Aboriginal Community Controlled Health Organisations. For the first time also, national performance indicators and targets for Aboriginal and Torres Strait Islander health have been agreed to by all Australian health ministers. These indicators include indigenous stillbirths, infant deaths and low birth weight. A strong emphasis on the Alternative Birthing Service Program has been to establish a culturally appropriate birthing service for indigenous women, such as the community based service for Koori women in Victoria.

I would draw the attention of senators to the fact that the recommendations in this report, as I mentioned before, are basically the words of opposition senators—and that is why the government senators provided the minority report in which we pointed out that most of the subject matter of this inquiry into childbirth procedures is, in fact, outside the jurisdiction of the federal government. The delivery of medical and midwifery services are the responsibility of state and territory health authorities—and we must not forget that. We must not start and try to intervene, as members of parliament or as governments, in those clinical practices. It is not the role of the Commonwealth to dictate how states and territories should be running services that fall within their responsibilities. The Labor government did not do it, we do not do it—and we do not see a future in making that a practice.

This government has good cause to be proud of the contribution it is making to enhancing childbirth outcomes for Australian families. Initiatives across the spectrum of funding to states and territories—private health insurance, rural health, indigenous health and quality and health provision—have established an environment in which quality, choice, equity and effectiveness in health service provision can flourish as never before. Clearly, this government is providing strong national leadership in this area and a broadly based structural reform.
I think Dr Wooldridge really does need to be congratulated for what he has done as health minister since 1996—and in consultation, in many respects, with Senator Herron, the minister for Aboriginal affairs. Both Dr Wooldridge and Senator Herron are medical practitioners. Both are abundantly aware of the real problems being experienced by the indigenous population, and both are abundantly aware of the real problems being experienced by rural and remote communities. They have spent many hours, many weeks, many months in fact, if you total it all up—the time in opposition and since in government—in making sure that their understanding of the requirements are known—and not only known but acted upon. I think this government really does need to be congratulated for the efforts it has put into allocating millions and millions of dollars and resources to give people in country areas and the Aboriginal and Torres Strait Islander communities far better access to health across the board—not just in childbirth procedures.

Question resolved in the affirmative.

**Membership**

The ACTING DEPUTY PRESIDENT (Senator Watson)—The Deputy President has received a letter from a party leader seeking variations to the membership of a committee.

Motion (by Senator Heffernan)—by leave—agreed to:

That senators be discharged from and appointed to the Employment, Workplace Relations, Small Business and Education Legislation Committee as follows:

- Participating member: Senator Brandis
- Substitute member: Senator Crane to replace Senator Brandis for matters relating to employment, workplace relations and small business from 7 pm, 31 August 2000 onwards.

**TOBACCO ADVERTISING PROHIBITION AMENDMENT BILL 2000**

First Reading

Bill received from the House of Representatives.

Motion (by Senator Heffernan) agreed to:

That this bill may proceed without formalities and be now read a first time.

Bill read a first time.

Second Reading

Senator HEFFERNAN (New South Wales—Parliamentary Secretary to Cabinet) (3.52 p.m.)—I table a revised explanatory memorandum relating to the bill 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—

I am pleased to present this bill which highlights the government’s continuing commitment to minimising the harm caused by tobacco smoking in Australia. Tobacco consumption continues to be a major burden on Australian society. Tobacco is the single largest cause of avoidable death and disease in Australia. The use of tobacco costs the Australian community $12.7 billion a year and around 18,000 Australians die every year because of smoking related illnesses.

In light of the continuing impact of tobacco consumption on Australia’s health, the government believes the time has come to end all association of tobacco sponsorship and sport in this country. Tobacco advertising and sponsorship have been banned from domestic sporting competitions since 1992; however, major international sporting and cultural events can apply for an exemption to this ban.

When the Tobacco Advertising Prohibition Act 1992 was introduced, some exceptions were specified to ensure a moderate introduction of tobacco advertising bans in Australia. One of the most well-known exceptions to the ban is the section 18 exemption, which allows international sporting or cultural events held in Australia to have tobacco advertising provided certain conditions are met. There has never been an application for an exemption for a cultural event, and only a handful of sporting events continue to qualify for the exemption.

On the international stage, Australia is considered a world leader in tobacco control. In June 1999, the Ministerial Council on Drug Strategy endorsed a National Tobacco Strategy which provides a framework for all jurisdictions, including the Commonwealth, to develop their own action plans for tobacco control. The government is committed
to maintaining and improving on Australia’s excellent track record in tobacco control by consistently implementing new initiatives. In 1998, the European Parliament voted for a ban on tobacco advertising, including a ban to be placed on sponsorship advertising of events or activities organised at a world level. This bill before you today is consistent with the decision made by the European Parliament and introduces the same time frames.

The phase-out of all tobacco advertising in Australia also represents a major contribution to the National Tobacco Strategy.

Tobacco advertising at any sporting or cultural event after 1 October 2006 under any circumstances. There is a transitional phase-out period between 1 October 2000 and 1 October 2006. Prior to this phase-out period new events will be able to apply for a section 18 exemption. Any event to be held after the 1 October 2000 deadline will not be able to apply for an exemption. Between 1 October 2000 and 1 October 1 2006 events of international significance whose most recent application for exemption under section 18 was granted will be able to continue to apply for an exemption until the 1 October 2006 cut-off, provided that the event is completed before 1 October 2006. All applications received from events qualifying for consideration during the transitional phase will be assessed in the same manner as is currently provided for under section 18 of the Act.

After 1 October 2006 there will be no tobacco sponsorship or advertising at any sporting or cultural event in Australia. However, I am confident that event organisers will be working towards securing alternative sponsorship prior to the 2006 deadline. In the meantime I will continue to strengthen the restrictions applying to each event to ensure the public’s exposure to the remaining forms of tobacco advertising is kept to a minimum.

This bill represents several years of negotiation with international motor sport, particularly the FIA—the Federation Internationale d’Automobile—and the international Grand Prix Corporation. Australia, because of its relative geographic isolation, was always subject to being held hostage or to ransom by losing such events, a condition that was not placed on European countries. We have been able to negotiate an arrangement whereby with these time frames international motor sport has given undertakings that Australia will not be placed at any disadvantage in future negotiations, because it gives them time to arrange alternate sponsors.

This bill deserves the support of all Members and Senators. It will break the few remaining links between international sport and tobacco in Australia. The bill has received strong support from the health community, and it will provide the opportunity for all Australians to enjoy major international events even future. Since they will no longer be associated with tobacco:

Debate (on motion by Senator Ludwig) adjourned.

UNIVERSAL DECLARATION OF HUMAN RIGHTS

Senator COOK (Western Australia—Deputy Leader of the Opposition in the Senate) (3.53 p.m.)—I move:

That the Senate—

(a) notes, with deep concern, the Government’s abrogation of its responsibilities for Australia’s participation in the United Nations Human Rights Committee system;

(b) in particular condemns the Government for refusing to sign the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination Against Women, which the former Labor Government was active in initiating; and

(c) calls on the Government to reconsider this hasty and ill-considered action which will damage Australia’s international reputation and its national interests.

Tuesday was a sad day for Australia’s international reputation and our national interest. The Howard government has turned its back on more than half a century of proud Australian involvement in the international human rights system. From the time of Dr Evatt’s pivotal role in the establishment of the United Nations, Australia has consistently been at the forefront of protecting human rights in the world. Drawing upon our own domestic achievements and our willingness to commit both civilian and military resources where necessary, we have earned a reputation as fearless and active supporters of human rights internationally. Now the government’s ‘take our bat and ball home’ response to the United Nations human rights system has abrogated that proud history and placed at risk our standing in the world.

The United Nation’s Commissioner for Human Rights, a recent and popular visitor to Australia, Mary Robinson, says this is ‘tragic’. Mary Robinson is also right when
she says that the government’s reaction to scrutiny from the various human rights committees is ‘overdefensive’. But it is more than overdefensive. It is ill considered and petulant, and it harms Australia’s reputation and damages our national interest. This is clear from the informed editorial comment in both yesterday’s and today’s newspapers. The Australian Financial Review said:

The Government needs to explain how its refusal to participate in the admittedly creaky infrastructure of internationalism in moral and human rights affairs fits with its insistence that Australia continues to reap the benefits of internationalism in economic affairs in bodies such as the World Trade Organisation.

The Melbourne Age said:

It is the stuff of tinpot nations who really do have something to hide, a rhetorical echo of the sort of ridiculous shenanigans performed by Iraq as it tried to evade the scrutiny of UN weapons inspectors.

The Canberra Times said:

The government has now succumbed to Howard-style populism and fear of Pauline Hanson. It is instructive that Australia’s actions have received enthusiastic support from such international luminaries as the failed Minister for Sport and Tourism, Andrew Thomson, but that the former Minister for Trade, Tim Fischer, who understands something about the way Australia is perceived in the world, has pointedly declined to support them. So has former Liberal Prime Minister Malcolm Fraser, who said last week:

Greater respect should be shown for the instruments of the United Nations. On this issue the United Nations have not been unreasonable. They were doing their job, which Australia in relation to other countries has supported. The United Nations should not be condemned for its somewhat gentle criticism of Australia.

It is a shame that the government was not listening to those words of a former Liberal Prime Minister. Mr Thomson, the instant expert on the United Nations, appears to believe that non-government organisations, such as churches and charities among others—part of what he calls the ‘global NGO guilt movement’—have no place in raising issues of importance to them. Instead, in his latest hairbrained contribution to this issue, Mr Thomson said he would prefer to guarantee a veto for the coalition over any further Australian treaty commitment—a notion that, given his xenophobic view of the world, would lead to Australia’s effective isolation from the international community.

It is disturbing in the extreme that in question time this week when the government was asked to disown Mr Thomson it pointedly declined to do so. The government has not fooled anyone, not the Australian people and not the international community, with its review of our involvement in the United Nations treaty system. This was a review announced in haste, a review conducted in secret and a review with no terms of reference. Instead, the various government officials charged with undertaking it received very firm riding instructions which left no doubt about what they were expected to conclude. There was no opportunity for the general public to participate in the review, which was precooked from the start.

The government did not even have the decency to inform the United Nations committees that they were being reviewed. Instead, like the Australian people, they had to rely on Mr Downer’s somewhat hysterical press releases. At the very least, although no government offer has been received to do this, the Senate would expect all papers and documents submitted to the review to be tabled. Australia’s vital interests are at stake here. It is intolerable that such secrecy should descend on the information that the government based its deliberations on. Public transparency is required. Respect for our parliament is also necessary. Indeed, to justify his stand, Mr Howard cannot invoke the defence that we are a democracy and then deny the democratic scrutiny that this chamber, the parliament itself and the community can bring to the undertaking of the inquiry he instructed to arrive at the conclusions it has.

The government’s response on this issue has important implications for Australia’s standing in the world. In signalling that it will be ‘more economical and selective’ in its cooperation with United Nations human rights committees and, most particularly, in its refusal to sign and ratify the optional protocol to the Convention on the Elimination of Discrimination Against Women, the govern-
The government has effectively called a halt to Australia’s leadership internationally on human rights issues. Under this government, it will no longer be possible for Australia to claim the high moral ground on human rights that Dr Evatt and others fought so hard to achieve for this nation. Worse than this, the government has left the world with a clear impression that Australia expects to continue to press for the protection of human rights internationally but will brook no international scrutiny of Australia’s own performance. Needless to say, this will only undermine our capacity to make a more positive contribution to the advancement of basic human rights in the world. It is hard to see how we can hope to influence developments elsewhere when we expect to opt out of the same sort of scrutiny for ourselves.

During this period of UN phobia—which, you will recall, also included the government’s decision, with no justification or explanation given, not to nominate Justice Elizabeth Evatt to serve a further term on the United Nations human rights committee—the government has squealed about Australia not deserving to be treated like an egregious human rights abuser in the international system. This argument is a straw man. No international observer believes Australia fits that category. It is therefore ironic—and, indeed, sad—that, in its defensiveness and in its petulance, the government’s recent actions resemble those we have come to expect from the human rights abusers who seek to isolate themselves from international scrutiny. They are certainly not actions that befit a country with such a proud international record as we have—the proud international record of Australia.

The decision not to sign the CEDAW optional protocol, which the previous Labor government was instrumental in initiating, will dismay the international community, who will be left wondering how it is that Saudi Arabia, Namibia, Bolivia and Thailand can sign the protocol—which merely creates certain procedures that promote rights that are already guaranteed—while Australia cannot sign the protocol. I note that the OECD countries Germany, Italy, Norway and Mexico have also signed the protocol. Others have said that they intend to sign it. I believe Australia is the only country in the world that has pointedly said that it shall not sign it. The government stands condemned for its politicking on the issue of discrimination against women. So it can deliver the United Nations with the preordained ‘bloody nose’ that the Minister for Foreign Affairs described and so it can win votes among the Hanson constituency, it has been prepared to isolate Australia on the world stage concerning global human rights issues. The opposition awaits the government’s explanation to all Australian women and to the international community as to why Australia no longer wholeheartedly supports the international elimination of discrimination against women.

While on the subject of what Australia has not done, it is important to mention its guilty nation status when it comes to International Labour Organisation conventions. The eight central conventions of the ILO are, in the main, among the oldest human rights commitments Australia has made to the United Nations system. Most of them have been adopted by each Australian state as well as the Commonwealth before being adopted nationally and before being confirmed to the International Labour Organisation. Most are also incorporated in the United Nations Declaration on Human Rights, and all are now an important element in world trade talks. Thus, they reflect not only Australia’s standing on human rights but also Australia’s economic interests. Australia is in flagrant breach of two core conventions on the freedom of association and on the right to collective bargaining and is under notice that it is probably in breach of the convention on non-discrimination in the workplace. The ILO committee of experts has made that determination and has asked Australia to answer the charge. So far, Mr Reith has chosen to ignore this request by the oldest United Nations organisation. Thanks to Mr Reith putting guard dogs and balaclavas on the Australian waterfront and thanks to the Western Australian Court government’s third wave of industrial legislation, Australia is now numbered among 21 nations guilty of breaking these conventions. It is unedifying company indeed and pushes our country towards a pariah status in the field of industrial relations.
The government’s actions on the human rights committees—which, it should be emphasised, have no mandate to change Australian law or to impose sanctions upon Australia but merely scrutinise and comment on Australian practices in relation to human rights—send a signal to the international community that Australia is not wholeheartedly committed to meeting its international obligations and will opt out where it becomes politically expedient for the government of the day to do so. This is a sad, misguided and dangerous signal, which has damaged this nation and which will continue to damage our international standing.

I turn to no less an authority than a ranking international expert on global law, Professor Philip Alston, who is regarded as an expert on the UN treaty system. He is based in Florence, and he spoke this morning on the ABC’s AM program. They introduced him as the brother of the communications minister known in this chamber, Senator Richard Alston. The ABC asked him about the United Nations committee system, which the government says needs a complete overhaul. He answered:

The work is not nearly as bad as the Government suggests, but there are ways in which it could be improved and sometimes they get it wrong—as does any governmental or other system.

What would make all the difference would be the provision of enough resources to enable the UN to hire say four or five legal experts who would assist these various committees ...

The ABC asked him a further question:

Well the Government says it wants to work with the UN to improve the process. Is this withdrawal the way to improve it?

Professor Alston answered:

No, what’s necessary in fact is for the government to be serious about its protestations that it wants the system to work better and for the government to try to make an effort to mobilise increased resources so that it really does work better.

The ABC asked:

As far as you know, is this the first time that a country has withheld its cooperation from the treaty process in this way?

Professor Alston answered:

There are a couple of other countries that have got very irritated and have threatened to withdraw. Unfortunately one of them is North Korea and of course the whole world was outraged at that. I’m not aware of any government which has suggested that it could determine entirely for itself the terms on which it will cooperate with the UN in the human rights area. If that sort of approach was adopted by other countries—China, Burma, Cuba, you name it—we would be outraged.

He goes on to talk about how this stance by Australia will corrupt out position in the world system. Finally, the ABC asked him:

To what extent will our change in policy weaken the UN system in general?

Professor Alston answered:

Change in policy will have a number of effects. First of all it won’t do Australia any good in terms of its general standing, and finally and most importantly of course, the system can only be weakened when a respectable government like that in Australia indicates that it’s no longer going to cooperate fully or properly with the UN system in human rights matters.

His final comment was:

We really are inviting some of the thugs of the world to come along and say, jolly good Australia, we’re right with you. We also agree that we shouldn’t have to be held accountable for our human rights records.

The words of Professor Alston, an international expert in this field and brother of the Howard government’s Minister for Communications, Information Technology and the Arts. They have considerable weight as an unsolicited testimonial to the shocking and disgusting position the government has taken on this matter.

I now want to say something about the opposition’s approach to the issue. There is no question that the United Nations’s human rights treaty bodies can be improved. This can be said of all national and international committees. But the answer does not lie in conducting secret, pre-cooked reviews and then withdrawing or limiting our involvement. Nor does it lie in behaving like an international pariah, hiding from the international spotlight, taking offence at the smallest slight, seeking to stifle non-government views—actions typical of a non-democracy—or blaming UN committees for what is, in the case of mandatory sentencing
and other indigenous issues, simply the government’s failure to act effectively on issues of concern to the majority of Australians. The answer lies instead in working openly and cooperatively with the committees to make clear Australia’s perspective and responding to the wishes of the Australian community on issues of social concern so that Australians do not feel obliged to exercise their right to take up these issues with UN committees. The opposition deplores what the government has done and calls upon it to reconsider its actions, which are a blot on Australia’s international reputation.

Before I conclude my remarks, let me draw them to finality by referring to yesterday’s Hansard of question time in the House of Representatives. Interestingly, Mr Andrew Thomson, who has put somewhat bizarre views into the public spotlight today and earlier in the week and has not been disowned by the government—who were invited to separate themselves from his position and declined to do so—asked the Prime Minister a question on this matter. The Prime Minister said in part of his answer, referring to the protocol:

To date, only 43 states have signed the optional protocol, only five have ratified, and a further five need to ratify to bring it into force.

It has to be said that 43 states having signed at this point is quite a credible outcome. If it only requires 10 nations to ratify it, we are only five short. Ratification is imminent, and Australia therefore appears to be isolated in the world because it is a non-ratifying nation. The Prime Minister has said that the US has not ratified it, but the US has announced its intention to ratify. (Time expired)

Senator PATTERSON (Victoria—Parliamentary Secretary to the Minister for Immigration and Multicultural Affairs and Parliamentary Secretary to the Minister for Foreign Affairs) (4.13 p.m.)—It is amazing. Senator Cook comes in here and talks about the United Nations. I am not sure I have ever heard him talk about the United Nations before. I might be wrong.

Senator Cook—You are wrong.

Senator PATTERSON—It is very rare to hear him talk about the United Nations. I had the great privilege of being Australia’s representative at the United Nations General Assembly in 1997 for three months. I came away from that experience very much of the mind that, despite all of the good work the United Nations does, there was enormous scope for reform. It was also very obvious from the commitment that Kofi Annan made when he took on his position with the United Nations that he also saw reform as the major goal of his period of tenure in that position. It is known around the world that there are huge areas in which the United Nations committee structure, in particular, needs reform. When the Minister for Foreign Affairs, the Hon. Alexander Downer, announced the review of the United Nations treaty committee system on 30 March this year, he made it very clear that Australia was not—I emphasise ‘not’—walking away from its international commitments nor disengaging from the United Nations system. His record, in particular, with regard to the Ottawa treaty and his commitment to de-mining is evidence of his belief in the system, in the sense that there are areas that are working and there are areas that are not working. To intimate that he would be walking away from the system I think denies his commitment to aspects of the United Nations which are positive and which are working and his commitment to ensuring that we support Kofi Annan in addressing the issues in the areas that need reforming.

This government is strongly committed to continued support for international human rights protection, as the outcomes of the review of Australia’s interaction with the United Nations treaty system demonstrate. Our concern is that the United Nations human rights treaty committees are not working as well as they should or as well as they were intended to work and that the views of democratically elected governments, like our own, are not given due weight in these processes. The government will maintain its active engagement in the human rights treaty system and increase its efforts to improve the efficiency and effectiveness of the operation of the treaty committees. These measures that the government has taken are not about repudiating the United Nations human rights system but, rather, are about making the system work more effectively, both for democratic
countries like Australia and for the United Nations as a whole.

As I said before, we have a strong record of active support for the United Nations. We have a strong human rights record and we take our international rights and obligations seriously. I remind the Senate that it was the coalition government that signed the initial Convention on the Elimination of All Forms of Discrimination Against Women in 1983. However, the government does not think that it is appropriate to sign a new procedure, the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination Against Women while concerns with the operation of the treaty system continue.

The government does not consider that the rights of women in Australia will be diminished at all by this decision, as Australia has put in place a world-class regime to protect women against discrimination. Australia's strong human rights record for women is widely acknowledged around the world, particularly at the recent meeting in New York of the Beijing +5 Conference. The government supports the Beijing platform for action and the outcomes document to further the advancement of women in Australia and around the world. As I said, we have an excellent record on women’s rights, and that was acknowledged at that Beijing +5 Conference.

Women's human rights in Australia are fully protected and supported by the Howard government. Furthermore, Australia ranked third in the world in the 2000 United Nations Human Development Gender Index. We are committed to upholding and strengthening this record. We can look at some of the ways the government have improved the situation of Australian women since being in government. I have to give credit where credit is due. Many senior women were languishing in the diplomatic service before we came into government. I have forgotten quite how many women—I think it is in the order of 16— Minister Downer has appointed in his time to senior positions, either as consuls or ambassadors. He significantly increased the number of women in senior positions in the diplomatic corps.

More women are in the paid work force in Australia than ever before—65.9 per cent of working women were in the labour force in July this year. The women's unemployment rate is at its lowest rate in decades—six per cent in July this year. The government has a strong commitment to child care, despite the myths the Labor Party people on the other side put about. There has been an increase in child-care places. Those opposite tend to mention only the child-care centres which have closed down. The number of child-care centres was growing like topsy and there were too many in places where they were not needed and there were not enough in places where they were needed. The opposition fail to talk about the number of child-care centres that have opened; they talk about only those that have closed. That is selective attention, which the Labor Party are very good at. There has also been $900 million additional funding for a simpler and more generous child-care benefit.

We have seen an increase in those areas—employment, education and training, and facilitating the return of women to work. The coalition have shown enormous improvement in many areas that affect women. Another area where we have made significant inroads—and many women have commented on this—is superannuation. The Labor Party had ample opportunity to fix this area of gross discrimination. We brought in changes to superannuation in March 1999 which for the first time allowed divorcing couples to divide superannuation accounts in the accumulation phase. The reforms allowed divorcing couples to split their superannuation in whatever proportions they wished to best meet the current and future needs of both parties, and protected the retirement living standards of older Australians.

I could go on at length about the way in which we have improved the lot of women in the very short time we have been in government. We have committed $50 million to the Partnerships Against Domestic Violence program. I had the opportunity last week to visit in the western district of Victoria a number of centres which have received grants. I know
how important those grants have been to re-
search some of the causes of domestic vio-
lence—an area that was grossly neglected
under the previous government. And I could
go on.

It is obvious to the chamber that Labor is
seeking to use this issue to have cheap shots
at the government. The Australian Labor
Party is happier attacking Australia than de-
fending it. It feels very comfortable in mak-
ing invidious comparisons between Austra-
lia’s constructive attempts to reform the UN
treaty system and the responses of Iraq and
Burma on their human rights records. This
was made evident in a doorstop interview
yesterday by Mr Laurie Brereton. Surely the
Labor Party is not unaware that the treaty
body reform is long overdue? In 1999 alone,
1,146 reports were overdue under the six
human rights treaties that operate in interna-
tional law and it was estimated that 2,500
pieces of correspondence to the Human
Rights Committee were awaiting reply.

And Labor says we should throw more
money at it. That is Labor’s solution to eve-
erything—spend more money. Maybe we need
to reform the system rather than spend more
money. The only solution Senator Cook sug-
gested to us in the chamber today was that we
get five more lawyers—or whatever he was
suggesting—and it will all be fixed; rather
than looking at productive and sensible ways
that could actually make this system work so
that it is not bogged down by correspondence
and by reports that are overdue. We need to
be focusing on the real breaches of human
rights and the real issues that all of us under-
stand as issues which need addressing by the
international community.

I think the Labor Party are indulging in ab-
solute hypocrisy in pursuing this issue and
this exercise. The ALP are on the record as
recognising the deficiencies of the existing
human rights machinery. If you look at their
policy manifesto, Labor Platform 2000, it
states:
Labor will devote particular attention to strength-
ening and improving the UN human rights ma-
chinery and processes.
Let them tell us how they are going to do it.
All we have heard from Senator Cook today is
’spend more money; put a few more people
in there’. Over the years, together with Can-
da, New Zealand and Norway, Australia has
made a number of statements on treaty body
reform and effective implementation of hu-
man rights treaties. These statements have
been provided to the international community
in the UN General Assembly and the Com-
mmission on Human Rights, and Australia has
co-sponsored resolutions in these various
fora.

In December 1997 the principal theme of
the Attorney-General’s address to the Imple-
menting International Human Rights Confer-
tence at the ANU in Canberra was treaty body
reform. In January 1998 Australia provided
substantive written comments to the United
Nation’s Alston report on the long-term ef-
ectiveness of treaty body reform. In mid-
1998, Australia, Canada and New Zealand
submitted a joint paper to the Human Rights
Committee containing suggestions for reform
of some of the committee’s rules of proce-
dure. In May 1999 the Australian Ambassa-
dor in Geneva called on the High Commiss-
ioner for Human Rights, Mrs Mary Robin-
son, and delivered to her a letter outlining the
government’s concerns with the operation of
the treaty bodies and indicating Australia’s
approach to reform.

The motion refers to ‘Australia’s hasty and
ill-considered action’. It is not hasty and ill
considered. We have been concerned about
this for years. I have just listed a number of
ways in which we have tried to alert the UN
to our concerns. More recently, in June 1999,
Australia provided comments to the Bayefsky
and Heyns study on the operation of treaty
bodies commissioned by the High Commis-
sioner for Human Rights, Mrs Robinson. In
October 1999 we presented a well-received
paper on treaty reform to a meeting of the
International Commission of Jurists in Co-
penhagen. In February 2000, building on the
interest generated by the Copenhagen meet-
ing, Australia convened a meeting of like-
minded countries at the Australian mission to
discuss ways and means of taking the reform
further. This is not a hasty reaction.

It is therefore clear that the government
has shown an interest in the reform of the
United Nations treaty committee system, and
it is not a new interest. The government has
been a committed leader in this process for a number of years. Seeking to review the United Nations treaty committee system does not amount to Australia walking away from its international obligations or disengaging from the United Nations system. This government continues to support the UNHCR program for the resettlement of refugees and Australia is one of the world’s most generous resettlement nations for refugees per capita in the world. In the last program year we resettled in the order of 12,000 persons under our refugee and humanitarian program. So we have evidence of our support and of our strong commitment to the reform of the system in order for us to focus on areas of human rights and human rights abuses which the world condemns.

