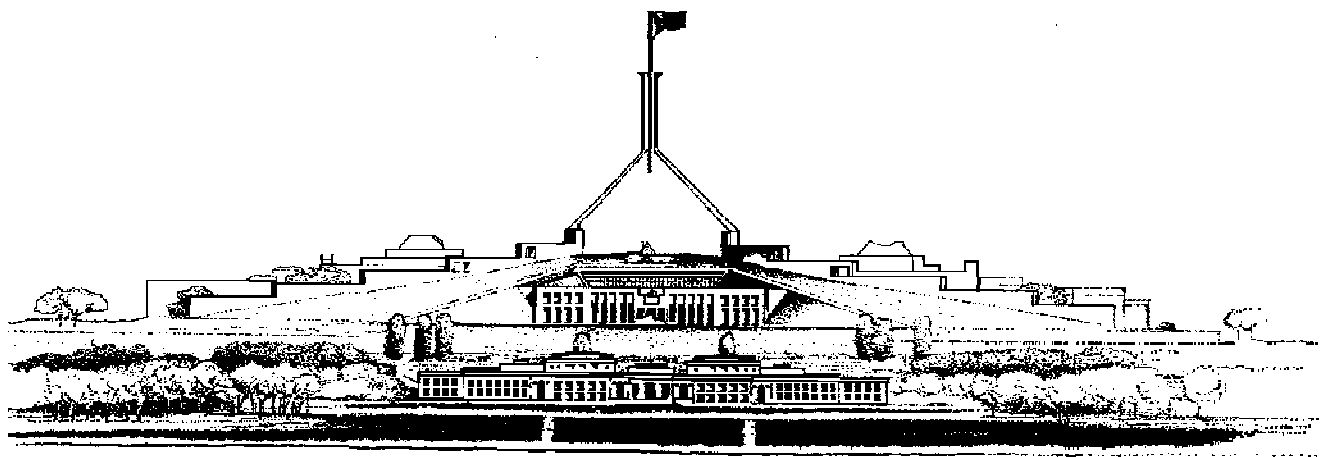




COMMONWEALTH OF AUSTRALIA  
PARLIAMENTARY DEBATES



**SENATE**

Official Hansard

**TUESDAY, 29 OCTOBER 1996**

THIRTY-EIGHTH PARLIAMENT  
FIRST SESSION—SECOND PERIOD

BY AUTHORITY OF THE SENATE  
CANBERRA

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*Tuesday, 29 October 1996*

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

#### QUESTIONS WITHOUT NOTICE

##### Gun Control Campaign

**Senator ROBERT RAY**—I direct my question to the Assistant Treasurer representing the Minister for Administrative Services. During the supplementary estimates hearing on the DDB Needham smoking guns affair you stated that the question of whether DDB Needham was on the short list prior to the intervention of Mr Graeme Morris was fundamental to the case being developed by Senator Bolkus and me. Is it a fact that you have now been forced to reveal that the Minister for Administrative Services has now admitted that DAS made a thorough check of its files and could find no written evidence that DDB Needham Adelaide was in fact included on the list of advertising agencies prior to 28 June 1996? Is it not also a fact that this revelation by your own admission confirms that Mr Graeme Morris's fax was a key component of a political fix to guarantee the contract to DDB Needham Adelaide regardless of the quality of their bid?

**Senator KEMP**—I guess that question shows that at least Senator Ray can read his mail that was posted to him this morning. I did write to the chairman of the committee, as I am wont to do when it has been pointed out to me that some of the evidence that was given required to be corrected. That is exactly what I did. Senator Ray did read the letter out fairly correctly, as I understand. Senator Ray, you then said that you were building the case. As you know, that letter from Mr Morris was sent. Of course, you argued in the estimates that that led to the listing of DDB Needham.

I pointed out to you that the evidence that had been given at that time before the committee was that it had been listed prior to that. That letter that you made corrected that. Then you went on to say—and I am surprised that you did not go down and read the *Hansard* correctly—

Mr Minister, it does not matter whether Mr Morris had anything to do with this in the end.

That is what you said, and you went on to say:

What matters is that a ministerial committee has chosen a firm with massively and intertwined Liberal connections. . .

That is your quote. Then you concluded by saying:

So you can take Mr Morris out of it entirely.

That is what you said, Senator Ray.

**Senator ROBERT RAY**—Madam President, I ask a supplementary question. Would the minister like to explain to the Senate how a firm so closely associated with the Liberal Party was on the list of five after Mr Morris's intervention when the average billing rate of the other four firms is \$47.85 million and DDB Needham Adelaide is only \$5.8 million? Can you give us an assurance, Senator Kemp, that it was not Mr Morris who got them put on the list of five? Now answer that question.

**Senator KEMP**—Senator Ray, those questions were posed innumerable times before the Senate committee. We had all the public servants there to answer your questions, Senator Ray. I have nothing to add to the evidence that was given before the committee.

**The PRESIDENT**—Senator Kemp, you directed your answer to Senator Ray. It ought to be directed to the chair.

##### Australian Labor Party

**Senator IAN MACDONALD**—After that question, which just shows the irrelevancy of the Labor Party, I have a relevant question to be addressed to the Leader of the Government in the Senate.

*Opposition senators interjecting—*

**The PRESIDENT**—Order! There is too much noise and I did not hear to whom you were directing your question.

**Senator IAN MACDONALD**—My question is directed to the Leader of the Government in the Senate. Is the minister aware of the latest polls showing that support for the Labor Party and its leader, Mr Beazley, has slumped to its lowest level in many, many years? Is the minister aware that the Labor

Party is now something like five percentage points lower than it was at the election and that, in answer to the question, 'Who do you think would make a better Prime Minister?', Mr Howard won with 55 per cent, second came uncommitted with 24 per cent and third was Mr Beazley? Is this further evidence that Labor is becoming increasingly irrelevant electorally and to what do you attribute this continuing slide in the irrelevancy of the Labor Party?

**The PRESIDENT**—Senator Hill, there is very little of that question that is relevant to your portfolio in the chamber and you should confine your remarks to those parts that are.

**Senator HILL**—I definitely will, Madam President, because what is important is that within those figures there is a message for the government and a message for the opposition. The message for the government in opinion polls continuing to firm of this type—in fact, from 47 per cent at the election up to 51 per cent—is basically that the electorate believes that the new government is on the right track. There can be no other alternative interpretation.

It was reinforced by the Lindsay by-election. It is now again being reinforced by public opinion polling. It gives us confidence to push on with the reforms the Australian people elected us to enact only a matter of a few months ago. The Australian people wanted a different approach from the past. They wanted us to address the issues of unemployment. They wanted us to address the issues of high debt.

**Senator Cook**—You are not.

**Senator HILL**—They wanted us to give the battlers a chance—the battlers that you overlooked for years and years. Senator Cook, when we say to you there is a message from the electors, all you answer is, 'Rubbish, rubbish, rubbish!' Your attitude typifies the ALP. The ALP is not prepared to listen. It was interesting the way the *Sydney Morning Herald* reacted to Mr Beazley's response to the electoral defeat in Lindsay. The article said:

He said he was not surprised at the result. He dismissed it as meaning virtually nothing.

There is another demonstration. That is why the voters continue to be dissatisfied with Labor.

**Senator Cook**—Wrong analysis, Robert.

**Senator HILL**—It is not facing up. It refuses to face up to its failures and it refuses to look in a different direction and find alternatives. Of course, the other side of the coin is it continues to endorse the program we have put down. Senator Cook, you may wish to dismiss it, but your own assessment, your party's national review committee when it looked at the voting result—laugh as you may—brought to your attention that the most spectacular drop in votes was from lower income earners, the battlers whom we told you were disillusioned with your performance.

