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*Tuesday, 7 March 2000*

**The PRESIDENT (Senator the Hon. Margaret Reid)** took the chair at 2.30 a.m., and read prayers.

**QUESTIONS WITHOUT NOTICE**

**Fuel Substitution: Australian Taxation Office**

**Senator MURPHY** (2.31 p.m.)—My question is directed to the Assistant Treasurer, Senator Kemp. Does the minister continue to stand by the tax commissioner's statement he quoted in question time yesterday, namely, that 'previous attempts to deal with fuel substitution through the use of special chemical markers and testing involving a fleet of trucks had in our assessment proved ineffective'? Is the minister aware that on 22 June 1998 the then minister for customs, Mr Truss, told the parliament that measures in place to detect fuel substitution, including chemical markers, testing and prosecution have 'proved very successful' and that these measures were saving the Commonwealth \$10 million per month in excise revenue? Why were these measures considered very successful and saving \$10 million a month in mid-1998, yet supposedly so ineffective in these times?

**Senator KEMP**—I do not know whether you drafted the question, Senator, or whether it was passed to you by the questions committee—

**Senator Murphy**—It was a good question.

**Senator KEMP**—Don't get sensitive, Senator. I have not even responded. How sensitive can someone get? All I am saying is that I wondered whether you had carefully read the press statement by the tax commissioner. The point I was making is that I was surprised that the question was phrased the way it was, because it rather suggested that the senator had not read what the tax commissioner said. This is what the tax commissioner said, and this is how I responded yesterday:

The suggestion these vehicles should be used to tackle the recent toluene fuel substitution issue is Boys Own Annual stuff and, in any event—

and this is the key thing—

**Senator Murphy**—What about what Mr Truss said?

**Senator KEMP**—Don't get so excited; I am trying to answer your question. But I want you to listen very carefully to this next phrase. Are you listening, Senator? The tax commissioner said:

In any event, they—

this is the trucks—

are not set up for the testing of toluene.

Are you aware of that? I would have to examine the question closely, but Mr Truss, I suspect, was talking about the use of the trucks for marked fuel. I remind the senator that the tax commissioner then went on to say that it was the judgment of the tax office that these approaches had not been effective in removing previous fuel substitution issues—

**Senator Robert Ray**—Just \$10 million a month. That's how effective they were.

**Senator KEMP**—Senator Ray is worried about \$10 million a month. Senator Ray might be able to stand up after question time because he has been very quiet on this issue. How much more did the Collins class subs cost as a result of your incompetence, Senator? That is a very significant issue, Senator.

In conclusion, I don't wish to be provoked by the other side. As you know, Madam President, I am very slow to anger and very slow to be provoked—and Senator Ray is getting sensitive again. With a Collins class sub hanging over your head I would be sensitive too, Senator Ray, let me tell you. The point I am making is that I do not think Senator Shayne Murphy read the tax commissioner's press release carefully. I think he has missed the point, but this is not the first time Senator Murphy has missed the point in question time. If he has any other matters he wishes me to respond to, I suggest he ask a supplementary question.

**Senator MURPHY**—Yes, I will ask the minister a supplementary question. I would like to quote to him what the minister, Mr Truss, actually said on 22 June 1998. The minister said:

The government has legislated to stop the dangerous and potentially hazardous practice of substituting or blending concessional fuels with diesel and petrol for use in cars and trucks. I am delighted to be able to report to the House that these measures have proved to be very successful.

Early indications are that we are saving around \$10 million a month already from this measure.

He went on to say:

In New South Wales, out of 20 tests six have proved positive. In total, \$35 million worth of potential fuel fraud is under investigation.

I ask the minister about those statements and why it was the case that those measures were very successful in mid-1998 and yet they are not successful now? And what has happened to the \$10 million a month?

**Senator KEMP**—The senator is confusing issue after issue with his questions. As he started off correctly, the issue was one of concessional fuel, not solvent. The first issue that he dealt with was concessional fuel and that is what we were previously addressing with the legislation. As I read to you, this is the judgement of the tax office after considerable experience.

**Senator Robert Ray**—So what? Haven't you ever made a mistake?

**Senator KEMP**—Senator, we look closely at the advice that we get from the experts in the area. You have been a minister before—not a very effective minister, it has to be said—

**Senator Hill**—The Collins class submarines.

**Senator KEMP**—The Collins class submarine issue was a big issue. Then the senator referred to \$10 million. Well, again this was—(*Time expired*)

#### **Tax Reform: Economy**

**Senator LIGHTFOOT** (2.37 p.m.)—My question is addressed to the Leader of the Government in the Senate, Senator Hill, and is in two parts. I ask: will the minister inform the Senate of new information confirming the strength of the Australian economy? And how will the new tax system help Australian families benefit even more from this strong economic growth?

**Senator HILL**—It is good that we are back on relevant issues at last. Today we

have seen the release of the latest survey of industrial trends by the Australian Chamber of Commerce and Industry and the Westpac bank. To quote from their statement:

Australian manufacturers have started a new century on a strong note. Business confidence remains firm. Export growth has accelerated and investment intentions are strong.

This is good news, Madam President. Furthermore:

From July this year Australians will have a modern and fairer taxation system which will provide benefits to all.

Madam President, we remain on schedule to deliver in full \$12 billion worth of personal income tax cuts—cuts to Australian workers and their families.

**Senator Schacht**—He's reading this, Madam President. He should table it.

**The PRESIDENT**—Order! Senator Schacht, you are persistently interjecting.

**Senator HILL**—Twelve billion dollars worth of cuts, Senator Cook, will be delivered in contrast with the practice of the previous Labor government.

*Senator Cook interjecting—*

**The PRESIDENT**—Senator Cook, stop shouting.

**Senator HILL**—Eighty per cent of Australians will pay an income tax rate of no more than 30 cents in the dollar. These tax cuts are designed to more than compensate Australian families for any increase in their cost of living brought about by the GST. For example, Woolworths says its supermarket prices will only go up by about 0.8 of a per cent. In other words, 80 cents in every \$100 shopping basket. Contrast this with the tax cut benefits in the order of \$50 to \$70 a week and you will see that families must be better off. Woolworths says:

Around half of everything sold by supermarkets will be GST. Customers will get real benefits from the removal of the wholesale sales tax.

Of course, that is the wholesale sales tax that the Labor Party keeps defending. Where is the Labor Party on tax these days? Mr Beazley says if he gets elected he will keep the GST. He will roll it back, but he will keep the GST.



**Senator Cook**—No, he does not.

**The PRESIDENT**—Senator Cook, you have been shouting persistently during this answer and your behaviour is totally disorderly.

**Senator Cook**—Madam President—

**The PRESIDENT**—It is not a matter for debate.

**Senator Cook**—Madam President—

**The PRESIDENT**—Senator Cook, you are debating a matter and this is not the appropriate time to do so. Resume your seat.

**Senator HILL**—Madam President, I am not surprised by the embarrassment of Senator Cook because Labor pledged tax cuts and never delivered. The contrast is that this government delivers.

**Senator Cook**—Tell the truth.

**Senator HILL**—Senator Cook ought to listen to the New Zealand Labour Prime Minister, Helen Clark, who says the GST is fair.

**Senator Kemp**—Madam President, I raise a point of order. You spoke to Senator Cook about shouting out, saying that people were lying and telling untruths. I think it is time that Senator Cook was well and truly brought to order, or the appropriate sanctions given.

**The PRESIDENT**—Thank you, Senator.

**Senator HILL**—What did New Zealand Prime Minister, Helen Clark, say of the GST? She said:

It is a very well accepted tax at the moment and no-one seriously thinks that it would ever be changed.

That is because it is a good tax.

What does Mr Beazley mean by his roll-back? What is he going to roll back? On that subject Helen Clark said:

Once you start differentiating between different classes of goods you get into anomalies that can be a bit hard to explain.

**Senator Schacht**—Why did you? You've already done that.

**The PRESIDENT**—Senator Schacht, you have been calling out constantly during this answer. Your behaviour is totally disorderly.

**Senator Schacht**—I was trying to assist the minister.

**The PRESIDENT**—You are not assisting the minister; you are just interfering with other people being able to hear the answers.

**Senator HILL**—That is right, Madam President. Mr Beazley one day is criticising differentiation and then he says it is his policy. That is the policy of rollback; we will roll back certain items. But who is going to pay for it? Is it going to come out of health care? Is it going to come out of education? He says, no, he will not dock the state premiers. So we know where it is going to come from—Labor will put income tax rates back up again; Labor will put business tax rates up again, as they always do. (*Time expired*)

**Senator Cook**—Wrong, wrong, wrong.

**The PRESIDENT**—Senator Cook, I am warning you about your behaviour. There is an appropriate time to debate the answer if you happen to disagree with something the minister has said. Constantly shouting is not the time to do it.

#### **Fuel Substitution: Australian Taxation Office**

**Senator HUTCHINS** (2.43 p.m.)—My question is directed to Senator Kemp, the Assistant Treasurer. Is it true that on 22 June 1999 Liberty Oil chairman, Mr David Wieland, wrote to you about the issue of fuel substitution expressing concern that no effective preventative action was being taken by the government in part because of the changeover of responsibility from the Customs Service to the Taxation Office? Is it true that Liberty Oil sought your urgent attention and assistance? Further, can the minister explain why at the very time he was being warned about the fuel substitution scandal he allowed the tax office to drop inspections to detect fuel substitution?

**Senator KEMP**—Again the senator is poorly briefed on the issue. I receive a wide range of letters from people and the central—

*Senator Schacht interjecting—*

**The PRESIDENT**—Order! Senator Schacht, you do not have the call.

**Senator Schacht**—I was just trying to help the minister again.

**The PRESIDENT**—You are not helping; you are being a nuisance.

**Senator KEMP**—I could only judge from the behaviour of Senator Cook and Senator Schacht that they had a good lunch. It might help if a minister gets asked a question that he gets a reasonable chance to respond to that question. Senator Hutchins, the central fuel substitution issue in that period was the use of concessional fuel. That was the central issue before the government. Contrary to what your question inferred, that issue was effectively addressed. I thought I went through this yesterday at some length to senators. Maybe some people are slower than others and one has to go through it again. I am not complaining, but similar questions were answered in this chamber yesterday and I will provide the same answer in the Senate today. The question that was before the government and certainly before the fuel industry was the use of lower excised petrol and diesel heating oil and solvents. This is what the commissioner said:

Complaints of fuel substitution involving abuse of lower excised petrol and diesel heating oil and solvents were raised with us in mid 1999.

Then the commissioner went on to say—and this explains why this became quite a central issue and an issue certainly of importance:

Previous attempts to deal with this through the use of special chemical markers and testing involving a fleet of trucks had in our assessment proved ineffective.

This is the advice from the tax office. Then you asked what we did about it. That was a fair enough question.

**Senator Robert Ray**—Nothing.

**Senator KEMP**—Robert Ray continues to call out. This is the man who advised the previous government on one of the biggest public policy failures in Australian history—the Collins class submarines. Senator Ray stands up and purports to advise this government. He must be joking. Senator Hutchins, this is what we did. This is the answer that I quoted yesterday in the Senate, and I will quote it today:

As a result the government implemented a systematic solution recommended by us involving revised excise tariff arrangements with effect from mid-November 1999.

*Senator Robert Ray interjecting—*

**Senator KEMP**—That did not work, Senator Ray. Frankly, if I were Senator Ray I would hang my head in shame. I would truly go away and hang my head in shame.

**The PRESIDENT**—Senator Kemp, I suggest that you ignore the interjections and answer the question.

**Senator KEMP**—Thank you, Madam President. I see the time is running out, so if the senator would like to ask me a further question I will complete my answer.

**Senator HUTCHINS**—Madam President, I ask a supplementary question.

**Senator Ian Macdonald**—Thanks, Steve.

**Senator HUTCHINS**—I would like to hear his answer, because we have here a series of correspondence that a well-known oil distributor has sent to the government complaining about this fuel substitution racket, which they brought to your attention last year and on which you failed to act. Is it not the case that on 22 June your attention was drawn specifically to those scams—scams such as substitution with solvents like toluene—and you failed to act? Why has it taken you fully eight months to act when a reputable fuel distributor has been complaining and bleating about the fact that disreputable people have been scamming the country?

**Senator KEMP**—I thank Senator Hutchins for responding to my request. We did deal with it. That is the point. That is why I was very keen for you to ask that supplementary question. As I have said, we set out a program to deal with this which involved revised tariff arrangements with effect from mid-November 1999. The advice of the tax office was that this immediately closed off the excise evasion practices then in place. That is what happened. So I suggest that the senator carefully read what the taxation commissioner has said, which he has provided both to the government and to the public. (*Time expired*)

#### **Telstra: Internet**

**Senator CRANE** (2.50 p.m.)—My question is to the Minister for Communications, Information Technology and the Arts, Senator Alston. I ask: how is the government en-

sureing that Telstra is able to respond strategically to the very real challenges posed by the Internet? Is the minister aware of any alternative policy approaches, and what would be the impact on Telstra if these were implemented?

**Senator ALSTON**—I thank Senator Crane. It is clearly a very important issue. The pace of change is such that the Internet is dominating everything. You only had to listen to Ziggy Switkowski saying just that yesterday. All roads lead to the Internet these days. Quite clearly, if a company is to unlock shareholder value and to take full advantage of these opportunities, then it really has to get serious about the Internet. What we want to see is Telstra move from being a staid old telco to a dynamic Internet company. The only way it can do that is to make the most of its assets, and that is exactly what it has been exploring in recent times. It has no doubt been drawing on the experience of PBL, which floated off ecorp recently and took a tremendous lift in its overall value. You have got Fairfax with F2; you have got channel 7 with i7; you have got Fox Entertainment being spun off from News Corporation. In fact, one of the major reasons why some of the European telcos have been performing so well in recent times has been the Internet and wireless spin-offs.

This is clearly the way to go. So it is very disappointing to find that Stephen Smith, the shadow minister, came out a few weeks back and basically said that this was all privatisation by stealth. Put aside the fact that he was basically recycling a slogan that we had invented back in 1996. He was effectively saying this was not on. I must say I was very surprised to hear it, because he clearly had no interest in shareholders interests. He had no interest in Telstra prospering and, of course, he was quite rightly brought to book the very next day by the Leader of the Opposition. According to the *Sydney Morning Herald*, when asked whether floating off online and other services was privatisation by stealth, Mr Beazley said:

'Telstra has to conduct its affairs as it sees fit.' While he said he would be disturbed by any floating of basic telephony, Telstra's arrangements

for services like online data was a matter they have to consider.

In other words, the long honoured formula for the Labor Party—spin off everything, break it up and let it all happen, recognising some of the realities. That is going a bit further than we did because we were in favour of selling Telstra only as a going concern. Nonetheless, Mr Beazley was on the record favouring that strategy. So what did we find in this morning's press? We found that a meeting had been held yesterday with Telstra executives, and after that meeting a Labor spokesman said that the party's attitude to any spin-off of the Internet business was one of unequivocal opposition. This was a meeting involving the Leader of the Opposition, so clearly he has been rolled.

Is it any wonder that he is sinking like a stone in the polls? Forget about climbing a few little hills like Mount Ainslie every morning. What he ought to do is recognise that there are a lot bigger policy mountains to climb. He ought to trade in his personal trainer and get himself an ideas counsellor. This really does signal the beginning of the end for the Labor Party because they have had four years to try to get their policy together. They know what needs to happen in terms of privatisation. Mr Beazley went along to the Australian industry group dinner last night and said, 'Don't worry about privatisation and tax reform; I know that Davos did not worry about that—they have moved on from there.' What a tragic self-indictment! The only reason that we are preoccupied with them is that the Labor Party will not support them. That is the only reason that everyone else has moved on. They understand the policy necessity to get maximum value. Here you have this tragic comic figure getting out there a few weeks ago and saying that Telstra can have the green light and then getting humiliatingly rolled yesterday by his shadow minister. This is not rollback. This is one better than Senator Faulkner, who was only the Minister for Getting Rolled; this is the 'Leader of the Opposition for Getting Rolled'. (*Time expired*)

#### **DISTINGUISHED VISITORS**

**The PRESIDENT**—I draw the attention of honourable senators to the presence on the

floor of the chamber and in the galleries of the Senate of servicemen and servicewomen, police and civilians who have served Australia with great distinction in East Timor. I am sure honourable senators welcome the commander of the international force in East Timor, Major General Peter Cosgrove, and with him are the Chief and Vice Chief of the Defence Force and the Chiefs of the Navy, Army and Air Force. In the galleries are troops who have returned from INTERFET service, as well as officers of the Australian Federal Police and representatives of government and non-government agencies who served in East Timor. I am sure that honourable senators will join with me in congratulating General Cosgrove and all of those who served in East Timor. To them I say that you have served your country with honour and distinction. Your colleagues who remain with the United Nations Transitional Administration in East Timor continue to serve with honour and distinction. Australia is immensely proud of your achievement and grateful that you have returned safely. On behalf of honourable senators, I welcome you all to the Senate.

**Honourable senators**—Hear, hear!

#### **QUESTIONS WITHOUT NOTICE**

##### **Fuel Substitution: Investigations**

**Senator LUDWIG** (2.56 p.m.)—My question is to the Minister for Justice and Customs, Senator Vanstone. Having now had 24 hours to get a brief from her department about the fuel substitution scandal, can the minister inform the Senate what happened to the prosecution action which, according to the Customs Service's 1998-99 annual report, had been commenced against three distributors? Can the minister also inform the Senate what happened to the \$35 million worth of potential fraud through petrol substitution which the previous minister for customs, Mr Truss, said was under investigation as at 22 June 1998? Did the minister ensure that whatever prosecutions and investigations were under way in Customs were properly handed over to the tax office last year?

**Senator VANSTONE**—I thank the senator for his question. I do not have a response to the question asked of me yesterday as yet.

That is not particularly surprising. As I indicated yesterday, it did not seem to be clear to Senator Schacht—it is not actually unusual that things are not clear to Senator Schacht, but nonetheless—that when I took responsibility for Customs in 1998 the responsibility for the excise portion was in fact shifted to Treasury. So while you may think the answer is a very simple one, it is a case of finding out where the files are and a proper answer being given. There is other work to be done. You will get an answer to the question Senator Schacht asked yesterday and to the questions that you asked today. But, due to the shift in responsibility from one department to another and the shift in personnel and files, it is not quite as simple as you might imagine, Senator Ludwig. But you will get an answer and you will get it as quickly as possible.

**Senator LUDWIG**—Madam President, I ask a supplementary question. While you are rifling through those files, perhaps you could also rifle through and find an answer to this question. Was the minister aware that the previous minister for customs, Mr Truss, had warned in parliament on 22 June 1998 that fuel substitution:

...not only has revenue implications, but also has safety indications because many of these excise free fuels have lower flashpoints and so can cause damage to engines and even can be hazardous to human life. So it is very important that this practice be stamped out.

The question that you might like to find is what action the minister took to ensure that this practice was stamped out and did she ensure that the tax office was made aware of these serious implications at the time that it took over the responsibility for this matter from Customs.

**Senator VANSTONE**—I must say that I am underwhelmed by your sense of humour and that of your colleagues who think it is frankly amusing for you to come up with the hilarious suggestion that I would be rifling through files. If that is all that you have to laugh about, you come and see me after and I will give you a couple of really good jokes. I will take your question on notice and ascertain what happened exactly when the files were passed over. I am sorry that it is matter of regret that, as a senator, the files are not

instantly available to you when you want them. There are bureaucrats who are working in the nation's interest and who do not necessarily regard your question as the first priority.

#### **Telstra: Services**

**Senator ALLISON** (2.59 p.m.)—My question is to the Minister for Communications, Information Technology and the Arts. I refer to the anticipated announcement tomorrow of record profits for Telstra, and I ask: has the minister forgotten that the public, not Telstra's CEO, is the majority owner of Telstra? Will the minister be reminding Mr Switkowski that he is a public servant and that the public wants to see more of Telstra's profit invested in making sure all Australians, particularly rural Australians, have access to state-of-the-art telephone, Internet and data carrying services? Will the minister be using either his power as majority shareholder or the ministerial power that this parliament has given him to direct Telstra to use its spare billions for core business infrastructure rather than new takeover and merger activities?

**Senator ALSTON**—That really is a tragic misunderstanding of all that has occurred over the last decade. Under the Labor Party, Telstra was fully corporatised, competition was introduced into the marketplace and it was given responsibilities which were imposed on the directors to act commercially. To the extent that it is required to act uncommercially, that is an obligation imposed by the parliament. You have things like price caps, you have the universal service obligation and you have untimed local calls and a range of other specific limitations on its otherwise fully commercial activities. It is not owned by the public, Senator Allison, and the name of the chief executive is not Mr Switkowski. The fact is that that company is obliged to put its shareholders' interests first and, to the extent that the company prospers, all of the shareholders, including the Australian government, are the beneficiaries. If Telstra performs suboptimally, as you would have it do and as Senator Schacht and others want it to do—

**The PRESIDENT**—Senator Alston, your remarks should be directed to the chair, not across the chamber.

**Senator ALSTON**—Thank you, Madam President. Those who advocate that somehow the power of direction ought to be used to force Telstra to act uncommercially are people who are simply not interested in Telstra prospering. There are two million shareholders who have quite a different view, and there are legal obligations on directors that require them to have quite a different view. If you want to put up statutory limitations, you are free to propose those, but do not for a moment run around pretending that somehow Telstra is a good old public service monopoly that you can play with as you will. You cannot. It is a company out in the marketplace and out in the real world, where so much is happening so fast that Telstra is required to compete with the best. No-one knows what the best business strategies are these days, but I can tell you one thing: if you think you can sit on your hands, be a quiet old telecommunications company and just accept orders from government to spend 'lazy billions of dollars' on infrastructure roll out, then you really have absolutely no idea how the real world works. I do not blame you for that; your ideological prejudices no doubt require you to take that position. But you should at least get yourself briefed on what the commercial world is all about, what Telstra's obligations are and how you can maximise value to shareholders. You seem to have no idea to date.

**Senator ALLISON**—Madam President, I have a supplementary question. I thank the minister for his most strange answer. I ask him to clarify what he means by the statement that Telstra is not owned by the public. Would he also indicate how Telstra will, by buying into a mature media company or taking over its Internet competitors, improve its response times to faults in regional areas, reduce STD or local call charges or improve Internet connections to regional Australia?