It is here that I would like to draw the Senate’s attention to the editorial from today’s edition of the *Australian* titled ‘Canberra has the right to condemn UN’, which states:

The Government stands accused of jeopardising the cause of global human rights.

What does it then say? It states:
Rather it should be applauded for having the guts, as a voice of democracy, to stand up and fight a UN system that has made the examination of human rights abuses bureaucratic, misguided and irrelevant.

I think the number of letters that have not been answered and the number of reviews that have not been done demonstrates that.

The editorial goes on to say:

Non-government organisations hold too much sway with the UN committees and are accountable only to their vested interests. Democratically elected governments have too say. This must change. The biggest impetus for UN reform came when the US pulled out of UNESCO in 1984. We do not propose that Australia follows the US by reserving the right to accept only those UN decisions it likes. But we defend Australia’s right to object to parts of the UN system that do not work. Australia’s decision on the committees will do more for reform than any drawn-out tolerance of their flaws. UN High Commissioner for Refugees Mary Robinson says Australia’s stance is offensive. No. Australia is demanding that the human rights records of all nations are judged on merit. Other UN officials accuse Australia of sulking and jeopardising its human rights record. Australia has worked harder than most to help make the UN work.

Let me just repeat that: ‘Australia has worked harder than most to help make the UN work.’

I must give credit here to Ambassador Penny Wensley, who has worked assiduously in addressing issues of UN reform. The editorial continues:

We still take a leading role in UN projects where participating can—and in cases such as East Timor, does—make a difference. Any suggestion that our human rights record is at risk is absurd.

I am quoting an editorial in the *Australian*. This is not something I have written. The editorial goes on:

Any reasonable person knows our record is strong.

**Senator BOURNE (New South Wales)**

(4.28 p.m.)—I am sure Senator Patterson knows that we could play duelling editorials if we wanted to because I read several yesterday that were not saying that at all. They were saying the complete and utter opposite. So that is a real problem. Let us have a look at this treaty review. What is the treaty review on about? What happened? First of all, it was secret, very secret. Not only were there no public hearings—I do not know of any public submissions; nobody asked for submissions—but interestingly, and this is the first time I can remember this happening, when one of the subcommittees of the Joint Standing Committee on Foreign Affairs, Defence and Trade asked for a briefing on what was going on with that treaty review, we were told that we could not have one; that it was in fact secret. We, the elected representatives of the Australian people, were therefore not allowed to know what was going on in it. So I think you can well and truly say it is secret.

It is interesting that, as Senator Patterson said, the review was announced on 30 March of this year. If you think back, that was just after Minister Ruddock appeared before one of these UN committees in Geneva. The reviews that I heard from various bodies within Australia and around the world—not all of them evil NGOs, but some of them certainly from the NGO community—were very bad. In fact, I did not get one good review of that performance. It is very interesting that this review of our participation in the treaty system was announced very soon after that per-
formance by Minister Ruddock in Geneva before a UN committee.

Interestingly, the Joint Standing Committee on Foreign Affairs, Defence and Trade has a UN subcommittee. We just formed it a little while ago. It will be looking into Australia’s interaction with the UN and including in that our interaction with the treaty committee. Even more interestingly, we are actually an open and transparent body. We have asked for public submissions. We have got lots of them. We are holding hearings now, and we will undoubtedly come up with a report. I suspect that since this committee has members of all parties on it—it does have representatives of the government and also of the opposition and the Democrats on it—it will certainly be a lot less secret and a much more open, transparent and interesting read than Mr Downer’s press release was.

Of course, we will never read the report of the treaty review, but we can read Mr Downer’s press release that he put out when the treaty review was announced. I should just refer to a couple of things that Senator Patterson said, so we can see if they match up with Mr Downer’s press release. Senator Patterson talked about Australia’s constructive attempts to reform the UN committee system—so we are looking at constructive attempts here—and she said that these are productive and sensible ways in which we can make this system work. I cannot actually see too many of those in this press release, and this is the only release I have to tell me what has happened with this treaty review. But if we go through it we find it is interesting. One of the most interesting things is that the announcement was made not just by the Minister for Foreign Affairs and the Attorney-General but also by the Minister for Immigration and Multicultural Affairs. The three of them made that announcement. I am reading here from the press release from Mr Downer:

The treaty review found that UN human rights treaty bodies need a complete overhaul especially:

(i) as regards the treaty committee system:

  to ensure adequate recognition of the primary role of democratically elected governments and the subordinate role of non government organisations ...

Obviously, the government is very upset about NGOs. If you have a look at some of the submissions that NGOs have sent to the United Nations on such things as mandatory sentencing and refugees, you will find that they did not agree with the government. I think the government does not like the fact that people do not agree with it. We have seen many ways in which the government has punished people who do not agree with it. I fear that at the moment it is punishing not just the NGOs—it cannot really punish the NGOs too much with this—but the United Nations treaty system. The press release continues:

  to ensure that committees and individual members work within their mandates;

  That is an interesting one. So the government thinks they are outside their mandates, which means of course that they have done something that the government does not like.

  The press release continues:

  to improve coordination between committees; and

  That is actually a good one. There should be improved coordination between committees.

  The UN subcommittee of the JCFADT has had some very good and interesting—

  Senator Boswell interjecting—

  Senator Schacht interjecting—

  The ACTING DEPUTY PRESIDENT (Senator Knowles)—Order!

  Senator BOURNE.—Fortunately, I cannot hear a word that is said up there, so if they are yelling at me it is completely beyond me. Improving coordination between committees is something that really needs to be done, and it is something on which the UN subcommittee of the JCFADT has had some very good evidence from people who have been involved in the UN committee system for a long time—some very constructive things, things that are not mentioned here, things that are not even considered here. In fact, I cannot see how getting out of the treaty system to the extent that this says we will is going to improve coordination between committees at all. It is not. It cannot possibly do that. The final point under (i) is:

  to address the current inadequate secretariat resources for research and analysis to support committees’ work; and
Absolutely right: those committees desperately need extra funding to have extra people to do more research and analysis to support those committees’ work. They desperately need it. So if the government would like to come up with some of that funding I think that would be very useful. If not, if it would like to encourage somebody else to come up with that funding, I think that would be very useful. I guess it helps that Australia will be taking itself out of that treaty system to some extent, because it means the secretariat will not have anything to work on. But it surely does not help with international scrutiny of Australia—but I guess that is what the government is trying to stop, anyway. Part (ii) states:

(ii) as regards the international protection system:

to ensure that the Office of the United Nations High Commissioner for Refugees (UNHCR) and its Executive Committee (Excom) maintain their focus on their primary objectives;

Why on earth would that be dot point No. 1? That is quite interesting. Secondly:

to improve their operational effectiveness and responsiveness to states concerns; and

Thirdly:

to enable states to reassert their common understanding of international protection obligations.

I cannot see how any of that is going to be helped by us getting out of the system. It does not seem to me to be a very useful response at all. The media release continues:

Cabinet decided Australia’s strategic engagement with the treaty committee system should be dependent on the extent to which effective reform occurs.

Effective reform—hmmm! It goes on:

In pursuit of reform the Government will take the following measures:

Australia will intensify work with other States on reform of the treaty committee system, including through a high level diplomatic initiative with Ministerial leadership and more strategic use of meetings of state parties, to address our concerns.

Why on earth do you have to take yourself out of the system to do that? You do not. In fact, you are taking away from your own effectiveness if you do that. Secondly:

Within the framework of Australia’s continuing commitment to international human rights standards and monitoring—

I am glad to hear that! It continues:

the Government will adopt a more robust and strategic approach to Australia’s interaction with the treaty committee system both to maximise positive outcomes for Australia—

I am glad we are doing that!—

and enhance the effectiveness of the system in general.

I thought enhancing the effectiveness of the system in general would be enough but, no, we also have to ‘maximise positive outcomes for Australia’. That is very good! I would have thought the way to maximise positive outcomes for Australia would be for Australia to not go against any of our treaty obligations. That would be the most effective way of maximising positive outcomes for Australia. But I guess those within the Department of Foreign Affairs and Trade, the Attorney-General’s Department and DIMA have not thought of that. Thirdly:

Australia will immediately implement a package of measures to improve our continued interaction with UN human rights treaty committees ...

How are we going to improve our continued interaction if we are getting out of it? I can tell you, because the minister goes on to say how we are going to improve our continued interaction:

(a) reporting to and representation at treaty committees be based on a more economical and selective approach where appropriate;

(b) Australia will only agree to visits to Australia by treaty committees and requests from the Committee on Human Rights ‘mechanisms’ for visits and the provision of information where there is a compelling reason to do so;

So we are not going to invite anybody here. If they ask to come, we are going to say, ‘Go away,’ and we are not going to give them any information. That will improve our continued interaction with UN human rights treaty committees! Hmm, I can’t quite see how that will work, but obviously the Minister for Foreign Affairs thinks it will. To continue:

(c) Australia will reject unwarranted—

‘unwarranted’; I wonder who works that one out—
requests from treaty committees to delay removal of unsuccessful asylum seekers from Australia;

We are back to immigration. We will be rejecting any unwarranted requests that we think we do not like. So, if the UN says that we should keep refugees here until something happens, we are going to say, ‘No, sorry. That’s unwarranted.’ And we have to say, ‘No, that person has to go back to be tortured, because that will improve our continued interaction with the UN human rights treaty committees.’ Finally, (d). This is a real beauty—we have all heard about this one:

(d) Australia will not sign or ratify the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) which establishes a new complaints procedure.

I do not think this has very much to do with the government’s views on women. I think they are well known. I do not think this has much to do with that; I think this has to do with the government turning us into fortress Australia again. I think this has to do with the government not wanting anybody else to be allowed to look at this government’s actions and determine whether this government’s actions comply with this government’s treaty obligations. Nobody imposes treaties on us; we agree to treaties. We sign and ratify treaties because we agree to them.

Does this government not understand how the treaty system in Australia works? I will tell it. The way it works is that we never sign a treaty until we are sure that all our legislation complies with that treaty. If it does not, then we put reservations on it. We say, ‘Okay, we won’t sign part 27 or part 154 because our legal obligations to ourselves, the legislation we have written and enacted for ourselves, does not comply. We can’t agree with that bit, but we agree with all the rest, because our legislation does comply.’ So every treaty we have signed has Australian legislation to back it up. Or, if it does not have that legislation, it does not need that legislation. What is happening here is that when we go before treaty bodies we are being judged by our own standards. We are being judged on how we want to be seen. We have said, ‘We’ve signed this treaty. We have legislation that back up this treaty. This is what we are doing.’ It is not even what we aspire to; it is what we are doing. If a treaty body says, ‘Hang on a minute. We don’t think you are doing that. We’ve looked at all the evidence, and you’ve got a problem here,’ that is something we should treat very seriously. If someone independent, someone outside—not one person, of course, but many—looks at how we are behaving, according to our own standards, and says that we are found wanting, we should reconsider that. If they say we are found wanting, that does not mean that we should then take gross offence, pick up our bat and ball, and go home saying, ‘We’re not playing this game any more. We’ve gone to huge trouble, over many years, to build this up. But you’ve told us that we’re doing the wrong thing. We don’t agree with you, so that’s it. Goodbye. We’re not even going to answer you, we’re just going to go away.’ That is so childish. Where are we—kindergarten? It is pathetic. It is a very childish response, and it is one I really do not want to be associated with. Finally, the minister says:

In addition the Government will:

(a) undertake a comprehensive review of Australia’s and other parties’ interpretation and implementation of the 1951 Refugees Convention and consider the need for remedial legislation;

Obviously this government has a real problem with refugees. Throughout this media release we see the words ‘immigration’, ‘refugees’ and ‘UNHCR’. We have seen many things that hark back to refugees and Australia’s behaviour with refugees. I would agree that we do have a real problem with refugees; I just think it is a pity it is disguised within the minister’s media release. The minister’s media release goes on to say:

(b) establish a standing inter-departmental committee jointly chaired by DFAT and AG’s to progress reform of the treaty committee system—

I hope that works. It does need reform. We should not walk away from it—and coordinate future interaction with the treaty committees;

(c) establish an inter-departmental committee chaired by DIMA to coordinate implementation of the reform strategy outlined in paragraph (a) above.

It finishes with:
Australia has long been an active proponent of reform of the committee system. We will build on this work and push for more intensive change. We will continue to work closely with other like-minded States and the UN.

It is a pity that we are not going to continue to work closely with the UN in their treaty system.

Australia has a strong history of active support for the UN—yes, we do; that is true—We have a strong human rights record and we take our international rights and obligations seriously.

I am glad that the government have told us that, because, if they had not told us that, we would not have found out in the rest of this press release. The rest of this press release does not tell us that at all. In fact, the rest of this press release says one thing and then, in order to demonstrate that that is the case, says the opposite: ‘improving our continued interaction with UN human rights treaty committees’ by getting out of them, by not allowing anybody to come here, by telling them to go away if they ask for information? That improves our continued interaction? How? It does the complete opposite. It cannot improve it.

The other thing is that it is so appallingly childish to say, ‘You can’t come here.’ It is not just appallingly childish; it diminishes us in the world community. This whole thing diminishes us in the world community. One of the great strengths of Australia in the human rights organisations of the world, including the UN, has been that up until now we have always been ready to welcome anybody here to see how we do things and examine us. We have been able to say to any other country on earth, ‘It is legitimate for us to talk about where you have problems’—and goodness knows there are an awful lot of countries on earth who have worse problems than us—‘and it is legitimate for us to tell you where we think you are going wrong, because we are quite happy for you to do the same with us.’ Up until now, we have been. I am absolutely ashamed of the fact that this government have taken that away, and I am really embarrassed that they have taken it away from me. I can no longer say that. I can no longer say that as an Australian when I go overseas. That is hugely disappointing. It is disappointing, it is embarrassing, it is terribly hypocritical of this government, it is shocking. I can barely think of words to say how badly I think of this. It is absolutely quite shocking.

Let me finish by saying that the UN sub-committee of the Joint Standing Committee on Foreign Affairs, Defence and Trade is conducting a review of Australia’s future position in the UN and where we are expected to go. It is a public inquiry. We have received a lot of submissions, some of them extremely impressive and from people who have worked in the UN for many years. We will be reporting in public, and we will come out with a press release. I will have a look at that before it goes out—I am sure I will be allowed to do that—and I will make sure that it does not say one thing and then demonstrate the complete opposite, so it will be a much nicer press release than the one that the minister has put out. I think Australians can look forward to the recommendations and the outcome of that committee. Unfortunately, because of the way our committees work, we will have a public inquiry, but it may well be that the government still decides that it is going to keep its bat and ball at home and it is not going to go anywhere with the treaty system and the UN.

Senator COONEY (Victoria) (4.47 p.m.)—That the committee system of the United Nations is flawed is not disputed; that it can be improved is not disputed. There is work to be done in this area. I will begin by referring to a speech made yesterday by Senator Coonan about the World Trade Organisation dispute settlement system and how it would pay for Australians to know more about that and for Australians to make that work more appropriately than it presently does for this country. The proposition I am putting is this: any system that seeks to deal with rights is going to be flawed, but what is the alternative? A lot of our human rights instruments—and there are a number of them—grew out of the First World War and the Second World War. We might have a flawed system in the United Nations with its committee system, but that is a lot better than the Second World War.
Senator Boswell—What did we fight for in the Second World War?

Senator COONEY—Whatever we fought for, Senator Boswell—

Senator Boswell—Ha, ha!

Senator COONEY—And you laugh. You laugh about the Second World War when millions of people were killed, Senator Boswell; when there was a rape of Poland on 1 September 1939, Senator Boswell; when there was the bombing of Coventry, Senator Boswell; when there was the bombing of Dresden, Senator Boswell; when there was the bombing of Monte Cassino; which you seem to think is quite humorous. The Second World War—

Senator McGauran—Feigned anger there, Barney.

Senator COONEY—It is not feigned anger at all.

Senator Boswell—Madam Acting Deputy President, I rise on a point of order.

The ACTING DEPUTY PRESIDENT (Senator Knowles)—Senator Boswell, you are not in your seat, unfortunately.

Senator Boswell—I am the duty officer. Senator Cooney said I was amused about the Second World War. That is beneath Senator Cooney. One expects a higher position than that from Senator Cooney.

Senator Schacht—What is your point of order?

Senator Boswell—The point of order is relevance and also that Senator Cooney has misquoted me. I never made that reference that Senator Cooney says I did.

The ACTING DEPUTY PRESIDENT—Senator Boswell, are you seeking an apology or a retraction? I am not quite sure what you are seeking.

Senator Boswell—I am clarifying my position.

The ACTING DEPUTY PRESIDENT—There is no point of order in that case.

Senator COONEY—I take the assurance of Senator Boswell absolutely, but he was at the back there not treating seriously some of the things I said. I take it that he was not taking—

Senator Abetz—He was not treating you seriously.

Senator COONEY—Senator Abetz has just said that he was not taking me seriously.

Senator Abetz—Yeah, that’s what Senator Boswell was doing.

Senator COONEY—If that is what he was doing, then my position remains. I was talking seriously about the Second World War, Senator Abetz, in which we had a terror spread through Europe by Hitler and later by Stalin and others. If you take that as being a lightness on my part, then you are wrong. I simply want to say that. If, on the other hand, Senator Boswell, you did not mean to belittle anything I was saying, then I withdraw what I did say about you. But this is a serious matter and a serious debate. This is about an alternative to the sort of thing that happened in the Second World War, and you would know, Senator Boswell, about the four freedoms speech of Franklin Delano Roosevelt in 1941. You would remember that. You would remember—

The ACTING DEPUTY PRESIDENT—Senator Cooney, it might be helpful if you address your comments through the chair.

Senator COONEY—Thank you, Madam Acting Deputy President; I take what you say.

Senator Schacht—The Atlantic Charter.

Senator COONEY—Senator Schacht has said ‘The Atlantic Charter’, and that was signed by those great figures of Eisenhower and Churchill. What they tried to do—through you, Madam Acting Deputy President, to Senator Boswell—was find alternatives to the brute use of force that had been perpetrated in Europe by dictators like Hitler, Stalin and Franco. What the United Nations try to do is to substitute a different method by which nations can relate to each other. In other words, instead of using the method of war, they try to use the method of committees or organisations. They have committees where people can put their complaints; they have organisations where the world can come together and try to work out basic and fundamental rights and obligations that people have which might guide the world so we do not have the disasters of the 20th century.
Australia has played a very honourable part in the United Nations. Australia committed itself to the United Nations forces in Korea and lost lives there. More recently, Australia went with the United Nations to the Gulf War. But, at the same time, Australia has signed and ratified a number of treaties, and it is important that those treaties and those conventions be maintained by Australia and by nations as a whole. You cannot have it both ways. You cannot say, ‘We’re going to have a system that does away with wars. We’re going to have a legal system that will operate within a country so that matters are disposed of in a reasonable way.’ You cannot have that approach and then say, ‘When something goes against us we’re not going to pay attention.’ The proposition is not that the United Nations committees are always right; they are not. The proposition is that that system the United Nations has set up should be maintained because the alternative is the grim alternative that we have spoken about already.

It is clear that the system we live under, the common law system, can make mistakes. That is why we have courts—we have courts of first instance, appeal courts and the High Court—to try to overcome injustices that might otherwise occur. The mother of the common law system, England itself, can make mistakes. I was recently reading the cases of the Maguire Seven and the Birmingham Six that went for many years before they were properly resolved. So of course judicial bodies or bodies that make decisions can make mistakes. But because the alternative is so grim, we have to stick by it. We also have to build up a culture in the world where people will listen to decisions. The decisions themselves have to be sound—of course they have to be sound. But we should not simply—and this expression has been used—spit the dummy because we do not like a particular decision.

Senator Bourne went through the joint media release, and I think that is a fair way of doing it because that puts the government’s propositions—and it put a series of propositions. She took up, with her usual eloquence, a number of matters. I want to talk about a couple that she mentioned. Paragraph (ii)(c) states:

Australia will reject unwarranted requests from treaty committees to delay removal or unsuccessful asylum seekers from Australia;

In other words, Australia will decide whether or not it is an unwarranted request and simply reject a committee’s request to have a person stay in Australia for a little while or even perhaps a substantial period of time while they sort out the justices of the situation. Paragraph (ii)(b) states:

Australia will only agree to visits to Australia by treaty committees and requests from the Committee on Human Rights ‘mechanisms’ for visits and the provision of information where there is a compelling reason to do so;

Senator Bourne made some good points about that. I say that that is not courteous language. That is not the sort of language that you would hope Australia would use. I think Australia is entitled to say, ‘We have some worries about the committee system. We would like, with other countries, to do something about it.’ In fact that is what the press release has said. I think that is a very positive approach taken by the government in this media release, but it has used language elsewhere which is quite discourteous and quite insulting to the system. What do I draw from that? If we are going to get the changes in the system that we want, then we ought to do so with courtesy.

I was reading an article recently about the legal system in the United States. It was written by Louis Pollak, a senior judge of the US District Court for the Eastern District of Pennsylvania. He talked about various matters and he referred to Justice Kennedy and what he said. But the point he made is that if we are going to get anywhere and if we are going to get there in the way that we need to get there, in a way that is most effective, then we ought to do so with courtesy. If we as a nation are going to complain about the way the United Nations and its committees are being conducted, then we ought to approach that task with considerable courtesy. We should give them respect and we should see whether we can change them.

As Senator Bourne has pointed out, there is concern in Australia about the way illegal
immigrants or asylum seekers are treated. That reflects the concern of this particular committee of the United Nations. In other words, the sorts of things that United Nations committees are saying are things that have got some resonance amongst certain sections, and quite large sections, of the Australian community. A question that has to be asked is: is it good to have asylum seekers, or illegal immigrants for that matter—depending on how you want to look at it and from which direction you come—locked up in a place like Woomera? It is very similar to the sorts of places that have been established over the years—for example, in South Africa by the British during the Boer War. I am not saying that, for one minute, the camps that the British set up for the Boers are the same as the camps set up in Woomera, but they are set up in remote areas and in circumstances that concern people, including Australians.

The point I am making is this: the sorts of complaints against conventions that the committees are dealing with are the sorts of complaints that many Australians find of concern. Therefore, it is not as if these committees are dealing with matters that do not concern some Australians—and a substantial number of Australians—and do not concern Australians in a very substantial way. It is not as if these are bizarre sorts of things that the committees are doing; they are not bizarre at all. These concerns are very much in the mainstream of the concerns that decent people have. I am not saying that, unless you have these concerns, you are not a decent person. I am saying that decent people have concerns and decent people may not have concerns. But the point I am making is that decent people do. The sorts of things that the United Nations is talking about are the sorts of things that concern people in this country—like mandatory sentencing, the treatment of the indigenous population and the treatment of people claiming to be asylum seekers. These sorts of things are substantial matters.

In the world there is a frightful amount of injustice—there is no doubt about that. There is more injustice overseas than there is here, but nevertheless—as Senator Coonan pointed out in her discussion yesterday on the World Trade Organisation—as it is a world now that acts more and more as an unified whole, it is important that everywhere in the world rights are properly vindicated. It does not really serve us well to simply say, ‘True enough, we may have infringed in a marginal way on human rights, but look at how human rights have been denied around the world.’ That does not solve the problem. If there is an injustice, then that injustice should be remedied. If it can be remedied through the United Nations, well and good.

What tends to happen is that we start thinking in numbers; we start thinking in masses. Huge numbers of people were killed through bombing during the Second World War. And since the Second World War, there have been other wars—for example, the Vietnam War. You can think of those killed as numbers, or you can think of them as people who may have left home to go shopping one day and never returned because they were killed. You can think of a child running into the street and being killed or of a young boy running into the street and having his leg blown off. You can think of a mother going into a field in one of the war-torn sections of Africa and having her leg blown off. To say to her, ‘You are just one—there are lots more people killed and injured elsewhere,’ does not really service her.

In the same way, if there are indigenous people in Australia who suffer—and the evidence is there—are they have locked up under mandatory sentencing, and if people who claim to be asylum seekers are treated in a particular way, then we as a decent society have to look at what relief we can give them. Of course we have to hear the case and make sure we have all the facts, but once we have established the facts, and if they indicate that an injustice has been done, we have to try cure it. Since we are a part of the world—whether through trade or in any other way—then we as decent international citizens should play our part in that world. We cannot say that in the fields of commerce and economics we will be a part of the world, but in matters of rights, matters of the human heart and the human soul, matters of principle, and matters that go to our identity as social beings we will just ignore the world. We cannot say that we will choose only the
we will choose only the part of the world that may return us income. That is not the way that a decent and enlightened country, such as Australia, should look at things.

I want to make this clear. When my forebears came here in the 19th century, Australia had a long way to go—although, I must confess, there were great attractions in that period. Things have advanced considerably since then. Australia is one of the great nations of the world and, in my view, it is the great nation of the world. But nobody is perfect and, if there are ways that we can improve through international bodies, then we ought to take them. While wanting to reform and improve these international bodies, these international committees, we should never create a situation whereby their force is diminished and perhaps rendered nugatory, thus affording the risk that the terrible things that happened in the middle of the 20th century might come again.

Senator ABETZ. (Tasmania—Parliamentary Secretary to the Minister for Defence) (5.08 p.m.)—This morning when I arrived at the Senate, I was met by Mr Harry Adams of Canberra Legacy and I bought one of the Legacy badges. Legacy honours the memory of our fellow Australians who defended this nation and fought for its sovereignty. Today I rise in this place, defending our right as a sovereign nation against the forelock tugging approach to the United Nations committee system which the ALP and the Democrats seem to be advocating.

I remember that some time ago there was an advertisement for smallgoods: ‘Is Don. Is good.’ The Labor Party and Democrats seem to adopt the same approach: ‘Is treaty. Is good.’ As soon as they have a treaty in front of them, they accept it as being good without adopting any rigour and without any examination of whether or not the treaty might be of benefit to this nation or, indeed, of whether the committee system, under that particular treaty, is in need of reform.

All that we as the Liberal Party and the National Party are saying is that there is a need for reform and a need for some examination. We do not believe that Australian policies ought to be dictated by overseas bodies. In support of that proposition I quote that great Labor luminary who exposed the fraud of the Australian Labor Party in relation to the goods and services tax—none other than John Della Bosca, who was quoted on 15 December 1999 as saying that an international agency should not be dictating Australian policies. I say to John Della Bosca: on this, as with the GST, I happen to agree with you. I hope there are more occasions when I am able to do so.