**Senator Cook**—You are betraying them.

**Senator HILL**—They voted that way at the election, they reinforced it in Lindsay and they are reinforcing it in the opinion polls. Why will Labor not listen?

**Senator Cook**—You are lying.

**The PRESIDENT**—Order! Senator Cook, I ask you to withdraw that remark.

**Senator Cook**—Can I just say that Senator Hill is addressing me directly, that is why I felt it necessary to correct him.

**The PRESIDENT**—You are interjecting when you ought not to be. You should withdraw your previous accusation.

**Senator Cook**—My accusation was not against Senator Hill; it was against the Liberal Party. But, if you ask me to withdraw, I withdraw the word 'lying'.

**The PRESIDENT**—Thank you. I did ask you to withdraw. Senator Hill, please direct your remarks to the chair.

**Senator HILL**—Certainly. In relation to higher income earners, the Labor Party vote held up pretty well. That is not surprising because high income earners did well under Labor. It was the battlers and the not so well off who suffered so badly under Labor's policy. It was those people who voted in a different alternative. Madam President, I remind you what Mr Gray, the Labor Party's organisational boss, said:

We couldn't run on policies because they, the voters, thought we were liars on policy. We couldn't run on our record because they thought our record stunk. They thought our record stunk, and they are still indicating that in relation to the opinion poll.

Why will the elected Labor Party representatives not listen to Mr Carr, the Premier of New South Wales? What did he say yesterday? He said:

Labor should not attempt to rule this country from a minority position in the Senate and it would be politically mistaken to attempt to do that.

It is time the Labor Party faced up to its failures. It is time the Labor Party recognised that the voters elected a new government to take a different direction. It is time the Labor Party started to recognise that in some votes in this place.

**Senator IAN MACDONALD**—Madam President, I ask a supplementary question. I ask: is the irrelevancy of the Labor Party in the polls symptomatic of their irrelevancy in the workplace relations legislation? Also, are there any messages for the Labor Party in relation to the Telstra matter?

**Senator HILL**—The Telstra position is just another demonstration of the hypocrisy of Labor. It was Labor that was opposed to the sale of the Commonwealth Bank and then all of a sudden it sold the Commonwealth Bank. It was Labor that was opposed to the sale of Qantas, and all of a sudden it sold Qantas. It is Labor that suddenly, moving from government into opposition, says, 'There's no way we can support the sale of another government utility. There's no way we can support the sale of Telstra.' It is about time Labor started to recognise the bandaid for which this government was elected.

In relation to mandate No. 1—reform to industrial relations—it is time for them to come on board now and give employees and employers the opportunity to work together on a new industrial relations situation. It is time to support the sale of one-third of Telstra and set up the Natural Heritage Trust. There are opportunities before this chamber where Labor can start to become relevant, but on their record so far they have no wish to face up to that responsibility. (*Time expired*)

### **Minister for Employment, Education, Training and Youth Affairs**

**Senator FAULKNER**—My question is directed to Senator Vanstone, the Minister for Employment, Education, Training and Youth Affairs. Minister, at his press conference called on 16 October to staunch his haemorrhaging code of conduct, the Prime Minister undertook to look into the matter of your misleading statements on the so-called Wright family. In your answer yesterday you said:

I have not had a conversation with the Prime Minister about this. It was mentioned in passing at the end of a meeting about a range of other matters simply querying how this happened.

Minister, does this desultory encounter constitute the Prime Minister's way of looking into something? Is it not a fact that, if your answer yesterday was correct, the Prime Minister has not really looked into this matter at all? Does it not indicate that, like you, the Prime Minister simply fails to appreciate the seriousness of misleading the public and the parliament and then failing to correct the record at the earliest possible opportunity?

**Senator VANSTONE**—Through you, Madam President: Senator Faulkner, I would have thought your questions would improve when the real leader returned, although I see he has gone again; so perhaps you did this all yourself. As you rightly identify, Senator Faulkner, the question you asked me yesterday was whether I had had a conversation with the Prime Minister about this. I answered that question fully.

You did not ask me yesterday whether I had any knowledge of what other attempts the Prime Minister had made to look into this matter. I know that my office has provided material to his office. I assume the Prime Minister has dealt with this appropriately. You cannot assume the only way the Prime Minister can look at something is by coming to me. I am sorry, you got it wrong.

**Senator FAULKNER**—Madam President, I ask a supplementary question. Will the minister then outline to the Senate in what way the Prime Minister has looked into this matter?

**Senator VANSTONE**—Madam President, with respect, I do not think that is a supple-

mentary question addressed to me vis-a-vis my portfolio, but I will take the opportunity anyway to address it. Senator Faulkner, I do not regard it as an appropriate practice for me to go around tapping the Prime Minister on the shoulder and saying, 'Listen, Sport, have you done what you said you'd do?' I am completely satisfied—

**Senator Faulkner**—Madam President, I raise a point of order. I did notice at one stage that 'sport' was ruled unparliamentary in relation to members of the opposition. I am sure that it is unparliamentary in relation to the Prime Minister. Could you rule on that?

**Senator VANSTONE**—Madam President, on the point of order: I am not directly referring to the Prime Minister; I am paraphrasing what I do not think it is my job to go and do. If I wanted to refer to the Prime Minister in here, I would refer to him as Mr Howard or the Prime Minister.

**The PRESIDENT**—Order! I do not think there is any doubt that the Prime Minister should be referred to correctly, and other senators and members likewise.

**Senator VANSTONE**—Senator Faulkner, it is not my job to go and ask the Prime Minister whether he has done his job. If he indicated that he was going to do that, I am quite satisfied that he has attended to that matter. I am sure he would have. But you should have addressed your question, I suppose, to Senator Hill.

#### Interest Rates

**Senator KNOWLES**—My question is addressed to the Assistant Treasurer. During the term of the previous Labor government, Australia was given: the 'recession we had to have'; one million people unemployed; a record high foreign debt; Mr Beazley's \$10 billion bankcard bill; and double digit home loan interest rates. Since the 2 March election when the coalition government was elected, there have been two big reductions in interest rates, providing huge rewards and incentives to families and small business. How does the current level of interest rates compare with those under the previous Labor government?

**Senator KEMP**—I thank Senator Knowles for the important question. How good it is to

get a question which is actually relevant to the interests of the Australian people. That is what the questions committee of the Labor Party is failing to do.

**Senator Schacht**—Which old school tie is that, Kempie—Eton?

**Senator KEMP**—Senator Schacht, you may be on that committee, but the Australian people want you to talk about issues which are important to them—and interest rates, Senator Schacht, is one area which is extremely important to them.

**The PRESIDENT**—Senator Kemp, please direct your remarks through the chair.

**Senator KEMP**—Of course, Madam President. Madam President, you will be aware that the government, before the election, promised to provide help to families and small business. Perhaps one of the biggest benefits a government can give to families is to provide the environment which allows them to pay low interest rates with the buying of their most valuable asset, the family home. Similarly, small businesses derive enormous benefit from lower interest rates. Lower rates foster higher investment, more jobs and more growth.

Since the election of the coalition, there have been substantial cuts in mortgage interest rates. Senator Cook, who has been calling out recently, may be interested to know that when this government came to office the variable home mortgage rate charged by big banks was 10.5 per cent. Correct? Correct. This has now fallen to 9.25 per cent, a fall of 1¼ percentage points. This fall has sliced repayments on a \$100,000 loan by approximately \$104 per month. For a person on adult average earnings, this is equivalent to an increase in pre-tax income of \$160 per month—because, of course, mortgage costs are paid from after tax income.

We are now seeing, partly as a result of competition and partly because of the government's good management of the economy—particularly, of course, with the budget—that some of the major lenders are offering the lowest home mortgage rates since the 1970s. No wonder the latest Newspoll has shown such buoyant figures for the coalition.