**Senator ALSTON**—Once again, that is an abysmal misunderstanding. Apparently you cannot walk and chew gum at the same time if you are a telco. Is that the proposition? In other words, if it does make sensible commercial investments in Internet related companies that have enormous benefits for shareholders, at the same time it gives it a

much greater capacity to spend on infrastructure over and above the obligation imposed by our customer service guarantee regime. It does have to honour those standards that are required of it. It does have to fix faults on time. If it does not, it pays a penalty. To the extent that it is constrained by a shortage of capital, the best possible way of giving it a greater level of access to capital is to enable it to be more profitable and to get into new media opportunities. You do not want it to do that. You want it to simply sink. You want it to be marginalised. You want it to be left for the Labor Party to break up if and when they ever get to government. That is what you want. That would be the worst possible outcome for Telstra shareholders as well as for the Australian community. (*Time expired*)

#### **Nursing Homes: Riverside**

**Senator JACINTA COLLINS** (3.04 p.m.)—My question is to Senator Herron, the Minister representing the Minister for Aged Care. Is the minister aware that it is now a week since the owner of the Riverside Nursing Home building, as opposed to its former operator, offered to take over the operations of the nursing home? If this offer had been taken up, couldn't these 57 frail and elderly people have stayed in their home? Couldn't the staff have retained their jobs under the new management, and couldn't the Commonwealth have required the necessary patient care improvements to be undertaken immediately? Has this incompetent Minister for Aged Care even considered this alternative to forcing these vulnerable people 40 kilometres down the road? If it was considered, why was it rejected and why has the building owner not even had a response from the minister to this offer?

**Senator HERRON**—There is only one thing you can depend upon from the Labor Party, and that is that they get the facts wrong and do not ask the questions correctly. There were premises in that question that are completely incorrect. I am happy to correct them. The first point is that the government's role is in funding and regulating aged care. It is not a provider of services.

**Senator Jacinta Collins**—That is not the point.

**Senator HERRON**—Senator Collins has interjected, Madam President. I have got one sentence out. I would appreciate it if she would sit back, relax and listen to the answer. Then she might learn something. Then she will ask a correct supplementary, hopefully, that was not prepared for her before she asked that particular question. The approved provider was given every opportunity to improve care and services at Riverside. The Commonwealth does not own the building. It is owned by another party. That is the point, Senator Collins. It is owned by another party that is not the former approved provider of Riverside Nursing Home. There is another owner. Have you got that, Senator Collins? There is another owner.

To resume it, which is the implication of Senator Collins's question, would be theft. You do not go in and take over a building and say, 'You might be providing the service in this. You don't own it, but we're going to take it from you.' That is the implication of the question. If you walked in and did that, as Senator Collins suggested, that would be trespass. She is laughing, which shows the inane nature of her understanding and her incapacity to understand the answer. Somebody gave her this question without explaining to her the implications of the question.

Residents are not moved without their consent. Senator Collins has got that, I hope. The majority of residents have now moved to St Vincent's Hospital, and the minister has been told that they are very pleased with the level of care that they are receiving there. No detailed information could be given to the residents and their families prior to the delegate's decision. In order to give some indication that closure was one possibility, a letter was given to residents and their families on the weekend, indicating that such action was being considered. The vast majority of residents' families were also telephoned. Advocates and departmental staff were also available throughout the weekend to answer queries.

**Senator JACINTA COLLINS**—Madam President, I ask a supplementary question. Can I encourage Minister Herron to actually refer to the question—I will not waste my time repeating it—and to deal with an addi-

tional factor, which hopefully he will consult the Minister for Aged Care on. Didn't the owner also offer to take over the operations of Riverside last year when patient care was found by the Commonwealth to be substandard? Was this offer considered at the time? If it was, why was the licence simply given back to the operator with the poor track record? I ask the minister to take that on notice and to consult the Minister for Aged Care if he cannot answer it.

**Senator HERRON**—There is no need to take it on notice but, if there is any information the Minister for Aged Care can provide that is additional to what I have already provided, I am happy to do so. The point was that the previous provider went into liquidation prior to the decision to revoke the approval. The administrator, under Corporations Law, advises that no staff can be employed beyond Thursday, and the power and water will need to be shut down too. So those residents have to be shifted out. I think it is also important for Senator Collins to be aware that this particular nursing home has been under investigation. That was one of the points that she made, and I will certainly concede that. It is no mystery at all. She trots it out today as if it is some great revelation. I suspect it is a revelation to Senator Collins, because she has been handed the question to ask. There have been complaints about this particular home, and it was this government that put in a complaints mechanism. The Labor Party had 13 years to do something about it and did nothing, not a thing.

#### **Mandatory Sentencing**

**Senator BROWN** (3.10 p.m.)—My question is to the Minister representing the Prime Minister, Senator Hill. Regarding the Prime Minister's comments on ABC TV's *Lateline* last night, can Minister Hill explain the point of view put by the Prime Minister that mandatory sentencing of Aboriginal kids—with sometimes disastrous consequences—arbitrary as it is, is not an essential component of somebody's religious, philosophical or moral viewpoint? Does the minister agree with that? Would the minister not countenance the possibility that somebody does feel strongly enough about this issue to cross the floor if denied the option of trying to put an end to

mandatory sentencing of Aboriginal children?

**Senator HILL**—I did not see the interview. But, if the Prime Minister is saying that matters relating to the judicial system, penalties and issues of that type should be treated as policy matters about which political parties can reach determinations, I would agree with him.

**Senator BROWN**—Madam President, I ask a supplementary question. From that answer, I take it that the minister has agreed that mandatory sentencing of Aboriginal children is not a matter of somebody's religious, philosophical or moral viewpoint. Is the minister also able to name one person outside the Western Australian government or Northern Territory government that fits into the Prime Minister's asseveration that there are a lot of people who do not think mandatory sentencing is in breach of our international obligations? Can the government name one person who does not think that who has legal expertise?

**Senator HILL**—I am sure the government could name many people.

#### **Nursing Homes: Funding**

**Senator WEST** (3.12 p.m.)—My question is directed to Senator Herron, the Minister representing the Minister for Aged Care. Is the minister aware of a statement from a nursing home director of nursing, quoted in a recent media report, which says:

We want to give [residents] good care, love and laughter. We once could. But with the care dollar being manipulated by [proprietors] we no longer have the time, money, staff or heart to do this successfully ...

Isn't it true that proprietors of nursing homes like Riverside in Melbourne were, under the previous government, required to spend a set amount of their federal funding on proper patient care and that, since 1997, under the Howard government, these proprietors have been able to make a profit from all of the taxpayers' dollars, creating a massive incentive to scrimp and save on patient care?

**Senator HERRON**—I thank Senator West for the question, particularly for her question about the previous government. The previous government commissioned the

Gregory report to review the state of the nursing home sector in 1993, but they refused to act on their own report. Professor Gregory found that, after a decade of Labor misgovernment, 75 per cent of nursing homes did not meet Australian design standards, 38 per cent of residents shared their bedroom with four or more people, 13 per cent of nursing homes did not meet fire regulations and 11 per cent of nursing homes did not meet health regulations. That is what we inherited. We put in a system of accreditation, we put in a system of checking the buildings out and we put in a complaints mechanism. Those three things were not done by the Labor Party in the 13 years that they had the opportunity to do this. When they got the Gregory report, what did they do? Nothing. They put it under the table; it was too hard.

Certification has been an outstanding success. Around 98 per cent of all services have already achieved certification, and currently only 53 services have yet to meet the certification standards. The government implemented a financial framework which will inject money into the aged care system and pay for capital works, and the government put in place an incentive structure to encourage services to become certified. Uncertified services may not charge their residents accommodation bonds and charges and, since then, 34 outdated, substandard nursing homes and hostel buildings in Victoria have been closed to be replaced by new buildings. This is improving care for around 1,300 residents. Around 98 per cent of all services have already achieved certification and currently only 53 services have yet to meet these certification standards. This is a quiet but substantial revolution in building and care quality for older Australians. The department will continue to closely monitor those few services that remain uncertified. It will work with those service providers and their residents to make sure that all residents continue to receive appropriate care.

To answer the first part of Senator West's question: no, I have not seen that press report but I agree with the sentiments in it that you cannot buy love and you cannot buy good care from people providing that care. But we have got a complaints mechanism in place,

Senator West, which the Labor Party never did, where people can complain about those sorts of things. The Labor government never had a complaints mechanism in place. We have put it in place so that all these things—even complaints made anonymously—can be followed up. I would suggest that the person who reported that in the press release should ring the complaints mechanism and make that complaint so that it can be followed up, rather than have Senator West come into the Senate to ask that particular question. If the minister has anything further to add, I am happy to ask her to add to it.

**Senator WEST**—Madam President, I ask a supplementary question. Buying adequate staff will provide adequate nursing care and isn't it true there is no guarantee in the current arrangements that there will be adequate financing for the services and for nurses? Is the minister also aware of a statement from another nursing director who said, 'Never have our residents been as sick and frail as they are now. Our last six admissions have died within a one to four week period. We are mini hospitals and not getting adequate funding or staffing.' When will this government wake up to the fact that nursing homes are or should be providing medical care, not simply accommodation services, and mandate proper levels of patient care in response to Commonwealth taxpayers' funds?

**Senator HERRON**—Anonymous reports such as that should be referred to the complaints section. I suppose that person that Senator West has quoted is probably the president of the nursing federation or from one of the unions.

*Opposition senators interjecting—*

**Senator HERRON**—It was an anonymous complaint. I think all of us would be interested in the level of care. Under Labor, 10 per cent of residents in hostels needed a high level of care, but they did not know who they were and they did not require hostels to have any nursing staff. So it is no good Senator West coming in here making an allegation or quoting a newspaper report of a director of nursing making a statement; those complaints should be referred to the complaints section so that they can be followed



up and so that the standard of care can be improved.

#### **Drugs: Cocaine Seizures**

**Senator COONAN** (3.18 p.m.)—My question without notice is directed to the Minister for Justice and Customs, Senator Vanstone. Will the minister explain the reasons behind the dramatic increase in cocaine seizures by federal enforcement agencies?

**Senator VANSTONE**—I thank Senator Coonan for the question. I am very pleased to confirm that this morning in Sydney we threw into incinerators some 615 kilos of cocaine. That is worth about \$125 million at street level. The bulk of the cocaine came from two seizures; one was the 500-kilo seizure at Patonga, north of Sydney, which I remind senators was seized at about 2 o'clock in the morning. It is very dangerous work going out at 2 o'clock in the morning and standing between drug dealers and 500 kilos of cocaine. The other seizure was 115 kilos of black cocaine that was concealed in air-freight in Sydney. Both of these happened in February. It was excellent work by the Australian Customs Service and by the Australian Federal Police.

It tells us something: it tells us that the Tough on Drugs strategy—that aspect dealing with supply reduction—is having very significant success. There would not be a drug cartel in the world that would happily lose 500 kilos of cocaine. That is a serious blow to any business. Equally, the 115 kilos of black cocaine clearly demonstrates that drug dealers understand the risks of bringing in cocaine unadulterated—that is, they expect now to get caught. So they are trying to do something to mask the cocaine from the detection procedures to be able to bring it in. In this case, the masking by the addition of other substances simply did not work. That is going to quite significant lengths. You have the expense of adding the other substances and then, once you get it into the country, subtracting those substances before you can then go and sell the cocaine on the street.

Since the first tranche of the Tough on Drugs strategy was announced in November 1997, a tonne of cocaine has been seized by federal agencies—a tonne of cocaine in two

years. Members opposite who are so rude about this policy might like to listen to this: in the four years before that—I noticed this morning that my press release says it is five years when in fact it is four years—the total seized was 255 kilos. That is, in the four years before Tough on Drugs came in, the agencies under Labor's funding and Labor's care were able to seize only 255 kilos, and in the last few years they have already seized a tonne. Four times the quantity in only half of the period. We burnt more than twice the amount of cocaine today that was seized in total over the four years prior to Tough on Drugs. Just this morning we burnt more than twice the amount that was seized in the four years under Labor before Tough on Drugs came in.

There is no evidence that consumption in Australia has increased dramatically. It is quite clear, therefore, that the supply reduction processes are working. It sends a very clear message to drug traffickers—their money goes up the chimney, and their colleagues spend years in prison. We have had similar results with seizures of heroin and ecstasy. All Duncan Kerr can say is that he is not sure that we should increase the penalties for drug trafficking, because Labor is out of step with community expectations. He wants a public debate. He believes we overfocus on prohibition. The news for him is that we are being successful, and the Australian community is 100 per cent behind the Tough on Drugs strategy.

#### **Nursing Homes: Riverside Staff**

**Senator FAULKNER** (3.22 p.m.)—My question is directed to Senator Herron, the Minister representing the Minister for Aged Care. What action has the Minister for Aged Care taken to protect the wages and accrued entitlements of the staff previously employed at Riverside Nursing Home. Isn't it true that the nurses who refused to participate in the kerosene baths, who reported the incident to the proper complaints mechanism and waited 50 days for action, have now effectively been sacked by the actions of the Minister for Aged Care? What message does this send to employees of nursing homes who report abuse or mistreatment of the elderly?

**Senator HERRON**—I thank Senator Faulkner for the question. The government recently announced the establishment of the Employee Entitlements Support Scheme to provide a safety net of protection for employees whose employment has been terminated because of employer insolvency and who do not receive their full entitlements. The government is aware of reports that Riverside Nursing Home employees may find themselves in these circumstances. If that occurs, the employees would be able to make a claim for assistance under the scheme, and these claims would be considered along with those from any other employees who make a claim. If there is anything further the minister has to add to that answer, I am happy to approach her for that.

**Senator FAULKNER**—Madam President, I would appreciate an answer from the Minister for Aged Care to this important question, but I ask a supplementary question to the Minister representing the Minister for Aged Care. Will the minister guarantee the payment of wages to those staff prepared to stay behind and care for those vulnerable elderly residents who have refused to accept Minister Bishop's orders to be transferred some 40 kilometres away from their loved ones?

**Senator HERRON**—I think Senator Faulkner should also be aware that every avenue is being taken to see that those residents do not have to be transferred 40 kilometres away. In relation to Riverside Nursing Home, approaches have been made to other facilities to see whether they can take them in, so there is a false premise in the question.

**Senator Faulkner**—Madam President, I rise on a point of order. I have asked specifically a supplementary question to the minister. I asked whether he would provide a guarantee about payment of wages to those staff who have stayed behind to look after the vulnerable elderly patients in Riverside who have not been transferred 40 kilometres away.

**Senator HERRON**—Madam President, that is a repeat of the question that was asked before. I think it is an abuse of points of order to get up and restate the question when it has

already been asked and when I was in the process of answering it.

**Senator Cook**—Madam President, on the point of order: this is a question that is not capable of being misconstrued. It is a simple and direct question calling for a simple and direct answer. The minister starts his answer by canvassing other issues and not coming to the question. The point of order is a sound point of order. You should compel the minister to answer the question. There is an answer—it is either yes or no—and the people on whose behalf the leader is asking this question would be grateful for a clear reply.

**The PRESIDENT**—The point of order was a repeat of the question, and that ought not to be the case, but I draw the minister's attention to the question that was asked and invite him to answer it.

**Senator HERRON**—I was pointing out that there are other avenues being explored to see whether it is possible for some of the people in the Riverside Nursing Home to be accommodated in facilities.

*Senator Faulkner interjecting—*

**Senator HERRON**—Here we go again! Senator Faulkner made the statement that they had to be transferred 40 kilometres out. That is patently incorrect.

**Senator Faulkner**—I am talking about the staff.

**Senator HERRON**—I have answered about the opportunities available for the staff. I am sure that the minister is very concerned about the staff as well as the residents. (*Time expired*)

#### **Rural Transaction Centres**

**Senator RIDGEWAY** (3.27 p.m.)—My question is to the Minister representing the Minister for Financial Services and Regulation, Senator Kemp. I draw the government's attention to the fact that, according to the National Farmers Federation, in the last five years well over 500 bank branches in rural and regional Australia have closed. Isn't it true that the government promised \$70 million in their 1998 election campaign to open 500 rural transaction centres in regional Australia? Isn't it also correct that now, 16 months after the election, only 23 of the

transaction centres have opened? If so, what is the government's timetable for opening the other 477 rural transaction centres?

**Senator KEMP**—I think this question would have been better addressed to my colleague Senator Ian Macdonald, who does have responsibilities in this area. But fortunately I do have a brief on this, Senator Macdonald. I do not wish to intrude into your area of responsibility, but we appreciate the sincerity with which the question was asked, and we appreciate that these matters are of concern to Senator Ridgeway, as they are of concern to this government but are of no concern to the Labor Party. The government certainly appreciates the potential impact of branch closures on residents and the economies of many of our small rural communities. That said, there has been a recognition on the part of the banks to give consideration to these issues, and we welcome that.

**Senator CONROY**—Westpac just announced five closures this afternoon.

**The PRESIDENT**—Senator Conroy, stop shouting.

**Senator KEMP**—The government is very concerned about these particular matters, and we believe it is important that the banks themselves recognise these issues. I am advised that earlier this year Westpac made an announcement regarding the continued commitment to maintaining a face to face banking presence in various forms in all of the communities currently under—

*Opposition senators interjecting—*

**Senator KEMP**—Madam President, it is very hard to answer questions when you are receiving constant abuse and sledging from Senator Faulkner.

**The PRESIDENT**—Order! Just a moment, Senator Kemp.

**Senator KEMP**—Madam President, thank you for that. I do not think Labor senators are interested in the answer to this question. Let me continue in the face of this incredible abuse that one receives from the Labor Party. As I was saying, Westpac made an announcement regarding their continued commitment to maintaining a face to face banking presence in various forms in all of the communities they currently service,

whether by traditional branches or by new in-store branches which often have longer opening hours.

*Opposition senators interjecting—*

**The PRESIDENT**—Order! The behaviour on my left is unacceptable.

**Senator KEMP**—Madam President, the Labor Party are very defensive today. Perhaps that is because they have seen the recent polls. After all their pathetic efforts, the Labor Party's polls have gone through the floor, thanks to the sort of leadership that we are getting from Senator Faulkner and Senator Conroy. It is no wonder that Labor are defensive. They are so pathetically led.

**Senator Lees**—Madam President, I rise on a point of order. Senator Kemp was asked a very specific question. I ask you to draw him back to that question and ask him specifically to answer it.

**The PRESIDENT**—I suggest you ignore the interjections, Senator Kemp, and apply yourself to the question.

**Senator KEMP**—It is difficult when there is such an enormous chorus. The government is mindful of the potential impact of bank closures on communities in rural and remote areas. The primary objective of the government's Rural Transaction Centre Program is to improve access to private and government transaction services and to do so in a way that encourages the private sector and/or community based provisions. The government intends that the rural transaction centres should enhance or complement any existing or planned commercial or government transaction services in rural towns, not crowd them out.

**Senator Conroy**—Lakes Entrance, Camperdown, Apollo Bay, Warracknabeal, Coryong.

**The PRESIDENT**—Senator Conroy, stop shouting.

**Senator KEMP**—Thank you, Madam President. I am advised that an allocation of \$8.1 million has been made to the program. If there is a supplementary question, I will be able to provide more information. (*Time expired*)

**Senator RIDGEWAY**—Madam President, I ask a supplementary question. I thank the minister for his answer. Given that the Prime Minister travelled rural Australia recently making commitments to local people as he went, why has the government apparently decided to let people down in rural areas by going slow on its 1998 commitment to open the 500 banking services for regional Australians? Twenty-three in 16 months, in my view, does not seem to be enough.

**Senator KEMP**—The advice that I have here is that to date over 70 small rural towns have benefited under the program. That means almost \$1.6 million in total funding.

*Senator Robert Ray interjecting—*

**Senator KEMP**—Senator Robert Ray is no giggle after the disastrous Collins class submarine. The country are absolutely appalled at your performance.

**The PRESIDENT**—Senator Kemp, I draw your attention to Senator Ridgeway's question.

**Senator KEMP**—I was again provoked, unfortunately. It has been a long day, Madam President. A key feature of the RTC Program, as I said, is one of flexibility whereby the community needs are identified through a so-called bottom-up approach rather than a top-down one, in accordance with the specific needs of individual communities. I know this is an issue of concern to Senator Ridgeway. I will look closely at any other matters raised in his question, and I will happily pass this on to the minister responsible for them. (*Time expired*)

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

#### ENVIRONMENT AND HERITAGE LEGISLATION

**Senator HILL (South Australia—Minister for the Environment and Heritage)** (3.35 p.m.)—Senator Brown last night took the opportunity in the debate on the Environment and Heritage Legislation Amendment Bill 1999 to ask me a series of questions without notice on the environmental impact statement related to Basslink. I answered those questions. My department reviewed my answers overnight. I am pleased to say that they say

that I was correct—I was accurate. Nevertheless, they have added some further information for clarification. I seek leave to have that information incorporated in *Hansard*.

Leave granted.

*The information read as follows—*

In my answers to Senator Brown last night in regard to the Basslink project I undertook to confirm or expand on several points which I made. In relation to the guidelines for the EIS for the Basslink project I can confirm that those guidelines, which are in draft form have yet to be released for public comment by the joint Assessment Panel. Following the public comment the guidelines will be finalised for my clearance prior to release to the proponent and preparation of the Environmental Impact Statement.

In relation to the content of the assessment I can confirm that the matters raised by Senator Brown including impacts on the World Heritage values, greenhouse implications and meromictic lakes are matters which have been identified for inclusion in the assessment.

The transitional provisions for the Environment Protection and Biodiversity and Conservation Act provide that where I have already directed an Environmental Impact Statement, as in the case of Basslink, the provisions of the Environment Protection (Impact of Proposals) Act continue to apply after 16 July.

Senator Brown also asked for information in relation to pricing structure for electricity arising from the Basslink project and requested copies of the tender documentation. None of this information is currently held by my Department. As these matters are the responsibility of the Tasmanian Government, my Department is seeking advice from Tasmania regarding the availability of this information.

#### ANSWERS TO QUESTIONS WITHOUT NOTICE

##### Goods and Services Tax: Wheat Producers Loans

**Senator KEMP (Victoria—Assistant Treasurer)** (3.36 p.m.)—On Thursday, 17 February 2000, Senator West asked me a question regarding the GST and arrangements applying to the Australian Wheat Board, the Australian Barley Board, the Grain Pool of Western Australia and the South Australian Bulk Handling Ltd. I seek leave to have further information in response to this question incorporated in *Hansard*.

Leave granted.

*The information read as follows—*

Can the Minister confirm the advice that has been provided to me that, on a loan agreement between wheat growers and the Australian Wheat Board in lieu of crop sales, GST will not be applicable to the loan principal or interest charges, but the supply of the loan facility by the AWB will be input-taxed as a financial supply?

Will the same GST arrangements apply to similar loans provided by the Australian Barley Board, the Grain Pool of Western Australia and the South Australian Co-operative Bulk Handling Ltd?

Yes. I am able to confirm in relation to a loan agreement between grain growers and the Australian Wheat Board that pertains to crops sales, GST will not be applicable to the loan principal or loan interest charges. The loan facility provided by AWB will be input-taxed.

Loan arrangements provided on a similar basis by other primary produce marketing organisations will be treated similarly for GST purposes.

Can he (the Minister) also confirm that the conditions which must be met to make a GST free export are that goods must be exported from Australia by the supplier within 60 days of that supplier first receiving any consideration of issuing an invoice for the goods?