But we on this side are not into UN sycophancy. We examine and we inquire. What do those sorts of examinations reveal? Let us use one case study, the Convention on the Elimination of Racial Discrimination. That convention has a committee established under it; and we have such luminaries on the committee as representatives from Cuba and China. These representatives, whilst they are elected, have to be nominated by their home state or country. So the fellow who was appointed who was Cuban needed the blessing of Fidel Castro. What were his qualifications for this position in which to hector and lecture other countries on human rights? His outstanding efforts as the Cuban ambassador to the United Nations during the US missile crisis—undoubtedly a good old-fashioned unreconstructed com, having the audacity to lecture—

Senator Mackay—Pom? I thought you said ‘Pom’.

Senator ABETZ—‘Com’—short for ‘communist’. Senator Mackay, I turn to China. I wonder whether the Chinese representative on this committee on racial discrimination somehow got their ticket on the basis of their commitment to human rights in Tiananmen Square or because they happen to believe in the rights of the Tibetan people. I somehow think that, if that had been their background, they would not have got the blessing of the communist Chinese government to be nominated for this position. These are the types of ‘experts’ to whom Senator Cook referred in his speech as the experts sitting on these international committees. Why Senator Cook would be such an apologist for them beggars belief, and I wonder why he does it—because it is clearly not within our nation’s interests.
But let us have a look at some of the determinations that the Committee on the Elimination of Racial Discrimination has made. First of all, I indicate that this committee, if you like, sets out ticks and crosses in relation to countries and classifies its reports into positive aspects and subjects of concern. So positive aspects get ticks and subjects of concern get crosses. It would be interesting for the Australian people to know that, in the recent report, this so-called independent committee found its way clear to give two positives and 13 concerns to Australia—a pretty bad record.

But you can make a comparison. The committee had a look at China, and what did it find? Surprisingly, six positives—more than for Australia—and only 10 concerns: three times as many positives or ticks for China as it could find for Australia. Russia scored six positives as well and only four concerns. And guess what Cuba scored? One concern and four positives. So, if you were to decide which country you wanted to live in on the basis of the determination of this expert committee—as Senator Cook and Senator Bourne would have us believe—on human rights in the various countries, you should be moving to Cuba. But why is it that the channel swimmer—who is she? Senator Coonan—Susie Maroney.

Senator ABETZ—Thank you very much. Why is it that Susie Maroney seems to be the only one swimming the channel in the wrong direction, to Cuba? Everybody else from Cuba seems to want to swim in the other direction, out of Cuba. Yet, according to this committee, Cuba scores the best. Why is it that, if Australia gets such a bad and damning record card from this United Nations committee, all these illegal immigrants and refugee boats seem to want to find their way to Australia? Why aren’t these people told about the wonderful human rights that exist in China and Cuba, as this committee has found out? It seems to me that even the illegal immigrants and refugees, who do not have access to all the information, know better than the Committee on the Elimination of Racial Discrimination. You really have to ask yourself what these committees are on about.

I think that is a good example, highlighting the need for reform.

This same committee made a finding in relation to native title. One of the committee members referred to the judge in the Miriuwung-Gajerrong case and quoted that judgment with authority for their particular determination, saying that the Australian courts supported their particular position. That was whilst the decision was still under appeal to the full Federal Court which, of course, overturned the court at first instance. But do we have this representative of the United Nations saying, ‘Oops, I got it wrong,’ or ‘We now need to reconsider our approach to Australia over native title’? No, they will keep on wallowing in their own ignorance, not interested in the facts. They will just keep wallowing in their ignorance, hoping that nobody will notice. But the fact is that there are some of us in Australia who do take notice of the UN committee reports and then analyse them against a rigorous test: are they sustainable? The clear situation is that they are not.

This same committee seems to have great delight in wallowing in ignorance. There were members of this CERD committee—and I think most Australians would find this quite offensive—who seriously inquired whether the Ku Klux Klan had been invited to Australia and whether apartheid was operating as official government policy—and they were asking these questions quite seriously just in recent times. How embarrassingly out of touch. But I suppose that is one of the endearing things about the United Nations which attracts Senator Cook to it—because to be embarrassingly out of touch seems to be something that Senator Cook can identify with. But the only person who seems to have made those suggestions is, in fact, the person who is now being purged from Labor’s own front bench.

Senator Ludwig interjecting—

Senator ABETZ—Mr Melham, Senator Ludwig. You are from the wrong faction so I doubt you will get to fill that vacancy, but all the best. But these questions were seriously asked about Australia by members of this committee. I have to say that is quite offensive but indicative of the wealth of ignorance
in which members of the CERD committee love to wallow.

We are right to be cautious about treaties. I happen to believe that ratification of international and regional conventions or treaties by Australia can result in a contraction of national sovereignty and a democratic deficit. That is because ‘commitment to an international obligation can effectively restrict our options to pursue a different course’. Guess who made that outrageous comment? None other than Sir Anthony Mason, the former Chief Justice of the High Court. I must say he is not necessarily one of my favourites. But if even he can bring himself to make comments of that nature, why is it that the Labor Party so steadfastly refuse to see the light in relation to these important issues? The reason is: they are sycophants of the United Nations.

I now seek to turn to the excellent article that appeared in today’s *Australian* by the honourable member for Wentworth, Mr Andrew Thomson. He is the highly regarded and respected chair of the Joint Standing Committee on Treaties. He brings to that position a rare combination in politics—that of intellectual rigour and common-sense. I do not agree with all that he wrote, but I think that the issues he canvassed are worthy of consideration. But, of course, Senator Cook simply dismisses Mr Thomson as bizarre. So let us have a look at some of these allegedly bizarre quotes. Mr Thomson tells us:

Treaties are a necessary part of government. They serve to regulate relations between nations, and—hopefully—to advance some agreed-upon goals among many nations. They can be valuable if well drafted and sensibly implemented.

I would have thought that good common-sense stuff—but, according to Senator Cook, it is completely dismissed as bizarre. Then we have Mr Thomson saying:

It’s time the burden of proof was placed squarely on the Geneva bureaucracy to justify its methods and spell out its results.

What is the matter with asking the United Nations bureaucracy in Geneva to justify its methodology and spell out its results? I would have thought anybody would have embraced that sort of approach to the United Nations—and if the United Nations had nothing to hide, that organisation itself would be embracing that approach. But, no, it is dismissed by the Deputy Leader of the Labor Party in this place as bizarre. Mr Thomson goes on:

The commission and its committees are behaving in a political fashion.

I have to say that, from the evidence just from the Committee on the Elimination of Racial Discrimination, it is clear that that occurs—and, if they are not behaving in such a fashion, let Senator Cook come in here and explain why he thinks they are not. But I think most people are agreed that they are behaving in that way. Mr Thomson says:

Treaties must not be misused as a surreptitious backdoor way into the domestic legal jurisdiction of sovereign states, especially gold-plated democracies such as Australia.

Nor should human rights governance be a stalking horse for minority fundamentalism.

I have to say that sounds like good common-sense to me—nothing bizarre about that. But, of course, the good Senator Cook would have us believe that all of what Mr Thomson has said is bizarre. I have to say that it sounds like good commonsense to me.

Not once were we told by Labor that they would seek to reform the United Nations if they were to win government. There was not one mention of the need for reform. According to Labor, all is rosy at the UN. Well, on this side of politics we happen to disagree, and I have to say that our fellow Australians are very strongly behind us in relation to this. But the most bizarre thing is that a former government leader for the Australian Labor Party in this place, one to whom we on this side endearingly refer as Gareth Gareth, former senator Gareth Evans, wrote a book about international matters—and guess what outrageous material he printed in the book at chapter 11? Chapter 11 is about ‘reforming the United Nations’. Even Gareth Gareth is talking about reforming the United Nations, but Senator Cook will hear none of it and Senator Bourne will hear none of it. Senator Cooney wanted to hear just a little bit about it. He told us that it might need reform but that he was not going to push for reform. But if even former senator Gareth Evans can bring himself to an acknowledgment that
there is the need for reform in the United Nations, why do Senator Cook and the Labor Party in this place completely deny the need for reform? Indeed, the speeches of Senators Cook, Bourne and Cooney reminded me of the three monkeys—they ‘see no evil, hear no evil and speak no evil’ about the United Nations because everything is fine. The simple fact is that it is not. Even former senator Gareth Evans acknowledges the need for reform.

It is not every day that the government can pull out an editorial from the Australian, but today even they were moved to write. The article states:

The Government stands accused of jeopardising the cause of global human rights. Rather, it should be applauded for having the guts, as a voice of democracy, to stand up and fight a UN system that has made the examination of human rights abuses bureaucratic, misguided and irrelevant.

We on this side of politics say amen to that. That is what we are trying to achieve. We happen to believe in the noble cause of the United Nations and the human rights treaties, but we do not believe in the bureaucratic and political fashion in which some of its committees are going about their alleged tasks. Might I add that Senator Bourne somehow tried to argue that the need for reform was discovered only this year—I think the date she quoted was 30 March. I still recall Senator Hill coming into this place on 2 May 1996, shortly after our election, indicating the need for reform to the treaty making process through the Joint Standing Committee on Treaties—something that we established against the wishes of the Australian Labor Party.

Let us go through Australian action on treaty body reform. Together with Canada, New Zealand and Norway, Australia has made statements over a number of years on treaty body reform and the effective implementation of the human rights treaty system. In December 1997, the Attorney-General spoke on the matter. In January 1998, Australia provided substantial written comments to the UN’s report on the long-term effectiveness of the treaty bodies. In mid-1998, Australia, Canada and New Zealand submitted a joint paper to the human rights committee containing suggestions for reform of some of the committee’s rules of procedure. I say to Senator Bourne that these things did not occur on 30 March this year. They have been part of the government’s agenda since we were elected. Indeed, in May 1999, the Australian ambassador in Geneva called on Mrs Robinson and delivered to her a letter outlining the government’s concerns with the operation of treaty bodies. Of course, Senator Cooney said that the sort of language we were using was ‘discourteous’. What was Mrs Robinson’s response? She expressed herself to be ‘entirely comfortable’ with Australia’s approach. So the only discomfort seems to be with Senator Cooney and the Labor Party, because for some unknown reason they will not countenance any criticism of the United Nations.

I say to you that only the most wilfully ignorant could assert that the United Nations was not in need of reform. We as a government see the need for reform, along with a growing number of other countries such as Canada, New Zealand and Norway. We will work with them to ensure reform of the United Nations for the betterment of the purposes for which that lofty body was established.

Senator LUDWIG (Queensland) (5.28 p.m.)—The press release of Tuesday, 29 August 2000 put out by the Hon. Alexander Downer, the Minister for Foreign Affairs, was a joint media release by Mr Downer, Mr Williams and Mr Ruddock. It starts with lofty goals. It is called ‘Improving the Effectiveness of United Nations Committees’. What is the catch? Australia will cut off its nose to spite its face—that is the catch. The press release states:

Cabinet decided Australia’s strategic engagement with the treaty committee system should be dependent on the extent to which effective reform occurs.

There is the catch. They are saying, ‘We are not going to do anything until we get our own way.’ So what would you expect? You could perhaps expect a helping hand to bolster the effectiveness of the UN and its various committees, perhaps assistance in money terms and specialist skills, perhaps sponsorship of committee work and perhaps greater
involvement to demonstrate our bona fides and our true international leadership. But after you read what the government intend to do you see a very different picture.

The joint press release of Mr Downer and Mr Williams talks about implementing measures to improve Australia’s ‘continued interaction with UN human rights treaty committees’. The real focus is much narrower. Turning to what the joint media release proposes to offer, we see on the second page—not on the front page—that the catch will be the measure recommending:

(a) reporting to and representation at treaty committees be based on a more economical and selective approach where appropriate ... and it goes on in the same vein. It is not about helping, it is not about assisting and it is not about providing leadership in an international forum. Towards the end of the joint press release, the following jumps out at you:

In addition the Government will:

(a) undertake a comprehensive review of Australia’s and other parties’ interpretation and implementation of the 1951 Refugees Convention and consider the need for remedial legislation; It goes to the interpretation and implementation of the convention, so it is also a slight attack on the High Court. It does not like what the High Court says about how it interprets our conventions and the treaties we sign, and it considers remedial action to direct it the way it wants. A very narrow-minded government has taken this stand. Buried in the press release, we find the true motive:

... Australia gets a better deal from the UN treaty committees.

That is what it is after: a better deal. It does not like the cut it got. These are real bullyboy tactics. If there is something the government does not like, rather than critically examine it, Mr Downer has decided to take his bat and ball and go home. I have heard that reflected around the chamber a number of times this evening. It is saying: ‘If I don’t get a fair deal, I’m not going to cop any constructive criticism, and I’m not going to attempt to address the underlying issues. I’m just going to take a very narrow view and look inwardly.’ Where did this come from? It came from a bit of criticism from a UN committee, the Committee on the Elimination of Racial Discrimination, or CERD. It goes to the media release of the Minister for Foreign Affairs, Alexander Downer, of 30 March 2000, where he responded to the criticism in the following way:

The Committee’s response was disappointing in the extreme.

But that was not enough. There will always be criticism but, rather than defend his policies and rather than defend his government in an international forum, we have a response which can only be categorised as ‘I will do it my way now.’ We have the statement:

The Cabinet has determined that it would now be appropriate to review how Australia participates in the UN treaty committee system.

Mr Downer has hidden behind cabinet, so we find that this is what cabinet wants—perhaps not even Mr Downer wants it. This is a real 1950s government: inwardly looking and wanting to play an international role but not willing to accept the burden which may come with such responsibility. To reject ratifying the protocol relating to the Convention on the Elimination of all forms of Discrimination Against Women is a truly backward step. Next, Mr Downer will be joining Mr Vince Lester, a well-known person in Queensland, for the prize of walking backwards. What a weak excuse.

The protocol would allow access to a complaints mechanism under that convention. Mr Downer believes there is an excellent system within Australia for any human rights complaints by women to be addressed. If it is so excellent, what would it truly matter if there were an international forum where a person could complain? This is real straw man reasoning, as hollow and as empty as Mr Daryl Williams’s arguments must have been when urging Mr Downer not to go down this path at all. The federal Attorney should be uncomfortable. His standing is taking a knocking. He has not led on issues of mandatory sentencing, he has not led on defending the High Court, he has not led on issues of native title and he has not led on the treatment of asylum seekers in respect of a legal basis. Mr Williams has let the Australian people down. The office of the Attorney-General is a poorer place. How has Mr
Downer been treated overseas? An overseas press release on Mr Downer and his review of UN committees entitled ‘Angry Oz to restrict UN access’—this is the world looking at us—states:

Canberra, Australia—Stung by criticism over its treatment of Aborigines and other issues, the Australian government said on Tuesday that it will restrict visits by UN human rights inspectors and urged an overhaul of the UN’s committee system.

It goes on to say:

Earlier this year, the UN Human Rights Committee found that mandatory sentencing laws in two Australian jurisdictions discriminated against Aborigines, and criticised the government for failing to overrule them.

Lastly, it states:

UN committees also criticised the government’s policy of holding illegal immigrants in detention camps while their refugee applications are determined, and for allowing uranium mining in a World Heritage listed park.

It goes on to provide criticism—robust criticism; it appears robust criticism is something Mr Downer cannot take. I would not have thought that he and the Attorney-General would have fallen for this. Does the advanced student in university or the schoolchild in grade 1 or grade 2 in primary school or in secondary school reject constructive criticism outright and compare themselves to the worst performer in the class? Do they sit back in their chair and say, ‘I am all right, Jack. I can read, I do not need to try anymore. I do not need to strive, to push or excel.’ The Attorney-General and Mr Downer have set a very low benchmark for themselves in representing the Australian people. Instead of saying, ‘We will take the constructive criticism; we will accept the constructive criticism; we understand that, on the international stage, we have been and believe ourselves to be world leaders in human rights,’ they pick up their bat and their ball and say, ‘We will go home, we are that unhappy. We understand our obligations but do not believe we have to fulfil it.

Even a Liberal ex-Prime Minister, Mr Fraser, opposes this government’s stand and its record on human rights. I will read from Unity, the national magazine of the United Nations Association of Australia, what Mr Fraser said on the United Nations:

We have supported the Universal Declaration of Human Rights. We have ratified the International Covenant of Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights, the Convention on the Elimination of all Forms of Racial Discrimination and the Convention on the Rights of the Child.

Did we mean it when we took these steps? Or were we trying to say “we ratified these instruments so that we can apply them to the rest of the world but they do not apply to Australia”?

That is the Liberal ex-Prime Minister’s view. I am a member of the Joint Committee on Treaties and was appalled at the off-the-planet comments by the Liberal backbencher Mr Andrew Thomson, chair of that committee. As chair of a committee that is currently looking into the Kyoto protocol and the World Trade Organisation, Mr Thomson has put his personal views before the work of the committee, and I think it quite possibly harmed the standing of the good work the committee does. It is going to be a very difficult task to restore the credibility of the committee, given Mr Thomson’s stance. Already it has suffered from a lacklustre image. Mr Thomson has now given himself a vote of no-confidence. Rather than be critical, stringent and supportive of the work of the treaties committee, rather than push it forward to where it should be to convince not only the government but the people of Australia that it plays a very important and integral role, we find that his contribution is simply one of jumping onto the bandwagon and being one of the knockers. Mr Thomson has a responsibility to ensure that the work of the treaties committee is not cheapened. Mr Thomson has a position and should at least try to be objective in his role rather than adopt a partisan view.

He need look no further than at the sugar industry and the way the government has set up a task force that we understand might find a report to release tomorrow. I should rephrase that. They will not release the report, will they? We know that it was not an objective report, we know that it was not bipartisan, we know that it was not an inclusive report, we know that it did not have public hearings, we know that it did not call for
public submissions, we know that there was no scrutiny in relation to its workings, yet we know that cabinet will approve a package—and may already have approved a package—and will tell us the result tomorrow. Mr Thomson has the audacity to complain about a UN committee whose standard far exceeds that of a committee his government supports, deals with and says, ‘We can complain about the UN committee because we think they are not experts—

Senator Boswell—That is a damned stupid analogy.

Senator LUDWIG—Is it? Will it address the needs of the sugar industry workers or simply the employers in the industry. We will wait and see.

Senator Boswell interjecting—

The ACTING DEPUTY PRESIDENT (Senator Crowley)—Senator Boswell, if you wish to contribute to this debate by way of interjection you ought to be in your appropriate seat.

Senator LUDWIG—We even find that the coalition backbenchers support the government’s UN position. The press release clearly puts them in a position of saying that not only do they support the position of the government in respect of the UN decision; they go so far as to say:
The coalition backbench today enthusiastically supported the government’s move to cool relations with the United Nations.

‘Enthusiastically’. How very disappointing. I must say that it is a very shortsighted and backward thing to do. The coalition should have taken a leaf out of Mr Tim Fischer’s book and said nothing. Perhaps Senator Boswell could take the same leaf and say nothing. It would be a better place if he did.

Two events brought Australia’s compliance with international law into view: in particular its treatment of indigenous Australians in an application to the human rights committee under the first protocol to the ICCPR; and its third and fourth periodic reports on compliance with the ICCPR to the human rights committee. The committee’s report and comments on Australia’s performance have now been released. By and large, it is a good report but it does offer some constructive criticism in respect of some human rights issues.

I will give a little background because it is worth understanding that the human rights committee is not a committee that came from nowhere. The ICCPR was adopted by the United Nations in 1966 and came into force in 1976 and Australia—yes, us—ratified the covenant in 1980 and it became applicable in that year. The ICCPR established the human rights committee. It is made up of experts who are nominated by the countries that are parties to the ICCPR. Article 28 stipulates that the committee will consist of 18 members, and the members are elected by secret ballot.

The Australian government is obliged to put reports to the committee under article 40. But not only that; it is this procedure that the committee has reported on Australia’s compliance with certain articles under the ICCPR which has raised concerns. The first optional protocol to the ICCPR entered into force generally in 1976 and was ratified and came into force in Australia on 25 December 1991. The protocol has the effect that a state becomes a party to the protocol and recognises the competence of the committee to receive and consider communications from individuals subject to its jurisdiction. Of course, the findings of the committee are not legally enforceable but do have significant international and domestic persuasive effect.

Back to article 40 where it started, under this Australia is required to submit a report to the committee. We have submitted our third and fourth reports on the measures adopted to give effect to the rights recognised in the treaty. It was delivered by Mr Leslie Luck and in it the government presented a comprehensive account of the legislation. The human rights committee released a press release on 20-21 July 2000. The concluding observations of the human rights committee—in fact, the main area of criticism—surrounded the mandatory sentencing laws of the Northern Territory and Western Australia, the effects on indigenous Australians of the wealth disparity, the stolen generation, and Australia’s treatment of boat arrivals and refugee applicants. To quote one example of what the
committee said in relation to mandatory imprisonment in WA and Northern Territory:

The committee noted that this led in many cases to punishment disproportionate to the seriousness of the crime committed, and seemed inconsistent with strategies that have been introduced to reduce the over-representation of indigenous Australians in the criminal justice system.

The recommendation of the committee stated:
The State party is urged to reassess the legislation regarding mandatory imprisonment so as to ensure that all covenant rights to be respected.

It is not a burden that any government would find impossible to live with or impossible to strive to fix. The government’s response has been to reject much of the concluding observations. It is not a matter of picking up and shooting the messenger. I could not let it go—(Time expired)

Senator COONAN (New South Wales) (5.48 p.m.)—Senator Cook’s motion that we are debating this afternoon is based on a fundamental misconception, and that is that the government has abrogated its responsibilities for Australia’s participation in the United Nations human rights committee system. That is manifestly not the case as the government has made it clear that it is not walking away from the system. Its actions are motivated simply to bring about reform.

There cannot be any serious argument that the treaty committee system is not in need of reform. This has been widely recognised by other member countries from time to time.

The procedural problems and the composition of the human rights committees are systemically flawed. The procedures of the committees do not presently meet the standards and judicial process of independence required by a small claims tribunal in Australia, let alone bodies whose views can have an impact upon our constitutional arrangements and our domestic law. It is an absolute nonsense to suggest that the United Nations committees come anywhere near the standards we require in our own country of review and rigour in judicial decisions. The lack of transparency and accountability, the closed hearings, the failure to have regard to pertinent evidence, the failure to test any of the evidence and occasionally it would seem actual—or certainly perceived—bias all amount to a seriously flawed system, and one that we simply would not tolerate if we were looking at it in this country. How many committees do we have in the Senate to ensure the most rigorous processes of fairness? Senator Ludwig serves with me on at least one of them where we look every week that parliament sits on whether or not there is an appeal system, whether it is fair and whether people can actually be heard.

It is a curious paradox, and one that I do not think has been pointed out by any previous speaker although it has been a long debate and I may have missed it, that in these days of quite legitimate public demand for greater participation in our parliamentary democracy and for greater accountability of publicly elected representatives—I wholeheartedly endorse these—there are those in our midst who at the same time are clamouring to air their grievances in an undemocratic committee system. It is a curious paradox because what we are doing is airing our grievances, or at least some of our citizens seem to wish to do this, in a system ill-suited—at least the way it presently runs—for its purpose and ill-suited to taking a role in a sophisticated legal system that most developed democracies enjoy and certainly that we all aspire to.

The shortcomings of the committee system then should frankly be conceded instead of our beating around the bush about it. There really ought not to be any argument that the committee system, the way it is presently constituted, is seriously flawed. I am very surprised that has not been frankly conceded by anyone on the other side, apart from Senator Cooney. I think Senator Ludwig may have been getting around to it as his concluding point, but then he was shut out by time.

Let us assume that there are a couple of people from the opposition who would frankly concede that this committee system is flawed. The issue is: what do you do about it? We should really get on with restoring the integrity of the system. This would certainly be the most effective way to further the monitoring of human rights, would it not? As it stands it is in danger, I think, of driving
complying countries, such as Australia, out of the process altogether, which is not desirable. Australia is not the only country to have community concerns about the breakdown of the committee system. When the government announced that it was undertaking a review, it was suggested in an editorial in the National Post—which I think is based in Toronto—that Australia may be starting a trend. That editorial said in part:

It is objectionable that a country like Canada should be lectured on human rights by UN committees whose members are drawn in part from states where female mutilation—presumably that means female genital mutilation—censorship and arbitrary imprisonment are widely practised.

Even if UN committees were Simon Pure, that would not legitimise their intrusions. If nations can be required, even in theory, to change their domestic policies by external bodies then they have ceased to be either self-governing or democratic. It merely adds insult to injury when the UN perverts the notion of human rights to justify such interventions.

Australia is right to question its membership of the UN treaty system—Canada should follow suit. Of course we have never questioned our membership of the United Nations treaty system, so the editorial is quite incorrect in that respect. But the sentiment, I think, comes very close to mirroring the concerns that have been widely expressed by the community and given action to by the government in suggesting that we should pull back from participation in the committee system until we can get it reformed.

Lest anyone listening to this debate thinks that Australia is standing alone in its concerns, in mid-1998 Australia, Canada and New Zealand formally submitted a joint paper to the Human Rights Committee looking at five areas of reform in which to improve the committee’s rules of procedure. I am surprised it was only five areas of reform. Australia, Canada, New Zealand and, most recently, Norway have made statements relating to treaty body reform to the General Assembly and the Commission on Human Rights. In early 1999 the High Commissioner for Human Rights, Mary Robinson—a celebrity politician if ever there was one—commissioned a major report on treaty commission reform, and Australia is actively participating in this process. So it is not as if Australia is standing alone in voicing its concerns.

I do not really think there is much room to cavil with the proposition that Australia does have a proud record on human rights. We have a sophisticated legal system to both define and protect our rights and freedoms, be they political, personal, religious or civic. The extent to which the United Nations committee system has lost the plot can be seen in the recent report under the Convention for the Elimination of Racial Discrimination—it has been mentioned this afternoon—where Australia compares unfavourably to the performance of China, Russia and Pakistan, which is of course under a military dictatorship. Australia, as a substantially complying nation, is a soft target for committees that have simply failed to come to grips with the gross violations, the almost unspeakable violations, of human rights in Rwanda, Kosovo, Srebrenica and, perhaps more pointedly, certainly in respect of Australia, East Timor—that is, before the government, with, I must say, multi-party support and the overwhelming support of the Australian people, had the decency and the moral and physical courage to commit our troops to help a defenceless people.

Is it any wonder that the Australian community is asking what is going on with these committees? Just as compellingly the Australian people are entitled to ask whether the Labor Party is happier attacking Australia than defending it. Certainly we get that impression this afternoon. Is it really suggested by those in opposition that we should invite to Australia the United States special rapporteur on torture? What is the special rapporteur going to find here? We need a reality check. Surely the Labor Party is not unaware that treaty body reform is long overdue. In 1999, 1,146 reports were overdue under the six human rights treaties and in 1999 it was estimated that 2,500 pieces of correspondence to the Human Rights Committee were awaiting reply. Interestingly enough, in relation to the United Nations, a Labor man who
has some previous form in covering Labor hypocrisy—and I refer to Mr Della Bosca—said:

An international agency should not be dictating Australian policies.