The question from Senator Knowles also asked how our record compares with that of Labor. Unfortunately, Senator Knowles, Labor has a rather sorry record on interest rates. It is the high interest rate party, as all Australians know. As I have said, the current mortgage rate charged by the big four banks is 9.25 per cent. Under Labor, the average was 12.75 per cent, more than—

**Senator Hill**—How much?

**Senator KEMP**—It was 12.75 per cent—

**Senator Hill**—The average?

**Senator KEMP**—That was the average under Labor—more than one-third higher than at present. Under Labor, home mortgage rates peaked at a whopping 17 per cent; business lending rates were even higher. As I said yesterday, over the last 2½ years under Labor, the only way mortgage rates went was up. This is not surprising because over this time official interest rates went up as well. In fact, official interest rates went up to 7.5 per cent. Under Labor variable home mortgage rates last fell in September 1993. In September 1994 they rose three-quarters of a percentage point to 9.5 per cent. Just three months later they rose to 10.5 per cent—and that is where they stayed right up until the election.

The conclusion of all this is very straightforward. It is that Labor is the high interest rate party. Labor failed to bring down interest rates. And by refusing to discuss questions of importance in question time, they are misreading the interests of the Australian people. (*Time expired*)

### Unemployment

**Senator McKIERNAN**—My question is directed to the Minister for Employment, Education, Training and Youth Affairs. Minister, at the estimates hearings last week your departmental officials confirmed that they had written to your office to draw attention to the incorrect reporting in the *Australian* newspaper of 19 August of your comments on Labor's five per cent unemployment target. Yesterday you told us that it was a journalist from the *Australian* who got it wrong. Was it you or was it a journalist who got it wrong again on 25 August when you

were reported as saying on *Meet the Press* that:

Labor knew before the election that its target of 5% by the year 2000 was unachievable; it had been told that. I know that's absolutely certain that they knew.

Minister, did you or *Hansard* get it wrong on 10 September when you were reported as saying:

... the Labor Party knew well that the target it was promoting as being achievable was not achievable. . .

**Senator VANSTONE**—Senator, I am somewhat surprised at this question, because it is basically the repeat of a question that was asked yesterday. You give me the opportunity to simply repeat the answer. I have the *Meet the Press* transcript here. I was not following it through as you were speaking, but I think it pretty well says that is the case, that you were told. Perhaps you were not here yesterday, Senator, so let me give you an idea of the sorts of people who did, in fact, tell you that you were wrong. The *Australian* editorial of 8 September 1995 said:

Employment minister Mr Crean claims we are on track to cut unemployment to 5 per cent. At best he is deluded and at worst Mr Crean is not telling the truth.

In the *Australian* in September 1995, Professor Helen Hughes said:

The unemployment rate not 8.2 per cent would be no better than seven per cent by the year 2000 if present growth levels were maintained.

Dr John Quiggin, associate professor, said this in the *Australian* on 1 September 1995:

There is no doubt, the government cannot possibly achieve five per cent under its current policies.

So it is perfectly clear that what I said on *Meet the Press* is correct. You were told by plenty of people that you would not get to that target. On that basis, I am quite satisfied with my comments on *Meet the Press*. I am equally satisfied with the information I gave to the Senate yesterday on this matter, which included the press release of 18 August, and then the *Australian* article of the 19th. I will read that article for you to make it clearer yet again. The press release of 18 August said:

DEETYA has advised—

that is us—



that at the time of the election, on the information available to the previous government—

if you wanted to ask for it—if it is sounding familiar, it is what you heard yesterday—you could have asked for it—

unemployment in 2000 would have been between 6.8 and 7.3 per cent.

What did I tell you yesterday that the *Australian* paraphrased that to be? They did not put it in direct quotes, because it was not a direct quote. They paraphrased it. They paraphrased it to be:

Senator Vanstone said that at the time of the March election, her department had advised Mr Crean . . .

What has happened here is Mr David McKenzie, I presume quite unintentionally, has simply misparaphrased a press release. It is as simple as that.

**Senator McKIERNAN**—Madam President, I ask a supplementary question. Minister, the officials last week confirmed that incorrect advice was given prior to 19 August. I ask you: with that in mind, given that your department wrote to you the first time a journalist got it wrong, did they write to you or your office after your *Meet the Press* statements or after your answer to the question without notice on 10 September?

**Senator VANSTONE**—No.

#### Jabiluka Uranium Mine

**Senator LEES**—My question is addressed to Senator Hill, the Minister for the Environment and the Minister representing the Prime Minister. It is about Jabiluka country and uranium mining there. Minister, in May, when asked how your government would deal with the traditional owners of Jabiluka, you stated:

. . . the views of the traditional owners are important to us legally. They are important to us as a matter of law. They would be important to us whether or not it was a legal prerequisite.

You went on to say:

We respect the views of the traditional owners in this matter.

I would like to acknowledge the presence in the gallery this afternoon of the senior traditional owner of Jabiluka country, Yvonne Margarula. She is here on behalf of traditional owners to say very clearly no, they do not want mining on their land, particularly the

Jabiluka uranium mine. So I ask, Minister: bearing in mind your earlier statements and the wishes of the traditional owners, will the government refuse now to give approval for mining of uranium at Jabiluka?

**Senator HILL**—As the honourable senator knows, application has been made for a new mine at Jabiluka, and that is currently going through an environmental impact study process. We have indicated that we expect the highest possible standards before we would tick off on that. The senator will also know that we have currently instituted—in cooperation with ERA, the Northern Territory government and the Northern Lands Council—a social and cultural study on the effects of industry and mining in the Ranger region, which will be an important information base for us as well. We expect to get that back towards the end of the first half of next year.

Apart from that, the company, of course, needs approval from the Northern Territory government. It certainly, arguably, legally needs approval. We can go into the fine points of that law if you like, but it is not really appropriate in this forum. It will be a question of, if the traditional owners do have that legal right, whether they approve it.

Apart from all that, the sentiment of what I said in that earlier answer some time ago really stands: I think the rights of the traditional owners in these matters clearly should be respected. I have received quite a bit of correspondence from Yvonne Margarula, in which she has made her position very clear, and it is consistent with what you have put to the Senate today. I have indicated to my office that I would be pleased to meet with her during her visit in Canberra if that remains her wish, which I understand it to be.

**Senator LEES**—Madam President, I ask a supplementary question. I thank the minister for his answer, but this really was not about the environmental impact statement and it was not about the social study. It was specifically about listening to the traditional owners. You said in your answer, Minister, that you would respect their views. Does this mean that, when they say no, your government will understand what that means and, therefore, refuse to allow mining to go ahead?

**Senator HILL**—What I was trying to say—perhaps I did not say it as well as I should have—was that that moment is yet to come. When I was at Jabiru and I spoke to traditional owners, there seemed to be divided points of view.

**Senator Lees**—There is no division.

**Senator HILL**—A number of them put to me different positions. As I have acknowledged to you, Yvonne Margarula has been consistent in the position that she has put in the letters that she has written to me. I look forward to having the opportunity to discuss the contents of those letters with her.

**Minister for Employment, Education,  
Training and Youth Affairs**

**Senator SHERRY**—My question is to the Minister for Employment, Education, Training and Youth Affairs. In Mr Hollway's minute to you of 26 September, he advised you that your colleagues on the ERC were likely to have been misled about the Wright family and he recommended that you take action to correct their likely misunderstandings. What action have you taken?

**Senator VANSTONE**—There are two points to raise with respect to that question. Firstly, the only context in which anybody who looked at the Wright family example would be misled is in the context that it was an actual family. That is the only context.