I confirm my previous response given on the matter in Parliament on 7 December 1999.

#### **Rural and Regional Australia: Internet Access to Services**

**Senator ALSTON** (Victoria—Minister for Communications, Information Technology and the Arts) (3.36 p.m.)—Yesterday's *Hansard* records me as having said that 'the government committed itself to delivering all appropriate government services online by the end of this year'. That should read 'next year'.

**Senator Robert Ray**—Is it your mistake or theirs?

**Senator ALSTON**—I am referring to the *Hansard* dated Saturday, 3 June 2000!

#### **Nursing Homes: Riverside**

**Senator FAULKNER** (New South Wales—Leader of the Opposition in the Senate) (3.37 p.m.)—I move:

That the Senate take note of the answers given by the Minister for Aboriginal and Torres Strait

Islander Affairs (Senator Herron), to questions without notice asked today relating to aged care.

Last night on television on the *Lateline* program, we had the Prime Minister in attendance to defend the Minister for Aged Care. On that program, he uttered these words:

When she heard of the problem with the Riverside home, she acted quickly.

You have to ask yourself: what is the Prime Minister's definition of 'acting quickly'? Look at the sorry record of Mrs Bishop in relation to her responsibility as the Minister for Aged Care. In May 1998, almost two years ago, the Riverside Nursing Home passed only three of the government's 29 quality assurance tests. In June 1999—this is after Mrs Bishop has become responsible for aged care—the nursing home again failed key quality tests. The point is that, if Minister Bishop had acted then, the residents of Riverside Nursing Home would not have had kerosene baths.

On 15 January this year, the residents of Riverside Nursing Home were given kerosene baths. On 17 January this year, the department was informed of those kerosene baths and, of course, the Minister for Aged Care, Mrs Bishop, failed to act. On 26 January this year, the department was contacted by the Nurses Union, and again the Minister for Aged Care, Mrs Bishop, failed to act. On 15 February this year, almost a month later, the media got hold of the story about the kerosene baths. What happened then? Absolute panic. The government and the minister go into damage control: you get, at last, spot checks on the Riverside Nursing Home; an administrator is put in. Residents and their families, of course, are kept in the dark as all this is happening. There is indecision, and finally there are the terrible scenes that we all saw yesterday with the evacuation of residents of the nursing home and the extraordinary concern expressed by the families of those residents, who were not consulted.

That is the sorry record of Minister Bronwyn Bishop. This is a minister who has totally failed to fulfil her obligations and who has been utterly negligent in the carriage of her duties as the Minister for Aged Care. The minister said on television this morning, 'It is my responsibility to ensure that the systems

are in place.' They are her words. She claims this; she claims she is responsible. And of course she has failed the test. She must resign because she misled the parliament by claiming spot checks were occurring when they were not. She should resign because she took more than six months to act in relation to the complaints that were made about Riverside Nursing Home. This is a minister who has tolerated substandard nursing home care throughout her period as Minister for Aged Care, although she stated in the parliament that she would not tolerate such substandard care. That is another misleading of the Australian parliament—another reason why this minister should resign. This is a minister who has been lazy and grossly negligent.

Aged care in this country is in a total shambles: you have waiting lists growing; you have people who have been hurt; you have substandard treatment, like people receiving kerosene baths and resulting burns; and of course you have the totally botched evacuation of Riverside Nursing Home under the responsibility of Mrs Bishop, the Minister for Aged Care. This is a minister who has consistently misled the parliament and failed to carry out her proper functions and responsibility as a minister and as the minister responsible for one of the most sensitive and important portfolios in government—the responsibility of aged care. She has no alternative in these circumstances but to resign. (*Time expired*)

**Senator EGGLESTON (Western Australia)** (3.42 p.m.)—It is absolute nonsense to say that Minister Bishop should resign. Minister Bishop has administered the portfolio she now holds with great care and concern for the aged people in Australia. We have to remember that the record of the previous government was a dismal one: Labor was not interested in having better standards in aged care. The system it had was bureaucratic and overregulated. The care standards were very poor and the supervision and testing of them was very much inadequate. Quality care outcomes could not be guaranteed.

Most importantly, Labor cut spending on aged care by 75 per cent. By contrast, the coalition government has instituted a system of aged care which has provided more aged

care residential units and more capital for aged care units with access to a funding stream of \$1.5 billion over the first 10 years of the aged care reforms. Additional funding has been provided in the 1999-2000 budget: \$23 million has been provided for services in rural and remote areas, \$10 million has been provided annually to facilities in need of capital assistance, and \$28.2 million has been allocated to the aged care sector to assist in the restructuring of the sector.

In general, the coalition has fostered a system under which there is a better quality of aged care services. This government is serious about improving services to the aged, whereas the Labor Party, when it was in government, certainly was not. I think that is the central point to bear in mind: under the coalition government, the quality of aged care has certainly improved. For the Labor Party to get up and call for the resignation of the minister who has presided over these improvements is just absolutely hypocritical, given its pitiful record of implementation of policy in the aged care sector.

*Senator Forshaw interjecting—*

**The DEPUTY PRESIDENT**—Order! Senator Forshaw. Your interjections are unruly. They are unruly at the best of times and you are not in your seat.

**Senator EGGLESTON**—Senator Bishop has responded quickly and effectively to the concerns about this particular matter.

**Senator Faulkner**—You mean the Minister for Caged Hair?

**Senator EGGLESTON**—I mean Minister Bishop, the Minister for Aged Care. I certainly would not wish her to be confused with the current Labor Senator Bishop, who is a man of far less ability and credibility than Minister Bishop. Minister Bishop was advised of the problems in this nursing home late on the night of 15 February.

She immediately had the central office of the Department of Health and Aged Care in Canberra refer the matter to the Aged Care Standards and Accreditation Agency for swift action. Arrangements were put in place for a visit to take place at 9 o'clock on that very next morning, and that inspection was carried out by officers, including three nurses, a de-

partmental official and an agency assessor. As a result of that, certain actions and recommendations were made.

The result was that sanctions were imposed on the Victorian nursing home concerned in response to problems identified by the audit agency. Those problems included concerns with the administration of medication to residents; residents were found to be at risk of dehydration and there were serious concerns about skin conditions and their treatment. There were various other problems such as poor continency management and a number of environmental and safety issues arising from poor building maintenance. These problems were identified because this government had set up an assessment agency. Under the previous regime of the Labor Party, no such assessment could have been carried out. Minister Bishop set in train the motions to assess that residential care institution, and appropriate action was taken. (*Time expired*)

**Senator ROBERT RAY (Victoria)** (3.47 p.m.)—Minister Bishop herself admits that many nursing homes are in a parlous state, but she then obeys the first iron rule of politics: where there is a problem, find a scapegoat. And the scapegoat in this instance is her own department, who apparently did not keep her informed of what was happening. She has dumped on them unmercifully. Of course, they are in a position where they cannot really respond. It is very difficult for a department to either contradict or attack their own minister. So they have had to cop it. Of course, the opposition have said, 'No, Minister Bishop, you should resign.' But are we being fair in saying that?

What do the precedents say? What do the records say? Who has said the most about this issue in the past? I went and checked the records today and, lo and behold, the person whose name comes up constantly on the computer about ministerial responsibility and resignation is none other than the former Senator Bronwyn Bishop. I thought I would share some of this record with the chamber here today. For instance, on 18 August 1992, the then Senator Bishop said:

In the Senate this afternoon we have seen Senator Evans as a man who does not want to be responsible for what happens in his department.

Do we get a sense of *deja vu* here? On the same day, the former Senator Bishop went on to say:

I asked him who was responsible and who was reporting to him because we want to know in this chamber that he is actually paying attention to what happens in his Department as distinct from trying to blame yet another public servant in his Department.

Mrs Bishop would not do that! She would not blame someone in the department! A month later, the then Senator Bishop, again talking about the then Senator Gareth Evans, said:

... he has been telling us that, whatever the problem is, it is somebody else's fault ... Every time we see a problem in the Department of Foreign Affairs and Trade, it is somebody else's fault.

That has a resonance, more recently, I would have thought. She then goes on to say:

It is all very well for the Minister to sit there and bluster and carry on as he has done today, for the world to see. Yet we have people who are within the Minister's jurisdiction, within the portfolio responsibility that he has and—surprise, surprise—his duty as a Minister is not merely to gallivant around the world meeting somebody here and making a speech there, it is actually to run his Department.

But, if you want the *piece de resistance*, I recommend you read the *Hansard* of 6 May 1992. Here the then Senator Bishop really lets it all hang out. She says:

We have to ensure ... that we find a way in which the Minister is responsible for the efficiency, inefficiency, corruption or otherwise that goes on in his or her department.

She then goes on to say:

... under the Westminster system we must hold the Ministers accountable for what is occurring in their departments. Simply to say that they were uninformed or did not bother to inform themselves will not do ...

Let me repeat that:

Simply to say that they were uninformed or did not bother to inform themselves will not do, because under our system of government accountability of the executive arm of government to the Parliament is essential.

But then she goes on to give us the solution. She says:

If the Minister cannot uphold those standards—

that is, the standards she set for others but will not obey herself—

then resign. If a Minister will not resign voluntarily, we must ask the Prime Minister of the day to cause that Minister to resign, and that includes for such things as misleading the Parliament.

The former Senator Bishop wrote her own obituary eight years ago. She in this chamber set the standards for ministers, or do they not apply to Liberals? She set the standards, she will not obey them. If she wanted to do the right thing, going back to her previous words, she would resign. But, of course, she has left the Prime Minister in an extremely awkward position. The second iron law of politics is that it is much harder to sack an enemy than a friend. Therefore, the Prime Minister faces that enormous difficulty. How does he sack an enemy in Mrs Bishop, because it would make him look worse? He follows the old Lyndon Johnson philosophy: it is better to have her inside the tent looking out than outside the tent looking in. (*Time expired*)

**Senator TCHEN (Victoria)** (3.52 p.m.)—Senator Ray made a lot about Minister Bishop not being responsible. I put it to him that Minister Bishop is taking her responsibility very seriously. Were she not being responsible, she would run away. Then she would be really irresponsible. But she has a task to do and she is staying on to do the job. And what is this job?

Let me go back to what Senator Faulkner said. Senator Faulkner made a heroic attack on a minister who is not in this house. However, I think my colleague Senator Eggleston put paid to most of his arguments. However, Senator Faulkner made a very good point when he got up to speak, and it was echoed by Senator Ray. Senator Faulkner said that aged care in this country is in a total shambles. We might ask the question: why is it in such a shambles? Did it get in a shambles overnight? We have an answer to that, because Senator Ray also said that Minister Bishop has an extremely difficult task. Why does she have a difficult task? Because of the mess the Labor Party left us in the aged care area, as well as in other areas, after 13 years.

It is well known that Australia's population is ageing and ageing rapidly. That has been known for quite a few years. Also, aged care has been in desperate need of government attention for many years. The former Labor government did nothing about it until 1993, as we heard earlier from Senator Heron. In 1993, the former Labor government commissioned Gregory to report on aged care. What the Gregory report came up with was—surprise, surprise—that the Labor Party were 10,000 beds below their own benchmark. That was the situation in 1993. What happened? Nothing was done in the next three years, until this government was elected in 1996 and it carried out a review.

**Senator Carr**—We had kerosene baths.

**Senator TCHEN**—I know you had them then, but they were a common thing when you were in government. When the Howard government came in in 1996, we found that the Labor government had run down residential care and not only had not increased funding for it but had withdrawn \$1½ billion dollars from it; and we were still 10,000 residential places short three years after the Gregory report.

The Australian National Audit Office tabled in December 1998 a report which exposed a large drop in the level of residential aged care service provision over the 10 years from 1986 to 1996. In 1986 the Labor Party promised there would be 100 aged care places for every 1,000 people over 70 years of age. At that time, the standard provision was 98 places. By 1996, 10 years later, the service ratio had dropped to 93½ places. That is Labor's record in their final 10 years. That is the mess that Minister Bishop is required to repair.

What she has done to her credit since 1997 is to implement reform which takes into account the changes in the aged care market by encouraging private sector provision. She implemented this aged care standards accreditation process which the Labor Party would never have thought of. (*Time expired*)

**Senator QUIRKE (South Australia)** (3.57 p.m.)—I think Senator Tchen's contribution a second ago was a fascinating one. What he told us was that we should not be too hard on



Minister Bishop because she was the one who brought in the criteria by which these places could be judged and that we should be grateful really that these criteria are in place. The problem is that two years ago, when these criteria were in place, we found that the Riverside establishment got three out of 29. What is the point in having the criteria if a pass mark is either three or fewer out of 29? I think even David Kemp would have something to say about that. It seems to me that, if you have these criteria in place and 26 points are not met, you would have to ask yourself seriously whether or not this place ought to remain open. It failed on 26 points.

We have heard it said a lot here this afternoon that it was all our fault—that we were in years ago and no-one complained about the quality of kerosene baths then or any of the rest of it. I have to tell the Senate that Minister Bishop has been guilty of all those things that she used to get on the box about every night. We used to see her, long before I was in here, having a go at some poor public servant, flogging the daylight out of someone in estimates.

I must say it did build up her profile around the place and it did build up the ratings of some of the TV channels at parliament, because most people actually like to see a politician get in there and kick these public servants who they think in many instances are not doing the right thing. I have to tell the Senate that out there there is an attitude in the community that we are not as hard on the civil service of this country as we should be. The reality of course is that under the Westminster system the minister is responsible—not the minister years ago, the minister that is there today that Senator Tchen tells us is going to hang around to see the job through. We have a whole pile of information—Senator Ray has just come out with some here—on what this minister had to say when she was present in this Senate and in its various forums about the role of ministers, about the role of public servants, and how ministers should not be cowardly enough—I use that word—to blame the department for their own ministerial incompetence.

This record here today is a dreadful one. Two years ago this nursing home could only get three out of 29, and Minister Bishop has the hide to evade this issue and say that she is not responsible; her department is. We find out that it took 50 days from the report of the kerosene bath to action being taken. But we are told that on the day the decision was made they rang the nursing home and said they would 'be there tomorrow morning'. By my calculations, that is 49 days for anything to happen but only one day to just warn the Riverside establishment that some jokers were going to rock around the next morning.

I reckon Minister Bishop's attitude to aged care is not different from that 100 years ago in Britain where they had the work house. Unfortunately for the people who went in there they were the ones who deserved to be in there and they deserved everything they got. We have heard about the kerosene baths; I would hate to see or hear of what some of the other procedures in that place were and what else it would take to get this minister to take some action. She ought to resign and, if she does not, she ought to be sacked today. This woman is a complete and utter hypocrite in what she said here years ago. (*Time expired*)

**Senator Ian Campbell**—I raise a point of order, Madam Deputy President. The language used by the honourable senator opposite was entirely unparliamentary. He knows it and he should be asked to withdraw.

**The DEPUTY PRESIDENT**—Senator Quirke, can you withdraw please?

**Senator Quirke**—I withdraw the word 'hypocrite'.

Question resolved in the affirmative.

#### **Rural Transaction Centres**

**Senator RIDGEWAY (New South Wales)** (4.03 p.m.)—I move:

That the Senate take note of the answer given by the Assistant Treasurer (Senator Kemp), to a question without notice asked by Senator Ridgeway today, relating to rural transaction centres.

The Democrats have consistently raised concerns about the impact of the banking industry on consumers. We have particular concern about the impact on rural communities and businesses generally. I think everyone would

agree that whilst banks need to make a profit they also have an obligation to provide all Australians with access to affordable and high quality banking services—irrespective of where they live. The Democrats have long subjected banks to scrutiny but I think equally close scrutiny must be given to relevant government policies over time. I particularly refer to the government's commitment in 1998 about the opening of 500 rural transaction centres. I think that banks are having little difficulty meeting their own needs, but it is also obvious that the number of complaints coming from consumers makes it equally clear that banks are simply not meeting the needs of customers and we expect more. There is no secret about that. Over the past few years bank fees and charges have increased, jobs have been cut, branches have closed in enormous numbers and profits have soared.

I mentioned some time ago that the Banking Industry Ombudsman also raised the issue and that many complaints going to him fell well beyond the terms of reference that he dealt with. I want to draw the attention of the Senate to the fact that more than 2,000 complaints of this nature went to the industry ombudsman during the period 1998 and 1999. He could not deal with those. So far, the government's policy response of 500 rural transaction centres also does not appear to be dealing with the issue. I think we must keep in mind that this issue is really about consumers. Particularly in rural and regional Australia, they deserve a fair go, and it should be ensured that facilities are locally available. I referred recently to comments given to me by my mother that the local bank on the north coast is closing. And it does not have to be just a small town; this is a town of some 17,000 people. There is no proposal to open a rural transaction centre in that location, and yet the people in that area will be expected to travel kilometres to do banking on a daily basis. This is how ordinary people are affected—let alone what it is that businesses need to do when the GST arrives.

It is also clear that this is an issue that came up during 1988 when the House of Representatives looked at the same issue of regional banking services. It was clear then,

because they said there would be a decline and closure of bank branches in rural communities. That trend has not disappeared; it has continued. I make the point with respect to regional rural transaction centres that, despite talking in the 1998 election campaign about 500 of them being opened and about a commitment to spend \$70 million on this issue, some 16 months later we are talking about the opening of only 23 transaction centres. I think the government ought to be doing more. I think Australians expect more in terms of local facilities being available for local business and for local consumers.

I emphasise that, whilst we had a debate some weeks ago as a matter of public importance on this issue, there is no question that we ought to revisit this issue, not only in the context of making sure that banks are obliged to deal with community service arrangements with local populations but also because the government ought to be held accountable for a policy that it made a promise on in 1998. From that point we ought to now be able to move forward and open more rural transaction centres.

Question resolved in the affirmative.

#### PETITIONS

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

##### **Sexual Discrimination**

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

The Petition of the undersigned shows: That Australian citizens oppose social, legal and economic discrimination against people on the basis of their sexuality or transgender identity and that such discrimination is unacceptable in a democratic society.

Your petitioners request that the Senate should: pass the Australian Democrats Bill to make it unlawful to discriminate or vilify on the basis of sexuality or transgender identity so that such discrimination or vilification be open to redress at a national level.

by **Senator Bartlett** (from 149 citizens).

##### **World Heritage: Great Barrier Reef**

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

The Petition of the undersigned shows strong disappointment in the Australian Government's

inadequate protection of the Great Barrier Reef World Heritage Area from the destructive practices of prawn trawling. Prawn trawling destroys up to 10 tonnes of other reef life for every one tonne of prawns while clearfelling the sea floor. There are 11 million square kilometres of Australia's ocean territory of which the reef represents just 350,000 square kilometres.

Your Petitioners ask that the Senate support the phasing out of all prawn trawling in the Great Barrier Reef World Heritage Area by the year 2005.

by **Senator Bartlett** (from 111 citizens).

#### **Live Export Market**

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

The Petition of the undersigned oppose the resumption of the live animal export market. We believe carrying live animals on long journeys prior to slaughter is a cruel, unnecessary and unhealthy practice. A carcass-only export meat trade is preferable and would create abattoir employment in Australia.

The Coalition government, the Australian Live Exporters' Council, Livecorp, the Sheepmeat Council of Australia and Meat and Livestock Australia want to supply Saudi Arabia alone with up to one million sheep a year.

Your Petitioners ask that the Senate oppose the resumption of the live animal export market. The Government will be monitoring six trial shipments to determine whether the live sheep trade could be opened up. The first trial shipments of 60,000 live sheep left Australia for Saudi Arabia in January 2000.

by **Senator Bartlett** (from 80 citizens).

#### **East Timor**

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

The Petition of the undersigned draws to the attention of the Senate Indonesia's continued denial of human rights to the people of East Timor.

Your Petitioners ask the Senate to call on the Australian Government to:

- (1) actively support all United Nations resolutions and initiatives on East Timor;
- (2) actively support the right to self-determination of the people of East Timor;
- (3) work for the immediate release of all Timorese political prisoners;
- (4) repeal the Timor Gap Treaty; and
- (5) stop all military cooperation and commercial military activity with Indonesia.

by **Senator Bourne** (from five citizens).

#### **Australian Broadcasting Corporation**

To the Honourable the President and members of the Senate in the Parliament assembled.

The petition of the undersigned recognises the vital role of a strong and comprehensive Australian Broadcasting Corporation (ABC) and asks that:

(1) Coalition Senators honour their 1996 election promise, namely that 'The Coalition will maintain existing levels of Commonwealth funding to the ABC'.

(2) The Senate votes to maintain the existing role of the ABC as a fully independent, publicly funded and publicly owned organisation.

(3) The Senate oppose any weakening of the Charter of the ABC.

by **Senator Bourne** (from seven citizens).

#### **Multilateral Agreement on Investment**

To the Honourable Members of the Senate in the Parliament.

The Petition of the undersigned draws to the attention of the Senate the deleterious effects of the Multilateral Agreement on Investment.

Your petitioners ask the Senate to call on the Australian Government to:

(1) Make available the draft text of the Agreement;

(2) Make a public statement about its intentions with regard to the signing of the MAI, detailing the beneficiaries of the Agreement, and accountability measures for all corporations;

(3) Not sign the MAI unless substantive amendment is made, including the observance of international agreements including environment, labour, health and safety and human rights standards;

(4) Extend the deadline for signing the MAI to enable full and proper public consultations to be held.

by **Senator Bourne** (from 200 citizens).

#### **Goods and Services Tax: Sanitary Products**

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

We, the undersigned Australians, request that the Senate reject the Government's proposed plan to impose GST on tampons and sanitary pads.

We find it absurd that sunscreen, condoms, personal lubricants for men and women, and incontinence pads are all to be GST free, on the

basis that if one didn't use them, one would suffer a "disability", yet menstruation products will not.

We think that women not using tampons or pads would cause more than a "disability" it would cause a furore!

Women already carry the burden of paying for menstruation products. We do not believe that women should carry an additional burden of a 10% GST on a product that women have no choice but to purchase, and for which men have no equivalent.

We believe that a tax on tampons and sanitary pads is discriminatory and unfair. Your petitioners request that the Senate reject the Government's GST on tampons and sanitary pads.

by **Senator Faulkner** (from 1,260 citizens).

#### **Goods and Services Tax: Sanitary Products**

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

The Petition of the undersigned shows:

That the women of Gladstone and surrounding districts oppose a GST on feminine hygiene products.

Your Petitioners request that the Senate should assist in the removal of the GST on such products and aid in them being classified as health products as are condoms, personal lubricants and sunscreens.

by **Senator Hogg** (from 412 citizens).

#### **Goods and Services Tax: Sanitary Products**

We the undersigned Australians request that the Senate reject the Government's proposed plan to impose the GST on tampons and sanitary pads/napkins.

Women already carry the burden of paying for menstruation products. We do not believe that women should be further marginalised with the extra burden of paying for a 10% GST on products that women have no choice but to purchase and for which men have no equivalent.