Mr Della Bosca’s observations, as with his observations about Labor’s nonsensical position on the roll-back of the GST, are spot-on. There is no doubt that we desperately need nuts and bolts reform of the United Nations committees. The government’s position is entirely justified and, I suspect, long overdue. I have not had a chance to talk about CEDAW, but that is another misconception that Senator Cook’s motion perpetrates.

**DOCUMENTS**

**Treaties**

Senator BARTLETT (Queensland) (6.01 p.m.)—I move:

That the Senate take note of the document.

This document follows on quite appropriately from the debate we have just been having. It is a positive move that regularly tabled in both houses is a list of all the different multilateral treaty actions presently—or expected to be within 12 months—under negotiation or consideration by the Australian government. It is particularly important in light of the government’s actions in the last couple of days to wonder whether it is worth all the bother. There is a huge number of different treaties happening here, and at the same time we have got the federal government walking away from its obligations internationally, vilifying the United Nations, vilifying the whole concept of working internationally with other organisations unless they agree with what we are doing. You have to wonder what the point of all of this work is.

Of course, a lot of these treaties are for areas much broader than just the United Nations, but there is work being done that is listed here. Negotiations are under way for amendments to or supplements to existing treaties under the human rights section of the United Nations. This is part of the international treaties where the government is now saying, ‘We won’t invite them in here. We won’t let them in here, unless they have got a really good reason,’ yet we have got public servants working at taxpayers’ expense currently negotiating for amendments and supplement to existing treaties on the convention against torture, and the convention against the prohibition of development, prohibition and stockpiling of biological weapons and the destruction of those weapons. These are very important areas where, unfortunately, now the impetus of Australia in working with these areas with other nations around the world is being dramatically undermined by the actions of the federal government. This is all as a result of a couple of reports from a committee somewhere criticising us. There is no requirement, no onus on us to do anything, no compromise of our sovereignty.

Another area that is listed in this document as having activities happening is the World Trade Organisation. There is a whole range of agreements in terms of ongoing negotiations with the WTO—agreements on government procurement, on trade related aspects of international property rights, on agreement on rules of origin, and on General Agreement on Tariffs and Trade amendments. The WTO is an area where we have a recent example where an unelected, non-accountable international body—controlled not by NGOs on a guilt trip but by huge companies, by multinational corporations, by large nations and their trading interest—made a ruling. They made a finding, and they forced Australia to act. They forced Australia to change. They forced Australia to take a greater risk in terms of importing diseased animal products, fish products, into our nation.

That is a case where Australia was impacted by an international, unelected, non-accountable body. Do we see the federal government saying, ‘We’ll step back from the WTO because it is imposing on our sovereignty’—not to mention putting our environment, particularly the environment of Tasmania, at risk? No action there. It is full steam ahead. Yet when we get a little report from a committee saying that we are contravening some human rights or not meeting our obligations suddenly we are putting up the brick walls, not letting anybody in to the country, refusing to work with them, and saying that the whole process is flawed. Where are the statements from the govern-
ment saying the WTO is flawed when it is forcing us to take higher risks in terms of taking imports of diseased salmon, just to use one example. And there are other examples in terms of putting ourselves up for greater environmental risk. There are no words from the government in relation to that. And, as this document shows, there is ongoing work happening to continue to expand our involvement in the WTO.

I am not necessarily someone who says we should remove ourselves from the WTO, but if we are looking at reforming a process how about looking at reforming the WTO, so that it more appropriately takes into account our national interest, our national need—whether you are talking about environment, economy or social standards? There are no words from the government on that. The only area of concern is human rights. That is where we want to back away—the rights of women, the rights of refugees. How is the government’s action impacting on all the work that is represented in this document—the work of so many public servants, whom I am sure are working with the best of intentions—in this list of treaties, many of which are in the UN human rights area: conventions on the rights of the child, optional protocols on children in armed conflict. Our efforts in trying to get positive change in really important areas are clearly being undermined by the government’s actions in so many of the areas that are contained in this document.

Senator LUDWIG (Queensland) (6.06 p.m.)—Earlier this afternoon we spoke about the UN convention and the position of the government in relation to treaties, and tonight we are considering a list of multilateral treaty action presently under negotiation or consideration by the Australian government. But in an article in today’s Australian under the headline ‘Senate must rescue treaties from abuse’ we find the chair of the Joint Standing Committee on Treaties, Mr Andrew Thomson, taking what could only be described as a cheap shot at not only the treaties committee but also, I suspect, the treaty system we adopt in Australia. He promotes that:

We ought to consider amending the Constitution to make a two-thirds majority vote of the Senate a condition to any future government ratifying a treaty.

As lofty as that position might be, I do not know whether Mr Thomson has consulted Mr Downer about it or whether it is a position he has come up with. He certainly has not, as I understand it, taken it to the treaties committee for consideration or looked at reviewing the treaty committee process itself.

The treaty making process has been subject to a review; it was revamped in 1996. A government document about the treaties committee and its role was produced in 1999. It was a document that tried to present a bright future for the treaty committee. Instead, we now have the chair of the committee lapsing into what could only be described as unusual abuse of the treaty making process. As far as the criticism is concerned, I quote from the article:

They allow no cross-examination of NGO evidence by accused states, instead favouring an inquisitorial approach wherein the committee members ...

I leave the quote at that point, because I want to focus on the word ‘inquisitorial’. Later on in the article, the chair of the committee, Mr Andrew Thomson, contrasts that inquisitorial system with the International Court of Justice in The Hague. When we look at the Court of Justice in The Hague, we find that it does not use a common law system. It uses an inquisitorial system, as I understand it. It might be an amalgam, but the European system is a civil system, not a common law system. It might draw parts of the common law and parts of the civil system into an amalgam process. But it is quite unusual in this case to find Mr Thomson complaining about an inquisitorial system and then promoting it because it is on another plane. I suspect Mr Thomson needs to read a little bit wider.

Mr Thomson goes on in the article to talk about rights. He says:

Instead of rights, why not be clearer and propose obligations that nations must sign up to?

He goes on to say:

It’s the lack of clarity about human rights that frustrates so many people. Our common law is pretty clear.
That is another extraordinary claim: ‘our common law is pretty clear’. I would be surprised to find that. The greatest part of our common law is that it is a system that is built upon decisions and precedent. It is not clear at all; it is not as clear as Mr Andrew Thomson thinks it is. Certainly it works, but it does not work because it is clear, as Mr Thomson says in his article. In the last part of his article, Mr Thomson says that he seeks change along the lines that he has adopted. I wait for him to put that change to the treaties committee, to promote it and to get Mr Downer’s approval.

Senator McGAUrán (Victoria) (6.11 p.m.)—I rise on the same matter. I was not going to jump up, but I am obliged to do so after hearing Senator Ludwig’s comments. Senator Sherry and Senator McKiernan are the only two senators in the chamber at the moment who were here when Senator Evans was the foreign minister in the Labor government. Senator Sherry, you should be a scholar: please brief these new senators who come in here. Let them know what a foolish venture it is for them to defend United Nations treaties without question. Senator Kemp built his career on bringing United Nations treaties to account. Day in, day out, he questioned the then foreign minister about the accountability of United Nations treaties and how this parliament should have a say in them. As a result of that, we have that very good committee that Andrew Thomson chairs. To a large extent it is bipartisan—or it was until just recently.

Senator Sherry interjecting—

Senator McGAUrán—Foolish interjection! My point is that there was such a public groundswell of concern that the then government was forced to change the arrangements for signing off on treaties and agreements—it could have been as many as 1,000 when you were in government—without question. Now we have an accountability system. The government now simply wish to extend the accountability and the workability of the United Nations treaty system. And why shouldn’t we? We rate very highly in the democratic states. As the chairman of the treaties committee said, we are a gold-plated democracy.

I make that point because it was a former Secretary-General of the United Nations, Boutros Boutros-Ghali, who said:

There is an obvious connection between democratic practices such as the rule of law and transparency and decision making and the achievement of true peace and security in a new and stable political order.

The charter for the United Nations is peace, security and human rights. The point that Boutros-Ghali was trying to make is that a democracy is the building stone for peace and security, which is the mission statement of the United Nations. Australia is a gilt-edged democracy. We have nothing to be ashamed of. All I have heard this afternoon is the opposition and the Democrats knocking Australia’s sovereignty and its right to administer its own laws. All afternoon the opposition and the Democrats have attacked Australia as if they were strangers in their own country. We have a right to lay down laws, and we have nothing to be ashamed of in implementing our own domestic laws. Look at what we have. We have an equal, free democracy, unmatched in the world. We have checks and balances in our system. We have the Senate and the House of Representatives. We have a judicial system. We have both a state system and a federal system. My point is that we have, I believe, more checks and balances in our democracy than there are in any other country. This country has nothing to be ashamed of; it has everything to be proud of.

I think it is a disgrace when committees of the United Nations rate Australia as worse offenders in relation to racial discrimination than countries like Pakistan, China and Cuba. For heaven’s sake, use some basic common-sense and a bit of pride. Of course, why would you have pride in your country? You are the mob who want to change the flag. Not only do you want to change the flag; you want us to acquiesce to countries like Cuba, China and Pakistan. How dare you rate us! You will never get into government on that.

To return to the point in the short time I have left, Senator McKiernan knows this only too well, because he speaks very highly of this country’s laws in relation to refugees. I would like to see Senator McKiernan get up
and speak about this country’s treatment of refugees. We have nothing to be ashamed of in regard to human rights, yet you would have certain members of the human rights committee criticising this country. You are on a loser. Senator Kemp, as I said, built his career on attacking the former government in relation to United Nations treaties. (Time expired)

Senator MURPHY (Tasmania) (6.16 p.m.)—What an interesting contribution from Senator McGauran. It really was interesting, given the comments made about the UN compared with those comments made about the WTO. I was interested in Senator Bartlett’s comments. It seems that, with regard to international forums, we have a different approach from the government when it comes to the WTO. I was interested to listen to Senator Coonan yesterday, who went to some of the matters of the WTO dispute settlement system. I would be interested to hear Senator McGauran’s position on this, being a National Party member and a representative of the rural sector and the agricultural sector of this country.

Senator Sherry—No.

Senator MURPHY—Well, he claims to be. Senator Coonan said yesterday:

I want to raise as a matter of public interest today an issue fundamental to Australia’s ability to participate in the World Trade Organisation—that is, our capacity to engage the dispute settlement system. Writing recently in the Australian Financial Review, the Minister for Trade, the Hon. Mark Vaile, recognised that there is an urgent need to increase understanding of the WTO dispute processes among Australian industry.

What an amazing statement. Further, Senator Coonan said:

... I visited Washington and Brussels to examine the use of the WTO dispute settlement system by the United States and the European Union to see if there are lessons we could learn from their aggressive advocacy that has seen Australia on the receiving end of some pretty controversial cases—One of the cases that she cites is Canadian salmon, and we certainly were on the receiving end there. Senator Coonan went on to say:

... I was recently asked by DFAT to open two WTO dispute settlement seminars held in Parramatta and Sydney. The aim of these seminars was to inform and educate legal practitioners and other business people about the practical implementation and use of the WTO dispute settlement system.

I say to Senator Coonan and the government: the first cab off the rank to teach anybody—or, as she said here, to ‘educate’ anybody—ought to have been DFAT and A-G’s. That is where they ought to have been conducting an education program because, if ever there was a case where we demonstrated a complete and utter lack of ability to combat the arguments put up by another country, the Canadian salmon case was it. We were so stupid in that case that we actually provided to the applying countries—the countries that were seeking to have our quarantine measures lowered—not one but two draft reports, one of which contained recommendations that the quarantine measures that were currently in place ought to be removed. How smart is that? How smart is that in terms of international law? Not very, I would suggest to Senator McGauran. Not very smart at all. Senator Coonan went on to say:

Put simply, Australia’s future economic prosperity is inextricably linked to our export success and our ability to get access to new and emerging markets.

It is not only that; it is also about protecting our own industries and our own environment, and we sadly failed. The reason we failed—and I will say it again—is our inability, on the basis of either lack of knowledge, lack of expertise or lack of resources, to actually combat these things.

Senator Coonan went on further and talked about the efforts of the United States and Canada and what they do. I suggest to Senator Coonan and, again, to the government that the first place you ought to look is in your own backyard. What you ought to be doing is ensuring that A-G’s and DFAT have the resources to actually get in the game because they do not have those things at the moment. That is where we ought to be focusing in terms of international trade agreements. You people whinge and whine about some UN committee picking on us with regard to some aspects of our human rights. Let me tell you: if our human rights place is good, why worry about comparing us with Afghanistan? Why
don’t you just get on and argue our case?
(Time expired)

Question resolved in the affirmative.

Human Rights and Equal Opportunity Commission

Consideration resumed from 29 June.

Senator HOGG (Queensland) (6.21 p.m.)—I move:

That the Senate take note of the document.

I realise that there is limited time left in this debate—one minute.

Senator McKiernan interjecting—

Senator HOGG—No, Senator McKiernan thought if I were Opposition Deputy Whip, I would get an extension, but I am not. I will undoubtedly get an opportunity to speak about this at a later time. I want to speak on the report on age discrimination in the Australian Defence Force. In particular, I am going to look at the case that was reported on page 71 of the report, which was to do with Mr Van Den Heuvel. Mr Van Den Heuvel was employed by the RAAF as a ground support fitter at Williamtown air base. He wanted to go for the position of aircraft load master, and it was then that the age discrimination came about, because when he applied for the position he was 37 years of age. It is interesting that at that young age he found that there was discrimination against him. I seek leave to continue my remarks later.

Leave granted; debate adjourned.

Committees

Treaties Committee

Report

Debate resumed from 28 August, on motion by Senator O’Brien:

That the Senate take note of the report.

Senator BARTLETT (Queensland) (6.23 p.m.)—As we are talking about treaties so much today—

Senator Sherry—This is tedious repetition. This is your third go this afternoon.

Senator BARTLETT—It might be repetition but I am sure it is not tedious. I want to speak to this motion to take note of the report—a motion moved by Senator O’Brien, who I am sure is taking an interest in this as well. The report entitled Two treaties tabled on 6 June 2000 was tabled by the Joint Standing Committee on Treaties this week, the committee chaired by the fast becoming notorious Mr Andrew Thomson, whose remarks had some coverage earlier this week in relation to other issues. I disagree very much with those remarks, but the conduct of the chair in the way he does business through the committee is something that I do not criticise. Indeed, I thank him in relation to this report and specifically for his willingness to seek a common agreement so that a consensus report could be put down, and that is what has occurred.

The report deals with two treaties. I will not go through with tedious repetition the government’s position in relation to treaties
more broadly. Suffice to say, the committee as a whole and its role highlight the importance of engaging internationally and examining and hopefully increasing community awareness and understanding the great benefit we get from many of the international agreements that we reach. One of the treaties covered in this report is the proposed agreement with Spain on remunerated employment for dependants of personnel at diplomatic and consular missions. The committee did not have any problems with that. The other treaty, which I want to speak about at more length, is the proposed amendments to the Convention on International Trade of Endangered Species.

The committee supported the amendments, and I personally very strongly support them—one amendment in particular will uplist the dugong to the highest level of protection in this convention. I think that is an appropriate move and a welcome one. From my own personal experience as environment spokesperson for the Democrats, I have a lot to criticise the federal government for in relation to their environment performance but, broadly speaking, their performance in relation to the Convention on International Trade of Endangered Species has been reasonably positive. There were some areas the Democrats would have liked the government to have put forward for uplisting and they have not but, generally speaking, I think the federal government has a reasonably positive record.

However, this report does focus on some concerns about the information provided by the Department of the Environment and Heritage to the committee in the process of the committee’s consideration of the convention. It does make some criticisms about the inadequacies of the information the department provided originally, and I think those criticisms are fair enough. If all the information that was eventually provided had been provided initially, I think there would have been a lot less concern and a lot less scope for misunderstanding, shall we say, about the value or otherwise of what the government had done in supporting the uplisting of a number of different species, including dugong, and increasing the protection available to some endangered species under this convention.

I have spoken previously about the World Trade Organisation and its role in trade somewhat critically. This is another convention that deals with trade—with trade of endangered species only, but it is a very important mechanism for regulating, controlling, overseeing and managing trade in wildlife and plant species that are under threat. For some of those people in the community who like to suggest that one of the best ways to preserve wildlife is to commercialise it, I think the very existence of the Convention on International Trade of Endangered Species highlights the dangers of commercialising trade in wildlife, because in many cases the reason why species are listed as endangered under this convention is the existence of trade and the commercial industry surrounding some of those species. So it is a very important convention.

I think it is worth noting the importance of this convention, particularly given all the commentary not just in this place but in the broader community about international treaties and conventions. This is one that Australia has engaged in very constructively and reasonably effectively and with a strong willingness to enhance environmental protection around the world. It shows the benefits of engaging constructively. We do not always win. We cop a lot of criticism from other governments about some of the things we propose, but for some reason coping criticism in this area has not led us to talk about withdrawing, and nor should it. Similarly, Australia is critical of other countries in terms of some of their proposals. There is often robust debate and a lot of fairly intensive lobbying at the various meetings that regularly take place to look at the various species and categories of species listed in the convention.

It is worth emphasising the recommendations. There are specific recommendations encouraging the department to provide information about proposed amendments to the convention much further in advance than it has done. I think that is appropriate and very important, and I hope the Minister for the Environment and Heritage takes that on
board. There is another recommendation that deals with the impact of automatic entry into force provisions. That means that when the convention agrees to make a change it will automatically come into force after 90 days. That raises some issues about whether that will give adequate opportunity for scrutiny by the community. I think that is an issue appropriate for debate. I am personally very dubious about the need to extend periods of time for entry into force under this convention anyway, particularly if notification is given to the committee and to the Australian community about proposed changes much earlier, as is recommended elsewhere in the report. But I do not have a problem with it being examined. I certainly do not have a problem with the government, the Minister for Foreign Affairs and other relevant ministers identifying those international agreements to which Australia is party that allow amendments agreed at a conference of parties to automatically enter into force without having to go through some further process—which is the thrust of the other recommendation.

As part of the broader ongoing need to increase community awareness and understanding of how some of these treaties and conventions operate, I think getting the facts of their operation out into the community, out into the public arena, would be valuable. Indeed, just into our arena and raising the awareness of parliamentarians would be a start because I am sure most of us do not know which treaties and conventions have those provisions in them. I think that is a recommendation worth supporting, although my personal view, in relation to this specific convention, CITES, is that I do not support and would not support extending or removing the automatic entry into force. I think it is important for prompt action to increase protection for endangered species where it is identified as necessary. It is a recommendation that I support, and I think this convention—the Convention on International Trade of Endangered Species—is a classic example of a positive international convention that Australia, thankfully, is continuing to engage in, rather than withdrawing from, criticising, ridiculing and misrepresenting. I hope that the government reconsiders its approach to some other UN international processes and similarly engages more constructively on those, using the approach that the environment department has done under this minister and, I believe, under previous ministers. It is a positive one that has helped not just the Australian environment and the biodiversity of our species but also endangered species around the world.

Senator O'BRIEN (Tasmania) (6.32 p.m.)—I was asked to keep this item on the Notice Paper for another senator. I was very interested in Senator Bartlett’s comments about the CITES, given I was involved in some work with the Rural and Regional Affairs and Transport References Committee. That work involved the commercialisation of native wildlife and the interaction that the committee had with regard to proposals to trade in certain species of Australian birds, in particular, but in some respects reptiles as well. Restrictions were imposed on that trade not only by the CITES but also by the states, although there were differences in regulations between the states. So it was not just a question of international trade that the CITES covers but also a question of interstate trade and the requirements of state laws with regard to that trading.

We discovered in that inquiry that there appeared to be a connection between commercialisation of certain species and the maintenance of habitat. In fact, in many cases the endangered species problem was connected with the conversion of habitat from the native state to the farmland state—draining of swamps, deforestation and the like. On private land, there was no gain to be made and no living to be made without that sort of interaction. The preservation of the habitat of some of the endangered species would only occur—indeed, there are examples from the United States and the African continent of positive experiences in the preservation of endangered species—because of a commercialisation of the species through various means, be it hunting, game park facilities or the like. As I said, at the commencement, I was asked to keep this matter on the Notice Paper for another senator who is unable to be here, so I seek leave to continue my remarks later.
Leave granted; debate adjourned.

**Foreign Affairs, Defence and Trade References Committee**

Report

Debate resumed from 17 August, on motion by Senator Hogg:

That the Senate take note of the report.

Senator SHERRY (Tasmania) (6.35 p.m.)—This is a report by the Foreign Affairs, Defence and Trade References Committee about the Japanese economy and the implications for Australia. This is a very important report. From the brief time I have had to peruse it, I think it is a very comprehensive report. The report makes the point that Japan is, and has been for some decades, Australia’s major trading partner. Page 107 of the report details by value the main export commodities to Japan from Australia. There is a very extensive and impressive list of exports to Japan—meat and meat preparation, cereal grains, metalliferous ores, coal and fish. As an aside, I think it is a matter of regret that much of what we export to Japan is basic raw material and no greater value adding takes place in the Australian economy. I will say a little more about that later on.

The report also highlights on page 108 the enormous increase in the number of visitors to Australia from Japan. Table 5.7 shows that the number of visitors from Japan rose from 34,000 in 1978 to 479,900 in 1990. I do not know what the latest figures are. I am sure there are later figures available. But that illustrates just how important the Japanese tourist industry is to the Australian economy. In fact, in 1990, they were the largest contributors in terms of visitor numbers. So the basic health of the Japanese economy is obviously very important to Australia.

Regrettably, the Japanese economy in recent times has not performed well. This is outlined in chapter 3. Page 33 illustrates the annual growth rates for Japan from 1991. In 1991 there was a growth rate of three per cent; in 1992, it was 0.4 per cent; in 1993, it was 0.5 per cent; in 1994, it was 0.7 per cent; in 1995, it was 2.7 per cent; in 1996, it was 3.4 per cent; and in calendar year 1997 it was back down to 0.9 per cent. I would just make one point about the growth rate in 1997. This was when Japan increased their goods and services tax. They had introduced a VAT or a goods and services tax as part of an earlier measure known as a ‘stimulatory’ package.

Japan has seen a succession of stimulatory packages: initially an introduction of a GST and then the increasing of that GST in 1997. So, if Japan is anything to go by, using GSTs or VAT taxes as stimulatory packages has resulted in little in terms of positive economic outcomes. It is disappointing—I have only had a cursory read of this report—that it does not refer to the dismal failure of the GST as part of those stimulatory packages in the Japanese economy. It does make reference to the collapse in public confidence that accompanied that 1997 stimulatory package, but I cannot see any reference to the impact of the GST.

One of the great problems in the Japanese economy was the property boom and the bubble economy that finally burst in 1990. As part of that, of course, the level of debt owed by Japanese financial institutions in 1980 had accounted for 56.8 per cent of gross domestic product, total economic and services production, but it had risen 10 years later in 1990 to 103.1 per cent of gross domestic product. In other words, the level of debt carried by Japanese financial institutions was in excess of the total value of the Japanese economy by 1990. The great problem with this was that it was secured, in large part, by land and property values in Japan. Of course, the increasing value of property in Japan—which at times ran at 20, 30, 40 or 50 per cent per annum—was, for many of the financial institutions, the underlying asset that represented security for much of the loans.

When that property value collapsed, a significant number of Japanese financial institutions struggled to survive. I say that they ‘struggled to survive’ because the Japanese concept of bankruptcy is totally different from ours. The Japanese government pumped in billions and billions of yen—billions and billions of Australian dollars; I do not know what the exchange rate was then—to prop up Japanese financial institutions. I cannot think of one Japanese financial institution which was allowed to go broke, even though by any standard accounting measure many of them
were bankrupt. That is one of the reasons the Japanese economy has failed to recover. It simply staggered along during the 1990s.

One other issue that I want to touch on is the demographic changes in Japan. This is pointed out as a great opportunity for Australia in terms of exports. Japan is an interesting country. I think it will be the first country in the OECD, the advanced economic world, where the population will actually start declining as a result of low birth rates. That is in fact occurring this year. As I say, it is the first country with a declining population. But what is happening at the same time is a rapid ageing of the population. The report points out the demographic changes that are occurring and the opportunities for the export of Australian services, particularly to the aged care market. One word of caution, however: the Japanese pension system is underwritten by an equal contribution tax from employers and employees. I think it is about 6½ per cent each, totalling 13 per cent. That is simply not sustainable, given Japan’s ageing population.

The figures I have seen are that it is estimated that, in Japan over the next 20 years, the tax of about 13 per cent that currently funds their pension system will have to double in order to support their rapidly ageing population at current pension benefit levels. I would submit to the Senate that that is unsustainable and that they will not be able to carry that level of taxation and provide current benefits.

In conclusion, as a Tasmanian senator, I want to point out that the Tasmanian apple industry has finally cracked the export market into Japan, after many years of trying. As a Tasmanian, it is great to see that we have finally had what I suppose you could refer to as the ‘ordination’ of Tasmanian apples. They have finally got into the Japanese market after 10 to 15 years of trying. I hope that the Japanese appreciate—

Senator Watson—It is good news.

Senator SHERRY—It is good news, Senator Watson—a Tasmanian colleague. The only part of Australia allowed to export apples to Japan is Tasmania, because of our comprehensive quarantine measures, our fresh and clean produce—I will not use the word ‘green’ as I think it is overused. (Time expired)

Senator HOGG (Queensland) (6.45 p.m.)—This is a very comprehensive report; I was involved in the committee that brought it down. One should realise the reason for the committee first deciding to look into the issue of Japan. It arose out of a previous inquiry that the committee had conducted on APEC and the importance of APEC to Australia and to the region—and, of course, Japan is very vital for our export industries. When we set about the compilation of this report, we looked at every aspect of the Japanese economy that we could look at and at its social and political life. This was a very serious attempt by the committee to assess the importance of Japan to our future—to see where it would place us and the steps that we should take as a nation to foster closer relationships with Japan.

It is interesting that, arising out of the release of this report, there have been comments that we do not understand the Japanese fully even today and that they do not understand our attitudes on some issues as well. Really, this boils down simply to the fact that I do not believe we take enough time and put enough effort and skill into fostering and developing our relationship with the Japanese people in a broader sense—whether it be in a political sense, in an educational sense or with exchanges of students or whatever it might be.

This is the first part of the report, which simply looks at the Japanese economy. As my colleague Senator Sherry noted, the Japanese economy has been in great difficulties. As we went through the inquiry, there were some signs that the Japanese economy was emerging from its difficulties—but, of course, it has slipped back slightly since then. Nonetheless, it is a very important economy for Australia. The report shows that Japan gets somewhere in the vicinity of a 20 per cent share of Australia’s total exports and that 14 per cent of Australia’s total imports come to us from Japan. So it is a very significant market for Australian exporters.