They would not be misled with respect to the fact that, until the actual means test that you introduced there were families such as the one on which the Wright family was based, with a \$1 million house, who would have been getting Austudy for their children. The actual means test that you introduced—and I think we supported you on it—

**Senator Sherry**—What about your submission to the ERC?

**Senator VANSTONE**—I am coming to that. The means test was designed to get at people who have that capacity. There are people like this—you know there are; that is why you introduced the actual means test.

**Senator Sherry**—What about your submission to the ERC?

**Senator VANSTONE**—I am coming to that. I have got time to answer the question and I will come to both of the points you raised. You introduced this test because you knew that there were people who had so structured their assets and income that they could bypass a typical assets test and a typical income test. So you devised the actual means test to get at them.

Let me repeat for you what happened with the Wright family. An actual family with a house valued at about \$1 million—

**Senator Faulkner**—It is an actual family now, is it?

**Senator VANSTONE**—As I have indicated before, Senator Faulkner, the Wright family was based on an actual family.

**Senator Faulkner**—So it is not a real family; it is a fake.

**Senator VANSTONE**—Madam President, he has asked the question and I am happy to answer it.

**The PRESIDENT**—Order! There are too many interjections.

**Senator VANSTONE**—I have had to repeat this answer a few times. I know they are slow, but it is going to take even longer if they keep interrupting.

I just want to underline the fundamental point that there were families out there with those sorts of houses and with kids who would otherwise have got Austudy but for the actual means test. In the absence of an actual means test, they would be able to get other benefits. That is true and you do not deny it. The only thing that is untrue with respect to the Wright family is that in total it was an actual family itself.

**Senator Faulkner**—And the figures were wrong.

**Senator VANSTONE**—The figures were corrected; I accept that. With respect to my colleagues at the ERC, they have been given every bit of information—

*Opposition senators interjecting—*

**The PRESIDENT**—Order! There are far too many interjections for this answer to be heard clearly.

**Senator Faulkner**—You added a couple of kids and got the figures wrong. That is terrific.

**The PRESIDENT**—Order! Senator Faulkner!

**Senator Faulkner**—You misled the parliament and the public.

**The PRESIDENT**—Order! Senator Faulkner!

**Senator VANSTONE**—With respect to ERC, my colleagues are fully aware of all the details in relation to the Wright family, and they have been made so aware by me.

**Senator SHERRY**—Madam President, I ask a supplementary question. Minister, given your actions, are we correct in assuming that, in presenting the bogus information to the ERC as you did, you supported a case for funding cuts to your portfolio?

**Senator VANSTONE**—No, you are not correct in that. It seems that you have not got a grip on it yet. The point is the so-called Wright family example demonstrates that, without an actual means test—and this is why you introduced it—people would otherwise be able to access benefits because they would be able to structure their affairs so they could bypass a normal income test and a normal asset test. That is what the Wright family explains. Putting next to it the DSS figures, which I accept were incorrectly calculated—I do not know how many times I have to tell you that—highlighted that, without an actual means test, those sorts of families can access benefits. That is the purpose of it.

**Senator Sherry**—Why haven't you reopened the ERC?

**Senator VANSTONE**—There has been no decision taken by the ERC—

**The PRESIDENT**—Order! Senator Vanstone, your time has expired.

**Senator VANSTONE**—I will have to leave that with a dot dot dot. We can come back to that if you want me to.

#### **World Heritage Wilderness Area in Tasmania**

**Senator BROWN**—My question without notice is to the Minister for the Environment.

Tasmania's World Heritage wilderness area can be approached by at least 15 major roads. However, in 1992 the World Heritage management plan signed by both the state and federal governments provided for closure of the eroded and highly environmentally damaging gravel road to Mount McCall in the Franklin River valley. Is the minister aware of pressure on the Tasmanian government to renege on this cornerstone component of managing the World Heritage area? Will the federal government stand by that management plan and ensure that the Mount McCall road scar is rehabilitated, as agreed, by 1997?

**Senator HILL**—As I understand it, the agreement in the management plan between the Commonwealth and the state was that the final part of the road to the river would be closed by September next year. That responsibility is a responsibility of the Commonwealth and the state pursuant to the terms of that agreement even though it is administered by the state. That would be our plan, unless there is a decision by both parties to the contrary in the meantime.

The honourable senator will be aware that there have been representations that the road should not be closed. They have been based on issues of safety and the provision of access, including the provision of access for tourist facilities, in particular, shorter rafting expeditions down the river. These arguments are currently being evaluated by the state government, which is going to report back to the ministerial council in the first quarter of next year. If these arguments are well-founded—and they have got to be analysed carefully—then obviously they would be balanced against the conservation values for which the road was to be closed. That assessment would be made at that time. Unless they outweigh the conservation values, then I would expect that the agreement would be adhered to in its terms.

**Senator BROWN**—I have a supplementary question. I ask the minister if he is aware that the arguments he has just mentioned were fully canvassed in the drawing up of the management plan in 1992, a plan which came into being nine years after the Franklin River was originally protected following a decision

in the High Court. I ask the honourable minister if he is aware that national parks authorities at both state and federal level are firmly behind the rehabilitation of this road scar in the Franklin River valley. If that backing is not given by the minister's office, what part of this management plan would be safe from further erosion if a new commercial interest or other interest intrudes itself upon the environmental values which are the bulwark of this plan?

**Senator HILL**—As I understand it, the management plan has been adhered to. I cannot think of representations that I have received on any other matter, although I stand to be corrected. Certainly we have sought to implement the plan as agreed. As I said to you, the parties to an agreement can always change the agreement, but I think there would have to be an overwhelming case made out for it—I accept that. I am awaiting the analysis of the work that is being done at the moment to see whether that case can be made out. I am also looking forward to the opportunity to visit that particular part of the park in the not too distant future.

**Senator Brown**—I would be happy to take you there.

**Senator HILL**—I do not know whether I would trust you taking me—I might not get out. One of the points is that there are Australians who want access to this area. It has been a privilege that you have had, but there are others who want to be able to share that privilege. To do so they do need access.

#### **ATSIC: Special Auditor**

**Senator BOB COLLINS**—My question is to the Minister for Aboriginal and Torres Strait Islander Affairs. Minister, you have now conceded—and I think it is beyond dispute—on a number of occasions to a Senate estimates committee that there was inaccurate information amongst the newspaper articles that you read into *Hansard* in question time last week, but you have still made no attempt whatsoever to correct the record. Can you now tell the Senate what parts of that material that you read into *Hansard* in relation to the final report of the special auditor you consider to be inaccurate? Why

have you, despite many opportunities up to this point, failed completely to make any attempt to correct the record?

**Senator HERRON**—I would have expected a bit better of Senator Collins. This question really is consistent with the standard of question we have had this afternoon. I do not remember such a wishy-washy lot of questions during question time. This is supposed alternative government. I see that the polls today say, 'Beazley unable to stop the rot.' He has been unable to stop the rot in the questions committee. I would get another questions committee, Senator Collins. Senator Collins is a genial sort of fellow. I rather admire his method of questioning.

**Senator Bob Collins**—Madam President, I rise on a point of order.

**Senator Hill**—That is offensive!

**Senator Bob Collins**—It's not offensive at all. My point of order is that the minister himself is on the record as admitting that the information that he actually read into *Hansard* last week is inaccurate. The *Cabinet Handbook* requires ministers—as it should—to be honest in their dealings with the public and particularly with this parliament. The minister has made not the slightest attempt to address my question—which was to identify the inaccuracies that he himself has conceded were in the material—nor has he taken the opportunity now, at last, to identify them and correct them.