We consider a 10% GST on tampons and sanitary pads/napkins to be discriminatory and unfair to women.

by **Senator Hogg** (from 521 citizens).

#### **Goods and Services Tax: Sanitary Products**

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

The Petition of the undersigned are gravely concerned that given currently tampons, pads and liners have attracted no taxes in Australia since 1948, the introduction of the LGST will find an additional 10% on these products.

Your Petitioners ask that the Senate insist the Minister include the above mentioned products in the GST free list. Currently condoms, sexual lubricants, suntan cream and folate tablets are under consideration by the Health Minister to be GST free. The fact that half of the Australian population experience menstruation for 30-40 years of their life through no choice of their own means that these products should be included in the GST-free list.

by **Senator Tambling** (from 335 citizens).

#### **Genetically Modified Food**

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

The Petition of the undersigned demand the Australian Government implement regulation for the mandatory labelling of all food or food components which are genetically modified.

by **Senator Stott Despoja** (from 100 citizens)

#### **Genetically Modified Food**

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

The Petition of the undersigned demand the Australian Government implement regulation for the mandatory labelling of all food or food components which are genetically modified and/or irradiated.

by **Senator Stott Despoja** (from 164 citizens).

Petitions received.

### **NOTICES**

#### **Presentation**

**Senator Lightfoot** to move, on the next day of sitting:

That the Select Committee on Superannuation and Financial Services be authorised to hold a public meeting during the sitting of the Senate on 13 March 2000, from 7.30 pm till 10.30 pm, to take evidence for the committee's inquiry into the provisions of the Superannuation (Entitlements of same sex couples) Bill 2000.

**Senator Ferris** to move, on the next day of sitting:

That the Parliamentary Joint Committee on Native Title and the Aboriginal and Torres Strait Islander Land Fund be authorised to hold a public

meeting during the sitting of the Senate on 14 March 2000, from 3.15 pm till 5.30 pm, to take evidence for the committee's examination of the 1998-99 annual report of the National Native Title Tribunal.

**Senator Woodley** to move, on the next day of sitting:

That the Rural and Regional Affairs and Transport References Committee be authorised to hold a public meeting during the sitting of the Senate on 13 March 2000, from 8 pm till 10.30 pm, to take evidence for the committee's inquiry into air safety.

**Senator Stott Despoja** to move, on the next day of sitting:

That the Senate—

(a) notes that Australia's education sector is now a larger export industry than wool and that in 1999 the sector:

- (i) enrolled 157 834 international students,
- (ii) injected more than \$3 billion into the domestic economy, and
- (iii) provided thousands of Australian jobs; and

(b) congratulates the education sector for this achievement despite the Coalition Government's budget cuts.

**Senator Crane** to move, on the next day of sitting:

That the time for the presentation of the report of the Rural and Regional Affairs and Transport Legislation Committee on the Australian Quarantine and Inspection Service and the importation of salmon be extended to 12 April 2000.

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

That the Senate—

(a) supports the call by the Prime Minister (Mr Howard) for a national debate on population policy;

(b) recognises the importance and contribution of migrants to the ongoing development of Australian society and the need for a non-discriminatory immigration program;

(c) supports the development of further measures to encourage migration flows to regional areas of Australia; and

(d) supports an increase in the intake of people through Australia's refugee and humanitarian program.

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

That the Senate—

(a) notes:

(i) a resolution by Bendigo Council opposing any cuts to, or closure of, Telstra's Directory Assistance Call Centre in Bendigo, and

(ii) concerns that up to 65 jobs are earmarked for cuts over the next 6 months; and

(b) urges the Federal Government to intervene in order that current staffing levels be maintained at Telstra's Call Centres in Bendigo and Morwell.

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

That the Senate notes that:

(a) it is 27 days since former Senator Parer resigned as a senator for the State of Queensland;

(b) the Queensland Liberal Party has said that it will not select a replacement for Senator Parer until 30 April 2000, another 54 days (a total of 81 days since Senator Parer's resignation);

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

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

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

### Postponement

Items of business were postponed as follows:

General business notice of motion no. 340 standing in the name of Senator Allison for today, proposing an order for the production of Commonwealth-State agreements, postponed till 13 March 2000.

General business notice of motion no. 434 standing in the name of Senator Cook for today, relating to the Nuclear Non-Proliferation Treaty Review Conference, postponed till 9 March 2000.

### BUSINESS

#### Consideration of Legislation

Motion (by **Senator Vanstone**, at the request of **Senator Ian Campbell**) agreed to:

That the provisions of paragraphs (5) to (7) of standing order 111 not apply to the Census Information Legislation Amendment Bill 2000, allow-

ing it to be considered during this period of sittings.

#### **TREE CLEARING IN QUEENSLAND**

Motion (by **Senator Bolkus**) agreed to:

That there be laid on the table by the Minister for the Environment and Heritage (Senator Hill), no later than immediately after questions without notice on the next day of sitting, a report from the Australian Bureau of Agricultural and Resource Economics to Environment Australia on estimating the benefits and costs of restrictions on tree clearing in Queensland.

#### **COMMITTEES**

##### **Environment, Communications, Information Technology and the Arts References Committee**

###### **Meeting**

Motion (by **Senator Allison**) agreed to:

That the Environment, Communications, Information Technology and the Arts References Committee be authorised to hold a public meeting during the sitting of the Senate on 9 March 2000, from 4 pm, to take evidence for the committee's inquiry on global warming and the Convention on Climate Change (Implementation) Bill 1999.

#### **HON. DAME ROMA MITCHELL**

Motion (by **Senator Vanstone**, and on behalf of **Senator Crowley** and **Senator Lees**) agreed to:

That the Senate—

(a) acknowledges with deep respect and gratitude the life, achievements and contribution of Dame Roma Mitchell;

(b) notes Dame Roma's significant achievements, including:

- in 1962, appointed Australia's first female Queen's Counsel;
- in 1965, appointed Australia's first female Supreme Court judge;
- in 1981, appointed founding chairwoman of the Human Rights Commission;
- in 1982, made a Dame of the Order of the British Empire;
- in 1983, appointed Chancellor of the University of Adelaide;
- in 1990, appointed Australia's first female governor of South Australia;
- in 1991, appointed a Companion of the Order of Australia; and
- in 2000, appointed Commander of the Royal Victorian Order; and

(c) notes that Dame Roma is held in high regard by all political parties as evidenced by her appointment as Australia's first Human Rights Commissioner by the Fraser Government and her appointment as Governor of South Australia by the Bannon Government.

#### **ALBURY EXTERNAL FREEWAY BYPASS**

Motion (by **Senator Allison**) agreed to:

That the Senate—

(a) notes that:

- (i) on 16 February 2000, a delegation of Albury residents protested in front of Parliament House asking the Government to listen to their pleas for an external freeway bypass for Albury,
- (ii) 75 per cent of Albury residents are opposed to the internal bypass freeway proposed, which cuts through the heart of their city,
- (iii) the Save Our City group has delivered to the New South Wales and Federal governments a 400 page cost benefit analysis of the internal and external routes, and
- (iv) its report shows an external bypass route is safer, 5 kilometres shorter and approximately \$100 million cheaper; and

(b) calls on the Federal Government to revisit its decision to fund the internal bypass route.

#### **COMMITTEES**

##### **Rural and Regional Affairs and Transport Legislation Committee**

###### **Extension of Time**

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

That the time for the presentation of the report of the Rural and Regional Affairs and Transport Legislation Committee on the provisions of the Northern Prawn Fishery Amendment Management Plan 1999 (No. NPF 02) be extended to 8 March 2000.

##### **Employment, Workplace Relations, Small Business and Education References Committee**

###### **Extension of Time**

Motion (by **Senator O'Brien**, at the request of **Senator Jacinta Collins**) agreed to:

That the time for the presentation of the report of the Employment, Workplace Relations, Small Business and Education References Committee on

education and training programs for indigenous Australians be extended to 16 March 2000.

**Native Title and the Aboriginal and Torres Strait Islander Land Fund Committee**

**Meeting**

Motion (by **Senator McGauran**, at the request of **Senator Ferris**) agreed to:

That the Parliamentary Joint Committee on Native Title and the Aboriginal and Torres Strait Islander Land Fund be authorised to hold a public meeting during the sitting of the Senate on 9 March 2000, from 6 pm, to take evidence for the committee's inquiry into an amendment of the *Native Title Amendment Act 1998* to fulfil Australia's international obligations in relation to racial discrimination.

**Superannuation and Financial Services Committee**

**Extension of Time**

Motion (by **Senator McGauran**, at the request of **Senator Watson**) agreed to:

That the time for the presentation of the report of the Select Committee on Superannuation and Financial Services on the provisions of the Superannuation (Entitlements of same sex couples) Bill 2000 be extended to 16 March 2000.

*(Quorum formed)*

**MATTERS OF URGENCY**

**Aboriginal Reconciliation**

**The DEPUTY PRESIDENT**—The President has received the following letter from Senator Bolkus:

Dear Madam President,

Pursuant to standing order No. 75 I give notice that today I propose to move that, in the opinion of the Senate, the following matter is of urgency:

The Prime Minister's failure to show positive national leadership on Aboriginal reconciliation, an issue vital to Australia's social wellbeing and international reputation.

Yours sincerely,

Nick Bolkus.

Is the proposal supported?

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

**The DEPUTY PRESIDENT**—I understand that informal arrangements have been made to allocate specific times for each of the speakers in today's debate, and with the

concurrence of the Senate I would ask the clerks to set the clocks accordingly.

**Senator BOLKUS (South Australia)** (4.16 p.m.)—I move:

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

The failure of the Prime Minister (Mr Howard) failure to show positive national leadership on Aboriginal reconciliation, an issue vital to Australia's social well-being and international reputation.

Today, the opposition raises a matter of national urgency, a matter that goes to the issue of how we define ourselves as a nation, a matter that goes to the issue of how the rest of the world defines us, and a matter which, like all of the other issues which go to the defining of this nation, this Prime Minister has shown he is incapable of handling. The current state of relations between indigenous and non-indigenous Australians has been over 200 years in the making. It is a matter of undisputed fact that those years have been marked by dispossession, introduced disease, the destruction of cultural heritage and a deliberate dismantlement of social and family structures. All of these things have been visited upon indigenous Australians by colonisers.

It can also not be disputed that non-indigenous Australians are poorly informed on the history of their relationship with indigenous Australians. This problem has been exacerbated by the notion, common in many societies, of the innate superiority of the culture, language and beliefs of the dominant non-indigenous society. It is unsurprising that a system of laws and governance that has run counter to their interests for generations is held in contempt by many indigenous Australians. It is unsurprising that bridges need to be built. This is a thumbnail sketch of the context of decisions taken some 10 years ago to move towards reconciliation between indigenous and non-indigenous Australians. Ignorance, mistrust, antagonism and deep-seated hurt and anger are part of the reality of relations between the original Australians and the wider community. We should not be surprised.

Nonetheless, in the ensuing years people of different backgrounds, ethnicity and po-

litical persuasion have worked together tirelessly on the Council for Aboriginal Reconciliation to address these shameful realities. They have been and are people of substance, insight, dedication and integrity. They have worked closely with state based committees and the wider community with a view to achieving significant measures of reconciliation, and have done so in time for the Centenary of Federation. No-one believed or said that history could be turned around in such a short time. But until now the government of the day has stood with the council in its commitment to achieve measures of progress, measures that could be seen in documents, strategies and appropriate events.

Had the beliefs and attitude highlighted by recent polling not been deeply ingrained in our society there would have been no need for a reconciliation process or a reconciliation council. The council had a responsibility to measure the progress of the reconciliation process in the community. They rightly wished to seek objective data to assist in setting future goals. They sought advice for constructive purposes. However, it is reasonable to deduce that the polling that they sought has now been selectively leaked to the press for a cynical and transparent purpose. It cannot be denied that this Prime Minister has betrayed the council, has betrayed the reconciliation process and, in doing so, has betrayed the Australian community.

In announcing at the eleventh hour that timelines pursued over 10 years are suddenly 'unrealistic', he has reverted to speaking in code. Unfortunately, it is a code with which we have become all too familiar. When a little while ago he said he was 'lifting the pall of censorship,' we all knew that he was legitimising the rantings of bigots. In abandoning allegedly 'unrealistic'—these are his words—time lines we all know that reconciliation is off his agenda. There are no goals, no time disciplines, no government commitments. He tells us that the council could scarcely expect him to accept things that he did not believe in. But I think the nation needs him to believe in reconciliation. He tells us that the majority of Australians agree with him. The polling tells him so. How reassuring it is for this Prime Minister to have

answers that affirm his own anachronistic beliefs.

But what if those long-held beliefs are based on ignorance and false history or are born of fear and misunderstanding? Attitudes and prejudices are accumulated in a seamless and indivisible process over time. One of the many problems they raised is that they are often—too often—on the one hand deeply held and on the other mutually inconsistent. How does a society overcome this cycle of discord? This question, this issue, is one that confronts national leadership, and this is where this Prime Minister has failed this country.

When we confront these inconsistencies we can often resolve them and move forward. We have to confront them to resolve them and move forward. It is the responsibility of leaders to actually lead in these matters. But this is this Prime Minister's failure. This Prime Minister has exerted a stultifying and perverse influence on the reconciliation process since its inception—before government and since elected to office. This factor has been intensified, I must say, immeasurably during his time in office. No matter how he manipulated and changed the membership of the Council for Aboriginal Reconciliation he could not achieve his narrow personal goals. It is undisputed that so many people of goodwill over such a long period have put a disproportionate amount of energy into seeking words of reconciliation acceptable to this Prime Minister. The net results of their conciliatory approach to his entrenched prejudices now amount to a failed constitutional preamble and a reconciliation process set adrift without captain or compass.

If he feels that this has given him some sort of victory, he should understand that it has been at the expense of an incalculable loss to the nation. Reconciliation—it has to be restated—is at the very heart of our future as the nation. Our achievement or our failure to achieve reconciliation is a defining issue for us in making our way into the new millennium. The doctrine of terra nullius meant that Australia alone of the former British colonies remained in the common law tradition and refused to recognise the prior ownership and custody of land of the indigenous



people. The reversal of this position in the Mabo decision of 1992 was a major step towards reconciliation and justice. A truly Australian identity that reflects our real geography and our real history will benefit us all. That is what reconciliation was all about. In common with our reaction to non-indigenous writers, playwrights, painters and filmmakers, our collective insecurity has been such that we have needed and we still need the affirmation of Europe and the rest of the world to finally recognise the richness of this non-indigenous culture and the richness, depth and beauty of indigenous art, culture and heritage. Our future in this place lies in us being together, and our future together in this unique place will be richer, more sustainable and more just if we are reconciled with the land and its history and people. We have to recognise that to redress the problems of 200 years, to actually make headway with those problems, we do not just need a form of words. We need a commitment not just to a social program but also to accepting as equal partners those indigenous people—and their culture, spirit, religion and traditions of belief—who have lived in this country for centuries.

Let us also note that we are not exempt from domestic and international scrutiny. How we deal or fail to deal with these issues is and will continue to be an international issue. As an example, the United Nations Committee for the Elimination of All Forms of Racial Discrimination has found that the Howard government's native title legislation is inconsistent with our international treaty obligations. We should keep this in mind, along with the question of mandatory sentencing—as we should keep a whole raft of other issues in mind, issues that go to the definition of Australia as the nation as we approach the 2000 Olympics in Sydney. As we approach those Olympics the scrutiny will increase and, as the scrutiny increases, what this country will see and what I think the world will see is a society here that is lacking in national leadership. It is a society where the leader is a person who cannot grapple with, handle and understand the issues that define this nation. In not being able to understand fully and honestly the history and in not being able to understand fully and honestly

those issues he is incapable of continuing to lead this country.

We will be increasingly subject to international criticism and even sanction if we do not get our house in order. It has to be said that this Prime Minister is misleading himself—and, I must say, his most favoured newspaper commentators—and the Australian people if he thinks we can be accepted and respected in our region and in the rest of the world without addressing institutionalised racism in this country. Already in recent days we have seen the question of mandatory sentencing in this country being used against Australia in some Asian capitals. This is the one thing that we cannot run away from; this is the one thing that this Prime Minister cannot run away from. He cannot go back, mentally, into his bunker in Elwood and think the rest of the world is not relevant and he cannot take the attitude that the rest of the world is only there to play cricket against. The rest of the world is there for us to interact with. We have to relate with it socially and economically if this country is to prosper. What we cannot do is take ourselves into other countries in this region and elsewhere with a history at home that does not stand the test of scrutiny—a reality at home where we do discriminate and that does not recognise indigenous culture, spirit, traditions and religions in an equal way with others in this country. If we discriminate at home we will be subjected to criticism abroad. The more that criticism is relevant and the more it is levelled at us, the more we will suffer not just in a cultural sense but also in an economic sense. That is the reality of a globalised environment.

Members of the Council for Aboriginal Reconciliation, both past and present, need to be recognised for their work and they need to be appreciated for the frustration that they must be feeling at this moment. After 10 years they must indeed be sickened by the policy turnabout of recent days. They understand how important time lines are in this process and that by taking time lines out of it we are without captain and compass. They also understand that we need to have targets to ensure outcomes and that this issue has gone on for far too long already. We can only hope that, liberated from the possibility of—let alone the need for—pleasing the Prime

et alone the need for—pleasing the Prime Minister, they will continue with their work and continue to consult on and finalise documents and strategies for reconciliation that will fill the leadership vacuum left by this recalcitrant Prime Minister and his complicit government.

Could I say to all members of government—and there must be some in the ministry who have a different view from the Prime Minister—that, unless they put their hands up and are prepared to stand up and say, ‘No, this has got to come to some conclusion’, they will also be condemned for a lack of leadership and a lack of commitment. I cannot stress too much the fact that in just a few months time we are approaching a period when Australia will be under international scrutiny. The world will see the good parts of Australia, and there are many of which we are proud. But as more and more countries focus on this country—on Sydney and Homebush—they will also be focusing on Uluru and Kakadu and on the communities that live in sub-Third World conditions in some respects. They will be asking such questions as: why is there such a divide? And they will be asking questions as to how we handle our relationships with indigenous Australians.

Peter Yu put it quite rightly in the *Australian* this morning. I think it is important to place this on the record. He said that we will be judged not by words, not merely by health strategies, but by how we respect our indigenous population and how we build bridges with them and try to restore for them the dignity that is their right. I commend this resolution to the Senate.

**Senator PATTERSON** (Victoria—Parliamentary Secretary to the Minister for Immigration and Multicultural Affairs and Parliamentary Secretary to the Minister for Foreign Affairs) (4.30 p.m.)—I have to refute a number of the things that Senator Bolkus said, but I must refute at the beginning the fact that he said that reconciliation is off the agenda. There is nothing further from the truth. I have to say that the truth often escapes Senator Bolkus. I want to put on the record that, for the Prime Minister, reconciliation is not off the agenda. He is commit-

ted to reconciliation. He recognises, though, that the issues are incredibly complex, too complex to be resolved by the deadline set under the legislation which established the Council for Aboriginal Reconciliation.

Let me say here and now in this chamber to refute what Senator Bolkus said that the Prime Minister still wholeheartedly supports the process. I cannot say it any more clearly than that. He said that the reconciliation process would take a long time and unfold over a number of years. In this sense, his views are consistent with those of the Council for Aboriginal Reconciliation, of indigenous leaders and of the many members of the extensive people’s movement for reconciliation. Mr Anderson, the Deputy Prime Minister, was saying to us only this morning that a group of community leaders and Aboriginal elders in Moree were saying that reconciliation will not come from above; it will come from people in communities like those in Moree, where they are working assiduously towards reconciliation. That is their solution—to have people in local communities working together to solve the problems. That is their answer rather than some idealistic view being imposed from above.

In speaking to the motion, I think what struck me first was the use of the word ‘leadership’ by Senator Bolkus. At the core of this debate is the question of leadership: what genuine leadership means in relation to this genuinely national issue and how a good leader should take the nation through the debate. The Prime Minister’s leadership in relation to reconciliation has been genuine, responsive and inclusive. By contrast, the leadership provided by Labor in relation to reconciliation has been characterised by divisiveness and political point scoring. Indeed, the leadership—if you could call it leadership—provided by Senator Bolkus today has been more akin to bullying. It surprised me that it required a quorum to have his motion supported by his own side. It makes me wonder whether all those people on the other side are totally committed to what Senator Bolkus is doing today.

This divisive approach was characterised by the Keating years on a number of issues like immigration, reconciliation and the re-

public with cheap rhetoric, cheap slurs and very little in the way of real and measurable change and, in this area in particular, little change in terms of Aboriginal disadvantage. It is profoundly disappointing that the ALP has allowed Senator Bolkus to continue this misguided approach to an important national issue.

In leading the national debate, the Prime Minister has rightly acknowledged that the cornerstone of the reconciliation process continues to be practical and effective measures to address the legacy of profound economic and social disadvantage of many indigenous Australians. The Howard government has delivered on this acknowledgement with real and genuine measures which target the most pressing areas of Aboriginal disadvantage: health, housing, employment and education. I think that if you tapped into the majority of Australians in the community and asked them what areas they thought were important they would talk about health, housing, employment and education. The Prime Minister has worked in a genuinely supportive fashion with the Council for Aboriginal Reconciliation. On 3 June last year, when the draft document was launched, the Prime Minister welcomed it and encouraged as many Australians as possible to be involved in that document through the community consultation process.

The statements which have generated such heat and light relating to the timetable for reconciliation originated in his Federation address on 28 January this year. The Prime Minister's statements properly reflected his recognition of the reality that the issues are complex and that imposing artificial time lines can have counterproductive effects. In other words, the Prime Minister's commitment is such that he would not allow the process to be warped by easy adherence to artificial time lines. The Prime Minister's leadership on this issue has been characterised by real and genuine measures to address Aboriginal disadvantage and a commitment to work towards genuine reconciliation with all sectors of the Australian community, unhindered and unhampered by artificial and counterproductive deadlines. By contrast, the leadership practised by Labor in relation to

reconciliation is all about the politics of division, name calling and slurs. Senator Bolkus consistently sought to politicise the issue of immigration for party political purposes during his tenure as minister for immigration. As parliamentary secretary, I have seen the legacy of some of Senator Bolkus's behaviour.

It is not surprising that he now seeks to politicise the issue of reconciliation. The politicisation of immigration and ethnicity eagerly pursued by Senator Bolkus severely damaged sensible debate on immigration in this country for years. The politicisation of Aboriginal reconciliation is equally as unfortunate, unhelpful and divisive. With Senator Bolkus's unhelpful comments echoing around the chamber, I would like to quote from the Prime Minister's Federation address, which charted a very sensible course for reconciliation. He said:

My hope for the period ahead is that all parties in the national reconciliation process will build constructively and incrementally on what has been achieved in the recent past; that we will focus on what unites us all as Australians rather than what divides us; that we will respect and appreciate our differences and not make demands on each other which cannot be realised; and that together we will build a future in which we can all share fairly.