One of the pluses to come out of Japan’s economic woes has been the fact that Japan has had to modernise many of its practices in terms of its economy. It has had to remove some of the restrictions that were placed
there that kept many overseas businesses from gaining access to the marketplace. So what we are seeing now are emerging opportunities for many Australian companies. Those opportunities will only be as good as our contacts with the Japanese at the governmental level, and I think that this report should encourage this government to do all it can to improve our relationship with the Japanese.

There is no doubt in my mind, from having been on this committee and involved in considering the depth of information that came to us, that there are emerging opportunities, particularly in the finance sector, the banking sector, the insurance sector and the IT sector. Opportunities are there which, if they are capitalised on, will help us greatly in our own economy.

Part of the problem we are confronted with, though, is the non-tariff barriers that are still put in place by the Japanese themselves. That is where this issue emerging out of the APEC report is so important, because APEC is that ideal vehicle for us to seek the removal of both tariff and non-tariff barriers. Whilst a lot of focus has been placed by many people on the tariff barriers that exist—they are quite real and they do place an inhibiting factor upon our exports or some of our potential exports to Japan—non-tariff barriers, which are just as inhibiting, exist also. Many of those are fairly seamless barriers that need to be dismantled.

Representatives of a housing group in Sydney who appeared before the committee told us of some of the problems that they had had getting their product into the Japanese market. Many of the problems that they were confronted with related to specifications, local building codes, the contracting of labour, getting supplies into the country and so on. There were a range of problems, none of which was related to a tariff directly—but they were related to non-tariff barriers that were put as obstacles to their becoming competitive in the marketplace.

The product that they had to sell was of world quality. Of course, when they actually got access to the market after a great deal of struggle, it was found that they were indeed very successful. But it was that initial break-through into the marketplace that was very hard for them. Part of that is due to the Japanese culture, but the other part is due to the non-tariff barriers that exist there. Australia should seek to use forums such as APEC to do all that it can to dismantle these tariff barriers and non-tariff barriers to assist the expansion of Australian industry. There are many industries here that could gain access once those barriers were dismantled.

The other thing that I want to briefly refer to is the importance of the export industry of tourism. Not many people inside Australia really see tourism as being an export industry, but, as my colleague Senator Sherry said, the number of tourists arriving here has increased dramatically since 1978 to 479,000 in 1990. It is interesting that during that year the number of Japanese tourists that came to Australia exceeded the number that came from other countries: New Zealand with 418,400, the United States with 250,000, the United Kingdom with 277,000, Canada with 53,000, Germany with 74,000 and Singapore with 75,000. So it can be seen that that is a very important export industry to us, though it did slip back during the economic crisis in Japan. That was very much brought home to us by the appearance of Qantas before the committee, where they outlined how they had had to cut back some of their flights to Japan. Hopefully now those numbers are on the increase again.

According to a BTR report, Japanese visitors spend an average of $114 per day when in Australia, whilst the average spent by other foreign tourists is $80 per day. You can see in that figure alone that there is a significant differential. Japanese tourists do go to a number of confined destinations within Australia: Sydney, Melbourne, the Gold Coast and Cairns. That was another thing that came out in the report—that we need to get them back for repeat visits. We should not be just a one-stop market for them. It should not be that they come once and never again. They are an important part of our export market, and Australia’s promotion of tourism to the Japanese as an export is very important indeed. I commend the report. (Time expired)

Question resolved in the affirmative.
Legal and Constitutional References Committee
Report

Debate resumed from 17 August, on motion by Senator McKiernan:

That the Senate take note of the report.

Senator McKiernan (Western Australia) (6.56 p.m.)—I want to take the opportunity rather briefly to make some comments pertinent to the content of the report, which is entitled *A Sanctuary under review: an examination of Australia’s refugee and humanitarian determination processes*, without directly speaking to that. As I recall it, that report was tabled in this place on 28 June this year. The next day, 29 June, another report was tabled. It was that of the Human Rights and Equal Opportunity Commission entitled *Report of an inquiry into a complaint of acts or practices inconsistent with or contrary to human rights in an immigration detention centre*, report No. 10. While the contents of this report do not address the terms of reference of the Legal and Constitutional References Committee inquiry, it would have been very interesting if the committee had had a copy of this report prior to the tabling of the refugee report in the Senate. It would have been even more important, I suggest, if the Joint Standing Committee on Migration had had a copy of this report and the findings contained in this report prior to its inspection of the detention centre at Perth in November last year. A report for that will be presented to the parliament on Monday next week.

The Human Rights and Equal Opportunity Commission report is probably the last report tabled by Chris Sidoti as the then Human Rights Commissioner. Mr Sidoti has since retired from that position, having served the time that a human rights commissioner is appointed for. During his term as the Human Rights Commissioner, Mr Sidoti gave tremendous assistance to a large number of committees of this parliament. He certainly appeared before the Joint Standing Committee on Migration, the Legal and Constitutional References Committee and legislation committees on a number of occasions. I am not saying that on every occasion I accepted the advice or the views being put forward by Mr Sidoti, but he certainly made one think when he put forward a proposition that invariably aided the work of the committee and the ongoing inquiry. Mr Sidoti certainly had a passion for the preservation and protection of human rights, not only in this country but throughout the world. Under section 29(2) of the Human Rights and Equal Opportunity Commission Act, it was one of his responsibilities as the Human Rights Commissioner to inquire into complaints about matters that happened in Australia’s immigration detention centres.

Those complaints come from time to time. In this short interlude this evening, I do not want to address the content of the complaints or the findings that Mr Sidoti made about the particular individual who complained: Mr George Johnson, a Nigerian national who entered Australia at Perth airport without valid travel documents. He was detained in this country for some 12 months. What really concerns me appears on page 8 of the report, under 2.4, ‘Submissions and evidence’. The report states:

On 23 May 1997 an officer of the Commission contacted the Department to advise of the complaint and to arrange for officers of the Commission to interview the complainant during their visit to the Perth IDC on 26 May 1997. On 23 May 1997 an officer of the Department advised the Commission that the complainant was at that stage being held in the Casuarina Prison and that arrangements would be made for the complainant to attend the Perth IDC at the time of the Commission’s visit to the Perth IDC. Subsequently the Department advised the Commission that the complainant would not be able to be interviewed by the Commission as he was being removed from Australia on 26 May 1997.

Documents provided later by the Department indicate that arrangements were made to remove the complainant on 26 May 1997 prior to the Commission approaching the Department about the complaint. It also appears from the documents that, because the complainant refused to take prescribed travel medication, his removal from Australia was delayed until about 16 June 1997.

The Commission was not advised of the delay in the removal of the complainant, although the Department was aware that officers of the Commission were in Western Australia until 2 June 1997 and able to interview him about his allegations. I have not had a chance to test this matter with the officers of the Department of Immig-
migration and Multicultural Affairs, but you can be assured that will be tested at the first opportunity. If what I have quoted from this report is true, I find it appalling behaviour. If the allegations that an officer of the Commonwealth of Australia charged with the preservation of human rights in this country could be so misled by officers of the immigration department are true and factual, some of these people should be for the high jump. Mr Sidoti does not reach any findings on this matter, because it was not within his brief to undertake an examination of it. Obviously, his report is lacking because the officers of the commission were not able to interview the complainant. Clearly, from the dates that I have quoted from the report, the officers could have been in a position to undertake that interview and to get to the facts of the matter.

In my positions as Deputy Chair of the Joint Committee on Migration and Chair of the Legal and Constitutional Committee, a number of complaints are directed to me from persons within the detention centres in Australia. In the course of formulating the refugee report I am speaking to now, the committee received a number of allegations, some of which we referred directly to the police. My judgment on those matters—I must say this to the Senate, to the department and to the minister’s office—will be coloured in the future by what has been portrayed in the report by the Human Rights and Equal Opportunity Commission. I have never known the commission to exaggerate the facts. I know they are passionate about the causes that they are charged to look into and to protect, but I do not think they would go to the lengths of distorting the facts and the removal dates on this occasion. I would hope that would not be the case.

I do want to, however, give the department an opportunity—in formal session sometime—to come forward and tell their side of the story. We would then be in a position to adjudicate on the stories that are put in front of us, as we have been able to do through the many inquiries that we have conducted in the course of the various parliamentary committees in which I have participated over the years. When I read this, I felt quite sick, having the previous day delivered a report—which I believed was quite balanced—on the protection of refugees and the refugee determination system in this country. If Immigration officers or APS officers charged with the detention of people go to the lengths of covering up and avoiding people to make sure that officers of the commission are not able to examine complaints made about conditions in detention centres, it does bring the system into further disrepute. I say this in the week in which the riots have occurred at the Woomera Detention Centre, and there have been small disturbances at other detention centres. It does not augur well for the department or for the minister’s office that these things are occurring. (Time expired)

Question resolved in the affirmative.

**Consideration**

The following orders of the day relating to committee reports and government responses were considered:

- **Privileges**—Standing Committee—93rd report—Possible unauthorised disclosure of in camera proceedings of the Economics References Committee. Motion of the chair of the committee (Senator Ray)—That the Senate endorse the finding at paragraph 17 of the 93rd report of the Committee of Privileges—agreed to.
- Environment, Communications, Information Technology and the Arts Legislation Committee—Report—In camera evidence given in the course of the committee’s inquiry into the casualties of Telstra (COT). Motion of the Chair of the Environment, Communications, Information Technology and the Arts Legislation Committee (Senator Eggleston)—That the Senate adopt the recommendation of the report that the transcripts of the in camera evidence given to the committee on 6 and 9 July 1998 in relation to the Casualties of Telstra matter be released to the Victoria Police Major Fraud Group to enable their investigations to proceed—agreed to.
- Environment, Communications, Information Technology and the Arts References Committee—Report—Renewable Energy (Electricity) Bill 2000 and Renewable Energy (Electricity) (Charge) Bill 2000. Motion of the chair of the committee (Senator Allison) to take note of report agreed to.
Economics References Committee—Interim report—Fair Prices and Better Access for All (Petroleum) Bill 1999 and the practice of multi-site franchising by oil companies. Motion of the chair of the committee (Senator Murphy) to take note of report agreed to.

Legal and Constitutional References Committee—Report—Humanity diminished: The crime of genocide: Inquiry into the Anti-Genocide Bill. Motion of the chair of the committee (Senator McKieran) to take note of report agreed to.

The following orders of the day relating to reports of the Auditor-General were considered:

Auditor-General—Audit report no. 6 of 2000-01—Performance audit—Fraud control arrangements in the Department of Health and Aged Care: Department of Health and Aged Care. Motion to take note of document moved by Senator Ludwig. Debate adjourned till next day of sitting, Senator Ludwig in continuation.


Order of the day no. 1 relating to reports of the Auditor-General was called on but no motion was moved.

ADJOURNMENT

The ACTING DEPUTY PRESIDENT (Senator Bartlett)—Order! The consideration of committee reports, government responses and Auditor-General’s reports having concluded, I propose the question:

That the Senate do now adjourn.

Research and Development: Government Policy

Senator WATSON (Tasmania) (7.07 p.m.)—The Howard coalition government is strongly committed to encouraging Australian industries to become more innovative and world competitive. This commitment is manifested in support for research and development projects with clearly developed and focused commercial outcomes. One of the features of the Howard government is the integration and cooperation between the various ministries and, in relation to the issues I am talking about tonight, I commend the partnership and cooperation between the Minister for Education, Training and Youth Affairs, Dr Kemp, the Minister for Industry, Science and Resources, Senator Minchin, and the Minister for Trade, Mr Vaile.

The importance the federal government places on research and development is reflected in the government’s focus on getting the policy settings for innovation right. Grants and tax concessions have their place, but I commend Senator Minchin for the progress he has made in getting the policy settings for innovation correct. The recommendations of the National Innovation Summit and the report following the commissioning of the Science Capability Review are important elements in the government’s innovation action plan, which will clearly identify and address future innovation priorities for Australia. This plan will be in place by the end of the year. I think we should take some time in this adjournment debate tonight to look at a number of components of that. Firstly, there is technology, which is an important part of the world competitive business strategy. We have seen some excellent examples coming to the fore because of the current government’s initiatives. To mention but one, the Prime Minister recently launched the $40 million technology based Intelligent Island Program in my home state of Tasmania, made possible by the sale of the second tranche of Telstra.

The word ‘technology’ is used frequently and quite often loosely. But what is ‘technology’? It is the practical knowledge, the know-how, the skills and the artefacts that can be used to develop new products or services as well as their production and delivery systems. The concept involves three elements: product technology, process technology and management technology. In addition to technology we require innovation. In a progressive society, technology is here today but becomes rapidly obsolete. As new technologies come on line, applications create or revolutionise demand. The concept of innovation implies discovery of something that existed before, although we may not have known about it, and invention of something
that did not exist before and is brand new. To be successful innovation must work; technological innovation, to be commercially successful, must provide a return on investment.

Just as ‘position, position, position’ is the key to real estate purchasing, creativity is critical to the corporate climate. This creativity is essential for health, happiness and success in business, especially in starting new ventures. Change has become an essential part of our way of life and creating the right environment is particularly important. It is up to governments to create a climate in which people react positively to change rather than take troglodyte positions. Governments must also encourage entrepreneurial forces which must focus on opportunities. These people must have real commitment to seizing those opportunities at the same time as accepting reasonable risk. Corporate research and development is a crucial component of the wealth creation process and is essential to maintaining our international competitiveness. Governments have a large role to play in encouraging innovation and, therefore, research and development. They must provide leadership and vision and champion the causes of those who are prepared to take risks. They must create the environment in which innovation can flourish.

I take this opportunity of commending the Minister for Industry, Science and Resources, Senator the Hon. Nick Minchin, for his achievements to date. I encourage him to continue and expand this good work, especially in the area of research and development. Research and development, as I mentioned earlier, is more than just throwing money and tax concessions at R&D. The National Innovation Summit, which I referred to earlier, brought together leaders from business, government and academic organisations to pinpoint and deal with pivotal issues. I will share some of those findings with the Senate tonight. Firstly, business confidence must be promoted by making sure that risk taking is rewarded and that regulation is not a burden. Secondly, internationally competitive incentives, including taxation concessions, grants, loans and venture capital, are necessary to support the full range of innovation activities. Most important is that an educational system be developed that is appropriate to a knowledge based economy. Here the work of Dr Kemp really comes to the fore. One must expect nowadays that lifelong learning is the norm—learning that responds to the needs of business, that expects and feeds off inputs from industry and that inculcates the concepts and fundamentals of entrepreneurialism from an early age.

There is a need in Australia—I think it is appropriate at this time of the Olympics—to raise this concept that we must develop a sports-like pride and passion in the whole community to develop our innovative achievements. These must be recognised at the start to invest in a world-class research environment, and this must be the foundation for the future. In order to apply the summit’s findings, a post-summit high-level implementation group is continuing the partnership model of business, research, education and government, with three senior representatives from each sector. Their report to the minister is imminent. I take this opportunity to applaud this group’s ongoing work and their commitment to innovation.

As a government, we must encourage and reward investment and innovation to ensure that Australia participates in the global benefits of innovation and subsequent reward and growth. I therefore encourage greater government support for innovation and urge Australian industry and business, large and small, to enthusiastically embrace research and development to ensure higher growth in this very important area, because, as such, Australians’ living standards will be enhanced and Australia will take its place rightfully as one of the leading nations of this world.

Drugs: Misinformation
Senator DENMAN (Tasmania) (7.16 p.m.)—Tonight I want to speak about misinformation, particularly as it relates to the drug problem. Misinformation is one of the greatest obstacles preventing progress in the debate regarding the use of mood altering drugs in our community. In the term ‘drugs’, I include the use of alcohol and tobacco for, in case some of you have not realised, those drugs account for well over 90 per cent of drug related deaths in Australia. Unfortu-
nately, there will be no mention of alcohol and tobacco in the Howard government’s mail-out to families in Australia. Thus, the information is unlikely to have much credibility amongst our young people who can spot hypocrisy a mile off.

Although the government attempts to ignore the importance of legal drugs, our young people are not fooled. Research conducted in Perth using a sample size of over 1,000 young people found that alcohol and tobacco were implicated as important gateway drugs. This was contained in the report entitled *Stages of drug use: community survey of Perth teenagers*. The mail-out interfered with the Prime Minister’s office sends the message to young people, ‘You can drink and smoke yourself to death but if you use anything else we will force you to stop.’ The young will see that message as one of ‘do what I say, not what I do’. Young people are not stupid. They will take little notice of a message that reeks of double standards.

Recently, Senator McGauran claimed there was no evidence that safe injecting rooms reduced rates of death by overdose. This statement was not sourced and contradicts research summarised by the Lindesmith Center in a document called *Evaluation of safe injecting rooms*, which found evidence that they are successful in reducing injection related risks and harms, including vein damage, drug overdose deaths and transmission of disease. I think we need to be very aware of that, particularly because we have not had a great outbreak of some of the diseases that other countries have had from injecting drug users. His statement did not seem to take into account the fall in overdose deaths in Frankfurt or the conclusions of the European Monitoring Centre for Drugs and Drug Addiction summarised in their recent annual report. But supporters of zero tolerance very rarely let truth get in the way of a good story.

Some comment was made regarding the increased interception of drugs coming into the country, and a comparison was made between numbers and quantities of seizures during our tenure in government and the present government’s. Simply, there have been more seized because there are more coming in. This in no way reflects on the hard work of the agencies involved. But the street price and the ease of purchase give a better indication of the success of attempts to reduce supply.

Official figures show that drugs are cheaper, purer and more available than they were five years ago. Demand and supply have both increased rapidly in the last five years, and supply has been increasing even faster than demand. If there had been a reduction in supply, the price should go up and the purity should have dropped. But this has not happened. So those indications are that there is more available, it is cheaper and it is purer. In fact, the Tough on Drugs strategy has seen a dramatic rise in overdose deaths and an increase of the ‘them and us’ mentality. The government seems to believe that we can arrest and imprison our way out of this terrible situation with illicit drugs, even though none of the experts, including the law enforcement experts, believe this.

We have to accept that illicit drugs are primarily health and social issues. Health and social spending should match law enforcement spending. The debate on safe injecting rooms is a direct result of the Howard government’s rejection of the heroin trial, despite a 6-3 majority of health and police ministers supporting a heroin trial, including their own health and justice ministers. That year, the number of drug overdose deaths increased by 23 per cent.

Drug use in most cases is a transitory problem, such as excessive drinking. We have to keep people alive and well while they use drugs so that they are still able to come back into the community when they reach the point of wanting to stop. Relying on incarceration, as this government recommends, is relying on an expensive way of making a bad problem worse. We only have to look at the American situation to see that. But none of these things were teased out in a speech given on what I would prefer to call harm reduction centres rather than safe injecting rooms. We should not overlook the many other health advantages in having these rooms, nor should we overlook the benefits these rooms have to people who do not inject drugs, including neighbourhood residents.
Why should residents of a neighbourhood where drug injecting has become established have to watch people injecting in public places just so that narrow-minded people can send a message to the whole world that they want to be righteous? We should rather send a message that government cares about our young people, including some who have made a bad mistake and started using illegal drugs. Obviously, a trial of a harm reduction room would not help those who do not frequent them. However, the international experience shows that injecting drug rooms do save lives of young people and do help to get drug injectors into treatment. Who could possibly oppose those objectives?

The Prime Minister recently launched a diversion scheme in Victoria with Premier Steve Bracks. While anything that diverts young people from prison is to be commended, it will merely scratch the surface of an ever increasing prison population that is largely full of those committing crimes to finance addictions. Mr Howard said that no-one should go to jail due to an addiction. These are commendable words, but the current approach is just more of the same. That is why Labor have given their support to various trials. We need especially to get into treatment the heaviest users in the community—the people who have not previously been tempted into treatment or who have tried treatment and nothing has unfortunately worked. I say ‘unfortunately’ because helping these people—keeping them out of jail and getting them off drugs—is good for them, their families and the whole community.

We have to have the courage to admit that what we are doing now is not working; we must try new things. Eleven years ago, in their report *Drugs, crime and society: 1989*, the Parliamentary Joint Committee on the National Crime Authority said:

Over the past two decades in Australia we have devoted increased resources to drug law enforcement, we have increased the penalties for drug trafficking and we have accepted increasing inroads on our civil liberties as part of the battle to curb the drug trade. All the evidence shows, however, not only that our law enforcement agencies have not succeeded in preventing the supply of illegal drugs to Australian markets but that it is unrealistic to expect them to do so.

The members of that committee included Senator Alston and Senator Hill, two senior members of the present government. Thus I suggest that, until we completely overhaul our entire approach to drug use in our society, we will see little change. Similarly, until the Australian National Council on Drugs, the ANCD, has the political freedom it needs to perform its important tasks—separated from the destructive interference of the Prime Minister’s office—the skills of the good people on that committee will be relegated to political opportunism, with outcomes being more of the same: more deaths, more disease, more crime, more prisons and more corruption.

**Australian and New Zealand Defence Forces: Amalgamation**

Senator SANDY MACDONALD (New South Wales) (7.25 p.m.)—Tonight, in view of the defence consultations that have been held across the country in connection with Australia’s future defence needs, I want to flag an option that should be included in any overall review—that is, that consideration be given to an amalgamation of Australian and New Zealand defence forces. This would lead to the creation of a new ANZAC force, if you like, building on the famous traditions of the past, and perhaps even a common currency will come in time too. But global demands and political realities will in time favour both of those initiatives.

There is a history of proposals for amalgamation of the public functions between Australia and New Zealand. These proposals, with some degree of success, contain the word ‘closer’—as in closer economic relations, CER, and closer defence relations, CDR. The ‘closer’ concept suggests that moves in this direction might be viewed as a good idea but that neither country wants to take it too far too quickly. Especially in the area of national defence, this viewpoint would be encompassed in the idea of citizens of two sovereign nations wishing that their governments retain control of defence processes. But defence capability is about giving governments of the day options as to the way they respond to international and regional conflicts. It is hard to imagine that Australia and New Zealand would disagree in a way so
fundamental that an amalgamated defence force would be a problem.

Over time Australia and New Zealand have drawn closer in their defence links—from the very early days, where in the Boer War we sent a joint contingent, to the First World War, Gallipoli and the creation of Anzac Day and the Anzac spirit. In June 1944, towards the end of the Second World War, both countries ratified the Australia-New Zealand agreement called the ANZAC Pact. This required defence cooperation in the event of a threat and is seen as a precursor of the ANZUS alliance. In World War II and in regional conflicts and peacekeeping since, Australia and New Zealand have served alongside each other as one.

In 1977 defence minister Killen and defence minister McCreedy reached an agreement on Australia-New Zealand defence cooperation. The tangible result of this was better sharing of the task of surveillance done by the Orion maritime patrol aircraft of both countries. In this context New Zealand’s decision last week not to upgrade their six Orion aircraft is particularly disappointing. You have to wonder what the New Zealand electorate makes of a government apparently so unconcerned about their maritime approaches and exclusive economic zone of 320 kilometres that they allowed that decision to be made. But it seems to serve as confirmation that New Zealand appears determined to become more isolationist—substantially based, I suggest, on the politics of their budget. In May 1991 Minister Robert Ray introduced closer defence relations, CDR, with the intention of fostering better coordination between both countries in decisions affecting issues such as equipment purchases and force structure. Again little occurred with the coordination in force structure development, but the purchase by New Zealand of two Anzac frigates, although reached before CDR, perhaps inspired it. The New Zealand option for a further two frigates is unlikely to be exercised at this time.

New Zealand forces do not have sufficient strength to operate independently, except in some limited circumstances in the south-west Pacific. Their army numbers are scarcely adequate for a brigade, of which Australia has two on short-readiness alert. The New Zealand army are being restructured for peacekeeping activities but, clearly, even in that role their position is questionable. The New Zealand army were able to sustain its commitment to the Truce Monitoring Group, TMG, established in Bougainville in December 1997 for only a few weeks before rotation of personnel and damage to vehicles and equipment apparently became unsupportable. From the end of April 1998 the Australian Defence Force has had to take responsibility for the Peace Monitoring Group, which superseded the Truce Monitoring Group.

The Royal New Zealand Navy has only two effective warships—the third is in mothballs—which is simply insufficient to maintain a surface warship in a trouble spot or to meet contingencies such as Timor, where New Zealand has 700 personnel presently deployed. Given the need to rotate vessels on station and maintenance requirements, three ships are usually viewed as a minimum to sustain and maintain a naval presence. The Royal New Zealand Air Force has ageing A4 fighter strike aircraft; they are short ranged and have always relied on access to Australian and other overseas airfields to have any strategic role. In fact, Australia presently leases these New Zealand aircraft to attack Australian forces on naval exercises off the east coast of Australia.

New Zealand’s navy and air force—supplemented in the nineties with limited naval logistic capability but losing its medium airlift capability—lacks sufficient capacity to deploy forces overseas in all but the most special cases without Australian assistance. Australia’s forces have to some degree been supplemented and improved by the placement of a 2nd Brigade on short alert. Nevertheless, as the deployment in East Timor demonstrated, overall Army and Army Reserve numbers were insufficient to support operations for any length of time, leading to the Australian government deciding in November 1999 to increase the number of operational infantry battalions from four to six, or another 3,000 personnel. Australia has clearly been forced to address shortcomings in its ability to sustain forces in even comparatively minor circumstances. Still, the
ADF will have spent over $500 million on equipment to support its deployment in East Timor. This is still more than 35 per cent of the New Zealand defence budget.

Since the ANZUS agreement was suspended with regard to New Zealand in 1985, New Zealand forces have had limited access to US technology and exercise experience with US forces. The ADF has attempted to compensate for this to some extent. In addition, over 20 per cent of the 51 joint exercises planned by the ADF with other nations in the forthcoming year, 2000-01, are with the New Zealand defence forces.

What are the implications of these changes? It can be said that the New Zealand armed forces have little potential by themselves yet are a professional—and in some areas modern—force. New Zealand defence policy continues to give weight to a requirement to operate in conjunction with the ADF. In many conceivable circumstances, such as in East Timor, this would be the case. In others circumstances, where it might operate alone, New Zealand will be dependent on the ADF for transport and logistics support, as was the case in establishing the TMG in Bougainville.

In many practical circumstances, then, the ADF and the New Zealand Defence Force are an integrated force—but without acknowledgment and without planning. These aspects—acknowledgment and planning—have to be addressed if a combined force were to become a reality. The former is largely a political issue of gaining support within both countries for the idea. The latter will require concentrated study and would involve senior personnel from both sides. Such an approach could be initiated through constant contact by senior officers of both forces. A way of achieving this would be to establish perhaps a joint Australia-New Zealand headquarters charged with planning joint operational plans and commanding joint operations. Increasingly, the purview of this body could expand to planning the future force for both countries. Executive decision making could continue to reside with the sovereign governments of both countries. This would require constant negotiation but not negate the progress which this structure could achieve over time. It would not be simple, but it would be in the best interests of the defence effort of two close neighbours and friends. I look forward to this proposal being further discussed.