**Senator HERRON**—I would not have expected a point of order when I called him genial.

**The PRESIDENT**—Are you speaking to the point of order?

**Senator HERRON**—I am answering the question, Madam President.

**The PRESIDENT**—I have not ruled on the point of order.

**Senator HERRON**—Sorry.

**Senator Faulkner**—Sit down and wait until the President rules, you dope!

**The PRESIDENT**—Senator Faulkner! There are still three minutes and 20 seconds for the minister to deal with the substance of the question—which the minister should do.

**Senator HERRON**—Thank you, Madam President. Senator Collins should show a little honesty in this too, but he has always been known as being economical with the truth. He knows that I have been completely consistent in my answers to this same tired old question that he has kept bringing up. Senator Collins knows that in my answer I made it perfectly clear that I was quoting not from the report, but from a number of newspaper articles. My exact words were:

. . . it might be illuminating to look at what others have had to say about the special auditor's report. The *Herald-Sun* in today's editorial says: the audit . . . reveals a list of shortcomings . . .

And so on. Senator Collins knows full well that the point I was making was that ATSIC had accepted the value of the special auditor process and the quite serious implications of the findings. The media, after examining the report, took a similar—if at times somewhat inaccurate—view in some areas. In fact, the only one hanging in there trying to pretend that the report found nothing and was a waste of time is Senator Collins. His problem is that he painted himself into a very embarrassing corner by failing to wait for the report. Instead, he condemned it in advance: he came out and declared it a waste of time and money and insisted it would find nothing, and he was wrong. He is still pursuing that same tired old exercise.

In broad terms, the report found that 272 ATSIC funded organisations receiving \$174 million in grants were either not fit and proper, in need of further investigation, or so seriously in breach of grant conditions as to require immediate and close attention. And that's fact, Senator Collins, which you don't acknowledge.

The special auditor has also produced a number of recommendations which have been received positively by ATSIC. Senator Bob Collins's problem is that he has egg on his face in this issue and he just doesn't like it. So he keeps pursuing this tired old exercise. Do you know what Senator Bob Collins is supposed to be? He is supposed to be the shadow minister for primary industries!

**Senator Bob Collins**—On a point of order, Madam President—and we are running out of

time now. The question was very specific. The minister himself has conceded that parts of the material which he read into *Hansard*, whether or not they were his words, were inaccurate—and no-one doubts that he was quoting it approvingly in support of his position. The question was to identify those parts of the material which were inaccurate and he has failed to do so. I ask you to direct him to answer the question.

**The PRESIDENT**—In part, your point of order was debating the issue, Senator Collins. Senator Herron should be answering the question that was put to him and I am sure he is doing that in the way he sees fit.

**Senator HERRON**—Madam President, I read out the answer to the question and I will read it again, if Senator Bob Collins wants it emphasised. The report found that 272 ATSIC funded organisations, et cetera. I do not think this parliament should be used for the obsession of somebody who is quite obsessed with this issue, as is the shadow minister for primary industries. He has asked two questions about primary industries—we know how much the Labor Party is interested in primary industry—and he has asked 19 questions on Aboriginal affairs. I would be interested to know what the primary producers of this country think of his relativities and his interest in his portfolio—19 questions on Aboriginal affairs and two on primary industries. I suggest you tell that, Senator Bob Collins, to your people. I wonder what the primary producers think of your obsession.

**Senator BOB COLLINS**—Madam President, I ask a supplementary question. The record, if you are interested, Minister, is that so far I have asked at least several hundred questions on primary industry.

**Senator Herron**—Uh, uh, uh, uh.

**Senator BOB COLLINS**—Asked the department. Minister, I have a copy of a letter—

*Honourable senators interjecting—*

**The PRESIDENT**—Order! There are too many interjections all round.

**Senator BOB COLLINS**—Madam President, I have a copy of the minister's letter to the estimates committee correcting the

misinformation that he gave to the committee. Refer to the letter, Minister.

**Senator Herron**—I have it here.

**Senator BOB COLLINS**—It corrects the misinformation you gave about the ATSIC press release. I have checked *Hansard*. The false information that you provided to that committee about your own press statement, Minister, still stands uncorrected. You have an absolute obligation, Minister, if you didn't know it, to correct any misinformation you give the Senate committees, as well as this Senate. When do you intend to correct the misinformation about your own non-existent press statement in the same way as you have corrected the record with ATSIC? You have an obligation to do so.

**Senator HERRON**—I handed the press release to Senator Bob Collins at the estimates.

**Senator Bob Collins**—It wasn't the right press release, you idiot.

**Senator HERRON**—It wasn't the right question, you idiot.

**The PRESIDENT**—Order! Interjecting is disorderly. Shouting across the chamber is very disorderly and I ask you to stop it and direct your remarks to the chair. That doesn't mean saying, 'Madam President' every sentence. It means speaking to the chair and referring to the questioner in the third person.

**Senator HERRON**—Madam President, I apologise, but I was provoked.

**Senator Bob Collins**—You must have a tiny little pea brain that just knows how to do surgery.

**Senator HERRON**—I'll stack mine against yours.

**The PRESIDENT**—Senator Bob Collins, it has been suggested to me that you called Senator Herron a name that ought to be withdrawn.

**Senator Bob Collins**—I called Senator Herron an idiot, Madam President.

**The PRESIDENT**—Would you withdraw?

**Senator Bob Collins**—I withdraw.

**Senator Conroy**—On a point of order, Madam President: Senator Herron also called Senator Bob Collins an idiot.

**The PRESIDENT**—If that is the case, would you—

**Senator HERRON**—I thought by apologising, Madam President, I had done so. I withdraw, yes.

**The PRESIDENT**—Order! Senator Herron, have you finished answering the supplementary question?

**Senator HERRON**—Yes, Madam President.

### Fishing

**Senator CHAPMAN**—I direct my question to the Minister for Resources and Energy. Is the minister aware of management problems in the south-east fishery? What actions has the government taken to implement the recommendations relating to the fishery that were put forward in 1993 by the Senate Standing Committee on Industry, Science, Technology, Transport, Communications and Infrastructure? How does the government's policy on this issue compare with the failed policies of the former Labor government?

**Senator PARER**—I thank Senator Chapman for that question. I am very much aware of the management problems in the south-east fishery. The failed and discredited Labor government was also aware of them but did nothing. The south-east fishery is a Commonwealth fishery that runs from the waters off Sydney, around Tasmania to South Australia. It is the major supplier of fish to the Melbourne and Sydney fish markets and has a gross value of production of some \$54 million per year.

The fishery is managed by a system of output controls known as individual transferable quotas. Since the introduction of the system in 1992, a number of operators have argued that some aspects of the original quota allocation were unfair and reduced the value of their fishing entitlements. The continued wrangling about the initial quota allocation has greatly complicated the management of the fishery. One of the great advantages of a transferable quota system is that operators can

buy and sell their entitlements. The existence of a market for quota enables fisheries to adjust themselves to changing conditions. The continued uncertainty in the south-east fishery has meant that operators have been reluctant to buy or sell quota. It has also meant that the compliance and enforcement costs associated with the fishery have been higher than necessary.

In December 1993, the Senate Standing Committee on Industry, Science, Technology, Transport, Communications and Infrastructure, of which Senator Chapman was a very active member, recommended that the Australian Fish Management Authority should explore all the options for adjustment of the fishery, including some form of buy-out of operators holding small amounts of quota.

In 1994 the South-East Trawl Management Advisory Committee prepared a detailed paper on adjustment options in the fishery. In late 1994, nearly two years ago, AFMA wrote to the Minister for Resources outlining a way of approaching the issue. The Labor government did not do anything much about the issue in 1994. In 1995 it actually responded and said that it was still considering the matter. This is the sort of solution that the previous Labor government provided. It thought that if it did nothing, this major problem would go away. It was still thinking about the problem when it was swept from office.