This was not what attracted the most attention from the press and Labor. Rather, it was the issue of time frames. A number of people had previously expressed the view that Australia will not have completed the reconciliation process by the end of the year. An ATSIC sponsored indigenous leaders summit in September 1999 admitted that. The reconciliation council itself has indicated that the document is not an end in itself but would set out ways to take the process forward. The Prime Minister met with council members on 16 February and explained his view that these artificial and arbitrary time limits were unhelpful and that, if reconciliation were to progress, there would be a process which continued after the council concluded its work.

The government continues to support the three general aims of the Council for Aboriginal Reconciliation: acknowledging and respecting indigenous Australians through a national document of reconciliation; encour-

aging partnerships between governments, business, peak organisations and community organisations to achieve social and economic equality for indigenous people; and making reconciliation the aim of all Australians in their communities, workplaces and organisations. That is not a message from a government that has taken reconciliation off the agenda.

A sage once said that happiness is a journey, not a place. Likewise, reconciliation is a journey, not a place. Under the sensible leadership of the Prime Minister, I believe we are moving towards a future in which all Australians will share equally in the opportunities provided by this nation. I ask Labor to come on this journey rather than be divisive in the manner in which they are at the moment.

**Senator RIDGEWAY (New South Wales)** (4.40 p.m.)—I was heartened to hear the Prime Minister last night on television stating that he is ‘still willing to work very hard with people to try and achieve goals in the area of reconciliation’. All of us as Australians have a long road ahead of us before we can say with any conviction or understanding that we have achieved reconciliation. The Prime Minister’s comments last night reflect his own acknowledgment of the stark divide that continues to separate indigenous and non-indigenous Australians in the most fundamental aspects of our daily lives—that is, health, education, housing and employment.

Last night, the Prime Minister also acknowledged on national television that ‘as a group the indigenous of this country are severely disadvantaged’. That means they are not just worse off and not simply less well endowed but severely disadvantaged. This is where I begin to differ with the Prime Minister, because I believe extraordinary problems require extraordinary responses, not just more of the same. In my mind, it is simply unrealistic to suggest, as Mr Howard has been suggesting, that policies designed to help indigenous people should be no different from policies designed to assist the overall community. Nor am I heartened by the Prime Minister’s dogged belief that, by channelling our efforts to address severe social and economic disadvantage in indigenous communi-

ties, we will somehow also deliver reconciliation.

This well-intentioned focus will do nothing to change what is in the hearts and minds of ordinary Australians. Sure, it might go a long way to breaking down the negative stereotypes that persist of indigenous people and it might open up new economic opportunities where there have been virtually none. But will non-indigenous Australians really value indigenous Australians for our cultures? That is what I believe is at the heart of reconciliation. Will they understand our deep spiritual relationship to our traditional country or value our languages? Will they accept and acknowledge the darker pages of our common history which continue to haunt indigenous people today? It is now becoming apparent that multicultural Australia is simply not ready to accept the first Australian culture. John Howard, as the Prime Minister, can see this. Public opinion polls show it, and many indigenous people would probably tell you the same. Just as our own Prime Minister struggled very recently with the idea of multiculturalism and came up with what he described as ‘Australian multiculturalism’, so Australia is struggling with reconciliation.

Reconciliation is not about taking something from somebody. It is not about the popular urban myth that saying sorry will cost Australian taxpayers billions. It is about accepting indigenous Australians for who we are and accepting the things that make us distinct as first peoples. As a constructive way of dealing with this issue, I call on the Prime Minister to begin talks with the elected chairperson of ATSIC, the peak indigenous body in Australia, Mr Geoff Clark. As Mr Clark pointed out last week, Mr Howard has admitted the government’s failure to understand properly and to recognise the true basis for reconciliation. Mr Clark described the Prime Minister’s move as an honest admission of failure and a point from which to move on.

Reconciliation will not diminish us as Australians. Having the courage and the foresight to see that reconciliation will empower all Australians, be they black or white, is something each of us needs to come to terms with. So we look to our elected leaders to

show courage and wisdom on every other political issue, and reconciliation ought not to be any different.

It is for this reason that I support Senator Bolkus's motion today in the hope that our call to the Prime Minister will show that, in Australia, a motion of the Senate should be accepted as one such opinion poll. Our voices as senators carry the views of the constituents we represent, and we call on the Prime Minister in the national interest to listen, to understand and to show positive national leadership on Aboriginal reconciliation. Opinion polls ought not to be ignored but to be acknowledged for what they tell us. If Saulwick reflects the litmus on what Australians think about reconciliation, then I call on the Prime Minister to hear the opinion of the Chairperson of ATSIC, Mr Geoff Clark, about indigenous views on reconciliation.

I understand very well what binds the vast majority of Australians: it is fear. Twenty years ago we dealt with the idea of multiculturalism, and most Australians said, 'That doesn't concern me. That's about new Australians.' Twenty years later we now talk about reconciliation, and multicultural Australia has no difficulty saying, 'That doesn't concern me. That's about indigenous Australians.' So I guess 20 years later on reconciliation must be viewed as being much more than just the demand from the indigenous people for rights, because ultimately rights are about cultural personality and cultural identity. Those that have come to this country as new Australians have had the opportunity to practise their cultures and their languages as part of an Australian multicultural nation, and that same principle ought to be extended to indigenous people in this nation. What is different in the way that we deal with those issues is that the policies and mechanisms to achieve the practical changes required would require the government to show leadership and to understand that the basis of cultural identity and cultural personality rises from people, their stories and their places of belonging to land. Last Friday on 3AW, the Prime Minister said:

What baffles me about this reconciliation issue is that I am expected to repudiate my own personal beliefs. I am told that the only way I can

show leadership on this issue is to do something I don't believe in.

The clear thing there is that the Prime Minister set 31 December 2000 as the deadline—not indigenous people, not the Council for Reconciliation nor anyone else—and in the process he raised a genuine expectation amongst many Australians about reconciliation being achieved as a blueprint for the future.

But we have to ask the question: where to now? Ten years on, a long process, indigenous people have shown considerable patience. They have participated in the processes and I believe that they have shown considerable wisdom in partnership with many other Australians. But if we are going to build a house, it requires a plan; if we are going on holidays, it requires an itinerary; and if we are going to talk about reconciliation, then it requires a blueprint. We have to legitimately ask the question about where to now. I call on the Prime Minister on this occasion to meet with the elected chairperson of ATSIC and to sit down and start talking about an agreed outcome on a blueprint to achieve reconciliation. We would all agree that by 31 December no-one expects that reconciliation will be achieved but we expect that, in the long and difficult journey to achieving reconciliation, there is a blueprint to guide us, to show us the way and that our Prime Minister, in even challenging his own beliefs about the past and challenging the beliefs of many Australians, can go down the difficult path to achieving reconciliation.

**Senator TAMBLING** (Northern Territory—Parliamentary Secretary to the Minister for Health and Aged Care) (4.49 p.m.)—Once again the Labor opposition has sought to waste this chamber's time by putting forward another lousy motion implying that the Howard government has failed to show positive national leadership on the issue of Aboriginal reconciliation. Honestly! Talk about the pot calling the kettle black! Let us put this ridiculous motion into perspective. It is provocative, unhelpful and counter to the very positive contribution the Prime Minister and his government are making towards the reconciliation process.

Instead, I would like to take this opportunity to talk about the barriers to reconciliation that the opposition perpetuated from its 13 years in government. Let us see the facts about where and how those barriers have built up. It was the failure of the Labor leadership through those vague wilderness years under Hawke and Keating—and Aboriginal affairs ministers Hand and Tickner—through the 1980s and early 1990s that created the debt and disgrace in Aboriginal affairs that the Howard government inherited in 1996.

In the Labor years, Hand and Tickner were obsessed with Aboriginal land rights and deaths in custody without addressing the problems that lay at their heart. This is an ironic outcome considering their bleeding hearts approach. Similarly, the seeds of unaccountability in certain Aboriginal corporations during those years have been unearthed in ensuing years. It was no good having Richo, Graham Richardson, crying crocodile tears at the health problems of indigenous peoples at Bulman, because what did he achieve? Nothing. He is now a radio jock, a talking head, and that is all he ever was.

Instead of doing the hard yards and working on the difficult questions, the ALP 'Dreaming' merely played with and patronised Aboriginal issues, failing an entire generation of indigenous Australians. Labor spent over \$75,000 in special funding on every Aboriginal adult and child, and their indigenous standard of living only deteriorated during Labor's term in office. They should have been looking at the big picture. Without the wider social problems being overcome, the community and the media were never going to focus on the positives of being Aboriginal. Unsolved, those problems would only exacerbate old prejudices and stereotyped perceptions held by the wider community. This motion is a classic example of how not to move on from the tired rhetoric. The core issues have not been addressed and problems have been misappropriated by bleeding hearts, cultural elitists and a large section of the media, which has a lot to answer for, into an abstract concept of reconciliation.

Let me remind the chamber that, in my home electorate of the Northern Territory,

reconciliation has already been achieved at the community level. In local regions where the appropriate and effective policies of the Howard government have been implemented, white, black, brown and yellow people alike enjoy a harmonious lifestyle. It is grassroots reconciliation where Aboriginal owned and run organisations—like Imparja television, CAAMA radio, health and housing associations and an indigenous credit union—provide valuable examples of services to the whole community. Ten years ago I predicted in this place that one day there would be a person of Asian or Aboriginal decent in every Australian family, and I would have to say that in the Northern Territory that prophesy appears to be well on its way. In my own family, I have a niece and two nephews whose father is of Aboriginal origin. It is this sort of community integration which shows how the aims of the Council for Aboriginal Reconciliation—that true reconciliation between indigenous people and the wider Australian community which has to be the work of the whole nation and not just a few leaders—are working.

The Prime Minister has quite rightly acknowledged that the cornerstone of reconciliation continues to be practical measures in local communities to address the legacy of profound economic and social disadvantage of many indigenous Australians. If actions—not words—mean anything, this government is showing true leadership in reconciliation. In 1999-2000 we will spend a record \$2 billion on indigenous specific outcomes, which shouts volumes more than any talking head's hollow words.

Let me put on record the remarkable achievements and enormous efforts of the government in our first four years. We have made a big commitment to improving the educational achievements of indigenous students through increased funding: approximately \$388 million via Abstudy and Indigenous Education Direct Assistance, to name just two. Today there is a record number of Aboriginal students undertaking tertiary study—up 14½ per cent—and a record number of indigenous people commencing traineeships—about 5,200 in number. In comparison, the ALP could not even get its Aborigi-

nal students literate. After 13 years in office, 80 per cent of year 3 indigenous students could not read adequately and 70 per cent could not write adequately. ALP policies grossly neglected indigenous people by failing to address this issue and by pouring money into programs without any attention to their success or failure.

The two main causes of Aboriginal unemployment are lack of education and vocational skills combined with the fact that many people live in remote areas with few job opportunities. The Howard government's reviewed strategic CDEP scheme now truly offers what it suggests—community development employment projects to assist individuals and communities alike. Some 32,000 Aboriginal people are now involved in CDEP.

The Howard government has advocated a long-term strategy in health and housing. Since 1996 an additional 26 primary health care services have been established, plus there is a budget boost of a further \$100 million over the next four years for further services. An amount of \$78 million has been set aside for better access for indigenous peoples to primary health care, while another \$20 million for the Army/Aboriginal and Torres Strait Islander Community Assistance Program will be spent in remote communities. There are also the coordinated health care trials, access to the medical benefits schedule, access to section 100 pharmaceuticals and programs involving free immunisation, mental health and prevention of petrol sniffing, substance abuse and alcohol misuse.

Indigenous housing now accounts for 20 per cent of the federal government's spending on community and government housing. The proportion of indigenous families who now own their own home has increased from 24 per cent in the early 1970s to 33 per cent today. The number of indigenous people on housing waiting lists has fallen from 7,043 in 1998 to 4,838 in 1999. They are very positive figures that I would like to see continuing to rise, with the government continuing to assess the outcomes.

In the areas of sport and culture and the arts, there are tremendous examples that stand out which apply to this whole area, and

they have been achieved and advanced in the last few years. We have to jump over the hurdles of the psychology of change and overcoming the perceptions that are so often there because of inferiority.

The Howard government remains supportive of reconciliation and the aims of the reconciliation council—acknowledging and respecting indigenous Australians through a national document of reconciliation; encouraging partnerships between governments, businesses and organisations to achieve social and economic equality; and making reconciliation the aim of all Australians. Reconciliation is a two-way street, and I am encouraged by the comments of Senator Ridgeway and others about overcoming many of these perceptions. They are vital and noble aims that must be achieved, but also of no less importance is ensuring that Aboriginal Australians enjoy the same quality of life as other Australians—and that is where the Howard government is showing true national leadership.

**Senator FAULKNER** (New South Wales—Leader of the Opposition in the Senate) (4.57 p.m.)—The sad truth about reconciliation since 1996 is that the whole process has been bogged down in a quagmire of prime ministerial indifference or, even worse, political opportunism. Unfortunately, the years from 1996 to 2000 have become lost years for reconciliation. On my count, only once since 1996 has John Howard put his weight behind the reconciliation process unprompted—only once. That in fact occurred on the night of the 1998 election, and perhaps it was in the flush of excitement of his victory speech. But I think we need to acknowledge that, unprompted, Mr Howard on that one occasion in four years added his weight and his commitment to the reconciliation process.

But actions speak louder than words and, apart from that, Mr Howard's contributions to the national debate on reconciliation have been grudging and negative. Take, for example, his participation in the debates in this parliament on the bipartisan statement against racism in 1997 or the stolen generations debate. The Prime Minister simply cannot bring himself to say sorry on behalf of the Com-

monwealth government and on behalf of the Australian people for past practices and past wrongs. I fear this is because his reading of the polls is that Australians do not want to be made to feel guilty. I think this is a profoundly disappointing approach on the part of Australia's Prime Minister. I would go further and say that this is a grave misjudgment on his part.

On Monday, 28 February this year, the Prime Minister, in his own negative and carping way, was quoted in the *Australian* as stating that he believed 'too much store had been put in the document of reconciliation and if he had been Prime Minister nine years ago he would not have set a formal deadline'. They are the Prime Minister's own words. This was in advance of the reconciliation document being launched in May this year in conjunction with the community celebrations and special functions to mark the end of the decade-long process. You have to ask: why on earth did the Prime Minister, Mr Howard, launch such a pre-emptive strike on this 10-year reconciliation milestone into which so many people had put so much work for so long?

The document has the potential to give a very important and much needed impetus to the process of reconciliation. The Prime Minister has diminished the potential. In fact, he has created a grave risk that the document might be considered by some to become an instrument of division rather than reconciliation. You have to ask the question: why did the Prime Minister do this? We know that John Howard's revelation to the *Australian* came after he had read the qualitative polling provided by Saulwick to the National Council for Aboriginal Reconciliation 10 days earlier. How did the Prime Minister get his hands on this polling? It was not commissioned by the government; it was commissioned by the Council for Aboriginal Reconciliation, a group set up by the Hawke government a decade ago that has operated independently of the government since that time. Somehow the Prime Minister's office gained access to this material and the Prime Minister used it to try to smother a decade-long process.

He obviously did not pay attention to the Saulwick findings, which showed that when community leaders endorse and promote reconciliation there is a much greater chance for the process to be understood and embraced. The Prime Minister also pre-empted, as we now know, other qualitative polling by Newspoll which shows a much greater public acceptance of the process. But his comments and his actions have reinforced the doubts and the ignorance and the reticence of some people in our community to reconciliation.

The Prime Minister has said on radio that any suggestion that he is poll driven on this is bunkum—this from a man who has been on an intravenous drip of polling results from individuals like the notorious push pollster Mark Textor, who helped whip up redneck stereotypes in the Northern Territory in the 1990s to assist in CLP elections for the party of Denis Burke and the party of Marshall Perron by emphasising racial stereotypes and issues. But like Mr Burke and Mr Perron, Mr Howard has always been disengaged from reconciliation or he has used it as a political weapon against the more progressive forces in the political system.

As Leader of the Opposition in 1988 he played politics with the initial reconciliation statement produced by the Hawke Labor government and moved in the parliament. That was in the bicentennial year. The statement was brokered by the churches and Father Frank Brennan and attracted bipartisan support through the then Liberal Party shadow minister Mr Chris Miles. What did Mr Miles's leader, John Howard, do? He pulled a stunt the day the statement was debated when he tried to amend the document. On 23 August 1988 he tried to amend the clause which began: 'The entitlement of Aborigines and Torres Strait Islanders to self-management and self-determination'. What did he do? He tried to add the words 'in common with all other Australians'. He chose to ignore that the issues of self-management and self-determination were very much Aboriginal and Torres Strait Islander issues, arising from dispossession, arising from more than two centuries of social and cultural deprivation. Those issues are of vital importance to the indigenous com-



munity but unfortunately appear to mean very little at all to the Prime Minister, Mr Howard.

The 1988 statement was a direct statement of reconciliation between parliament and the indigenous peoples of Australia. But John Howard had to fiddle with it to appeal to a redneck constituency—a spurious amendment based on the demands of the Queensland National Party but happily supported by the current Prime Minister. Do not forget what happened when we had the Hanson phenomenon. The pollsters were telling him that pandering to bigotry in Australia was an electoral plus. He refused to countenance the idea of putting One Nation candidates last on how-to-vote tickets. He put the issue off for more than a year, as you would recall, until the Liberals were demolished in the Queensland state election.

Who can forget the Prime Minister's weaselly rationalisation of his poll driven stance as an attack on so-called political correctness and as a defence of the principle of freedom of speech? The Prime Minister's utterances were not only poll driven but at the same time just dangerous nonsense. Twelve years after his intervention in the first statement of reconciliation, here is the same man again trying to spike the document that is emerging from this long and difficult protest. I urge the Senate to pass this motion today, to send a message to Mr Howard that his leadership is not adequate on this issue. He must try to rise to the challenge of national leadership on the reconciliation issue. It is of vital importance not only to indigenous Australians but also to our national dignity and our international standing. (*Time expired*)

**Senator CRANE (Western Australia)** (5.07 p.m.)—I too rise to speak on this motion before us today. I think the important thing about this motion is that, if we truly believe in reconciliation, it can only happen and will only succeed if it comes from the hearts and the minds of every Australian. I put that on the record right up-front. It is very different to the position we have just heard from Senator Faulkner. I do not have a problem in expressing that particular view. I have certainly seen many times in many parts of my home state of Western Australia that rec-

onciliation is a long way down the track. In other parts of the state, it is a much more difficult and slower process. I think that, in dealing with the issue in this parliament, if we do not recognise as members of parliament that particular aspect, we are going to be the ones who stand in the way of the process of reconciliation. I think that would be very sad.

As I have said in this place on a number of previous occasions, I regard myself as a lucky Australian because I grew up in the Bindi Bindi-Moorra area, where 25 per cent of the population were Aboriginal people. For every year but one of my primary school days I went to a school where there were more Aboriginals than there were Europeans or others. So I got a very lucky education in learning to live among Aboriginals. Even today, many of those people whom I went to school with are still some of my very best and closest friends. I say quite categorically that, in dealing with this particular issue, we cannot try to force something down from the top. I accept we can give leadership; I accept we can say it is necessary. But what we have to instil in the minds of Australians, including indigenous Australians and the Europeans and others who came to this country in the last couple of hundred years, is that they have got to want to do it. They have to go out and actively do it in their own constituencies and lives.

I repeat what I said before: unless that happens, reconciliation will not happen. Putting dates, deadlines or particular tasks in front of us actually impedes the process, because people either push too hard and get people off side or they take it a little too slowly when they could have done something to assist and communicate. Many of us did act, and many of our friendships and understandings were built in strange places, such as a shearing shed, or in different positions across the sports field, playing football or cricket.

At this stage, I would like to recognise in the chamber Senator Ridgeway, who was one of the architects—if not the architect, then author or poet—of the statement that was made here when this parliament expressed deep and sincere regret for the injustices suf-

fered by indigenous Australians. In my view, that says a lot more about recognising the issues and what occurred than just saying sorry. I think it was a profound and important statement. It will do a lot to assist Australians in coming to grips with the issue of reconciliation and what it means.

I think it is important to recognise what reconciliation means: we accept that within Australia we have a wide ranging number of cultures. We have what is commonly known as the original Australian—that is, the Aboriginal people—and we as a group of people who came here later accept and acknowledge their contribution during all the years—if I can put it simply in the language we speak when we are together in Western Australia—before ‘white man’ came here, and we recognise the contribution together that we have all made as a nation. Until we do that, and until we can accept our history and work with it, equality of opportunity—regardless of our backgrounds—will not be achieved.

I think the Prime Minister recognised the fact that we have to let the whole issue run its course—and, as I said, it will run quicker in some parts of Australia; even in the same district, you will find different approaches and different levels of acceptance—because, if we do that, at the end of the day it will be genuine, strong and sustainable. It will be something we will all be able to look back on and say, ‘We are very proud; we achieved that as a people.’ If we try to force it—I am not saying that we should not encourage it and should not work as hard as we possibly can to achieve that particular end—we will find there will be break-outs in what occurs on the ground. That indeed, in my view, would be absolutely and totally regrettable.

I say to this chamber that, in dealing with this subject—and the various aspects of it are things that I could talk about for a long time, including some of the things that I have been fortunate enough to be involved in, but we have not got that time today—the Prime Minister was actually quite brave and honourable to recognise that, by trying to stick to a particular date, which fairly obviously was not going to be met—that has been acknowledged by the council chairperson, Evelyn Scott, and others—and make that particular

date the benchmark or high watermark, it would have created a lot of problems. The Prime Minister, in recognising that particular problem and not leaving it to the last minute, is actually following his statement after the last election and has enhanced the whole process and the necessity and importance of reconciliation. I think this should not be a debate between parties; it should not be a debate amongst philosophies; it should be something that really comes out of what you believe about one’s humanity to one another. It needs to be something that comes from the heart. *(Time expired)*

Question put:

That the motion (**Senator Bolkus’s**) be agreed to.

The Senate divided. [5.19 p.m.]

(The President—Senator the Hon. Margaret Reid)

Ayes.....	33
Noes.....	28
Majority.....	5

AYES

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

NOES

Alston, R. K. R.	Boswell, R. L. D.
Brownhill, D. G.	Calvert, P. H.
Campbell, I. G.	Chapman, H. G. P.
Coonan, H. *	Crane, A. W.

Eggleston, A.  
 Ferris, J.  
 Herron, J.  
 Knowles, S. C.  
 Mason, B.  
 Minchin, N. H.  
 Patterson, K. C.  
 Reid, M. E.  
 Tchen, T.  
 Troeth, J.