**Vibrational Individuation Program**

Senator CHAPMAN (South Australia) (7.35 p.m.)—Honourable senators may recall that in April of last year I raised in this chamber my concerns about a dangerous cult which went by the name of the Vibrational Individuation Program. Among the practices of that cult was the imposition on its members of bizarre diets of offal and the like by the two leaders of the cult, these diets being determined by a so-called food test. A person undergoing the food test lies on a couch while the therapist observes the response of the wrist and surrounding muscles as she reads through a checklist of food items. Depending on the response, the therapist determines which foods are to be eaten exclusively, how they are to be cooked or prepared, the quantity to be eaten, how often and for how long.

After my exposure of this cult, many people contacted me to discuss the detrimental effect on their health and their family life which their involvement with this cult over various periods of time had caused. It was therefore with some alarm that it has come to my attention that the Vibrational Individuation Program have lodged an application with Burnside council in metropolitan Adelaide, in the inner suburbs of Adelaide, to set up their operations in premises at 76A Kensington Road, Rose Park, just on the outskirts of the city of Adelaide. They are seeking approval to establish what they describe as ‘nutritional based complementary medicine rooms’ to be used as a consulting area for a supposed nutritional professional and as an education centre for the general community.

As previously detailed in those remarks some 15 or 16 months ago, the diets often prescribed by the two principal exponents of this program are anything but nutritional and are potentially damaging to health. As for complementary medicine, the danger the group poses is evident from the advice that the cult leader gave to adherents that it did not matter whether what was later diagnosed as a class 4 melanoma was left untouched or
removed. As honourable senators may know, a class 4 melanoma is the second highest level of melanoma, a class 5 being the highest. This is the sort of quasi-medical advice that the leaders of this cult give to their adherents: that a class 4 melanoma can be left untouched and does not need medical attention.

I believe it would be unacceptable were the Burnside council to approve this particular application. If the application were approved, the premises would give the group exposure and accessibility to the general community which they have not enjoyed in the past, and that could certainly result in many more unsuspecting people being sucked into their bizarre practices, ultimately with detrimental consequences. I believe that it is important that the community are made aware of this danger, and certainly that Burnside council are fully aware of the nature of this organisation when they consider this application. I strongly urge the Burnside council to reject the application.

**Senate adjourned at 7.39 p.m.**

**DOCUMENTS**

**Tabling**

The following documents were tabled by the Clerk:

- Cocos (Keeling) Islands Act—List of applied Western Australian Acts for the period 11 March to 25 August 2000.
- Migration Act—Certificates under section 502, dated 15 August 2000 [3].
- Parliamentary Service Act—Parliamentary Service (Consequential and Transitional) Determination 2000/1.
- Sydney Airport Curfew Act—Dispensation granted under section 20—Dispensation No. 11/00.

**Indexed Lists of Files**

The following document was tabled pursuant to the order of the Senate of 30 May 1996 as amended 3 December 1998:

Indexed lists of departmental and agency files for the period 1 January to 30 June 2000—Statements of compliance—Department of Immigration and Multicultural Affairs.
QUESTIONS ON NOTICE

The following answers to questions were circulated:

Goods and Services Tax: Department of Industry, Science and Resources Research
(Question No. 1987)

Senator Faulkner asked the Minister for Industry, Science and Resources, upon notice, on 3 March 2000:

(1) Has the department, or any agency of the department, commissioned or conducted any quantitative and/or qualitative public opinion research (including tracking research) since 1 October 1998, related to the goods and services tax (GST) and the new tax system; if so: (a) who conducted the research; (b) was the research qualitative, quantitative, or both; (c) what was the purpose of the research; and (d) what was the contracted cost of that research.

(2) Was there a full, open tender process conducted by each of these departments and/or agencies for the public opinion research; if not, what process was used and why.

(3) Was the Ministerial Council on Government Communities (MCGC) involved in the selection of the provider and in the development of the public opinion research.

(4) (a) What has been the nature of the involvement of the MCGC in each of these activities; and (b) who has been involved in the MCGC process.

(5) (a) Which firms were short-listed; (b) which firm was chosen; (c) who was involved in this selection; and (d) what was the reason for this final choice.

(6) What was the final cost for the research, if finalised.

(7) On what dates were reports (written and verbal) associated with the research provided to the departments and/or agencies.

(8) Were any of these reports (written and verbal) provided to any government minister, ministerial staff, or to the MCGC; if so, to whom.

(9) Did anyone outside the relevant department and/or agency or Minister’s office have access to the results of the research; if so, who and why.

(10) (a) What reports remain outstanding; and (b) when are they expected to be completed.

(11) Are any departments and/or agencies considering undertaking any public opinion research into the GST and the new tax system in the future; if so, what is the nature of that intended research.

(12) Will the Government be releasing the full results of this taxpayer-funded research; if so, when; if not, why not.

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

(1) (a) Q1(a) Yes. In February 2000 Quantum Market Research undertook broad public opinion research in the context of a biotechnology awareness program. One of the research questions was in relation to the goods and services tax (GST), however, the primary focus of the research was not the GST.

(b) The research was quantitative.

(c) The purpose of the research was to compare consumer concerns on four current issues - focusing on their relationship to genetically modified foods.

(d) The contracted cost of the research was $8750.42.

(2) Broad public opinion research was a part of the strategy proposal for a biotechnology public awareness program put forward by Turnbull Porter Novelli (TPN) who were chosen through a tender process. TPN commissioned the research.

(3) The Ministerial Council on Government Communications (MCGC) was involved in the selection of Turnbull Porter Novelli, but not in the development of the research.

(4) (a) The Ministerial Council on Government Communications (MCGC) was involved in the selection of Turnbull Porter Novelli in accordance with MCGC guidelines.
(b) MCGC members, Government Communications Unit and the Departments of Industry, Science and Resources; Agriculture Fisheries and Forestry Australia; Environment Australia; Health and Aged Care; Education, Training and Youth Affairs.

(5) (a) The two shortlisted firms were Turnbull Porter Novelli and Stratcom Australia.
(b) Turnbull Porter Novelli.
(c) The Ministerial Council on Government Communications.
(d) TPN best met the selection criteria and best demonstrated they had the experience, understanding of the issue and ability to undertake the consultancy.

(6) The cost of the research was approximately $8750.42

(7) 22 February 2000.

(8) Topline results were reported in the context of an oral progress report on Biotechnology Australia’s public awareness program to the February 2000 meeting of the Ministerial Council on Biotechnology. The Council comprises the Ministers for Industry, Science and Resources (Chair), Health and Aged Care, Agriculture Fisheries and Forestry Australia, Environment Australia and Education, Training and Youth Affairs. Some staff members from the respective Ministers’ Offices were also present at the Council meeting.

(9) No. It has only been circulated amongst some Biotechnology Australia agencies and partners, however some of the findings will be incorporated in other public awareness documents.

(10)(a) None.
(b) Not applicable.
(11) No.

(12) There are no plans to release the research as it is now considered dated.

Veterans’ Affairs Portfolio: Agency Boards
(Question No. 2158)

Senator O’Brien asked the Minister for Veterans’ Affairs, upon notice, on 10 April 2000:

(1) How many agencies within the Minister’s portfolio are administered by a board.

(2) Are all members of the above boards appointed by the Governor-General on the advice of the Executive Council; if not, who is responsible for making board appointments.

(3) In each case, does the Remuneration Tribunal have a role in the setting of fees, allowances and other benefits for members of the boards; if not: (a) under which section of the relevant legislation are such fees, allowances and benefits authorised; and (b) how is the values of these fees, allowances and other benefits determined.

(4) In each case, what is the nature and value of fees paid to the board members.

(5) What other benefits, such as mobile phones, home computers and home phone/facsimile machines, are provided to board members by virtue of their membership of a government board.

(6) What class of air travel, what standard of accommodation and what car allowances are paid to board members and, in each case, what is the value of these benefits and who determines that value.

(7) Are the board members entitled to, or do they receive any spouse benefits; if so, what is the nature and value of these benefits.

(8) (a) On how many occasions since January 1998 have the above fees, allowances and other benefits been varied, (b) what was the reason for each variation; and (c) what was the quantum of each variation.

(9) If variations to fees, allowances and other payments to board members were not determined by the Remuneration Tribunal, who determined the quantum and timing of each increase.

(10) Do board members qualify for, and are they paid, superannuation benefits; if so, are such payments additional to, and separate from, other allowances they receive.

(11) Do board members receive any additional allowances if they are appointed to board sub-committees; if so, are such additional benefits provided for in the relevant legislation.

Senator Newman—The Minister for Veterans’ Affairs has provided the following answer to the honourable senator’s question:
(1) The Australian War Memorial is governed by the Council of the Australian War Memorial and is the only agency within the Veterans’ Affairs portfolio administered by a board.

(2) Yes.

(3) Yes.

(4) The Chairman and members of the Council of the Australian War Memorial are paid an annual fee determined by the Remuneration Tribunal. The Chairman of Council currently receives $18,000 and the other members of Council (excluding the three ex-officio members, Chief of Army, Chief of Navy and Chief of Air Staff) receive $8,900 per annum. These rates have been paid since 1 March 1999 in accordance with Remuneration Tribunal Determination 1999/03.

(5) Currently none. A previous Chairman was provided with a fax machine for the term of his appointment.

(6) Council members travel business class. Travel allowances are as determined by the Remuneration Tribunal. From 1 March 1999 travel allowances have been $210 per overnight stay in Canberra, and $60 where the trip exceeds a multiple of 24 hours by at least 10 hours. No car allowances are paid other than reimbursement for use of private vehicle to travel to and from Council meetings, if these are less than the equivalent airfare. Reimbursement for private cars is based on the standard Public Service rates. Cab charges are provided for use in airport transfers for Council meetings. Hire cars are provided for official Council business on occasion.

(7) The spouse of each Council member is entitled to a return airfare to Canberra once for each twelve months of the member’s term of appointment.

(8) (a) During the period January 1998 to present, Council fees were increased by the Remuneration Tribunal once, in March 1999.

(b) Remuneration Tribunal Review.

(c) Council Chairman’s fees were increased from $16,600 to $18,000 per annum, and members’ fees were increased from $8,480 to $8,900 per annum.

(9) N/A.

(10) Members of Council are paid superannuation benefits of 7% in accordance with the Superannuation Guarantee (Administration) Act 1992. This benefit is in addition to the annual fee.

(11) No.

**Family and Community Affairs Portfolio: Agency Boards**

(Question No. 2208)

Senator O’Brien asked the Minister for Family and Community Services, upon notice, on 4 May 2000:

1. Do chairpersons of any boards that administer agencies within the Minister’s portfolio receive any payments, or other allowances, in addition to those paid to other board members; if so: (a) what is the nature of this additional payments or allowances; and (b) how is the quantum of these additional payments determined.

2. On how many occasions since January 1998 have the above payments been varied, and in each case: (a) what was the reason for the variation; (b) who determined the quantum of the variation; and (c) what was the quantum of the variation.

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

**THE AUSTRALIAN INSTITUTE OF FAMILY STUDIES (AIFS) BOARD**

1. The Chairman of the Australian Institute of Family Studies does not receive payments or allowances in addition to other members.

**THE CENTRELINK BOARD**

1. Yes. (a) The Chairman of the Centrelink Board of Management receives $58,000 pa. Board members who are not principal office holders of Commonwealth authorities are paid $30,000 pa. (b) The Remuneration Tribunal determines the quantum of remuneration and allowances paid to members of the Centrelink Board of Management. Principal officer is defined under the Commonwealth Services Delivery Agency Act 1997 as:
(i) for a Department of State—the person who is the Secretary of the Department for the purposes of the Public Service Act 1999, or

(ii) for any other Commonwealth authority – the person identified by the regulations as the principal officer of the authority.

(2) Once. (a) (b) (c) Remuneration Tribunal Determination Number 3 of 1999 increased the annual remuneration paid to the Chairman from $56,750 to $58,000 and to members from $20,750 to $30,000 pa.

Attorney-General’s Department: Rents Paid
(Question No. 2249)

Senator Robert Ray asked the Minister representing the Attorney-General, upon notice, on 24 May 2000:

(1) What amount of money has the department and any agency of the department paid so far in the 1999-2000 financial year for properties rented by the department and its agencies.

(2) What amount of money has the department and any agency of the department projected to spend on property rents for the remainder of the 1999-2000 financial year.

Senator Vanstone—The Attorney-General has provided the following answer to the honourable senator’s question:

I have been advised by my Department and agencies within my portfolio of the following rent payments, (1) to 24 May 2000 and (2) for the remainder of the financial year:

Attorney-General’s Department
(1) $7,562,396
(2) $687,491

Australian Protective Service
(1) $567,959
(2) $49,968

Administrative Appeals Tribunal
(1) $4,663,005
(2) $427,928

Australian Bureau of Criminal Intelligence
(1) $515,489
(2) $33,789

Australian Customs Service
(1) $28,012,800
(2) $2,448,750

Australian Federal Police
(1) $14,689,158
(2) $1,394,195

Australian Government Solicitor
(1) $4,647,917
(2) $422,994

Australian Institute of Criminology & Criminology Research Council
(1) $297,172
(2) $27,016

Australian Law Reform Commission
(1) $223,400
(2) Nil
Senator O’Brien asked the Minister representing the Minister for Transport and Regional Services, upon notice, on 30 May 2000:

With reference to page 121 of the Rural and Regional Affairs and Transport Estimates Hansard of 2 May 2000, the Director of the Civil Aviation Safety Authority (CASA), Mr Mick Toller, advised that there are no standards that apply to the provision of rescue and firefighting services at aerodromes at this stage:

1. (a) Can the Minister confirm that there are standards for rescue and firefighting services provided by the International Civil Aviation Organisation (ICAO); (b) what is the purpose of these standards; and (c) can a copy of these ICAO standards be provided.

2. (a) Can the Minister confirm the existence of a document entitled, Civil Aviation Safety Authority Regulation of Providers of Aerodrome Rescue and Fire Fighting Services, Safety Regulatory
(3) How does the existence of the ICAO standard for rescue and the CASA document referred to in (2) accord with the advice provided by Mr Toller on this matter.

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

(1) (a) I am advised by the Civil Aviation Safety Authority (CASA) there are International Civil Aviation Organisation (ICAO) standards for the provision of aerodrome rescue and fire fighting services (ARFFS). These can be found in Aerodromes, Annex 14 to the Convention on International Civil Aviation, Chapter 9, dated 4 November 1999, as “International Standards and Recommended Practices”.

(b) The purpose of these standards is to ensure that persons involved in aircraft accidents and incidents are provided with a minimum level of fire and rescue service capability to enhance their chance of survival. As a signatory to the Chicago Convention, Australia has an obligation to provide the minimum level of ARFFS standards as defined in Annex 14. As such, Australia provides ARFFS coverage for domestic aerodromes meeting ICAO minimum standards based on a criterion of covering 90% of the Australian travelling public.

(c) A photocopy of Annex 14 has been provided to the Table Office.

(2) (a) I am advised by CASA that while there is no document with the referenced name, there is a document titled “Civil Aviation Safety Authority, Safety Regulation of Airservices Australia and Aerodrome Rescue and Fire Fighting Service Providers, Final Draft Regulatory Arrangements and Standards, April 1996”.

(b) When the Civil Aviation Authority split to form the Civil Aviation Safety Authority and Airservices Australia, there was no legislatively based regulatory framework in place for the provision of ARFFS. A Memorandum of Understanding was formalised between CASA and Airservices Australia for the interim regulation of Airway Services including Air Traffic, Rescue and Fire Fighting and Airways Engineering signed by both the CASA and Airservices Boards on 14 August 1995. The Memorandum of Understanding has evolved into the current Safety Regulation of Airservices Australia and Aerodrome Rescue and Fire Fighting Service Providers, Final Draft Regulatory Arrangements and Standards, April 1996, that reflects the ICAO requirements. This draft document is the present standard being applied to Aerodrome Rescue and Fire Fighting Services, and is not legislatively based.

(c) A copy of this document has been provided to the Table Office.

(3) CASA has advised that the statement made by Mr Toller referenced on page 121 of the Rural and Regional Affairs and Transport Estimates Hansard of 2 May 2000 is correct. As stated above, Australia has no legislatively based standard for the provision of ARFFS. Since the inception of CASA, a draft document (referenced in Question 2 above) has been developed to reflect the ICAO requirements. This draft document outlines the present standards applied to ARFFS. CASA is currently developing regulations to replace this informal document and a Notice of Proposed Rule Making (NPRM 002 AS Regulatory Standards For Aerodrome Rescue and Fire Fighting Service) has been released in this regard and is available at the CASA website (www.casa.gov.au). The adoption of legislatively based standards will formalise the Australian position in applying enforceable standards for this service.

Department of the Treasury: Fringe Benefits Paid

(Question No. 2307)

Senator O’Brien asked the Minister representing Treasurer, upon notice, on 6 June 2000:

(1) (a) What was the value of fringe benefits tax (FBT) payments made by the department; and (b) what was the level of FBT payments made by its agencies in the 1997-98, 1998-99 and 1999-2000 financial years.

(2) What were the incentives paid to departmental officers and employees of agencies that attracted the FBT over the above periods.

(3) In the above years, what were the compliance costs of calculating the FBT for the department and its agencies.

(4) What incentives, other than those attracting FBT, were paid to departmental officers and employees of agencies in the above years.
(5) What were the compliance costs associated with the calculation and payment of these non-FBT incentives.

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

(1) (a) **Treasury**

<table>
<thead>
<tr>
<th>Year</th>
<th>Cost</th>
</tr>
</thead>
<tbody>
<tr>
<td>97/98</td>
<td>$542,411</td>
</tr>
<tr>
<td>98/99</td>
<td>$669,204</td>
</tr>
<tr>
<td>99/00</td>
<td>$674,447</td>
</tr>
</tbody>
</table>

(b) **Royal Australian Mint**

<table>
<thead>
<tr>
<th>Year</th>
<th>Cost</th>
</tr>
</thead>
<tbody>
<tr>
<td>97/98</td>
<td>$40,098</td>
</tr>
<tr>
<td>98/99</td>
<td>$27,753</td>
</tr>
<tr>
<td>99/00</td>
<td>$26,539</td>
</tr>
</tbody>
</table>

**Australian Office of Financial Management**

<table>
<thead>
<tr>
<th>Year</th>
<th>Cost</th>
</tr>
</thead>
<tbody>
<tr>
<td>97/98</td>
<td>Nil</td>
</tr>
<tr>
<td>98/99</td>
<td>Nil</td>
</tr>
<tr>
<td>99/00</td>
<td>$2,500</td>
</tr>
</tbody>
</table>

**Australian Securities and Investments Commission**

<table>
<thead>
<tr>
<th>Year</th>
<th>Cost</th>
</tr>
</thead>
<tbody>
<tr>
<td>97/98</td>
<td>$414,779</td>
</tr>
<tr>
<td>98/99</td>
<td>$520,248</td>
</tr>
<tr>
<td>99/00</td>
<td>$483,999</td>
</tr>
</tbody>
</table>

**Australian Competition and Consumer Commission**

<table>
<thead>
<tr>
<th>Year</th>
<th>Cost</th>
</tr>
</thead>
<tbody>
<tr>
<td>97/98</td>
<td>$232,409</td>
</tr>
<tr>
<td>98/99</td>
<td>$180,024</td>
</tr>
<tr>
<td>99/00</td>
<td>$188,474</td>
</tr>
</tbody>
</table>

**Reserve Bank of Australia**

<table>
<thead>
<tr>
<th>Year</th>
<th>Cost</th>
</tr>
</thead>
<tbody>
<tr>
<td>97/98</td>
<td>$11,182,252</td>
</tr>
<tr>
<td>98/99</td>
<td>$7,896,795</td>
</tr>
<tr>
<td>99/00</td>
<td>$4,921,285</td>
</tr>
</tbody>
</table>

**Australian Taxation Office**

<table>
<thead>
<tr>
<th>Year</th>
<th>Cost</th>
</tr>
</thead>
<tbody>
<tr>
<td>97/98</td>
<td>$2,822,740</td>
</tr>
<tr>
<td>98/99</td>
<td>$2,692,472</td>
</tr>
<tr>
<td>99/00</td>
<td>$2,639,763</td>
</tr>
</tbody>
</table>

**Australian Bureau of Statistics**

<table>
<thead>
<tr>
<th>Year</th>
<th>Cost</th>
</tr>
</thead>
<tbody>
<tr>
<td>97/98</td>
<td>$388,600</td>
</tr>
<tr>
<td>98/99</td>
<td>$299,600</td>
</tr>
<tr>
<td>99/00</td>
<td>$517,500</td>
</tr>
</tbody>
</table>

**National Competition Council**

<table>
<thead>
<tr>
<th>Year</th>
<th>Cost</th>
</tr>
</thead>
<tbody>
<tr>
<td>No FBT</td>
<td></td>
</tr>
</tbody>
</table>

**Productivity Commission**

<table>
<thead>
<tr>
<th>Year</th>
<th>Cost</th>
</tr>
</thead>
<tbody>
<tr>
<td>97-98</td>
<td>$154,987</td>
</tr>
<tr>
<td>98-99</td>
<td>$113,495</td>
</tr>
<tr>
<td>99-00</td>
<td>$115,610</td>
</tr>
</tbody>
</table>

**Australian Prudential Regulation Authority**

<table>
<thead>
<tr>
<th>Year</th>
<th>Cost</th>
</tr>
</thead>
<tbody>
<tr>
<td>97/98</td>
<td>N/A</td>
</tr>
<tr>
<td>98/99</td>
<td>$1,231,231</td>
</tr>
</tbody>
</table>
99/00  $ 833,415
Companies and Securities Advisory Committee
  97/98  $ 7,414
  98/99  $ 6,896
  99/00  $ 8,405

(2) The benefits provided to staff by each agency vary. However a summary of the FBT items includes:
  Motor Cars, Living Away from Home Allowance, Car parking, Official Entertainment, Higher Education Contribution Scheme, Mobile Phones, Work Uniforms and Clothing, Spouse travel, Studybank, Remote locality travel, Home loans admin cost, Home loan subsidy, Health society membership, Relocation costs TA, Taxi Travel, Debt waiver,

(3)
Treasury
  Costs for accountancy firm: $4,500 (97/98), $4,800 (98/99), $5,500 (99/00)
Royal Australian Mint
  Estimated at $1,500 pa
Australian Office of Financial Management
  Nil
Australian Securities and Investments Commission
  Estimated at $25,000 pa
Australian Competition and Consumer Commission
  Estimated at $4,154
Reserve Bank of Australia
  Approx $16,000 pa
Australian Taxation Office
  The information sought is not immediately ascertainable and would involve an undue diversion of resources to collect
Australian Bureau of Statistics
  $ 4,500 (97/98), $ 4,500 (98/99), $17,500 (99/00)
National Competition Council
  N/A
Productivity Commission
  About $ 1 200 pa
Australian Prudential Regulation Authority
  $ 7,000 (1999), $ 8,500 (2000)
Companies and Securities Advisory Committee
  $150

(4) Again the benefits paid by Agencies vary. However a summary of the benefits include:
  Post graduate studies assistance, Superannuation, Airline Lounge Membership, Performance Payments, Mobile phones, Relocation expenses, OH&S health centre,

(5)
Treasury
  Minimal
Royal Australian Mint
  N/A
Australian Office of Financial Management
N/A

Australian Securities and Investments Commission
Minimal

Australian Competition and Consumer Commission
Minimal

Reserve Bank of Australia
Minimal

Australian Taxation Office
The compliance costs are estimated at $952 in 97/98 and $990 in 98/99. As yet no payments have been made for the 99/00 FY

Australian Bureau of Statistics
N/A

National Competition Council
N/A

Productivity Commission
N/A

Australian Prudential Regulation Authority
Staff time compiling information approx $5000 per annum

Companies and Securities Advisory Committee
Minimal.

Department of Communications, Information Technology and the Arts: New Tax System Consultants

(Question No. 2374)

Senator Faulkner asked the Minister for Communications, Information Technology and the Arts, upon notice, on 21 June 2000:

(1) How many consultants have been engaged or used by the department, and all agencies in the portfolio, to 31 May 2000, in order to: (a) advise on the internal implementation of the new tax system; and (b) advise on and/or publicise, the effect of the new tax system on the portfolio’s client group(s).

(2) Can a full list be provided of all consultants engaged or used in relation to the purposes set out in (1), together with the cost of each consultancy.

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

Department of Communications, Information Technology and the Arts

Including Old Parliament House, The National Portrait Gallery, National Archives of Australia, Arirbank, ScreenSound, The Bundanon Trust and the National Science and Technology Centre (Questacon).