I am pleased to advise the Senate that I have established a working group to recommend adjustment options for the south-east fishery. The working group will consider whether any of the operators in the fishery should receive adjustment assistance. If it decides that adjustment assistance is appropriate, it will develop options for adjustment. The working group will be chaired by Mr David Trebeck, an economic and policy consultant. The group will include two members with an industry background—Gail Hewitt and Oleh Harasymiw. It will also include a senior executive from the Australian Fisheries Management Authority and one of my own departmental officers. The working group will be required to complete its task by 30 November 1996. The group's recommen-

dations will then be considered by the South-East Trawl Management Committee.

We promised during the election campaign that we would seek to resolve the endless wrangling in the south-east fishery by mediation, not litigation. The establishment of this working group fully meets our commitment, in consultation with the industry.

### **Book Bounty**

**Senator COOK**—My question is addressed to the Minister for Resources and Energy, through you, Madam President. Minister, have you been advised by Australian book publishers of the effects of your decision to summarily abolish the book bounty as of budget night? Have you seen estimates that over 1,400 jobs will be lost in the Australian printing industry and over 300 jobs in publishing? Are you aware of a survey by the Australian Publishers Association of its members that at least 46 of its 140 members are planning to move printing work offshore, worth \$2 million in what is left of 1996, and \$20 million in 1997? Are you also aware of estimates that some \$40 million of book exports will be lost each year and that imports of books will rise by \$80 million each year? How is this resulting \$120 million worsening of the balance of payments going to assist the 1,700 Australians regain their jobs? How is it going to get the government closer to achieving its promise of creating 200,000 new jobs in the manufacturing industry?

**Senator PARER**—As regards the detail of the question, I am happy to refer that to the responsible minister. Let me just say this as an overview. The biggest problem, as everyone will know, when we faced the budget was the fact that we had to overcome years and years of Labor's irresponsible spending. Labor spent billions of dollars of money it did not have. It put the money on the credit cards so that future generations would have to pay. We had no option but to address that problem. Those decisions are not easy decisions, but it is something that had to be done. There was a general acceptance by the public that what we did was fair and equitable. They knew we had to face up to the squandering of people's money by the Labor Party. One of the things that the Labor Party has never understood is

that when it spends money it is spending other people's money.

The Industry Commission undertook a series of reviews on bounty assistance. Their view in all cases was that bounties were no longer an appropriate means of providing assistance to industry and that they had clearly run their course. After 13 years of Labor, improving the competitiveness of Australian industry is what we have to do. Australia recently had the unenviable honour of suffering the largest slide of any OECD nation on competitiveness.

Let me also say that there are significant benefits to industries in the budget. In relation to books, there are generous transitional arrangements. In the case of computers—Senator Cook did not raise this, but it covers the whole bounty issue—the government has convened the information industries task force to consider what form that should take.

Unlike Labor, we do not advocate unproductive handouts to industry. We have provided assistance packages across the board, designed to encourage and benefit innovation, management practices and export development strategies. We have also addressed through the budget process the matters which will have a downward impact on interest rates. These are the issues that industry is looking at.

We are also addressing this through the industrial relations bill, which the Labor Party continues to ignore. Its eyes have remained half closed and its ears half opened to the fact that the Industrial Relations Act, as enacted under Labor, was one of the greatest disincentives to employment that this country has ever seen. Senators on the other side will have their opportunities to show us whether they are serious in addressing the problems that we inherited when we came to government.

**Senator COOK**—I ask a supplementary question, Madam President. In view of that answer, could the minister inform the Senate and the people of Australia why the government has made it cheaper to import books into Australia than it is to import the paper used to print books? Will you also reconsider your absurd decision to abolish the book bounty to save \$11 million but at the cost of

1,700 jobs and \$120 million on the current account?

**Senator PARER**—I do not accept that assertion made by Senator Cook. In fact, when members of the Labor Party stand up to ask questions, they have a habit of making assertions that, unless they are rebutted, are assumed to be a fact. We are putting in place an economic environment which will be of benefit to this country and create real jobs, not phoney jobs in the way you did, Senator Cook. The things that really are important are the ones that I mentioned in my response—that is, downward pressure on interest rates so that you can make business more competitive and also addressing the inflexible industrial relations system so that people will no longer have the disincentive to employ that they had under the previous Labor government.

#### Private Schools

**Senator ALLISON**—My question is addressed to the Minister representing the Minister for Schools, Vocational Education and Training. Can the minister confirm that the government expects the proportion of students in private schools to increase from the current 29.4 per cent to 31.1 per cent over the next four years and that the government's projections are based not just on an increase of 75,000 private school students but also on an increase of around 4,000 state school students? Can she confirm that even though state school enrolments will increase under those projections, the government's new enrolment benchmark adjustment mechanism will result in a reduction in federal government funding to state schools of \$274.7 million over the next few years? How does the minister reconcile that outcome with the government's assurances that state school students will not be disadvantaged by the abolition of the new schools policy?

**Senator VANSTONE**—I thank Senator Allison for the question which she was good enough to give my office notice of. The government is quite clearly committed to freedom of choice for parents in education. We support a strong government sector and a strong non-government sector in school education, which is why we are putting



another \$167 million for schools into this budget.

It is anticipated that enrolments in non-government schools will increase from approximately 920,000 this year to approximately 1.01 million in the year 2000, which is an increase of approximately 10 per cent. But the share of non-government school enrolments as a proportion of total school enrolments is anticipated to increase over this time only from 29.4 per cent to 31.8 per cent—that is, if you look at the numbers increasing, you come up with that percentage but, if you look at the share, it is not as marked.

There will not be any change to funding for government schools if the government sector can continue to maintain its enrolments. That is the key to it all. The money, in a sense, will follow the students. As a result of cost shifting in the states between government and non-government schools since 1983, states and territories have saved more than \$3 billion. Any movement of a student in a government school to a non-government school saves the states and territories on average \$3,403. What the government is proposing will actually reduce the incentive of states and territories to shift students into non-government schools.

The Commonwealth government is increasing assistance to government schools at a better rate than to non-government schools taking into account both financial assistance grants and specific purpose payments. Between 1996 and the year 2000 average per capita Commonwealth funding for a student in a government school is estimated to increase from approximately \$2,263 to \$2,668—or an increase of 17.9 per cent—while, for the same period, Commonwealth funding for a non-government school student will increase by 14.9 per cent. So the increase for the student in a government school is 17.9 per cent and for the non-government school, 14.9 per cent.

The government is obviously strongly committed to improving school education opportunities for all students across the whole curricula but especially in literacy, vocational education and training and Aboriginal literacy.

I think that therefore answers all of your questions, Senator.

**Senator ALLISON**—I ask a supplementary question, Madam President. I am greatly reassured by the statement of the minister that there will be no change to funding for government schools if they hold their enrolments. Given the figures that I mentioned in the scenario which you project, in which government schools will, in fact, increase their membership by 4,000, still using the enrolment benchmark adjustment mechanism, that means that \$274.7 million will flow across from the state sector to the private sector. Again, I ask you to clarify those assurances so that we can know that state school students will not be disadvantaged by this policy.

**Senator VANSTONE**—As I have indicated, there will not be a change to funding for government schools if the government sector can continue to maintain its enrolments. As a result of cost shifting between the states, they have saved about \$3 billion. We have set up a system that is designed to create a disincentive for them to continue with that. I have indicated to you, Senator, that we are putting more money into schooling, that per capita Commonwealth funding for a student in a government school is going to increase by 17 per cent, whereas the increase in per capita Commonwealth funding in a non-government school is 14.9 per cent. Good government schools have nothing to worry about.

### Boobera Lagoon

**Senator HERRON**—Yesterday, Senator Gibbs asked me a question in relation to Boobera Lagoon. I would like to incorporate in *Hansard* the answer to that question.

Leave granted.