Ferguson, A. B.  
 Gibson, B. F.  
 Kemp, C. R.  
 Macdonald, I. D.  
 McGauran, J. J.  
 Newman, J. M.  
 Payne, M. A.  
 Tambling, G. E.  
 Tierney, J. W.  
 Vanstone, A.

ment, Workplace Relations, Small Business and Education References Committee. The matter which is the subject of the 84th report was referred to the Committee of Privileges on 2 September 1999. It relates to unauthorised disclosures of, and dealings with, a draft report of the employment committee on regional employment and unemployment.

The second matter, referred on 12 August 1999, relates to possible penalty on or intimidation of a witness as a result of his communication with the committee during its inquiry into indigenous education. Both reports contain an account of the incidents giving rise to the reference.

Briefly, the unauthorised disclosure concerned the transmission of a draft report of the employment committee to a minister's office and from there to the minister's department without authority of the committee. The Committee of Privileges has concluded in general terms that a contempt has occurred both within the minister's office and within the department. It has also made recommendations about the need for appropriate training within parliamentary offices, particularly those of ministers and shadow ministers, and about Senate committees' handling of documents.

The 85th report involves a witness before the employment committee who purported to speak on behalf of an organisation for which he worked and the efforts of the CEO of that organisation to prevent his communicating in that capacity with the employment committee. The Committee of Privileges has, with some reluctance, made a finding that a contempt has been committed.

For reasons given in each report, the committee has recommended that no penalty be imposed. Given the nature of the committee's findings, seven days notice is required before the Senate proceeds with consideration of these matters. Accordingly, I seek leave to give two motions relating to the reports.

Leave granted.

**Senator ROBERT RAY**—I give notice that, seven days after today, I shall move:

(1) That the Senate—

PAIRS

Gibbs, B.  
 Sherry, N.  
 Crowley, R. A.  
 Lundy, K. A.  
 Evans, C. V.  
 Cook, P. F. S.  
 Murray, A.

Watson, J. O. W.  
 Parer, W. R.  
 Hill, R.  
 Ellison, C. M.  
 Heffernan, W.  
 Abetz, E.  
 Lightfoot, P. R.

\* denotes teller

Question so resolved in the affirmative

Motion (by **Senator O'Brien**) agreed to:

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

**COMMITTEES**

**Privileges Committee**

**Reports**

**Senator ROBERT RAY (Victoria)** (5.22 p.m.)—I present the 84th and 85th reports of the Committee of Privileges entitled *Possible unauthorised disclosure of draft parliamentary committee report* and *Possible intimidation of a witness before the Employment, Workplace Relations, Small Business and Education References Committee*, respectively, together with a volume of submissions and documents associated with the 84th report.

Ordered that the reports be printed.

**Senator ROBERT RAY**—I seek leave to move a motion in relation to the reports.

Leave granted.

**Senator ROBERT RAY**—I move:

That the Senate take note of the reports.

Each of these reports derives from matters brought before the Senate by the Employ-

- (a) endorse the findings contained at paragraph 27; and
  - (b) adopt the recommendations at paragraphs 25, 26 and 30,
- of the 84th report of the Committee of Privileges.
- (2) That the Senate—
  - (a) endorse the findings contained at page 8; and
  - (b) adopt the recommendation at paragraph 26,
- of the 85th report of the Committee of Privileges.

I seek leave to continue my remarks later.

Leave granted; debate adjourned.

### Membership

**The ACTING DEPUTY PRESIDENT (Senator George Campbell)**—The President has received a letter from party leaders seeking variation to the membership of a committee.

Motion (by **Senator Herron**)—by leave—agreed to:

That Senator Stott Despoja be discharged from and Senator Bartlett be appointed to the Joint Standing Committee on Treaties.

### IMPORT PROCESSING CHARGES AMENDMENT (WAREHOUSES) BILL 1999

#### Second Reading

Debate resumed from 6 March, on motion by **Senator Ellison**:

That these bills be now read a second time.

**Senator RIDGEWAY (New South Wales)** (5.27 p.m.)—In continuation from yesterday, the Australian Democrats support the thrust of the Import Processing Charges Amendment (Warehouses) Bill 1999 and the Customs Amendment (Warehouses) Bill 1999 and their general intentions. However, in considering a different policy regime, I think it is also important to mention that we must be aware that it would be naive to assume that amendments would prevent or not deal with the high possibility of businesses wishing to sell their manufactured items in the domestic marketplace. It is important to note that, because as a comment it only makes sense to prepare for such possibilities in our domestic marketplace.

In that context, I want to draw the government's attention, and I guess the opposition's attention, to the idea that what are classified as duty-free zones in customs warehousing are not a new thing, particularly in the USA where they have foreign trade zone boards—or commonly, for short, FTZ—which look directly at how tariffs and duties are placed on items on a case-by-case basis for a very similar situation as the proposed manufacturing in bond warehousing that we discussed today.

In the case of the USA it is the intent of the FTZ program to stimulate economic growth and development in the United States by promoting American competitiveness through the encouragement of companies to maintain and expand their operations in the United States. Conversely, in Australia the bill we considered is designed to attract investment to the country from businesses in manufacturing assembly operations. It would appear that the best method for doing this is to enable such businesses with the ability to compete in the local market without disadvantaging our local manufacturers against imports of completed items by those that may come from offshore locations.

So if we are going to set up an environment that is attractive to such companies, we need to be offering a package that enables businesses to operate effectively and, essentially, to remove red tape, which is unhelpful to a competitive and financially stable environment. Given the changes that are happening globally, as I said yesterday, I agree with the member for Newcastle that this offers the ability to operate such things as a virtual bond store. In finishing off on this matter, I indicate that it is important that the right messages are given by the Australian government to existing companies and to those looking to invest here from abroad. It is equally important therefore that we offer them the ability to be competitive and that concerns over additional customs administration generated by the opposition amendments must be looked at in the context of new and improved technologies that assist rather than hinder domestic manufacturing in this country. So I foreshadow that the Australia

lian Democrats will support the bills with the opposition's amendments.

Question resolved in the affirmative.

Bills read a second time.

### In Committee

#### CUSTOMS AMENDMENT (WAREHOUSES) BILL 1999

The bill.

**Senator BOLKUS** (South Australia) (5.33 p.m.)—I move amendment No. 1:

(1) Schedule 1, item 29, page 10 (lines 4 to 16), omit subsections (2) and (3), substitute:

(2) For the purposes of paragraph (1)(b), when goods come into being as a result of imported goods being used in an activity conducted in a general or a MiB warehouse, the goods may be entered into home consumption in accordance with the regulations relating to the entry of such goods.

This is a very simple amendment that moves the setting of tariff and treatment of MiB goods that enter the Australian market for home consumption out of the act so that they can be set by regulation. In doing so, we advocate that flexibility is needed—industry has requested flexibility and has suggested strongly to government that flexibility will be required. We think there is nothing to be lost by the government, were they to pick up this amendment. It would give them flexibility to accommodate circumstances that may arise from time to time but also flexibility, which we believe is quite necessary in this area. The minister might say, 'Well, in doing this you are pre-empting the report of the Productivity Commission and you are tying our hands' and all those similar arguments. I am pre-empting the minister there of course, but I think it should be noted that by going down the regulation route rather than the legislation route—rather than the act of parliament dictating the regime—we are basically, in a sense, anticipating that there may be need for flexibility down the track, and regulations would seem to be more appropriate in handling any directly relevant outcome from that Productivity Commission report. In saying that I also place on notice that our advice and the advice we get from industry is that that report is basically looking at the scope for a post-2000 reduction in the general tariff and

that whatever may flow from that will have wider ranging implications and probably necessitate legislative amendment to the substantive legislation in any event. Without wanting to prolong the time of this debate, I commend the amendment to the Senate.

**Senator VANSTONE** (South Australia—Minister for Justice and Customs) (5.36 p.m.)—I think the view can be put pretty simply here. MiB is created to encourage export. A number of companies have raised their concerns. They would like aspects of their own industries dealt with differently, because they believe that where they use the MiB facility and then sell the goods on the domestic market they will be at a disadvantage as opposed to those who import goods directly.

The simple fact of the matter is that the MiB facility is created for the encouragement of export. If there are any issues to be raised as to the different treatment of the import of parts, the tariffs on those and the consequences of those tariffs for sale into the domestic market, the proper place for that is the Productivity Commission, which already has an inquiry under way. It is looking at a number of things, including the costs and benefits of tariff reductions, implications for trade negotiations, and implications for the manufacturing in bond and Tradex schemes, the tariff concession system and the projected by-law arrangements.

All anybody really needs to understand—is if I can just repeat it because it is so simple—is MiB is created to encourage export. Where you genuinely get into real anomalies is when you look at a vehicle like MiB and say, 'Actually I would like to do something else, but I could do it through MiB,' and you adulterate the purpose of that program, the purpose of that policy, to achieve some other end. I would have thought at least we could agree, whatever our views may be on the appropriate outcomes for tariffs on parts of computers or whatever, that that issue should be dealt with in the appropriate place.

MiB is there for export—that is what it is there to encourage. The appropriate place for the proper consideration of any changes in relation to other duties is the Productivity

Commission inquiry, which is already under way.

Amendment agreed to.

**The TEMPORARY CHAIRMAN (Senator George Campbell)**—The question is that schedule 1 item 34 stand as printed.

Question resolved in the negative.

Bill, as amended, agreed to.

**IMPORT PROCESSING CHARGES  
AMENDMENT (WAREHOUSES) BILL  
1999**

The bill.

**Senator BOLKUS (South Australia)** (5.40 p.m.)—The opposition will oppose schedule 1, item 3, on page 3. I repeat that our opposition is connected to our previous opposition to the schedule in the other bill. It is consequential to our earlier opposition that was carried.

**The TEMPORARY CHAIRMAN**—The question is that schedule 1, item 3, page 3 stand as printed.

Question resolved in the negative.

Bill, as amended, agreed to.

Bills reported with amendments; report adopted.

**Third Reading**

Bills (on motion by **Senator Vanstone**) read a third time.

**BUSINESS**

**Government Business**

Motion (by **Senator Vanstone**) agreed to:

That intervening business be postponed till after consideration of government business order of the day No. 3—Navigation Amendment (Employment of Seafarers) Bill 1998.

**NOTICES**

**Presentation**

**Senator McKiernan**—by leave—to move, on the next day of sitting:

That the time for the presentation of the report of the Legal and Constitutional References Committee on matters arising from the introduction of the Human Rights (Mandatory Sentencing of Juvenile Offenders) Bill 1999 be extended to 13 March 2000.

**NAVIGATION AMENDMENT  
(EMPLOYMENT OF SEAFARERS)  
BILL 1998**

**Second Reading**

Debate resumed from 19 April 1999, on motion by **Senator Vanstone**:

That this bill be now read a second time.

**Senator JACINTA COLLINS (Victoria)** (5.43 p.m.)—In commencing the opposition's contribution to the second reading debate of this seafarers bill, can I say I have only just had clarified who the minister in the Senate will be in dealing with this piece of legislation, which has been quite useful because, as I understood previously, Minister Anderson has only just discovered that there were amendments circulated by Labor to this bill and has now decided, contrary to earlier advice, that the government does seek to proceed with the legislation rather than not push on with it, given the comprehensive level of opposition to many major sections of what the government is seeking to do with this bill. So in that light, in my second reading contribution I shall go back, once again, into the history of this matter and deal in detail with what this bill seeks to do in the context of expressing my surprise that the government is actually pursuing it this day.

The shipping industry has undergone considerable reform over the last two decades. It was reform commenced by the Labor government. It resulted in significant increases in productivity whilst maintaining appropriate protection for the rights and safety of seafarers. The Labor Party welcomes and supports genuine reform of the shipping industry. However, we do not support the erosion of seafarers' working conditions under the guise of reform. In proposing this bill the government claims to be seeking to build upon previous governments' successful reforms in the shipping industry. However, it proposes to do so in a way that erodes workers' conditions and dismantles an effective regulatory regime, leaving a vacuum in its place.

The government has stated a number of objectives in introducing this bill as outlined in the explanatory memorandum and the second reading speeches on previous occasions. The first objective is to remove employment

related provisions that are inconsistent with the Workplace Relations Act and the concept of company employment. But this objective is really designed to erode minimum conditions of employment, and therefore we will be opposing those provisions designed to achieve this objective. In fact, I think I recall from the committee hearings on this matter there was some discomfort and inability to actually pinpoint where such inconsistencies actually existed between the two acts.

The second objective is to remove outdated and inappropriate legislative requirements. The Labor Party supports this objective, and we will agree to provisions which achieve this outcome. The third objective is to bring legislation applying to seafarers into line with that applying to employees in other industries—that is, seafarers will lose statutory protection and be forced to negotiate these conditions with their employer under the Workplace Relations Act. This objective is not supported by Labor. It is based upon the fallacy that the shipping industry should be treated in the same way as other industries. The shipping industry has a number of unique qualities which distinguish it from other industries and which require specific regulation. We do not believe that seafarers will be appropriately protected by subjecting them to the Workplace Relations Act, and we will reject provisions designed to dismantle elements of the current regulatory regime that should be retained.

The final objective is to reduce the costs of administering and complying with legislation. In fact, this bill does very little to reduce the costs of compliance. Given the contents of the bill, one can only imagine that the government has included this objective to deflect attention from what it is really seeking to achieve, and that is the erosion of workers' conditions. Further, Minister Reith when introducing this bill in the House of Representatives stated that the Australian shipping industry had to be more internationally competitive. But if the government is serious about improving the competitiveness of the Australia's shipping industry, as indicated, deregulation is the last item that should be on the agenda.

In a confidential 1999 report of the Shipping Reform Working Group, a report which the government refuses to release publicly, the key determinants of Australia's relative competitiveness are examined. The report found that Australia is at a cost disadvantage with other major trading fleets. That disadvantage is \$2 million relative to comparable OECD flagships and \$3.5 million compared with similar open registered ships. But the report concluded that one of the reasons for this cost disadvantage is that Australian ships employ Australian nationals, who—despite this government's best efforts—are paid more than Third World nationals. Other countries in a similar position to Australia provide substantial assistance to their shipping industries. For example, in 1996 the USA provided \$330 million of assistance in addition to the annual of outlay of \$165 million. Norway provides, for instance, \$68 million; France, \$1,066 million. The Australian shipping fleet has not received any financial assistance since 1996. If anything, this government's approach is to further withdraw from its responsibilities, to deregulate, leave a void and wash its hands of any involvement within the industry.

Let me detail the principal changes proposed in this bill: firstly, to abolish the system of articles of agreement; secondly, to remove the system of discharging a seafarer at the completion of their voyage; thirdly, to remove a key protection against lengthy periods at sea without a break; another, to abolish the Marine Council, which presently has the function of assessing and determining the suitability of a person as a seafarer and of enforcing of the code of conduct in relation to seafarers; another, to remove seafarers' entitlement to paid sick leave whilst left ashore during illness; further, to remove prescriptions setting out how workers are to receive their pay whilst onboard crew; another, to remove restrictions that exist at the moment concerning the handling of cargo or ballast in port; and, finally, to remove restrictions prohibiting the demanding or receiving of a fee for providing a seafarer with employment.

The single most fundamental issue contained in this bill is to abolish the current regulatory regime governing seafarers' terms

and conditions of employment and replacing them with the Workplace Relations Act, an act which has failed to adequately protect Australian workers, as was evidenced by the recent Senate inquiry into the Workplace Relations Legislation Amendment (More Jobs, Better Pay) Bill. This simplistic view of this industry does not reflect the unique qualities of the shipping industry and will force workers in a particularly weak bargaining position to attempt to renegotiate core conditions removed by this bill. We oppose moves to remove all industry specific protection.

There have been numerous committee reports into the shipping industry over recent years, all of which have confirmed the special characteristics of this industry. For decades there has been bipartisan support for specific regulation for the shipping industry, a tradition that this government seeks to break for the sake of Minister Reith's ideologically driven obsession with deregulation. In August 1999 the Senate Employment, Workplace Relations, Small Business and Education Legislation Committee considered this bill, and the minority report bolstered the findings of earlier committee reports. There have been three 'ships of shame' reports. The first, chaired by Peter Morris, is widely regarded as a benchmark report in relation to the workings of the international shipping industry and, in particular, the appalling working conditions of some seafarers from nontraditional maritime nations.

At the end of 1998 a further report, *Ship safe*, was delivered to the parliament. This report was delivered by a committee chaired by Paul Neville, a government member, with the majority of the committee comprising government members. The committee recognised that a ship is not just a means of transport and a workplace but also a social system. This accurately acknowledges that a ship is not like other workplaces. It is unique and, fundamentally, it is dangerous. The working environment doubles as the accommodation and as the recreation environment. Seafarers are isolated in terms of their working environment and they are isolated from their families. They spend extended periods of time in confined spaces in their workplaces

and away from their homes. There is much greater potential for emotional, physical and sexual abuse of workers in these circumstances. Further, conflicts may become more potentially dangerous than would usually be the case because the parties are forced to remain on the ship together, sometimes for weeks or months. These are not normal working conditions—they differ from those of virtually all other civilian employees in Australia. The 1998 committee came to the following conclusions:

The committee urges the Commonwealth to take what steps it can to enhance the wellbeing of seafarers. In all the focus areas before the committee in this inquiry, crew welfare appears to have progressed the least in the 1990s, and much remains in need of improvement.

The need to protect seafarers was noted in the *Ship safe* report:

The abuse and neglect of crew members is of concern for two reasons. As a violation of human rights, it warrants international attention and condemnation. It also constitutes a significant risk factor for ship safety.

Seafarers also face physical dangers greater than those faced by virtually any other industry. Seafaring is the second most dangerous occupation in the world. The Director-General of the ILO, when speaking at the ILO Convention in October 1996, stated:

... the dangers to which shipowners and governments are exposed—

and I should stress here, 'and governments'—

are financial or political in nature, but seafarers are exposed to physical risks which threaten their very lives. It has, for example, been emphasised that since 1994 180 ships of more than 500 tonnes have been lost at sea, causing the death of 1,200 seafarers and many passengers. In the first six months of 1996, twice as many human lives were lost at sea than in the whole of 1995.

The findings of the 'ship safe' committee were consistent with the report by the committee chaired by Peter Morris and with the opposition senators' consideration of this bill in the report of the Senate Employment, Workplace Relations, Small Business and Education Legislation Committee. Yet what is the response from the Liberal-National Party government to that advice—the advice of their own committee and the advice of the



Senate committee? It is to continue with this push to deregulate, abolish the Marine Council, strip away existing protections and force seafarers to rely upon the Workplace Relations Act.

The principal consequence of deregulation will be to force seafarers to negotiate as individuals. This is inappropriate given the characteristics of the industry that I have described above. The government claims that the industry has changed and that protection is no longer necessary. This is in stark contrast to recent evidence. In his second reading speech Minister Anderson claimed that Australian seafarers enjoy exceptionally good working conditions. Minister Anderson obviously feels that these exceptionally good working conditions need to be eroded by a dose of the Workplace Relations Act. He was only echoing the views of Minister Reith, who has stated that, while we needed these sorts of regulations in the shipping industry 100 years ago, that is not the case today when Australian seafarers enjoy exceptionally good working conditions. But that is simply not the case. As I have noted, the physical risks face by seafarers have certainly not diminished. Unfortunately, operators remain who are willing to break the law and cut corners, even if it means putting the health of workers at risk or even the potential for loss of life. Not only are seafarers subjected to dangerous working conditions but those conditions are not improving, as has been asserted by the government. The 1998 *Ship safe* report noted:

Whereas clear improvements have been noted in the other focus areas, the committee is concerned that crew welfare is not being adequately addressed. It may even be deteriorating.

The parliamentary committee that compiled the *Ships of shame* report heard evidence of the extent of maltreatment of seafarers and that this extended to such factors as: the denial of food and the provision of inadequate food; bashing of crew members by ship officers; maintenance of two pay books, one for the official record of International Transport Workers Federation levels of pay and the other for the real lower level of pay; under- or non-payment of wages and overtime; inadequate accommodation and washing facilities; sexual molestation and rape; deprivation

of access to appropriate medical care; and crew members being considered as dispensable. The 1998 report found that:

... crews from non-traditional maritime nations are those which work in inadequate conditions, are poorly paid and whose living quarters are sub-standard

... ..

mistreated crew members are reluctant to complain as they will be black listed

... ..

many crews are forced to sign contracts which forbid them to contact the International Transport Workers Federation, if they do they are instantly dismissed and threatened that they will never work as a seafarer again; crew members have often had to pay a fee to crewing agencies in order to secure employment.

This is the way that Minister Reith wants to head. These are not problems of 100 years ago; these are problems exposed in recent parliamentary bipartisan reports. We as a nation have historically sought to protect Australian seafarers from exploitation. Clearly this is far more than a question of wages and efficiency. The Labor Party cannot support those provisions of the bill which have the effect of forcing seafarers to rely upon the Workplace Relations Act.

There are a number of specific provisions that are worth noting. This bill will remove the current prohibition on payments for job placement or 'crimping' but will not replace the current prohibition with an alternative form of regulation. Some form of regulation of payments for job placement is necessary to avoid the situation where workers are forced to underbid each other to secure employment. Because of the highly specialised nature of the shipping industry, it is important that employees are fully trained and qualified. Currently some countries allow payments for job placements. This practice leads to the lowest bidder being employed and often a person being underqualified for the position, which of course then leads frequently to environmental hazards.

ILO convention No. 9 prohibits payments for job placement, but the government seems prepared to ignore this. The act is currently consistent with this convention. The ILO has recognised that ILO No. 9 needs to be re-

vised. In 1996, it adopted ILO convention No. 179, which removes the prohibition on fee charging employment agencies and makes provision for the regulation of such agencies. This government has denounced ILO convention No. 9 but has not ratified ILO convention No. 179 in its place and is not prepared to look at appropriate regulation. We reject the removal of the prohibition on payments for job placement until ILO convention No. 179 is ratified and the government fills this vacuum with some sensible proposals.

This bill will abolish articles of agreement and the discharge system. By abolishing articles of agreement and forcing workers to rely on the Workplace Relations Act, the government will force seafarers to negotiate their conditions one on one with employers. The government claims to be seeking flexibility, yet flexibility will be achieved only to the extent of obtaining cheaper labour. In place of the articles of agreement, all this government can offer seafarers is recourse to the Office of the Employment Advocate, and we have heard on many occasions of the problems there. This will raise safety concerns. The ability of AMSA to independently audit the records of sea service, as evidenced by the articles and lodged with AMSA, will be removed. The government contends that this will be replaced with a marine order requiring the employer to supply a statement of service. It is noted in the Labor Party's minority report of the Senate inquiry that this may lead to 'employers keen to have their work force recognised as highly skilled, having an incentive to misrepresent the service history of their employees' and 'enhance the risk of underskilled seafarers being hired'.