(1) (a) There have been seven consultancies addressing a range of issues, including general implementation advice, legal advice, reconfiguration of Financial Management Information Systems and training. (b) Nil

(2)

<table>
<thead>
<tr>
<th>Consultant</th>
<th>Cost</th>
</tr>
</thead>
<tbody>
<tr>
<td>Walter &amp; Turnbull</td>
<td>$8,096</td>
</tr>
<tr>
<td>BHP IT Consulting</td>
<td>$59,155</td>
</tr>
<tr>
<td>Australian Government Solicitors</td>
<td>$901.32 (Artbank)</td>
</tr>
<tr>
<td>KPMG</td>
<td>$11,300 (ScreenSound)</td>
</tr>
<tr>
<td>Bentley's MRI</td>
<td>$2,300 (ScreenSound)</td>
</tr>
<tr>
<td>Organization</td>
<td>Consultant(s)</td>
</tr>
<tr>
<td>---------------------------------------------------</td>
<td>--------------------------------------------------</td>
</tr>
<tr>
<td>Australian Broadcasting Authority</td>
<td>Wizard Information Services $14,000 (National Archives of Australia)</td>
</tr>
<tr>
<td></td>
<td>Deloitte Touche Tohmatsu $500 (Questacon)</td>
</tr>
<tr>
<td>Australian Communications Authority</td>
<td>Australian Solicitor General $12,500</td>
</tr>
<tr>
<td></td>
<td>First Systems Pty Ltd $3,270</td>
</tr>
<tr>
<td>Australian Council</td>
<td>Williams Hatchman and Keen $51,657</td>
</tr>
<tr>
<td></td>
<td>Walter and Turnbull $23,520</td>
</tr>
<tr>
<td></td>
<td>Cecily Tange $2,942</td>
</tr>
<tr>
<td></td>
<td>Lee Williamson $4,350</td>
</tr>
<tr>
<td></td>
<td>Carol Whish-Wilson $4,620</td>
</tr>
<tr>
<td></td>
<td>Carol Farnell $7,340</td>
</tr>
<tr>
<td></td>
<td>Elizabeth Jameson $6,800</td>
</tr>
<tr>
<td></td>
<td>Neil Gillespie $6,635</td>
</tr>
<tr>
<td></td>
<td>Sharon Nellies $2,250</td>
</tr>
<tr>
<td>Australian Film, Television and Radio School</td>
<td>Acumen $84,582</td>
</tr>
<tr>
<td></td>
<td>KPMG $1,350</td>
</tr>
<tr>
<td>Australian Broadcasting Corporation</td>
<td>Deloitte Touche Tohmatsu $500</td>
</tr>
<tr>
<td>Australian National Maritime Museum</td>
<td>Walter &amp; Turnbull $60,000</td>
</tr>
<tr>
<td>Australia Post</td>
<td>KPMG Consulting $500,000</td>
</tr>
<tr>
<td></td>
<td>Quoin Technology $500,000</td>
</tr>
<tr>
<td></td>
<td>Arthur Andersen $1,800,000</td>
</tr>
<tr>
<td></td>
<td>Mallesons Stephen Jacques $400,000</td>
</tr>
<tr>
<td></td>
<td>Econotech $100,000</td>
</tr>
<tr>
<td>Australian Film Commission</td>
<td>Wizard Information Systems $14,000</td>
</tr>
<tr>
<td></td>
<td>Deloitte Touche Tohmatsu $500</td>
</tr>
</tbody>
</table>

1. (a) Consultants have been used to implement the changes to the finance system and to provide legal advice. (b) Nil
2. Australian Solicitor General $12,500

1. (a) Two consultants have been used. (b) Nil
2. Acumen $84,582

1. (a) One consultant. (b) Nine consultants
2. Williams Hatchman and Keen $51,657

1. (a) One consultant has been engaged to assist on internal implementation. (b) Nil
2. Price Waterhouse Coopers $186,604

1. (a) One consultant has been utilised. (b) Nil
2. Walter & Turnbull $60,000

1. (a) Two consultants have been employed. (b) Nil
2. Wizard Information Systems $14,000

1. (a) Two consultants have been used. (b) Nil
2. Australian Solicitor General $12,500

1. (a) Four consultants have been used. (b) One
2. Australian Solicitor General $12,500
Australian Film Finance Corporation
(1) Two consultants have been engaged for the purposes outlined in both (a) and (b).
(2) KPMG $94,729
    Deloitte Touch Tohmatsu $500

Film Australia
(1) One consultant has been engaged for the purposes described in both (a) and (b).
(2) Morgan & Banks $14,620

National Australia Day Council
(1) (a)&(b) Nil
(2) Not applicable

National Gallery of Australia
(1) (a) One consultant has been utilised. (b) Nil
(2) Ernst and Young $30,000

National Library of Australia
(1) (a) Three consultants have been engaged. (b) Nil
(2) Deloitte Touche Tohmatsu $9,257
    Wizard $5,600
    Blake Dawson Waldron $12,542

National Museum of Australia
(1) (a)&(b) Nil
(2) Not applicable

Special Broadcasting Service
(1) (a) Two consultants have been employed. (b) Nil
(2) Deloitte Touche Tohmatsu $1,650
    Douglas Dewey $32,460

Telstra
(1) Two consultants have been used for the purposes described in (a) and (b)
(2) Deloitte Touche Tohmatsu
    Price Waterhouse Coopers

The amount paid on these consultancies has been withheld as commercial in confidence.

Department of Education, Training and Youth Affairs: New Tax System Consultants
(Question No. 2381)

Senator Faulkner asked the Minister representing the Minister for Education Training and Youth Affairs, upon notice, on 20 June 2000:

(1) How many consultants have been engaged or used by the department, and all agencies in the portfolio, to 31 May 2000 in order to:
   (a) advise on the internal implementation of the new tax system; and
   (b) advise on, and/or publicise, the effect of the new tax system on the portfolio’s client group(s).

(2) Can a full list be provided of all consultants engaged or used in relation to the purposes set out in (1), together with the cost of each consultancy.

Senator Ellison—The Minister for Education, Training and Youth Affairs has provided the following answer to the honourable senator’s question:

The Department of Education, Training & Youth Affairs and its agencies have engaged or used the following consultants to (a) advise on the internal implementation of the new tax system and (b) advise on, and/or publicise, the effect of the new tax system on the portfolio’s client group(s). Following is a full list of the consultants together with the cost of each consultancy:
Senator Faulkner asked the Minister representing the Minister for Agriculture, Fisheries and Forestry, upon notice, on 20 June 2000:

(1) How many consultants have been engaged or used by the department, and all agencies in the portfolio, to 31 May 2000, in order to:

(a) advise on the internal implementation of the new tax system; and
(b) advise on, and/or publicise, the effect of the new tax system on the portfolio’s client group(s).

(2) Can a full list be provided of all consultants engaged or used in relation to the purposes set out in (1), together with the cost of each consultancy.

Senator Alston—The Minister for Agriculture, Fisheries and Forestry has provided the following answer to the honourable senator’s question:

<table>
<thead>
<tr>
<th>Consultant</th>
<th>Cost to 31 May 2000</th>
<th>Purpose</th>
</tr>
</thead>
<tbody>
<tr>
<td>Australian Government Solicitor</td>
<td>$10,954</td>
<td>advise on the internal implementation of the new tax system</td>
</tr>
<tr>
<td>Clayton Utz Lawyers</td>
<td>$7,835</td>
<td>advise on the internal implementation of the new tax system</td>
</tr>
<tr>
<td>Deloitte Touche Tohmatsu</td>
<td>$0</td>
<td>advise on the internal implementation of the new tax system</td>
</tr>
<tr>
<td>KPMG Australia Pty Limited</td>
<td>$173,223</td>
<td>advise on the internal implementation of the new tax system</td>
</tr>
<tr>
<td>Phillips Fox</td>
<td>$4,510</td>
<td>advise on the internal implementation of the new tax system</td>
</tr>
<tr>
<td>Reid Maddison Pty Ltd</td>
<td>$25,500</td>
<td>advise on the internal implementation of the new tax system</td>
</tr>
<tr>
<td>Rengain</td>
<td>$426,290</td>
<td>advise on the internal implementation of the new tax system</td>
</tr>
<tr>
<td>Total</td>
<td>$648,312</td>
<td></td>
</tr>
<tr>
<td>Colmar Brunton Social Research</td>
<td>$0</td>
<td>advise on, and/or publicise, the effect of the new tax system on the portfolio’s client group(s).</td>
</tr>
<tr>
<td>Whybin TWA &amp; Partners</td>
<td>$0</td>
<td>advise on, and/or publicise, the effect of the new tax system on the portfolio’s client group(s).</td>
</tr>
<tr>
<td>Total</td>
<td>$0</td>
<td></td>
</tr>
</tbody>
</table>

The Australian National University is also listed under Administrative Arrangement Orders as a responsibility of the Minister’s portfolio for the period in question. The Australian National University has not been approached in preparing a response to the question because it operates with a greater degree of autonomy than other Departmental agencies.

Department of Agriculture, Fisheries and Forestry: New Tax System Consultants

(Question No. 2385)

Senator Faulkner asked the Minister representing the Minister for Agriculture, Fisheries and Forestry, upon notice, on 20 June 2000:

(1) How many consultants have been engaged or used by the department, and all agencies in the portfolio, to 31 May 2000, in order to:

(a) advise on the internal implementation of the new tax system; and
(b) advise on, and/or publicise, the effect of the new tax system on the portfolio’s client group(s).

(2) Can a full list be provided of all consultants engaged or used in relation to the purposes set out in (1), together with the cost of each consultancy.

Senator Alston—The Minister for Agriculture, Fisheries and Forestry has provided the following answer to the honourable senator’s question:

<table>
<thead>
<tr>
<th>(1) Number of consultants engaged to 31 May 2000</th>
<th>(2) Names and cost of each consultancy</th>
</tr>
</thead>
<tbody>
<tr>
<td>Department of Agriculture, Fisheries and Forestry</td>
<td>Australian Government Solicitor - $20,939</td>
</tr>
<tr>
<td></td>
<td>Ernst &amp; Young - $450</td>
</tr>
<tr>
<td>Australian Dairy Corporation</td>
<td>Deloitte Touche Tohmatsu - $10,450</td>
</tr>
<tr>
<td></td>
<td>Senserrick Warlow &amp; Associates - $4,450</td>
</tr>
<tr>
<td>Australian Dried Fruits Board</td>
<td>1</td>
</tr>
<tr>
<td>---------------------------------------</td>
<td>---</td>
</tr>
<tr>
<td>Australian Horticultural Corporation</td>
<td>1</td>
</tr>
<tr>
<td>Australian Wool Research &amp; Promotion Organisation</td>
<td>3</td>
</tr>
<tr>
<td>Cotton R&amp;D Corporation</td>
<td>2</td>
</tr>
<tr>
<td>Dairy R&amp;D Corporation</td>
<td>2</td>
</tr>
<tr>
<td>Fisheries R&amp;D Corporation</td>
<td>4</td>
</tr>
<tr>
<td>Forest &amp; Wood Products R&amp;D Corporation</td>
<td>2</td>
</tr>
<tr>
<td>Grains R&amp;D Corporation</td>
<td>1</td>
</tr>
<tr>
<td>Grape &amp; Wine R&amp;D Corporation</td>
<td>2</td>
</tr>
<tr>
<td>Horticultural R&amp;D Corporation</td>
<td>2</td>
</tr>
<tr>
<td>Land &amp; Water Resources R&amp;D Corporation</td>
<td>4</td>
</tr>
<tr>
<td>Pig R&amp;D Corporation</td>
<td>1</td>
</tr>
<tr>
<td>Rural Industries R&amp;D Corporation and Dried Fruits Research and Development Council</td>
<td>2</td>
</tr>
<tr>
<td>Sugar R&amp;D Corporation</td>
<td>2</td>
</tr>
<tr>
<td>Tobacco R&amp;D Corporation</td>
<td>1</td>
</tr>
<tr>
<td>Australian Fisheries Management Authority</td>
<td>1</td>
</tr>
<tr>
<td>National Registration Authority</td>
<td>1</td>
</tr>
<tr>
<td>Wheat Export Authority</td>
<td>1</td>
</tr>
</tbody>
</table>
(1) Number of consultants engaged to 31 May 2000

<table>
<thead>
<tr>
<th>Rural GST Start-Up Assistance Program (1)</th>
<th>8</th>
</tr>
</thead>
</table>

(2) Names and cost of each consultancy

<table>
<thead>
<tr>
<th>Consultant</th>
<th>Cost</th>
</tr>
</thead>
<tbody>
<tr>
<td>Ethnic Communications</td>
<td>$101,965</td>
</tr>
<tr>
<td>Gavin Jones Communication</td>
<td>$52,770</td>
</tr>
<tr>
<td>Advertising Partners</td>
<td>$383,416</td>
</tr>
<tr>
<td>Donovan Research</td>
<td>$204,309</td>
</tr>
<tr>
<td>Mitchell and Partners</td>
<td>$3,446,094</td>
</tr>
<tr>
<td>Acumen Alliance</td>
<td>$256,536</td>
</tr>
<tr>
<td>University of New South Wales – Australian Taxation Studies Assistance Program (ATAX)</td>
<td>$1,703,816</td>
</tr>
<tr>
<td>Berdue Pty Limited</td>
<td>$12,246</td>
</tr>
</tbody>
</table>

(1) AFFA does not receive direct appropriation for The Rural GST Start-Up Assistance Program. The GST Start-Up Assistance Office within Treasury provides appropriation. AFFA does, however, administer the Rural GST Start-Up Assistance component of the program and details have been provided to ensure a complete answer.

Department of Industry, Science and Resources: Programs and Grants to the Bass Electorate

(Question No. 2412)

Senator O’Brien asked the Minister for Industry, Science and Resources, upon notice, on 27 June 2000:

1. What was the level of funding provided through programs and/or grants administered by the department to provide assistance to people living in the federal electorate of Bass in the 1999-2000 financial year.

2. What level of funding provided through these programs and/or grants has been appropriated for the 2000-01 financial year.

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

(1)

<table>
<thead>
<tr>
<th>Program</th>
<th>1999-2000</th>
</tr>
</thead>
<tbody>
<tr>
<td>R&amp;D Start Program</td>
<td>$907,022</td>
</tr>
<tr>
<td>Textile Clothing and Footwear Import Credits Scheme</td>
<td>Duty forgone</td>
</tr>
<tr>
<td>Passenger Motor Vehicle Export Facilitation Scheme</td>
<td>Duty forgone</td>
</tr>
<tr>
<td>Cooperative Research Centres Program</td>
<td>$988,926</td>
</tr>
<tr>
<td>Policy By-laws Programs</td>
<td>Duty forgone</td>
</tr>
<tr>
<td>Regional Minerals Program</td>
<td>$1 million was granted to the Tasmanian Government for the economic development of western Tasmania, in particular for infrastructure for the mining industry.</td>
</tr>
</tbody>
</table>

(2) Under the Regional Minerals Program, $4 million has been granted to the Tasmanian Government for the economic development of western Tasmania, in particular for infrastructure for the mining industry.
Department of Agriculture, Fisheries and Forestry: Programs and Grants to the Bass Electorate

(Question No. 2414)

Senator O’Brien asked the Minister representing the Minister for Agriculture Fisheries and Forestry, upon notice, on 27 June 2000:

(1) What was the level of funding provided through programs and/or grants administered by the department to provide assistance to people living in the federal electorate of Bass in the 1999-2000 financial year.

(2) What level of funding provided through these programs and/or grants has been appropriated for the 2000-01 financial year.

Senator Alston—The Minister for Agriculture, Fisheries and Forestry has provided the following answer to the honourable senator’s question:

(1) Funding of $1.2 million was provided through the Tasmanian Wheat Freight Scheme (TWFS) in 1999-2000 to offset the costs of shipping wheat from the mainland to Tasmania. This assistance has flow-on benefits to cereal processors and other users of wheat and wheat products in Tasmania, and to consumers. Assistance provided to the federal electorate of Bass under the TWFS is not identified separately within the program.

Funding provided through the Natural Heritage Trust (NHT) for programs administered by AFFA in the federal electorate of Bass amounted to $0.48 million in 1999-2000. These programs are the National Landcare Program, National Rivercare Program, Fisheries Action Program and Farm Forestry Program.

The New Industries Development Program provided grants of $32,000 in 1999-2000. The program is designed to support the development of new agribusiness products and services through a range of initiatives including funding for pilot commercialisation projects.

The PorkBiz business skills training program provided $7,350 under the National Component of the Commonwealth FarmBis program, for a workshop held in Launceston during the 1999-2000 financial year.

The Tasmanian Quality Pork program, under the National Pork Industry Development Program (NPIDP), provided $337 for quality assurance training during the 1999-2000 financial year.

FarmBis funding is not allocated on a regional basis or by electorates. However, funding for the state of Tasmania in the 1999-2000 financial year was $229,018.

The Financial Counselling Service, part of the Rural Communities Program, provided funding of $107,893 in 1999-2000 in the federal electorate of Bass through Rural Support Tasmania. It should be noted that this group receives funding for two financial counselling positions. One counsellor operates from Launceston (in the electorate of Bass) and one from Glenorchy (electorate of Denison). Both counsellors service clients in more than one electorate.

The exceptional circumstances relief payment (ECRP) assists farm families in exceptional circumstances (EC) areas who are experiencing difficulties meeting personal living expenses. The ECRP is currently available to farmers on Flinders Island in the electorate of Bass. Flinders Island was declared in drought EC on 8 April 1998. Expenditure on ECRP in 1999-2000 to 31 May 2000 totals approximately $183,000. EC interest rate subsidies are also available to drought affected farmers on Flinders Island. During 1999-2000, up to May 2000, the value of applications approved was $144,210, of which $127,578 was funded by the Commonwealth and $16,632 by the State.

The Farm Family Restart Scheme, which the Government is enhancing to become Farm Help - Supporting Families Through Change, provides income support, professional advice and re-establishment assistance. The Farm Family Restart /Farm Help Scheme is available to all eligible farmers on a national basis. Information on Farm Family Restart /Farm Help Scheme is not available on an electorate basis. However, expenditure for Farm Family Restart /Farm Help Scheme in Tasmania during 1999-2000 (to 31 May) has totalled around $1.2 million.

The Farm Management Deposit (FMD) Scheme is available to all eligible farmers in Australia and provides a tax-linked savings mechanism that allows farmers to set aside pre-tax income from years of good cash flow for use in years of low cash flow. The Scheme operates from private financial institutions and information on the utilisation of the scheme is not available on an electorate basis. The
level of funding is nil, as FMDs are not ‘grants’. There is a ‘cost to revenue’, for tax income foregone in the year that individuals make an FMD deposit, associated with FMDs. This is partially offset when FMDs are withdrawn and treated as taxable income, as well as through the impact of tax on interest earned on deposits.

The level of funding provided through the Rural GST Start-up Assistance Program in the federal electorate of Bass in the 1999-2000 financial year was $27,500. This funding was for workshops to raise awareness of the GST and to assist farmers and rural businesses with the transition to the new tax system.

(2) For the 2000-01 financial year $1.213 million has been appropriated for the Tasmanian Wheat Freight Scheme (TWFS).

At this stage there has been no appropriation for the 2000-01 financial year made for Natural Heritage Trust (NHT) programs administered by AFFA.

The level of funding in the electorate of Bass provided through the New Industries Development Program in the 2000-01 financial year is expected to be $64,000. If there are other successful grant applications received subsequently from this electorate this amount may increase.

FarmBis funding for Tasmania in the 2000-01 financial year is expected to be $758,000.

Financial Counselling Service funding for the Rural Support Tasmania group in the 2000-01 financial year is expected to be $107,893.

Exceptional circumstances funding is demand driven and sufficient funds to meet all approved claims for support under both the exceptional circumstances relief payment (ECRP) and exceptional circumstances (EC) interest rate subsides will be made available. Assuming a similar number of farmers continue to qualify for EC support during 2000-01, an equivalent level of expenditure is expected in the Flinders Island EC area to that provided in 1999-2000.

Farm Help funds are not allocated on a regional or state basis. Overall (national) funding for the Farm Help Scheme in 2000-01 is expected to be $39.3 million. Funds are provided to farm families that have been approved for assistance regardless of their location.

Funding through the Farm Management Deposit (FMD) Scheme will be nil in 2000-01 Benefits are not provided through appropriation. FMDs are not ‘grants’. There is a ‘cost to revenue’ for tax income foregone in the year that individuals make an FMD deposit. This is partially offset when FMDs are withdrawn and treated as taxable income, as well as through the impact of tax on interest earned on deposits.

In 2000-01 the estimated amount of funding which will be directed to workshops under the Rural GST Start-up Assistance Program in the federal electorate of Bass is $20,000.

**Department of Industry, Science and Resources: Programs and Grants to the Kalgoorlie Electorate**

(Question No. 2430)

Senator O’Brien asked the Minister for Industry, Science and Resources, upon notice, on 27 June 2000:

(1) What programs and/or grants administered by the Minister’s department provide assistance to people living in the federal electorate of Kalgoorlie.

(2) What was the level of funding provided through these programs and grants for the 1996-97, 1997-98, 1998-99 and 1999-2000 financial years.

(3) What level of funding provided through these programs and grants has been appropriated for the 2000-01 financial year.

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

(1)

. Textile Clothing and Footwear Imports Credits Scheme
. Policy By-laws Program
. R&D Tax Concession Program

<table>
<thead>
<tr>
<th></th>
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<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Textile Clothing and Footwear Import Credits</td>
<td></td>
<td></td>
<td></td>
<td>Duty forgone</td>
</tr>
<tr>
<td>Duty forgone</td>
<td>4,963</td>
<td></td>
<td></td>
<td>4,963</td>
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<tr>
<td>Policy By-laws Program</td>
<td></td>
<td></td>
<td>2,100,000</td>
<td>353,250</td>
</tr>
<tr>
<td>R&amp;D Tax Concession Program</td>
<td>22,587</td>
<td>353,900</td>
<td>2,100,000</td>
<td>353,250</td>
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<tr>
<td>Revenue forgone</td>
<td>253,000</td>
<td>1,053,000</td>
<td>1,621,000</td>
<td>Not Available (tax concession claimed retrospectively)</td>
</tr>
</tbody>
</table>

(3)

**Textile Clothing and Footwear Import Credits Scheme**
Nil.

**Policy By-Law Program**
Nil.

**R&D Tax Concession Program**
Nil.

**Department of Agriculture, Fisheries and Forestry: Programs and Grants to the Kalgoorlie Electorate**

(Question No. 2432)

**Senator O’Brien** asked the Minister representing the Minister for Agriculture, Fisheries and Forestry, upon notice, on 27 June 2000:

(1) What programs and/or grants administered by the department provide assistance to people living in the federal electorate of Kalgoorlie.

(2) What was the level of funding provided through these programs and/or grants for the 1996-97, 1997-98, 1998-99 and 1999-2000 financial years.

(3) What level of funding provided through these programs and/or grants has been appropriated for the 2000-01 financial year.

**Senator Alston**—The Minister for Agriculture, Fisheries and Forestry has provided the following answer to the honourable senator’s question:

(1) AFFA administers programs through the Natural Heritage Trust (NHT). These programs are the National Landcare Program, National Rivercare Program, Fisheries Action Program and Farm Forestry Program.

The PorkBiz business skills training program for pork producers provides assistance in the form of workshops, with funds provided under the National component of the Commonwealth FarmBis program.

The FarmBis program currently provides assistance to farming businesses throughout Australia, including the federal electorate of Kalgoorlie. The program contributes to the cost of farmers’ participation in learning activities, which may be on an individual or on a group basis.

The Financial Counselling Service, part of the Rural Communities Program (RCP), provides rural community groups with Commonwealth grants to contribute towards the cost of employing a Financial Counsellor/s and associated administrative costs.

The Farm Family Restart Scheme, which the Government is enhancing to become Farm Help - Supporting Families Through Change, provides income support, professional advice and re-establishment assistance. The Farm Family Restart/Farm Help Scheme is available to all eligible farmers on a national basis.

There are two Rural Partnership Programs (RPP) in Western Australia. The Gascoyne Murchison RPP and a small portion of the South Coast RPP are within the Kalgoorlie electorate.
The Farm Management Deposit (FMD) Scheme came into effect in April 1999 and is available to all eligible farmers in Australia and provides a tax-linked savings mechanism that allows farmers to set aside pre-tax income from years of good cash flow for use in years of low cash flow. The Scheme operates from private financial institutions and information on the utilisation of the scheme is not available on an electorate basis.

The Rural GST Start-up Assistance Program was established in September 1999 within the Department of Agriculture, Fisheries and Forestry – Australia (AFFA) to raise awareness of the GST and to assist farmers and rural businesses with the transition to the new tax system.

(2) Funding provided through the Natural Heritage Trust (NHT) for programs administered by AFFA in the federal electorate of Kalgoorlie amounted to $1.63 million in 1996-97, $2.07 million in 1997-98, $2.38 million in 1998-99 and $2.27 million in 1999-2000.

The PorkBiz business skills training program held a workshop in Merredin during the 1999-2000 financial year, with funding totalling $7,050 provided under the National component of the Commonwealth FarmBiz program.

Information on the FarmBiz program is not available on an electorate basis. However, expenditure under the program in Western Australia was $1.34 million in 1998-99 and $2.36 million in 1999-2000 (to end of March 2000).

The Financial Counselling Service in the electorate of Kalgoorlie was funded under the Rural Communities Access Program (to 1998) and the Rural Communities Program. Expenditure under the program for the Carnarvon Family Support Service Inc. and the Esperance Districts Agcare Inc. totalled $72,155 in 1996-97, $124,700 in 1997-98, $148,000 in 1998-99 and $128,000 in 1999-2000.

Information on the Farm Family Restart /Farm Help Scheme is not available on an electorate basis. However, expenditure for Farm Family Restart /Farm Help Scheme in Western Australia was $16,000 in 1997-98, $360,000 in 1998-99 and $721,000 in 1999-2000 (to 31 May).

Expenditure on the Rural Partnerships Programs (RPP) in the Gascoyne Murchison RPP was $434,000 in 1998-99 and $621,000 in 1999-2000; and in the South Coast RPP was $172,000 in 1998-99 and $260,000 in 1999-2000. Only a small part of the South Coast RPP expenditure is within the Kalgoorlie electorate.

The level of funding of the Farm Management Deposit (FMD) Scheme is nil as FMDs are not ‘grants’. There is a ‘cost to revenue’, for tax income foregone in the year that individuals make an FMD deposit, associated with FMDs. This is partially offset when FMDs are withdrawn and treated as taxable income, as well as through the impact of tax on interest earned on deposits.

The level of funding provided through the Rural GST Start-up Assistance Program in the federal electorate of Kalgoorlie in the 1999-2000 financial year was $271,168.

(3) At this stage there has been no appropriation for the 2000-01 financial year made for Natural Heritage Trust (NHT) programs administered by AFFA.

Commonwealth funding totalling approximately $3,373 has been appropriated for the 2000-01 financial year, to fund workshops run by the PorkBiz business skills training program for pork producers.

FarmBiz funding for Western Australia in 2000-01 is expected to be approximately $5.99 million.

Funding for Financial Counselling services for 2000-01 is expected to be $128,000.

Farm Help funds are not allocated on a regional or state basis. Overall (national) funding for Farm Help in 2000-01 is expected to be $39.3 million. Funds are provided to farm families that have been approved for assistance regardless of their location. Estimated expenditure in 2000-01 within the Gascoyne Murchison RPP is approximately $1.0 million. Estimated expenditure in 2000-01 within the South Coast RPP is approximately $0.5 million.

Funding through the Farm Management Deposit (FMD) Scheme will be nil in 2000-01. Benefits are not provided through appropriation. FMDs are not ‘grants’. They are a ‘cost to revenue’ for tax income foregone in the year that individuals make an FMD deposit. This is partially offset when FMDs are withdrawn and treated as taxable income, as well as through the impact of tax on interest earned on deposits.

In 2000-01 the estimated amount of funding which will be directed to workshops in the federal electorate of Kalgoorlie under the Rural GST Start-up Assistance Program is $606,312.
Department of Industry, Science and Resources: Programs and Grants to the Eden-Monaro Electorate
(Question No. 2448)

Senator O’Brien asked the Minister for Industry, Science and Resources, upon notice, on 27 June 2000:

(1) What programs and/or grants administered by the department provide assistance to people living in the federal electorate of Eden-Monaro.

(2) What was the level of funding provided through these programs and/or grants for the 1996-97, 1997-98, 1998-99 and 1999-2000 financial years.

(3) What level of funding provided through these programs and/or grants has been appropriated for the 2000-2001 financial year.