*The answer read as follows—*

Senator Gibbs asked:

- (a) Can the Minister confirm whether he has received a report under section 10 of the Aboriginal and Torres Strait Islander Heritage Protection Act from Hal Wootten regarding Boobera Lagoon?
- (b) If so, what date did you or your office receive the report?

- (c) Does the government intend to introduce legislation into parliament regarding Boobera Lagoon?

Answers

(a) and (b): My predecessor appointed the Hon Hal Wootten AC QC to prepare a report under section 10 of the Aboriginal and Torres Strait Islander Heritage Protection Act, which together with all the submissions made by interested parties was forwarded to me on 22 April 1996 for consideration.

I am now in the process of considering the report. I have consulted with the NSW State Minister for the Environment, the Hon Pam Allan, who has written advising me that she has requested a report from the Director-General of the National Parks and Wildlife Service on the level of State protection available for the Lagoon. The State Minister has advised that she will provide me with a comprehensive response, based on the Director-General's report, as soon as possible.

It is unlikely that I will be making a decision on Boobera Lagoon until some time early in the new year. This should ensure adequate time for the NSW State Minister to provide me with a comprehensive response on the possibility of protection for Boobera Lagoon under State heritage legislation. It will also ensure that I have adequate time to consider alternative options for protecting the Lagoon, including a mediated outcome.

(c): I do not intend to introduce special legislation in relation to Boobera Lagoon.

(Sgd) Senator John Herron  
29 October 1996

### Gun Control Campaign

**Senator ROBERT RAY** (Victoria) (3.06 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 Robert Ray today, relating to the tendering process for an advertising contract won by DDB Needham, Adelaide.

This particular matter has quite a history because what Senator Kemp was answering the question on today was misleading evidence at the estimates committee—and I commend him for correcting the record so rapidly; an example that some of his colleagues should follow. What Senator Kemp does not understand, I think, because he was not involved previously, is that this is the second major correction that has come through on this particular subject.

On 30 September, at the initial estimates committee hearing, I asked the following question:

Were there any suggestions made by ministers, their staff or parliamentary secretaries, or other member of parliament who should be on this list?

The witness said:

Not that I recall, Senator.

I went on to ask:

But you have no recollection that a particular firm or two may have been suggested by the Attorney-General's office or by Mr Jull or anyone else?

The answer was no. I asked:

There is no notation on the record anywhere that will assist with that?

The reply was:

Not that I am familiar with.

I then said:

You would certainly remember if they struck one off or wrote one in?

The answer was yes. So, on 30 September, there was a total denial that anyone had written or interfered in the tendering process. But what did we get when the estimates committee resumed? We got a statement read before the committee saying, 'I am sorry. All that evidence is wrong. Mr Morris, the chief political adviser to the Prime Minister, did in fact write and this message was received on 28 June 1996.'

So there has been a complete recantation of the evidence to that point. We went on to examine these matters and we asked:

Can you say to me whether Mr Morris's intervention had any effect on your thinking as to who goes on the list of five?

The OGIA witness said:

No, as I said earlier, DDB Needham were already on the list before I received the fax.

I went on and just double-checked that, and I said:

But you are saying that you had DDB Needham on a list before Mr Morris rang and discussed it with you.

The answer given was:

That is right.

Yet what do we have now? We have the Assistant Treasurer writing back to us to say, 'I am sorry, that evidence is wrong yet again.'

We can't find any written evidence that DDB Needham Adelaide was in fact on the list prior to Mr Morris's fax.' What we have asserted throughout is that it was Mr Morris who intervened to get DDB Needham Adelaide on the list. All the evidence given so far at both hearings is now absolutely null and void.

I raised in the supplementary estimates committee that the fact is the other four firms put on the list of five had an average billing rate of \$47.8 million a year, yet this tiny little outfit in Adelaide had a billing rate of \$5.8 million a year. The fact is—with its two principals, Toby Ralph and John King, working full time on the federal election campaign, employed by state directors Minchin and Morris—DDB Needham suddenly got the nod to get on to the list.

There are some more interesting facts about Senator Kemp. Once Senator Kemp learned the news that they were on the list before Mr Morris wrote his fax, there was a big breakout at the estimates committee. There was great fun to be had by Senator Kemp. The transcript of the hearing states:

The sequence given by Ms Moore was that DDB Needham was put on the list prior to any letter, we understand, from Mr Morris. So the claims that you—

meaning me—

are making that there was an intervention, even at the first stage, are yet to be demonstrated.

Well, aren't they demonstrated now? He goes on, though, and says:

But it is a fundamental issue, Senator Ray, is it not? You are trying to build a case against Mr Morris, but the evidence that has been tendered to this committee is that DDB Needham were put on the list prior to that letter which was received by Ms Moore. It is a fairly fundamental point, is it not?

Well, isn't it! All that evidence is wrong and the fact is that all the defence Senator Kemp put up is wrong. This has happened on not one occasion; it has happened on two occasions.

I remind the Senate that we are dealing with a new minister. I did pass on one piece of advice during the hearings to Senator Kemp. When he was answering questions I

said, 'Now, look, minister. Let me give you a bit of advice. Preface every answer by saying, "I am advised".' In future, Senator Kemp, when you are sitting at the table not taking questions on notice, trying to obfuscate, trying to defend the government, follow my advice. This particular matter is two strikes against this government.

**Senator FERGUSON** (South Australia) (3.11 p.m.)—This really shows just how low the stocks have dropped in the Labor Party. When there is no other issue to raise, when things are going so badly, in comes Senator Ray to ask the first question. He disappears for the rest of question time to try and find a bit more information and then comes back in to take note of an answer. Their stocks have dropped that low. Senator Ray, you constantly will need to be reminded of your own statement in estimates. You said:

Minister, it doesn't matter whether Mr Morris had anything to do with it in the end. What matters is that a ministerial committee has chosen the firm.

Then you say that because the Adelaide firm has a turnover of only \$5.8 million they should not qualify in front of the other firms. Don't you like small business? It gives you an idea of just how far your stocks have gone in the Labor Party. It is typical of your tactics when you have gone so low in every other area that you try and trawl through with Senator Bolkus, who has had a lot of practice at this sort of thing, to find an issue out of nothing at all. It is simply a vendetta against Mr Grahame Morris, a very successful person within the Prime Minister's office and within Liberal Party.

You talked earlier about it being Mr Jull's responsibility. How come not one Labor shadow minister in the other place has bothered to even ask Mr Jull one question? Not one question.

**Senator Robert Ray**—You got asked eight questions today.

**Senator FERGUSON**—Mr Jull? Well, not one up until today. It is typical of the tactics of the Labor Party when their stocks have slumped so low. This party in 1993 managed to achieve 58 per cent of the vote in a very safe Labor electorate, and now the people have made their judgment in March 1996.

They made their judgment and they turned away from this party in droves. Then again only a week ago in the Lindsay by-election, another five or six per cent of them decided they had had enough of this party. The only party that has done any worse, I guess, is the Democrats. You could say that their vote in Lindsay is hardly better than a good breathalyser reading.

Once again, Senator Ray has come back in here. He has tried day after day. He tried in estimates and received the answers that the Assistant Treasurer (Senator Kemp) gave in estimates. He has come in here again today to try and drag some other issue up which would take the focus off the things that have happened in the Labor Party over the last week where they have become totally irrelevant because they have not represented the people that they have purported to represent for all the time they have been here in this place.

**Senator Bob Collins**—Why are you defending corruption, Senator?

**Senator FERGUSON**—There is no corruption. If you read the contents of *Hansard* and if you follow the questioning—

**Senator Bob Collins**—You know those blokes, don't you?

**Senator FERGUSON**—Yes, I do know them.

**Senator Bob Collins**—You worked with them, didn't you?

**Senator FERGUSON**—I know who the people are involved. I readily admit that. Is that a crime to know the people who are involved? No, it's not. What about when you had John Singleton working for you? Was that a crime that you knew him?