A number of important conditions will be removed by this bill. Seafarers' entitlements to paid sick leave while ashore will be stripped. This is despite the fact that illness at sea can go untreated for some time and can become significantly worse. This is yet another example of a condition that seafarers have been guaranteed in the past because of the specific nature of the work that they undertake. The restriction on foreign crews handling cargo will be removed if this bill is

passed in its current form. The Labor Party has repeatedly expressed concern about the quality of certification required to perform such stevedoring work. Both the *Ships of shame* and *Ship safe* reports heard evidence about forged qualification certificates and international practices whereby qualifications are obtained without adequate training. The government proposes to abolish the maximum term that seafarers can serve at sea, and the bill will abolish the Marine Council and limit regulation there.

As I am running short on time, I will go to my conclusion and stress the point that the main thing that this bill seems to be seeking to do is limit everything to the minimum standard and remove regulation. I seek leave to incorporate the remainder of my remarks. (*Time expired*)

Leave granted.

*The document read as follows—*

The Government proposes to abolish the maximum term a seafarer can serve at sea. This is currently set at six months, both for agreements and for running agreements. The Government is obviously unconcerned at the prospect of workers feeling compelled to spend years at sea without a break. Just as basic conditions of employment, such as minimum annual leave and sick leave provisions, are protected by legislation, it is entirely appropriate to provide legislative protection for seafarers on this core employment condition.

This Bill will abolish the Marine Council. The Marine Council is responsible for determining a seafarer's suitability for employment, through a system of registration. The Council has the power to deregister a seafarer, effectively preventing that person from working in the industry. Without the Marine Council, there will be little to prevent seafarers previously deregistered moving to another employer.

Systems of registration exist in the shipping industry in other countries and in other industries in Australia. The Marine Council's system is similar to that operated by the United States Coast Guard. Registration regimes are also used in many professions in Australia, such as lawyers, doctors and teachers. Yet again, the Government is removing an effective regulatory regime and putting nothing in its place—deregulation for its own sake.

The Marine Council is part of the Australian Maritime Safety Authority structure. AMSA has come under careful scrutiny in the course of parliamentary consideration over the years and is

subject to regular parliamentary committee inquiry. The parliamentary committee noted the very positive role that AMSA plays:

AMSA is generally held in high regard by Australian and international representatives of the shipping industry. The organisation was described as efficient, cost effective and well managed. It was described as professional, even handed, fair and discreet.

Finally, I would like to comment on the fact that the process by which the Government has developed its current policy on the shipping industry was so biased that it almost predetermined the outcome. In August 1996, the Government set up the Shipping Reform Group, the SRG. The SRG was chaired by Mr Julian Manser, the CEO of Perkins Shipping Pty Ltd. It consisted of representatives of Mobil Oil Australia, BHP, the Australian Shipowners Association, the National Bulk Commodities Group, Howard Smith Ltd and ALOR. There was no representation from the work force on that review. It was not a process in which all stakeholders have been consulted and there has been no pretence of doing that. In fact the Government's own Members in the 15th Treaties Committee Report noted that "the process of consultation from the formation of the SRG to the decision to denounce ILO Convention No. 9 has been imperfect". It is not surprising that the outcome is so skewed against the interests of seafarers.

In summary, Labor considers that it is inappropriate to force seafarers to rely upon the Workplace Relations Act for regulation of their working conditions, when the nature of the industry requires specific regulation. Further, this Bill strips away an effective regulatory regime leaving a vacuum in its place. For these reasons, the Labor Party rejects many of the provisions of this Bill and seeks the amendment of others.

**Senator GREIG (Western Australia)** (6.04 p.m.)—Whilst the Navigation Amendment (Employment of Seafarers) Bill 1998 falls into the transport portfolio, it is clearly a bill dealing principally with workplace relations and workplace conditions. It is part of the workplace reforms in the shipping industry, which have the objective of reducing the operating costs of Australian ships. That process of reform commenced two decades ago and has yielded fairly substantial cost reductions.

It is my understanding that since 1984 typical crew numbers on Australian ships have fallen from 30 in 1984 to 21 in 1992.

The explanatory memorandum to this bill notes that the objective of it is to bring the navigation act into line with practices that are relevant to the operation of a modern and efficient shipping industry. The Democrats of course wholeheartedly support that objective. However, I should make it clear at this point that, whilst supporting that objective, we also recognise the uniqueness of the nature of work of seafarers. The environment in which these people work is also their recreational environment and their sleeping environment. Both anecdotal and statistical evidence shows that work on vessels can be dangerous. When a seafarer commences a voyage, it is not simple for him or her to resign and vacate the place of employment if she or he feels that she or he is being treated unfairly or that that workplace is unsafe. Perhaps with the exception of Defence Force personnel, the working conditions of these people are different from those of virtually any other civilian employee. That is the context in which we have analysed each of the reforms contained in this bill.

I would now like to turn to each of those changes. I will turn firstly to the removal of articles of agreement and particularly the removal of the obligation to lodge a copy of the articles of agreement with the Australian Maritime Safety Authority as a record of the seafarer's service. The articles system will be replaced by a marine order requiring the employer to submit a statement of service. The Maritime Union of Australia has raised the concern that this allows far greater scope for misrepresentation of a service history. The consequence is an issue of safety and of increased risk of underskilled seafarers being hired. The Australian Democrats are not opposed to the removal of the prescriptive form of articles of agreement, but we are concerned about and will not support the abolition of the requirement to lodge copies of agreements with AMSA because of the safety implications that that has.

The second issue is the use of ships' crews to unload cargo in port. Once again, we consider this to be an issue of safety. Cargo handlers that work on wharves in Australia must all be appropriately trained and certified to operate equipment. There is no way of guar-

anteeing or mandating that foreign nationals on international vessels will be appropriately qualified to operate cargo handling equipment, and that raises serious safety concerns. I have read the report of the majority of the Senate Employment, Workplace Relations, Small Business and Education Legislation Committee on this issue. I would like to quote in part the committee's response:

The Australian Shipping Federation has made the point that this change will not encourage ships crews to become involved in the loading and unloading of ships because of the existence of specialist stevedoring practices. 'There are a number of commercial, operational and safety issues that would prevent a change to current stevedoring arrangements.'<sup>6</sup> The Committee considers that this view more accurately reflects the realities of maritime employment today and in the future.

With respect to the majority of the committee, that response is entirely inadequate to what is really a safety issue. Notwithstanding the comments of the majority of that committee, this is not an obsolete demarcation. It is an issue of safety, and we cannot support the change on that basis.

The third reform proposed by the bill is the abolition of the Marine Council. The role of this council is to assess the suitability of people for employment at sea and to maintain a registration system of those seafarers. The government argument on this issue is that this industry should be brought into line with other industries and employers should simply be left to judge who is worthy and appropriate to be hired and who is not. I have already referred to my view that there is a uniqueness in the shipping industry, and I believe that uniqueness warrants independent regulation of those who work within the industry.

The concern is—and I believe it to be a legitimate concern—that a seafarer may commit dangerous acts, which puts the lives of those on the vessel at risk. Under the present system, that would be reported and he or she may be deregistered as a result. The absence of that system may mean that such a person could simply move to another employer. I should say at this point that I am a little concerned that the government is attempting to blindly bring the seafaring industry into line with other industries simply for the sake of

consistency, without regard to potential safety consequences.

The next of these reforms is the move to allow persons to demand or receive fees for providing seafarers with employment. At present, that practice is prohibited on the basis that it results in the payment of bribes by seafarers to secure employment on ships. My understanding is that the International Labour Organisation convention No. 9 established that the business of finding employment for seafarers not be carried out for a fee. The convention has been renounced by the government.

ILO convention No. 179 was created in 1996 and deals with recruitment and placement of seafarers. The government needs to consider the provisions of that convention. Amongst other things, it prohibits fees or charges for recruitment being borne by seafarers. The provisions of this bill would allow that to occur in complete opposition to the requirements of the ILO convention. Until the government gives full consideration to ratifying ILO convention No. 179, the Australian Democrats will not support the abolition of the prohibition on demanding or receiving fees for providing seafarers with employment.

The penultimate measure that I wish to consider is the repeal of the sick leave entitlements of up to three months for seafarers that are left onshore due to an illness during a voyage. The ability of a seafarer to obtain timely medical attention is clearly constrained relative to the person who works on the shore. The consequence of this can be that minor medical problems become more grave because of the delay in obtaining treatment. That is one rationale for seafarers being entitled to up to three months sick leave.

The other rationale is that, when a less than completely well seafarer is faced with a decision to either board a vessel and commence a voyage or remain onshore, if he or she is not assured of income onshore while sick, it is very likely that he or she would choose to commence the voyage. That may have dire consequences for the health of the seafarer and of the other crew members on the vessel. My concern remains that, if the

issue of sick leave is left to be dealt with at an enterprise level, it may result in inadequate sick leave being traded off for other benefits, which could ultimately adversely impact on the health and safety of not only the individual seafarer but also their coworkers.

The final issue that I wish to mention is the removal of a six-month limit on the duration of an article of agreement. The basis of this limitation is that seafarers should be prevented from being engaged for longer than six months at sea. The MUA has expressed concern that seafarers could remain on vessels for years rather than risk failing to obtain further employment. The Australian Democrats will not support the removal of that limitation.

I would like to conclude by looking at some of the concluding comments of the report of the majority of the Senate committee and by reading into *Hansard* the following:

The union is opposed to the principle of the Workplace Relations Act, and therefore to any other legislation whose implementation depends upon that Act. The basis of this opposition, the Committee believes, is the challenge posed to the leadership and future effectiveness of the union in dealing with and appealing to a workforce whose support it must now win on the basis of providing tangible benefits and improved 'client service'.

The report goes on:

It is the Committee's view that the uncertainty faced by the Maritime Union of Australia in redefining its role under the Workplace Relations Act has strongly influenced its opposition to further reform of the shipping industry.

In my view, those comments are entirely unnecessary. They are not appropriate concluding comments; they are simply a biased attack on a witness who has presented evidence to the committee. I take the view that, if Senate committees adopt the habit of questioning the motives and directly criticising witnesses, the public will become more reluctant to make those submissions. I repeat that those comments are unnecessary and add nothing to the content of the committee report. I conclude by saying that, as we are an island nation, the maritime industry is extremely important to this country both for

workers and for business. I believe it deserves greater recognition and respect.

**Senator O'BRIEN (Tasmania)** (6.15 p.m.)—I will pick up on the concluding remarks of Senator Greig, because it is true that we are an island nation surrounded by water and the shipping industry has served this nation well. It is rather laughable then that we have a bill before this chamber today entitled the Navigation Amendment (Employment of Seafarers) Bill 1998. This is all theoretical stuff because, if you analyse the performance of the government, they have no intention of seeing that there will be employment of Australian seafarers on the Australian coast or internationally. They have certainly done nothing to promote the shipping industry in this country.

This bill was first introduced into the parliament in June 1998. The government failed to bring the bill forward for debate, so it lapsed at the time of the last election. It was then reintroduced in the other place in December of that year and has finally come before us for debate today. Whilst all of this has been going on, the government has been considering various reports—some public; some not—which have been prepared for it on the shipping industry. The first of the reports it was considering was the Manser committee report. That committee was established by former transport minister John Sharp in August 1996. He said at that time:

The establishment of the committee represented action by the government to honour its commitment to make the Australian shipping industry internationally competitive.

As I have said earlier in this place in an earlier debate, shipowners and their employees would have been heartened by that statement.

The Manser report was delivered to Mr Sharp in March 1997 and released publicly in May of that year. At the time of its release the then minister said that the recommendations contained in that report 'proposed a solution to the continuous decline in the merchant shipping fleet'. He also said that the report represented an opportunity to restore and expand the fleet. He stated:

Our commitment is to defend Australian shipping and shipping jobs by placing the industry on a competitive footing for the future.

That may have been Mr Sharp's view at the time, but it is certainly not the view of the transport ministers who followed him. Rather than implementing the recommendations of the Manser report, the Minister for Transport and Regional Services, Mr Anderson, opted for a 'do nothing' strategy and commissioned another inquiry. He could have saved a lot of time and money and probably jobs by simply implementing all of the Manser recommendations but he chose not to do so—or the government chose not to do so. Perhaps it was not his fault; perhaps he was rolled in cabinet again. He said that he had to have a second shipping report and he commissioned another report.

The minister has had that second shipping report since last April but he refuses to release it for public comment or act upon its recommendations, whatever they may be. So the only thing that one can say is that, in respect of the shipping industry, the only plan Mr Anderson has is to not have a plan. In contrast to the commitment of Mr Sharp to provide a policy framework in which the industry could grow, Mr Anderson has done nothing.

Apparently he and the government just want the Australian shipping industry to disappear. It is my fear that he and this government may have their way. In an address to the National Bulk Commodities Group annual dinner in Melbourne last December, Mr Anderson said, in effect, it was the Howard government's view that Australia did not need its own shipping fleet. While he chose his words carefully and claimed that the government was yet to finalise its response to the two shipping reports it had before it, his message was clear: in future, our major export industries would become increasingly dependent on foreign flag vessels.

Mr Anderson told his audience that, while Australia is not a maritime nation, it relies heavily on maritime transport. We are what the government wants us to be, apparently. He said:

Bulk shipping is therefore vital for Australia. We are a trading nation and the majority of our exports are bulk commodities. Domestically, bulk shipping is the lifeblood of major industries.

So he concedes that maritime transport is clearly the lifeblood of our key export industries. However, he then went on and said:

The Government does not consider Australian shipping as a major export.

He chose to ignore the fact that it is an essential service and he said:

We are major users of shipping services, not major providers of those services.

Hence my comments about the laughable nature of the title of this bill. The government does not intend that there will be ongoing employment of Australian seafarers.

There is a consequence for this nation. This government today in question time was keen to trumpet its so-called economic performance, and one did not hear about the burgeoning balance of payments problem that this country has. This government has consequently parked somewhere in a very large garage its debt truck that is getting bigger and bigger. I think we are up to \$245 billion in our negative terms of trade. On the question of balance of payments effect, I have asked for some information from the government on the effect on the Australian economy, particularly the gross freight earnings and balance of payment impact.

According to Access Economics, in a report entitled *Economic Contribution of the Australian Shipping Industry 1999*, the gross freight earnings of Australia's shipping industry for the year 1997-98 was \$1.288 billion and the net balance of payment impact of the Australian industry was \$479 million. This is the industry that is disappearing under this government's policy. I repeat again: it was not the view of Mr Sharp in 1997; it is certainly not the view of the former Labor government. One can say only that this is yet another easy option chosen by this minister. But the easy option exposes our economy to long-term and significant costs from what one could say are unreliable and demonstrably unsafe foreign flag shipping services.

Mr Anderson said that many countries—and he named Denmark, Norway and the Netherlands—had established second or international registers as a means of lowering labour costs and increasing their cost competitiveness. He said that they chose to

ness. He said that they chose to do this because it was in their national interest to do so. Why is it not in Australia's national interest to accept a recommendation from the Manser committee and set up such an arrangement for the Australian fleet? That was, in fact, recommendation No. 13 in that report. Mr Anderson has also spoken of destroying Australia's coastal shipping industry by flooding the coast with foreign vessels operating under special permits. According to figures quoted in a recent issue of the *Bulletin* magazine, major vessels operating on Australian coastal trade numbered 78 in 1994; by March, the number of ships on the coast had dropped to just 56. BHP's fleet has declined from 18 ships to just five, the eight ships once operated by Howard Smith Industries have been sold off and a former operator, TNT, has exited the industry.

Mr Anderson was the subject of much criticism from his earlier constituency as minister for agriculture. There were a number of calls for his resignation from rural organisations which one would have expected to be friends—not enemies—of a National Party cabinet minister. He was constantly accused of putting the principles of economic rationalism ahead of the legitimate interests of people living in regional and rural Australia—and, might I say, there was some substance to those claims. Mr Anderson consistently argued that the economic direction taken by the Howard government was in the overall interests of the nation, even if there were many economic and social casualties along the way.

That rhetoric has now changed, might I say, and it has changed from the Prime Minister down because of state election results and also because of the government's own research. Unfortunately, the underlying attitude remains. Mr Anderson's declaration that Australian shipping does not rate as far as the government is concerned is proof on that point. In relation to this legislation, clearly the government is pursuing an ideological agenda in relation to amendments to the employment provisions that relate to Australian seafarers—but, at the same time, it is making sure that none will be employed.

**Senator McGauran**—Mr Acting Deputy President, I rise on a point of order and out of duty as whip. You were not in the chamber when this occurred, and I raise this matter to seek your guidance. Senator Collins, before finishing her speech in the second reading debate, sought the chamber's permission to incorporate the conclusion of her address because she ran out of time. I gave permission for that on this side; I had no objection to it. After all, it seemingly was just the end of her speech. We all know that this place has to run with some goodwill and we were not going to make a drama out of it. Then I thought, nevertheless, in good time I would read the ending of that speech as it came along. Over 30 minutes have passed—and admittedly I sent the officer around to get it—and I have been unable to get a copy.

**The ACTING DEPUTY PRESIDENT (Senator Lightfoot)**—If I can just interrupt you, Senator McGauran, there is a copy being prepared and it will be with you in a few moments. I therefore intend to overrule your point of order.

**Senator McGauran**—I make the point that it has been well over 30 minutes though. Therefore, if it was already written, what prevented her from just passing it around? I hope she was not writing the ending.

**The ACTING DEPUTY PRESIDENT**—Senator McGauran, you are out of order.

**Senator CARR (Victoria)** (6.27 p.m.)—Mr Acting Deputy President, it would be abundantly clear to anyone listening to or following this debate this afternoon that the Labor Party is not able to support the Navigation Amendment (Employment of Seafarers) Bill 1998 in its present form. This bill forms part of what is becoming a growing trend within this government to actually present legislation under a title which does not reflect its true intentions. Increasingly we see the use of the Huxley concept of newspeak with the production of legislation. We saw, for instance, just recently with industrial relations the government seeking to introduce a bill entitled 'More Jobs Better Pay', which was intended to do precisely the opposite of what that title suggested. Today we have yet another example with this bill that is said to be concerned with navigation and the employ-

ment of seafarers. Of course, it purports to suggest that it is about the employment of Australian seafarers when nothing could be further from the truth. This bill ought be retitled; it ought be retitled with a view to identifying its intent—that is, the employment of cheap, sweated, unqualified foreign seafarers. I think that is the sort of expression that ought be registered by this Senate.

This bill was first introduced in the last parliament—and, again, that follows yet another pattern we have seen in recent times of the government not being able to manage its legislative program. It is introducing proposals that it abandoned in the last parliament and seeking to have them reconsidered in this parliament. The government is seeking to have the Senate consider these bills because essentially it has such a thin legislative program at the moment. It has brought on this proposal which I think all would acknowledge is doomed in this chamber. We all understand that it is doomed but, nonetheless, we are expected to proceed with these matters. Of course, we are waiting for a serious legislative program to be delivered by this government—and I am looking forward to that occurring.

Essentially, the purpose of this bill is to attack the employment conditions of Australian seafarers. One can understand why the government—if it has some time to spend and some time to spare, as it would see it—would think that the Senate should be engaged in this sort of debate, because this is the sort of obsession that this government has displayed in recent times—and, of course, Peter Reith has been the past master of that.

The department of transport's submission to the Senate inquiry, of which I was a member, examined the detail of this bill and stated:

International shipping is subject to intense competitive pressures and operators both in Australia and overseas have been vigorously pursuing cost reductions to survive in an environment of low freight rates worldwide.

Manning costs are a primary source for Australian shipping's uncompetitive position ... and direct wage costs are comparable to those of nationals from similarly developed countries. High manning costs mainly reflect high leave and other

employment related on-costs such as workers compensation.

This bill is designed to reduce the wage costs to the level of those of developing nations. That is not a proposition that the Labor Party is prepared to support. We are not prepared to support measures that seek to remove protections from workers. We are prepared to support those measures that relate to outdated provisions that no longer serve any useful purpose. However, this bill fundamentally fails to acknowledge the special characteristics of the shipping industry. It contains a number of provisions that are a deliberate and direct attack upon the employment conditions of Australian workers on our ships.

These concerns about the bill have been expressed by a number of speakers today. I think they fundamentally go to the issue of compromising safety standards implicit in the provisions of this bill. The major concerns that the opposition has go to the issues that might relate to the terms and conditions of employment for workers in the industry and the proposition that the government seeks to extend—that is, that conditions should be set by a process of what it calls negotiation under the Workplace Relations Act.

Many people internationally have acknowledged that some special conditions apply to transport and shipping that ought to be acknowledged. The Director-General of the ILO noted—and I quote from page 14 of the report:

... the dangers to which shipowners and governments are exposed are financial or political in nature, but seafarers are exposed to physical risks which threaten their very lives. It has, for example, been emphasised that since 1994, 180 ships or more than 500 tonnes have been lost at sea causing the deaths of 1200 seafarers and many other passengers. In the first six months of 1996, twice as many human lives were lost at sea than in the whole of 1995.

It would appear that the trend is growing for there to be a more dangerous work environment and more dangerous operations of shipping around the world. Various committees of this parliament have acknowledged this problem. The 1998 ship safety report of the House of Representatives committee acknowledged that 'attention to the human factor is crucial if shipping is to be made



safer' and that it 'constitutes a significant risk factor for ship safety'. The report concluded that 'to a degree, violations of crew welfare are commercially driven. Costs associated with crew welfare are to some extent discretionary. Therefore, this expenditure is vulnerable to reductions when margins are slim'. This is not a proposition being advanced just by Labor Party members of parliament; it is a proposition that has been advanced by a committee that was dominated by government members, yet we still see these sorts of propositions floating through the Public Service and through the cabinet of this country.

The committee identified that research has concluded that 'within the last 30 years the cause of ship accidents in the majority of cases has not been technical failure but human error or substandard actions' and that 'the most dangerous risk to a seafarer is from social conditions on board, both at sea and in port' and that 'recruitment, placement, certification and suitability for employment are essential "social conditions" which lead to crew safety'. Therefore, we have to acknowledge that these issues about the particular nature of the shipping industry cannot be ignored. We cannot simply say that ships can be treated like any other economic enterprise within the country, as is being proposed by this government.

In recent times there have been considerable movements towards reform within the maritime industry. I do not think anyone here would suggest that reform has not taken place. The issue arises as to whether reforms are actually aimed at improving the living conditions of people engaged in the industry or reducing life opportunities. I am particularly concerned that, if this bill was passed in this form, this parliament could rightly be accused of facilitating the reduction in life opportunities for Australians. These are very serious propositions to advance, not matters to be taken lightly, and they go beyond the normal cut and thrust of political debate in this country.

Throughout the 1980s there were a number of attempts to implement recommendations contained in the report of the Committee on the Revitalisation of Australian Shipping,

which was chaired by Sir John Crawford. There have been a number of reports and recommendations relating to shipping industry reform, and the principal objective of the reform strategy has been to decrease the cost of sea transport by reducing the operating costs of Australian ships. Negotiations and consultations on these issues are continuing, and so they ought.