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

(1) . R&D Start Program
    . Textile Clothing and Footwear Imports Credits Scheme
    . R&D Tax Concession Program

(2)  

<table>
<thead>
<tr>
<th></th>
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<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>R&amp;D Start Program</td>
<td>125,000</td>
<td>150,000</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Textile Clothing and Footwear Import Credits Scheme</td>
<td>Duty forgone</td>
<td>8,035</td>
<td>Duty forgone</td>
<td>41,683</td>
</tr>
<tr>
<td>R&amp;D Tax Concession Program</td>
<td>Revenue forgone</td>
<td>726,000</td>
<td>Revenue forgone</td>
<td>568,000</td>
</tr>
</tbody>
</table>

During 1999 Invest Australia provided investment advice and support to the Bega Valley Shire Council following the announcement of and subsequent closure of the Heinz-Wattie tuna cannery on 9 July 1999. Officers from Invest Australia provided advice and assistance to Council officers in their endeavours to identify and secure potential investments for the region, and worked closely with Council representatives and the consultants, engaged by Heinz-Wattie, in their attempts to identify investment opportunities for the cannery site. Although a number of potential investment leads were identified, Invest Australia did not provide any direct funding to the region during the above period nor will any direct funding be made to the region in 2000-2001.

(3) R&D Start Program: Nil.
    Textile Clothing and Footwear Import Credits Scheme: Nil.
    R&D Tax Concession Program: Nil.

Department of Agriculture, Fisheries and Forestry: Programs and Grants to the Eden-Monaro Electorate
(Question No. 2451)

Senator O’Brien asked the Minister representing the Minister for Agriculture, Fisheries and Forestry, upon notice, on 27 June 2000:

(1) What programs and/or grants administered by the department provide assistance to people living in the federal electorate of Eden-Monaro.

(2) What was the level of funding provided through these programs and/or grants for the 1996-97, 1997-98, 1998-99 and 1999-2000 financial years.

(3) What level of funding provided through these programs and/or grants has been appropriated for the 2000-01 financial year.
Senator Alston—The Minister for Agriculture, Fisheries and Forestry has provided the following answer to the honourable senator’s question:

(1) AFFA administer programs through the Natural Heritage Trust (NHT). These programs are the National Landcare Program, National Rivercare Program, Murray Darling 2001, Fisheries Action Program and Farm Forestry Program.

The $6 million Pork Producer Exit Program (PPEP) provided financial assistance for non-viable pork producers to exit the industry. The program concluded on 30 June 2000.

The FarmBis program currently provides assistance to farming businesses throughout Australia, including the federal electorate of Eden-Monaro. The program contributes to the costs of farmers’ participation in learning activities, which may be on an individual or on a group basis.

The Financial Counselling Service, part of the Rural Communities Program (RCP), provides rural community groups with Commonwealth grants to contribute towards the cost of employing a Financial Counsellor/s and associated administrative costs.

The exceptional circumstances relief payment (ECRP) assists farm families in exceptional circumstances (EC) areas who are experiencing difficulties meeting personal living expenses. The ECRP is currently available to farmers in the Monaro “B” and “C” EC regions that are in the electorate of Eden-Monaro. These regions were declared to be in drought EC on 8 April 1998 and 30 August 1998 respectively. EC interest rate subsidies are also available to drought-affected farmers in the Monaro “B” and “C” EC regions.

The Farm Family Restart Scheme, which the Government is enhancing to become Farm Help - Supporting Families Through Change provides income support, professional advice and re-establishment assistance. The Farm Family Restart/ Farm Help Scheme is available to all eligible farmers on a national basis.

The Farm Management Deposit (FMD) Scheme is available to all eligible farmers in Australia and provides a tax-linked savings mechanism that allows farmers to set aside pre-tax income from years of good cash flow for use in years of low cash flow. The Scheme operates from private financial institutions and information on the utilisation of the scheme is not available on an electorate basis.

The Rural GST Start-up Assistance Program was established in September 1999 within the Department of Agriculture, Fisheries and Forestry – Australia (AFFA) to raise awareness of the GST and to assist farmers and rural businesses with the transition to the new tax system.

The Eden Region Adjustment Package (ERAP) is a program to supplement private sector investment to assist the development and implementation of employment-generating projects in the Eden region. The Package is the joint responsibility of the Hon Wilson Tuckey MP, Minister for Forestry and Conservation and Senator the Hon Ian Macdonald, Minister for Regional Services, Territories and Local Government. The Department of Agriculture, Fisheries and Forestry - Australia, primarily administer the Package with advice provided by the Department of Transport and Regional Services.

The South East Forest Agreement (SEFA), agreed in 1993, established a framework for ongoing cooperation between the Commonwealth and NSW for efficiently managing forests in the region on a sustainable basis to provide security and certainty with respect to both nature conservation and access to forest resources to maintain and enhance regional development opportunities. The Commonwealth agreed to provide funding for specific projects directed towards achieving the objectives of the agreement.

Forest Industry Structural Adjustment Program (FISAP) provides assistance to native forest industry business and to workers involved in the native timber industry to adjust to changes in the available resource as a result of Regional Forest Agreements.

Under the Wood and Paper Industry Strategy (WAPIS) the Farm Forestry Program (FFP) provides support to regional plantation communities which focus on planning and coordination activity.

The Regional Forest Agreement (RFA) Participation and Awareness Grants program facilitated the participation of stakeholders in the RFA process through the provision of grants to fund communication, information dissemination and awareness raising activities by stakeholders. The grants were funded jointly by AFFA and Environment Australia.

(2) Funding provided through the Natural Heritage Trust (NHT) for programs administered by AFFA in the federal electorate of Eden-Monaro amounted to $0.72 million in 1996-97, $0.72 million in 1997-98, $1.48 million in 1998-99 and $1.09 million in 1999-2000.
The Pork Producer Exit Program provided $37,628 during the 1999-2000 financial year. FarmBis funding is not allocated on a regional basis or by electorates. However, funding allocations to New South Wales were $1.19 million in 1998-99 and $1.02 million in 1999-2000.

The Monaro Rural Financial Counselling Service Inc., in the electorate of Eden-Monaro, was funded under the Rural Communities Access Program (to 1998) and the Rural Communities Program. However, expenditure under the program totalled $50,000 in 1996-97, $47,800 in 1997-98, $75,000 in 1998-99 and $75,000 in 1999-2000.

Information on Exceptional Circumstances Relief Payment (ECRP) and Farm Family Restart /Farm Help Scheme expenditure is not available on an electorate basis. Funding provided through ECRP in New South Wales was $51.6 million in 1996-97, $22.2 million in 1997-98, $3.2 million in 1998-99 and $1.5 million in 1999-2000 (to 31 May 2000). Farm Family Restart /Farm Help Scheme funding in New South Wales amounted to $3.3 million in 1997-98, $9.6 million in 1998-99 and $5.3 million in 1999-2000. Since the Monaro region was declared in exceptional circumstances (February 1998), the value of interest rate subsidies approved in the region totals $2.4 million ($0.7 million in 1997-98, $0.7 million in 1998-99 and $1.0 million in 1999-2000) of which approximately $1.8 million was funded by the Commonwealth and $0.6 million was funded by New South Wales.

The level of funding of the Farm Management Deposit (FMD) Scheme is nil, as FMDs are not ‘grants’. There is a ‘cost to revenue’, for tax income foregone in the year that individuals make an FMD deposit, associated with FMDs. This is partially offset when FMDs are withdrawn and treated as taxable income, as well as through the impact of tax on interest earned on deposits.

The level of funding provided through the Rural GST Start-up Assistance Program in the federal electorate of Eden-Monaro in the 1999-2000 financial year was $79,781.

Funding under the South East Forest Agreement (SEFA) totalled $1.3 million in 1996-97, $0.025 million in 1997-98, $0.273 million in 1998-99 and $0.153 million in 1999-2000.

Funding paid to businesses in the Eden Regional Forest Agreement region under the Forest Industry Structural Adjustment Program (FISAP) totalled $1.75 million in 1996-97, $1.2 million in 1997-98, $0.145 million in 1998-99 and $0.046 million in 1999-2000.

Funding under the Wood and Paper Industry Strategy (WAPIS) – Farm Forestry Program (FFP) totalled $0.135 million in 1996-97, $0.183 million in 1997-98, $0.229 million in 1998-99 and $0.083 million in 1999-2000.


(3) At this stage there has been no appropriation for the 2000-01 financial year made for Natural Heritage Trust (NHT) programs administered by AFFA.

FarmBis funding for New South Wales in the 2000-01 financial year is expected to be $8.28 million.

Funding for the Monaro Rural Financial Counselling Service Inc. in 2000-01 is expected to be $75,000.

Exceptional circumstances funding is demand driven and sufficient funds to meet all approved claims for support under both the ECRP and EC interest rate subsidies will be made available.

Farm Help funds are not allocated on a regional or state basis. Overall (national) funding for Farm Help in 2000-01 is expected to be $39.3 million. Funds are provided to farm families that have been approved for assistance regardless of their location.

Funding through the Farm Management Deposit (FMD) Scheme will be nil in 2000-01 Benefits are not provided through appropriation, as FMDs are not ‘grants’. They are a ‘cost to revenue’ for tax income foregone in the year that individuals make an FMD deposit. This is partially offset when FMDs are withdrawn and treated as taxable income, as well as through the impact of tax on interest earned on deposits.

In 2000-01 the estimated amount of funding which will be directed to the workshops in the federal electorate of Eden-Monaro under the Rural GST Start-up Assistance Program is $783,000.

It is estimated $2.904 million will be committed under the Eden Region Adjustment Package (ERAP) in 2000-01 to fund projects under the Package.
In the financial year 2000-01 $44,600 will be provided to fund final payments on South East Forest Agreement (SEFA) projects that are already partially funded.

Forest Industry Structural Adjustment Program (FISAP) funding is not allocated to particular regions. Estimated FISAP expenditure across NSW in 2000-01 is $24.8 million.

Department of Communications, Information Technology and the Arts: Programs and Grants to the Gippsland Electorate

(Question No. 2461)

Senator O’Brien asked the Minister for Communications, Information Technology and the Arts, upon notice, on 27 June 2000:

(1) What was the level of funding provided through programs and/or grants administered by the department to provide assistance to people living in the federal electorate of Gippsland in the 1999-2000 financial year.

(2) What level of funding provided through these programs and/or grants has been appropriated for the 2000-01 financial year.

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

Register of Cultural Organisations (ROCO)

This program allows qualifying cultural bodies involved in activities such as literature, music, design, film, performing and visual arts etc to be approved to seek tax deductible donations for these activities. The program operates under Subdivision 30-B of the Income Tax Assessment Act 1997 (the Act).

Listed below are the organisations currently listed on ROCO in the electorate of Gippsland and the value of donations to these organisations.

<table>
<thead>
<tr>
<th>ORGANISATION</th>
<th>CULTURAL GROUP</th>
<th>LOCATION</th>
<th>1999/2000</th>
</tr>
</thead>
<tbody>
<tr>
<td>Arts Network East Gippsland Inc</td>
<td>Services to Music/Performing Arts</td>
<td>Bairnsdale</td>
<td>Nil</td>
</tr>
<tr>
<td>Birch, Ross and Barlow Community Foundation Inc</td>
<td>Services to Visual Arts</td>
<td>Leongatha</td>
<td>Nil</td>
</tr>
<tr>
<td>Mallacoota Arts Council Inc</td>
<td>Services to Art and Literature</td>
<td>Mallacoota</td>
<td>Nil</td>
</tr>
<tr>
<td>Sale and District Arts Council Inc</td>
<td>Services to Music/Performing Arts</td>
<td>Sale</td>
<td>Nil</td>
</tr>
<tr>
<td>Sale Performance Space Fund Raising Committee</td>
<td>Music/Performing Arts Venue</td>
<td>Sale</td>
<td>Nil</td>
</tr>
<tr>
<td>Working Horse &amp; Tractor Rally Committee Inc</td>
<td>Historic Environment</td>
<td>Poowong</td>
<td>Nil</td>
</tr>
</tbody>
</table>

* Complete data on donations for 1999/2000 is not available as statistical information is collected after the end of the financial year.

Cultural Gifts Program

The Cultural Gifts Program and its supplement the Cultural Bequests Program encourage donations of significant cultural items from private collections to public art galleries, museums and libraries by offering donors a tax deduction.

Listed below are the organisations in the electorate Gippsland that participate in the Cultural Gifts/Cultural Bequests Programs and the value of cultural property donated to these organisations.

<table>
<thead>
<tr>
<th>ORGANISATION</th>
<th>LOCATION</th>
<th>1999/2000</th>
</tr>
</thead>
<tbody>
<tr>
<td>Coal Creek Heritage Village</td>
<td>Korumburra</td>
<td>NIL</td>
</tr>
<tr>
<td>Gippsland Art Gallery</td>
<td>Sale</td>
<td>NIL</td>
</tr>
<tr>
<td>Maffra Sugar Beet Museum</td>
<td>Maffra</td>
<td>NIL</td>
</tr>
</tbody>
</table>
Federation Community Projects
(1) A total of $187,058 in Federation Community Projects program funding was provided in the electorate of Gippsland in the 1999/2000 financial year.

(2) A total of $11,502 in Federation Community Projects program grant funds remain to be paid in the electorate of Gippsland. All projects are scheduled to be completed by December 2001. Most of the remaining funds will be paid in the 2000/2001, with a small proportion possibly carrying over into the following financial year.

Cultural Grants Programs
(1)  

<table>
<thead>
<tr>
<th>PROJECT</th>
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</tr>
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<tbody>
<tr>
<td>Playing Australia</td>
<td>* part of $294,968</td>
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<tr>
<td>(2 tours)</td>
<td></td>
</tr>
<tr>
<td>Contemporary Music</td>
<td>* part of $37,540</td>
</tr>
<tr>
<td>(3 tours)</td>
<td></td>
</tr>
<tr>
<td>Visions of Australia</td>
<td>$0</td>
</tr>
<tr>
<td>Festivals Australia</td>
<td>$36,700</td>
</tr>
<tr>
<td>(3 festivals)</td>
<td></td>
</tr>
</tbody>
</table>

* Electorate included in itineraries

(2) The appropriations for the 2000-2001 financial year have not yet been approved.

National Council for the Centenary of Federation’s History and Education Grant Program
(1) $10,000
(2) $4,200

Networking the Nation
(1) The information in the table below is provided in response to this question.

<table>
<thead>
<tr>
<th>PROJECT</th>
<th>FINANCIAL YEAR</th>
</tr>
</thead>
<tbody>
<tr>
<td>Uniting Rural Communities in Gippsland</td>
<td>1999-2000</td>
</tr>
<tr>
<td>GIPPSCOM</td>
<td>$78,200</td>
</tr>
<tr>
<td>Scoping of Implementation Strategy for Tele-Legal Services in Regional Victoria *</td>
<td>$12,500</td>
</tr>
<tr>
<td>Gippsland Regional Internet Access Point</td>
<td>$20,000</td>
</tr>
<tr>
<td>FARM MANAGEMENT 500.WEB “Accelerating the Adoption of Internet Technology by Farm Businesses” *</td>
<td>$202,000</td>
</tr>
<tr>
<td>Installation of a mobile phone base station at Omeo</td>
<td>$190,000</td>
</tr>
<tr>
<td>FRAN Internet Access for ALL *</td>
<td>$20,378,000</td>
</tr>
<tr>
<td>Nationalising E Momentum in Local Government *</td>
<td>$70,000</td>
</tr>
<tr>
<td>Skills.net in Schools II *</td>
<td>$500,000</td>
</tr>
<tr>
<td>Access Through Outreach</td>
<td>$257,420</td>
</tr>
<tr>
<td>Communityhall.Net</td>
<td>$175,000</td>
</tr>
<tr>
<td>KNET *</td>
<td>$50,000</td>
</tr>
</tbody>
</table>

NOTE: Projects marked with an asterisk (*) provide assistance to people in the Gippsland electorate and other electorates.

(2) Funding is allocated at meetings of the Networking the Nation Board. Funding allocations for the 2000-2001 financial year will be decided at the Board’s meetings in November 2000 and June 2001.
Broadcasting Programs

Programs and/or grants administered by the Department

The Television Fund is a $120 million program funded from the second partial sale of Telstra. Eligible community organisations can apply for funding under two component of the Television Fund:

Television Black Spots Program

Under the $35 million Television Black Spots Program community groups or local government authorities can apply for funding to retransmit ABC, SBS and commercial television services in black spot areas of poor or non-existent television reception or to replace obsolete transmission equipment. Up to $25000 is available for retransmitting each new service.

Regional Communications Partnership (RCP)

The Government will provide $5 million from the Television Fund to subsidise the transmission costs of community-based self-help television and radio broadcast groups in regional and remote Australia through a new Regional Communications Partnership (RCP). The Government's contribution will be matched by ntl Australia Pty Ltd - the owner of the National Transmission Network. ntl will administer the RCP. The Partnership will assist self-help groups by subsidising, for a 10 year period, the commercial fees payable by the groups for access to ntl sites. ie: $250 per annum (fixed) for ABC and SBS services; $1598 per annum (indexed) for the first commercial service at the site; and $667 per annum (indexed) for additional commercial services. Subsidies to self-help groups are available to new groups, groups providing services under contracts signed with ntl after 30 April 1999 and groups providing services under existing agreements with ntl that are due to expire.

(1) and (2) Level of funding:

<table>
<thead>
<tr>
<th>Program</th>
<th>99/00</th>
<th>2000/01</th>
</tr>
</thead>
<tbody>
<tr>
<td>Television Black Spots Program</td>
<td>The Program was announced on 23/6/00, there is no specific state/territory allocation and the closing date for applications is the 25/8/00.</td>
<td>It is anticipated that all funds will be allocated by 30 June 2001.</td>
</tr>
<tr>
<td>Regional Communications Partnership</td>
<td>The Partnership was announced on 9 May 2000. Applications for funding will be treated on a first come-first served basis.</td>
<td>Communities seeking to provide greater access to national and commercial broadcasting services, on a self-help basis, can apply for subsidised access to ntol sites (where available).</td>
</tr>
</tbody>
</table>

Senator O’Brien asked the Minister representing the Minister for Agriculture, Fisheries and Forestry, upon notice, on 27 June 2000:

(1) What was the level of funding provided through programs and/or grants administered by the department to provide assistance to people living in the federal electorate of Gippsland in the 1999-2000 financial year.

(2) What level of funding provided through these programs and/or grants has been appropriated for the 2000-01 financial year.

Senator Alston—The Minister for Agriculture, Fisheries and Forestry has provided the following answer to the honourable senator’s question:

(1) Funding provided through the Natural Heritage Trust (NHT) for programs administered by AFFA in the federal electorate of Gippsland amounted to $0.97 million in 1999-2000. These programs are the

The level of funding provided through the Rural GST Start-up Assistance Program in the federal electorate of Gippsland in the 1999-2000 financial year was $51,948. This funding was for workshops to raise awareness of the GST and to assist farmers and rural businesses with the transition to the new tax system.

The Victorian Association of Forest Industries and the Prospectors and Miners Association of Victoria Inc. (Gippsland Branch) each received $1,250 under the Regional Forest Agreement – Participation and Awareness Grant Scheme in relation to Gippsland RFA.

The Gippsland Farm Forestry Project (Regional Plantation Committee) received $134,000 under the Wood and Paper Industry Strategy (WAPIS).

FarmBis funding is not allocated on a regional or electorate basis. However, funding for the state of Victoria in the 1999-2000 financial year was $1.64 million.

Financial Counselling Service currently funds two programs in the federal electorate of Gippsland – the Gippsland Rural Financial Counselling Service and South Gippsland Farmers Support Group. For the financial year 1999-2000, total funding amounted to $178,295.

The exceptional circumstances relief payment (ECRP) assists farm families in exceptional circumstances (EC) areas who are experiencing difficulties meeting personal living expenses. The ECRP is currently available to farmers living in the East Gippsland area that was declared in drought exceptional circumstances (DEC) on 30 March 1998. The East Gippsland EC area includes part of the Shire of East Gippsland and the Shire of Wellington. ECRP expenditure in the East Gippsland EC region during 1999-2000 (to 31 May 2000) totals approximately $5.5 million. Exceptional circumstances (EC) interest rate subsidies are available to drought affected farmers in the East Gippsland DEC area. The value of applications approved during 1999-2000 in the East Gippsland DEC area was approximately $3.8 million of which $2.7 million was funded by the Commonwealth and $1.1 million by Victoria.

The Farm Family Restart Scheme, which the Government is enhancing to become Farm Help - Supporting Families Through Change, provides income support, professional advice and re-establishment assistance. Farm Family Restart /Farm Help Scheme is available to all eligible farmers on a national basis. Information on the Farm Family Restart /Farm Help Scheme is not available on an electorate basis. However, expenditure for Farm Family Restart /Farm Help Scheme in Victoria during 1999-2000 (up to 31 May) has totalled around $10.4 million.

During 1999-2000 a donation of $13,005 was made to the Victorian farmers Federation Disaster Relief Fund to assist with fodder transport in the East Gippsland region.

The Farm Management Deposit (FMD) Scheme is available to all eligible farmers in Australia and provides a tax-linked savings mechanism that allows farmers to set aside pre-tax income from years of good cash flow for use in years of low cash flow. The Scheme operates from private financial institutions and information on the utilisation of the scheme is not available on an electorate basis. The level of funding is nil, as FMDs are not ‘grants’. There is a ‘cost to revenue’, for tax income foregone in the year that individuals make an FMD deposit, associated with FMDs. This is partially offset when FMDs are withdrawn and treated as taxable income, as well as through the impact of tax on interest earned on deposits.

At this stage there has been no appropriation for the 2000-01 financial year made for Natural Heritage Trust (NHT) programs administered by AFFA.

In 2000-01 the estimated amount of funding which will be directed to workshops under the Rural GST Start-up Assistance Program is $492,320.

The Forest Industry Structural Adjustment Package for Victoria applies to relevant applicants in the Gippsland electorate. FISAP will be applied across the whole of the State with no specific amounts earmarked to particular regions. It is estimated that $11.1 million will be spent in Victoria in 2000-01.

Funds totalling approximately $10,000 have been appropriated for the 2000-01 financial year under the National component of the Commonwealth FarmBis program, for planned workshops for pork producers in Gippsland run by the PorkBiz business skills training program.

FarmBis funding for Victoria in the 2000-01 financial year is expected to be $5.06 million.
Financial Counselling Service funding for the federal electorate of Gippsland is expected to be $178,400 in the 2000-01 financial year.

Exceptional circumstances funding is demand driven and sufficient funds to meet all approved claims for support under both the ECRP and EC interest rate subsidies will be made available. Assuming a similar number of farmers continue to qualify for EC support during 2000-01, an equivalent level of expenditure is expected in the East Gippsland DEC area to that provided in 1999-2000.

Farm Help funds are not allocated on a regional or state basis. Overall (national) funding for Farm Help in 2000-01 is expected to be $39.3 million. Funds are provided to farm families that have been approved for assistance regardless of their location.

Funding through the Farm Management Deposit (FMD) Scheme will be nil in 2000-01. Benefits are not provided through appropriation. FMDs are not ‘grants’. They are a ‘cost to revenue’ for tax income foregone in the year that individuals make an FMD deposit. This is partially offset when FMDs are withdrawn and treated as taxable income, as well as through the impact of tax on interest earned on deposits.

Department of Education, Training and Youth Affairs: Missing Computer Equipment
(Question No. 2527)

Senator Faulkner asked the Minister representing the Minister for Education, Training and Youth Affairs, upon notice, on 29 June 2000.

(1) Since 1 January 1999, have there been any desktop computers, or any other item of computer hardware, other than laptop computers, lost or stolen from the possession of any officer of the department and/or any agencies within the portfolio; if so: (a) what and how many have been lost; (b) what and how many have been stolen; (c) what is the total value of these items; (d) what is the normal replacement value per item; and (e) have these computers been recovered or replace.

(2) Have the police been requested to investigate any of these incidents; if so: (a) how many were the subject of police investigation; (b) how many police investigations have been concluded; (c) in how many cases has legal action been commenced; and (d) in how many cases has action been concluded and with what result.

(3) How many of the lost or stolen items had, on their hard disc drives, or in the form of floppy disc, CD-ROM or any other storage device, departmental documents, content or information other than operating software.

(4) How many of the documents etc. referred to in (3) were classified for security or any other purpose and, if any, what was the security classification involved.

(5) (a) How many of the documents etc. referred to in (3) have been recovered; and (b) how many documents etc. referred to in (4) have been recovered.

(6) What departmental disciplinary or other actions have been taken in regard to the items referred to in (1) or in relation to the documents etc. referred to in (3) and (4).

Senator Ellison—The Minister for Education, Training and Youth Affairs has provided the following answer to the honourable senator’s question:

(1) Since 1 January 1999 (a) A national stocktake of desktop equipment shows that no items are unaccounted for because of loss or theft. (b) not applicable; (c) not applicable; (d) not applicable; (e) not applicable.

(2) Not applicable.

(3) Not applicable

(4) Not applicable

(5) Not applicable

(6) Not applicable
Senator Bartlett asked the Minister for the Environment and Heritage, upon notice, on 4 July 2000:

(1) Are automotive CO2 emissions the fastest growing contributors of greenhouse gases.

(2) What action has the Australian Greenhouse Office taken to support the development, promotion or viability of projects such as the Holden ECOmmodore and aXcessaustralia motor vehicles.

(3) Are there potential environmental and export benefits from the production of home-grown technology such as these vehicles.

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

(1) No, but automotive emissions are amongst the fastest growing.

Passenger cars emissions increased by 16.6% from 1990 to 1998 according to the 1998 National Greenhouse Gas Inventory released on 13 July 2000. Total road transport emissions increased by 18.2% over the same period.

(2) Commonwealth support of approximately $5.5 million for building and displaying the aXcessaustralia LEV concept car was provided through the Department of Industry, Science and Resources. In addition, CSIRO undertook the research and development of the hybrid electric drivetrain that underpins both the aXcessaustralia LEV and Holden ECOmmodore.

The aXcessaustralia LEV will be displayed at 58 destinations in 11 countries over the course of a 12-month international marketing program. The car will be exhibited in the world’s major automotive centres and represents an excellent opportunity for Australia’s automotive capabilities to be marketed.

(3) The potential for hybrid technology in the next generation of vehicles is being investigated in many parts of the world. The world’s major car producers are spending considerable time and effort in this field. Some manufacturers have introduced hybrid models into selected markets. To date, however, these cars have had limited commercial acceptance.

Australia’s development of two concept cars that utilise hybrid technology demonstrates we have the capability to contribute in this field. These cars use technologies that improve vehicle efficiency, including mass reduction through the use of advanced lightweight materials, improved aerodynamics, reduced rolling resistance and regenerative braking. Clearly there are potential environmental benefits from the widespread adoption of these technologies, including significant reductions in vehicle emissions, both noxious and greenhouse gas. Involvement in these cleaner vehicle technologies also has the potential to enhance Australia’s automotive exports.