In September 1994, a maritime industry restructuring agreement was signed which resulted in a number of enterprise agreements being entered into, reflecting goals agreed during the restructuring process. As a result of this reform process, crew numbers have fallen from an average of 30.9 in 1985-86 to 18 per ship in 1995-96, resulting in a substantial decrease in crewing costs—quite a substantial saving for shipping companies and shipping operators. These are the processes by which reform ought to take place—that is, negotiation and agreement.

The Howard government has continued to pursue reform of the shipping industry allegedly on the basis of moving towards a more internationally competitive position. On 13 August 1996, the Shipping Reform Group, SRG, was established by the former minister for transport, Mr John Sharp. I note that that particular reform group was established essentially for the commercial shipping interests in this country. It was dominated by the owners of ships. It did not involve any direct representation from the Australian Council of Trade Unions, nor did it comprise any government representation per se. It comprised a CEO of Perkins Shipping Pty Ltd, and representatives of Mobil Oil, BHP, the Australian Shipowners Association, the National Bulk Commodities Group, Howard Smith Ltd and ALOR Pty Ltd. It was essentially a body made up of the shipping interests and owners of ships. The purpose of the group was supposed to be to 'provide a mechanism for consultation within the industry on winding back and eventually removing the cabotage restrictions on domestic shipping and on the establishment of a second register for Australian shipping'.

The SRG delivered its report to the government on 25 March 1997, and it made four key recommendations in relation to what it

regarded as labour reform. They included: a move to company employment, a reduction in seafarers' leave entitlements, the abolition of separate seafarers' workers compensation schemes and the provision of anticipated redundancies. In proposing the move to company employment, the SRG recommended that 'the seafarers engagement system should be terminated after company employment becomes widespread'. Minister Reith formally announced on 18 December 1997 that the government would be actively pursuing company employment in the Australian shipping industry, and that was implemented throughout 1998 and, as we see here, today.

Although seafarers are no longer employed by the Australian Maritime Safety Authority, the terms and conditions of employment are still currently prescribed by the Navigation Act 1912. We support responsible reform of the industry which incorporates genuine consultation with all stakeholders and recognises the unique nature of the industry. I repeat: reform must take place with genuine consultation. This has not occurred in relation to these proposals contained within this legislation. In fact, when the government majority report of the Joint Standing Committee on Treaties stated 'the process of consultation, from the formation of the SRG has been imperfect', it clearly identified yet another parliamentary committee, stating just how inadequate these processes have been.

The government has sought to justify its action in regard to this bill. It states in its explanatory memorandum that it seeks to remove employment related provisions that are inconsistent with the Workplace Relations Act and the concept of company employment. This further reinforces my concern that the real intent here is to in fact erode the minimum conditions for workers within the industry. The government also says it seeks to remove so-called outdated and inappropriate legislative requirements. Once again, one is left with the impression that this is aimed at reducing what it believes to be actions which actually defend the rights of workers. If this were in fact really occurring, then the Labor Party would support the moves to reduce outdated and inappropriate legislative requirements, but good faith is not being

demonstrated by the minister in regard to those positions.

The government also seeks to bring in legislation applying to seafarers consistent with employers in other industries. I repeat the proposition: shipping cannot be seen in the same way as other industries, nor can it be seen to be adequately regulated by the flawed provisions of the Workplace Relations Act in itself.

Reduction of cost in administering and complying with the legislation has been another objective of the government. I do not think there is anything particularly wrong with that objective—if it is being done without recourse to reducing the safety of workers and the protection of Australia's coastline and its environment. I do not believe the government has been able to put a case on that issue so that one could confidently say that the reduction in costs of administration is being done without reduction in the safety of seafarers and the protection of Australia's coastline and environment.

We have seen, however, that this is an industry which, in the past, has been highly casual in its nature. With the move to company employment, the provisions of the Navigation Act are no longer relevant, according to the government. It is obvious that this government is of the opinion that the move to company employment will result in a shift to permanent employment, although the act does not require it. In fact, there is evidence of an increase in casual employment in the industry in Australia and of an international trend towards casualisation within the transport industry per se. The opposition is concerned that any increase in the casualisation of this industry will result in the re-emergence and the growth of the very work practices that were prevalent in this industry before the Navigation Act was introduced.

I think it is important to identify that there are a number of general observations about this industry that can be held to be valid. We have seen Minister Reith seeking to bring the legislation into line with legislation applying to other industries and, of course, he was seeking what he saw as flexibility in determining employment conditions at an enter-

prise level. I do not believe that it is possible for that to occur on the basis of any fairness. There is a working environment within the industry which is different from others, simply by the fact that workers are confined to ships. The work environment must double for accommodation and recreation purposes. Seafarers operate in a closed and isolated environment, and they are separated from their families and the support of their society at large. I believe it is therefore important to ensure that there is not the opportunity to abuse and take advantage of those circumstances. The operations of the Workplace Relations Act will not provide that protection. What we will see, if this was allowed to occur, is individuals being picked off and treated in a most unfair and unreasonable way. We have seen, for instance, in relation to the environment, cargo handling and the qualifications of persons involved in the removal of cargo, similar problems emerge. We have noted that this bill does not deal with those issues adequately; it does not deal with the issues of crew welfare adequately; it does not deal with the issues of the environment adequately.

Finally, I turn to the issue of the certification of seafarers, which is an issue of considerable concern to me. I think it is important that seafarers are adequately certified as qualified to perform the duties that are assigned to them. I think it is essential that adequate training is provided and that it is scrutinised by an independent authority— independent of shipowners. I think it is important that crew qualifications become an integral part of the safety on board of any ship. I believe, if this legislation goes through in its present form, there is a real threat of forged and inappropriate certifications being allowed to be used more widely in the industry than is currently the case.

This government's approach to the regulatory regime has been demonstrated in recent times in a whole range of industries. We have seen it, for instance, in the health industry with nursing homes. We have seen it in the education industry more generally with international students. The actions that have been taken there are a complete failure of this government to measure up to its responsibili-

ties to ensure that the proper certifications of qualifications are being met. We have seen it with regard to the petrol industry where this government fails to fulfil its obligations to ensure that regulations are properly administered. But yet we are asked to, once again, extend the blank cheque to the government and to say, 'It'll be all right because, in the end, it's all about the rights of individuals, particularly the rights of the owners of ships, to be able to regulate their own environment.' Quite clearly, the history of this industry speaks volumes against such a proposition.

The 1998 ship safety report of the House of Representatives Standing Committee on Transport, Communications and Infrastructure expressed concern about the continued availability of false certificates and the lack of appropriate certifications held by some crew members. It has been reported that, for as little as \$US300, it is possible to purchase qualification certificates and that 20 per cent of the world's seafarers are now from the Philippines and that 90 per cent of them are sailing on worthless papers. Yet we in the parliament, in this particular chamber at this time, are asked to allow that sort of occurrence to become more widespread and to allow the situation to arise where actions can become more accepted within the industry.

I repeat: this bill is really about replacing Australian workers on Australian ships. It is about the introduction of sweated foreign crews. It is about the reduction in the qualifications of persons. It is about the reduction of wages and conditions for workers on ships. It is not appropriate that this bill be passed in its present form. (*Time expired*)

**Senator IAN MACDONALD** (Queensland—Minister for Regional Services, Territories and Local Government) (6.47 p.m.)—The government's goal in introducing this amending bill, the Navigation Amendment (Employment of Seafarers) Bill 1998, is to provide for a modern, efficient and sustainable shipping industry, one that will guarantee the future of seafarers and of Australia's shipping industry. I regret to say that the amendments which have just been distributed by the Labor Party and handed to us at 6.01 p.m. tonight in effect gut the bill completely. It would have been easier for the Labor Party

to simply vote against the second reading and finish it there because the amendments simply get rid of every provision of the bill. I would have expected it, of course, from the Labor Party. They are totally subservient to the unions who put them in this place, and we all know about the Maritime Union of Australia.

But I am disappointed that Senator Greig and the Democrats appear to have been misled by the advice that they have got either from the MUA or from the Labor Party. I do ask that the Democrats might just reconsider the particular issues involved here and double check the facts that they have been given, because time is not going to allow me to go through it in any detail tonight.

Senator Greig, you mentioned the removal of compulsory articles of agreement, and you obviously got your advice either from the union or from the opposition. But the strict requirements for articles of agreement in a mandated form date from the time when seafarers were employed on a casual basis and needed protection. This has not been the case for a very long time in Australia. Under the amendments proposed, the parties would be free to enter any form of agreement they chose. Removing the compulsory requirement of articles of agreement increases the flexibility of employees and employers to enter into agreements best suited to the differing operations of individual companies. So, Senator Greig, the information you have been given in relation to articles of agreement is simply wrong, and I suggest a lot of the other information that has been given to you is equally wrong.

This bill is not aimed at reducing safety standards and it will not have that effect. AMSA retains all of its powers through Marine Orders made under the Navigation Act to require production of qualification certificates. Also, section 16 of the act, covering the problem of forged certificates, is being retained and is not affected at all by the amendments to this bill.

Debate interrupted.

**The ACTING DEPUTY PRESIDENT (Senator Lightfoot)**—Order! It being 6.50 p.m., I now call on government documents.

## DOCUMENTS

### Australian Law Reform Commission

**Senator LUDWIG (Queensland)** (6.50 p.m.)—I move:

That the Senate take note of the report.

I welcome the Australian Law Reform Commission's four-year review of the federal justice system. In brief, the report focuses on procedures, practices and case management within the federal and civil courts and tribunals, such as the Federal Court, the Family Court and the Administrative Appeals Tribunal, the AAT. The report, some 750 pages long, crosses a range of cogent issues such as costs, delays, legal ethics, legal and judicial education, judicial accountability, ADR—or alternative dispute resolution—legal aid and many other valuable issues. In keeping with modern practice, the report is available online at [www.alrc.gov.au](http://www.alrc.gov.au). I recommend the report as a good read to those within the legal profession, educators, academics and even critics of our legal system. The need for improvement in access to justice has been a constant refrain in the community, and it is good to see that efforts have been directed to achieving this and the issues are now clearly laid out.

The report will hopefully direct our attention to not only maintaining a uniquely Australian legal system but also ensuring that it remains up to date and reflects in part the community's expectations about our legal system. Discourse in our legal system may often seem a dry subject, but if it translates to an affordable and more simplified system then it is worth the dry read. The government now has the task of taking the recommendations and overseeing the consultative program. Let us hope it has a shorter gestation period than the report itself.

Before I leave this area, the report has highlighted the need for this government to take the initiative, which in many areas it appears lacking in. Access to justice must not be stalled because of an inability to afford it. Legal aid funding, amongst other initiatives, remains an important issue, in my view. The cuts to legal aid by this government in March 1996, though, do not instil much confidence in me that the government will take on board

some of the very important recommendations about legal assistance that are contained within the report proper.

However, on a more positive note, I can say that the participants within the report are taking it very seriously. They have, to this end, structured a conference. As a short ad, for the Sydney conference—Managing justice: the way ahead for civil disputes—the Australian Law Reform Commission is bringing together leading international and Australian figures to discuss civil justice issues. I can inform the Senate that the conference will be held on Friday, 19 May and Saturday, 20 May, but for more information senators can go to the Australian Law Reform Commission web site.

**Senator COONEY (Victoria)** (6.53 p.m.)—I would like to add something to what Senator Ludwig has already said. Since he has been in this place, Senator Ludwig has shown a great capacity to do things about the rule of law. After all, it is the rule of law that makes a society a good or bad one.

Today, I think everyone here attended a dinner for the Australians who represented this country in East Timor and who brought the rule of law to that very troubled country. The parliament paid respect to Major General Cosgrove, together with the representatives of his troops who went up there and the representatives of other nations who stood by Australia at the time.

When they were in East Timor, they were bringing order out of chaos, and that was achieved by bringing into that place the rule of law—whereby society was not left to the arbitrary forces that are brought on by people who are armed but without any sense of justice, armed but without any sense of fairness, armed but intent not on doing good but on doing evil. It is that concept that was brought to the shores of East Timor by an Australian led force, with others contributing, which we paid tribute to today.

This report fits into that context of bringing the rule of law to, in this case, Australia. Australia is a much different place to East Timor. Here we have a long and honourable tradition of the rule of law applying. We have people who we could talk of and pay great

tribute to. One from my own party was Senator Lionel Murphy, who did much for the growth of civil liberties and much for the growth of the committee system in parliament, which has a great deal to do with the way society runs in Australia.

There is a long tradition of law reform in Australia and there is a long tradition of reports on it; and this one from the Australian Law Reform Commission fits well into that sequence. It is a magnificent contribution to law reform in this nation. I will mention some of the officers who took part in this inquiry. The president at the time it started was Alan Rose, a former Secretary to the Attorney-General's Department and a most distinguished man in Canberra and throughout the country. Succeeding him as president is the present president, Professor David Weisbrot. He has a great record not only as an academic lawyer but generally in this field. He has given of his time to go around and tell people generally about the report and indicate how the system can be changed for the better. I am running out of time. The deputy presidents were David Edwards, originally from the Attorney-General's Department, and Dr Kathryn Cronin, again a person of great distinction. Also participating were a number of officers who are too numerous to mention in the time I have available.

Mr Acting Deputy President, given the time and given the fact that the yellow light on the clock has appeared and will soon go away and you will be required to sit me down, I make this comment: generally, the report says that the system is going well but can be improved. I would like to add some further comments, so I seek leave to continue my remarks later.

Leave granted; debate adjourned.

#### ADJOURNMENT

**The ACTING DEPUTY PRESIDENT (Senator Lightfoot)**—Order! Consideration of government documents has now concluded. I propose the question:

That the Senate do now adjourn.

#### Parliamentarians for the Paralympics

**Senator COONAN (New South Wales)** (7.01 p.m.)—I rise tonight to speak about a recent initiative by my parliamentary col-

leagues from across the political spectrum. It is often said—I think a bit uncharitably—that we politicians never do anything unless it benefits us or that we always have an ulterior motive. Happily, that certainly cannot be said in respect of a recent initiative called Parliamentarians for the Paralympics. Sixty-five federal parliamentarians have taken up the challenge to support the Paralympic Games. Federal parliamentarians are taking a leadership role and making a difference to the success of the Paralympic Games by publicly endorsing the Games, promoting the Games through their communication networks, encouraging their constituents to attend the Games and committing to attend the Games ourselves.

The Parliamentarians for the Paralympics program was successfully launched at Parliament House last month. The program is headed by a truly bipartisan committee chaired by me, and comprising Tim Fischer, the member for Farrer; Senator Lyn Allison, senator from Victoria; and Graeme Edwards MP, the member for Cowan. The committee also has the full support of the Sydney Paralympic Organising Committee and has been endorsed by its chief executive, Ms Lois Appleby, and the Prime Minister, Mr John Howard. At the launch, Ms Lois Appleby spoke to us, and the Paralympic athlete, Hamish Macdonald OAM, also appeared and was truly inspiring. They both briefed members and senators on how to promote the Games throughout our electorates. It really was a huge success—so huge a success in fact that the Parliamentarians for the Paralympics program has now spread to the New South Wales parliament and is being led there by the Hon. Charlie Lynn MLC.

As part of the program, each parliamentarian is playing a sponsorship role by adopting an individual Paralympic sport from the array of 18 that are to be held at the Sydney 2000 Games. Each member and senator is raising the profile of their chosen sport through visiting local schools and community groups, profiling the sport in their electorate newsletters and promoting the sport where they can in media and in speeches. I am looking forward to supporting the equestrian Paralympians. I have spoken previously on

the courage and determination of Sue-Ellen Lovett, who is vision impaired and ranked first in Australia for equestrian dressage. At the 1996 Paralympic Games in Atlanta, Sue-Ellen competed in both individual and team events. This was the first time that Australia was represented in dressage at the Paralympic Games. I would certainly like to take this opportunity to once again commend her efforts and those of the equestrian Paralympians. I hope to do a promotional horse ride with them.

As well as individual activities, as a group, Parliamentarians for the Paralympics will also be highlighting the great deeds of others by focusing a spotlight on the fundraising needs of the Games. An exhibition of Quilts 2000 will be displayed here in Parliament House in April to raise community awareness about the beautiful work that a dedicated group of quilters has done to raise funds for the Games. Quilters, quite literally from across Australia, have produced quilts which are designed to draw upon the Paralympic messages of perfection, purpose, pinnacle, partnership and perseverance—I hope I got the alliteration right. The quilts will be displayed in the Olympic and Paralympic villages during the Games and will be sold to raise funds. I have actually seen a selection of these quilts, and they are really beautiful!

As a group, parliamentarians will also be showing their support for the Games in other ways. Like the Olympic Games, the Paralympic Games has a torch relay. It will run for eight days and, on the final day, light the flame of the XI Paralympiad. Pollie Pedal 2000 will celebrate the spirit of Australia's Paralympics. This year, the charity bike ride from Canberra to Sydney will travel along the Paralympic torch route through country New South Wales, stopping to visit local communities such as Goulburn, Moss Vale, Wollongong, Campbelltown, Penrith, Richmond, Windsor, Parramatta, Dee Why and Manly. The ride will raise money for the Australian Paralympic team as well as raise the profile of the Games—which is the main message. Parliamentarians will be tracing the relay route in May of this year in a follow-up to the Pollie Pedals ride taken in previous years by Tony Abbott, Ross Cameron, Jackie

Kelly and other perhaps not-so-fit polliques who join in for part of the journey. A colleague of mine recently said that she wanted to ride a Harley.

The Paralympic Games is often overshadowed by the Olympics. However, the Paralympics is the most elite international sporting event for athletes with a disability. As such, the Sydney 2000 Paralympic Games, which will be held from 18 to 29 October this year, will be the second largest sporting event in the world this year after the Olympic Games. To put it into perspective, the Paralympic Games will be bigger than the 1998 Kuala Lumpur Commonwealth Games, the Nagano Winter Olympic Games and the 1956 Melbourne Olympic Games. Sydney will be hosting 4,000 athletes, 2000 officials, 1,000 technical officials, and 1,300 media from 125 countries, not to mention 650,000 spectators and 10,000 volunteers—the largest Paralympic Games yet held, and the first to be held in the Southern Hemisphere. There are certainly a lot of firsts in that.

Australia has been represented at every Paralympic Games since the first held in Rome in 1960. Today the Australian team is one of the best in the world. In Atlanta in 1996, the Australians led the medal tally until the last day of competition when the much larger United States team pushed the Australian team into second place. The Australians still returned home from Atlanta with a remarkable 42 gold, 37 silver and 27 bronze medals. The Australian team has high hopes of success in October 2000.

As well as a great team performance, who could overlook the number of outstanding individual performances at the Paralympic Games in Atlanta? Louise Savage won four gold in track and field, Priya Cooper wowed the poolside crowds by winning five gold, one silver and one bronze, while Troy Sachs, as a member of the Australian men's wheelchair basketball team, scored 42 points in the gold medal basketball game leading Australia to history. This is both the Paralympic and Olympic world record.

Our para-athletes are inspiring young people. I have to put it that way. They are inspiring. They are true Aussie heroes and de-

serve our support. These athletes and others are already hard at work preparing for the Sydney Games. They all aspire to win gold, but most of all they aspire to win it in front of a large and enthusiastic home crowd.

The Paralympic Games will be a success in terms of venues. The athletes village will be the same as the Olympic venues and facilities. Everything else in running such a significant event should fall into place. The key challenge faced by the Sydney Paralympic Organising Committee is to reach the Australian public, to inform them about the Games and the elite nature of the sport—there will be superb sporting competition with some of the world's best athletes—and, most importantly, to motivate them to buy tickets and attend the Games. Only then, with spectator targets achieved, will the Sydney 2000 Paralympic Games be considered a true success.

I am also proud to commend the many municipal councils throughout Australia who are also working hard to encourage community participation in the Games—as are my federal parliamentary colleagues—to make the Paralympic Games the best they can be. I would like to take this opportunity to encourage all my colleagues who may not yet be part of this program and all Australians to attend the Paralympic Games. Your visit to the Paralympic Games will be a once in a lifetime experience and one not to be missed. In addition to great sport, you will also experience Olympic entertainment, festivities and exhibitions on your visit. I urge all of us to be part of the excitement, to tell all our friends and to come out to Homebush Bay to cheer on the para-athletes and share with them one of the most memorable moments of their lives.

**Senate adjourned at 7.11 p.m.**

## **DOCUMENTS**

### **Tabling**

The following government documents were tabled:

Aboriginal Land Commissioner—Report—No. 57—Palm Valley land claim no. 48 and explanatory statement by the Minister for Aboriginal and Torres Strait Islander Affairs (Senator Herron).

Australian Law Reform Commission—Report—No. 89—Managing justice: A review of the federal civil justice system.

Australian Radiation Protection and Nuclear Safety Agency—Report for the period 5 February to 30 June 1999, including a report of the Nuclear Safety Bureau for the period 1 July 1998 to 4 February 1999.

Medibank Private—Equal employment opportunity and equity and diversity—Report for 1998-99.

National Environment Protection Council and NEPC Service Corporation—Reports for 1998-99.

Treaties—

Bilateral—

Text, together with national interest analysis—

Agreement between Australia and the Kingdom of Denmark on Social Security, done at Canberra on 1 July 1999.

Agreement between the Government of Australia and the Government of New Zealand on Child and Spousal Maintenance.

Agreement between the Government of Australia and the Government of the Slovak Republic on Trade and Economic Cooperation, done at Canberra on 23 April 1999.

Agreement for Cooperation between Australia and the United States of America concerning Technology for the Separation of Isotopes of Uranium by Laser Excitation, Agreed Minute, and Exchange of Notes, done at Washington on 28 October 1999.

Text, together with national interest analysis and regulation impact statement—Agreement between Australia and Romania for the Avoidance of Double Taxation and the Prevention of Fiscal Evasion with Respect to Taxes on Income and Protocol, done at Canberra on 2 February 2000.

Multilateral—

Text, together with national interest analysis—

Convention on the Recognition and Enforcement of Decisions Relating to Maintenance Obligations, done at the Hague on 2 October 1973.

Protocol of Amendment, done at Brussels on 26 June 1999, to the International Convention on the Simplification and Harmonization of Customs Procedures of 18 May 1973.

United Nations Convention on the Elimination of all Forms of Discrimination Against Women - Partial Withdrawal of Australia's reservation concerning women in combat and combat related duties.

National interest analysis for treaty previously tabled—Convention on the Safety of United Nations and Associated Personnel, done at New York on 9 November 1994. [The text of the Convention tabled in both Houses of Parliament on 21 June 1995]

### Tabling

The following documents were tabled by the Clerk:

Lands Acquisition Act—Statements describing property acquired by agreement under sections 40 and 125 of the Act for specified public purposes [2].