*Opposition senators interjecting—*

**The DEPUTY PRESIDENT**—Order on my left! Senator Ferguson has the call.

**Senator FERGUSON**—What we have here today is just another sleazy attempt to drag something into an issue that was never an issue in the first place. The fact is that the questions that have been raised by Senator Ray have been answered by the minister. It does not matter how long or how many attempts he makes to try to make something

else of this subject, he is going to continue to get the answers that he has been getting in the past.

**Senator BOLKUS** (South Australia) (3.16 p.m.)—There is no doubt that when a fish stinks it stinks from the head. In this particular case, not only have we got a stink but it emanates from all the Prime Minister's men. We are not just targeting Mr Morris in respect of this, Senator Ferguson. What we have here is a fix, through which it has become patently clear today that the firm which got the job should never have got it. They got it because of political intervention, stemming from the Prime Minister's office, stemming from the Prime Minister's closest advisers, delivered to the Prime Minister's and the apparatchiks' closest mates before the election.

This one goes to the heart of government. All the Prime Minister's men are involved here. They are involved in not just rorting a tender but also plundering the Medicare levy—a levy which the Australian public has paid extra in good faith. In doing so, they are rorting and aborting a very important campaign. This is a fix to reward your mates. It stinks.

In the House of Representatives this afternoon for every question asked of the relevant ministers they could not answer. The bottom line was: whether it was Williams, or the Prime Minister or whoever it was, they could not answer the detail and they could not justify the rort that they have all been involved in. This will go on. This will continue and this is a warning we give you now.

Senator Kemp, when he was answering questions last week, did not expect to come in here today to say, 'Hold it. We got it wrong last week. We misled the Senate on a very fundamental point in this process.' He did not expect to do that. I am sure further on down the track that other ministers will also not be expecting to come back, but you will have to keep on coming back until we have a full and open inquiry into this matter which will expose the rort that Senator Minchin rode straight to the home post. Senator Minchin was the driving force behind this, not just Mr Morris. It is quite apparent from all the evidence that they were the ones who wanted

to reward their mates in a small little firm from Adelaide whose Sydney operation was in a state of crisis.

We have here a breach of the Prime Minister's code of conduct. There was an improper benefit provided through political intervention by those close to the Prime Minister's office—an improper benefit contrary to the principles laid down by the Prime Minister. This is a rort. The firm that got the contract rated last. They got the contract because they were mates—they had known Morris for 10 years; they had worked with Senator Minchin for some time; they had worked with Mr Georgiou in the Victorian campaign. It was a reward to their mates.

Not only was it a reward but they acted in the dark, contrary to the basic principles of tendering laid down and adopted by this government. What did they do when the decision was taken? They kicked the public servants out. The rules state very clearly that public servants should expect to be there for the deliberations of the campaign. What did they do? They closed up shop, kicked them out about 11 o'clock and deliberated on their own—their own grubby little deal to benefit their mates. The process was corrupted. The process was stacked at the start in terms of who was on the committee. The process was stacked time and time again.

The advertising agency that got the contract did not even rate on the government's 1,000 tenderers list before this process started. They were not on that list when the decision was taken. They were put on the final list by Mr Morris's intervention—intervention quite critical to Senator Kemp's backdown today. On 7 June, 10 agencies were on OGIA's list of preferred agencies. DDB Needham was not one of them. By 28 June, after the Morris letter, as has become very clear today, DDB Needham was put on the list. The list of 10 was cut back to six. Five were dropped off but DDB Needham was put on the list. That is the evidence that we had to have corrected today.

In fixing this rort, what did you do? You commissioned \$90,000 worth of important research. What did you do with that research? You ditched it. It was irrelevant. Elliot and

Shanahan conducted focus groups with 34 groups throughout the country. They got the response. The advice from OGIA, your professionals, was that DDB Needham should not have got it.

Then when the list was cut back to three a firm that was not in the first 1,000, a firm that was not in the first 10, a firm that was close to the Liberal Party and the apparatchiks of the other side was now in the final three. Senator Minchin worked overtime to ensure it got up. Not only that, having spent money on research, having got your mates in, what did you do? You can shake your head all you like because the stink starts with you, Senator Minchin. We know it very well. You then rorted the campaign, the focus of the campaign. That is what you did.

**Senator Patterson**—On a point of order: Senator Bolkus should be directing his comments through the chair.

**The DEPUTY PRESIDENT**—That advice can go to all senators in the chamber.

**Senator BOLKUS**—It was Senator Minchin who rode this filly right to the home post. He, with Morris, made sure that it was in the race. He made sure that it lasted. Then they changed the focus of the campaign. Then, having given the reward to their mates, they increased the price of the bounty from \$1 million to \$3 million. Not only have they undermined a campaign which should have been in operation by now, but they have also distorted the whole process. (*Time expired*)

**Senator PATTERSON** (Victoria) (3.21 p.m.)—People on the other side have very short memories, very short memories indeed. I want to take the Senate back on a magical mystery tour through their reign and what they did. Let me just remind senators on the other side, especially Senator Ray and Senator Bolkus who have had some sort of righteous conversion on the road to opposition and now feign indignation, about the letting of a contract to market the disability reform package. This was back in 1992-93. There was a plan to market the disability reform package—a \$5 million package.

Senator McMullan chaired the ministerial council. A list of advertising agencies—which

included DDB Needham Pty Ltd Sydney, Saatchi and Saatchi, the Ball Partnership and John Singleton, which are major advertising agencies—was put forward on the first tranche of the discussions about the letting of this contract. But, oh no, Senator McMullan was not happy with that. He did not want one of the leading companies. He said, 'Could we find a company who has a more creative approach?' Guess who was found? A company called Corporate Impacts, headed by none other than an Anne Gorman who had been a candidate for Labor preselection in the 1973 election.

I said at the time when I was looking at that investigation that the fact that she had connections with the Labor Party was not an issue. Yet they are saying on the other side that once you have had an association with a party you cannot ever have a contract with them. You are barred for life. They did not look at it that way, but we said when we were pursuing that issue that that was not a problem—that because you had done business with a party, that should not preclude you.

Corporate Impacts in fact set up a little company called Social Impacts in 1983 to inform business about Labor Party policy when they got into government because Labor had been out of power so long they would not understand the policy. Was there any sort of check done on them? No. On the other side of this place today they are saying, 'Oh, but DDB Needham Adelaide only had small contracts. They shouldn't have been chosen.'

Let me tell you that the contract that Corporate Impacts got was 50 per cent larger than any other contract they had had with any government—state or federal. In fact, that company was balance sheet insolvent when it got the contract—balance sheet insolvent for a \$5 million contract. And those opposite have the gall to come in here and criticise the way we chose a company when they chose a company that was balance sheet insolvent for a \$5 million contract. It is just a joke that they now have all this righteousness—this feigned indignation—about the fact that there was some sort of scandal in the way in which this contract was let.

Let me tell you there was a real smell about the way that contract was let. But, no, not one person on the other side wanted to be associated with or talk about it. Then we wanted an inquiry, and who voted against the inquiry? The Labor Party, because they could not see anything wrong with it.

What happened to that company when it got that contract? It went into liquidation before the contract was finished. It left people with disabilities without being paid. It did not pay its tax—\$64,000 was left owing to the Taxation Office. It was an absolute debacle from beginning to end, but we did not hear one word from the other side.

We have exactly the same thing this time with the ministerial council and somehow that company getting on to the list. It was not there in the beginning but it got on the list the second time round. When we rang every one of those advertising agencies they said to us, 'We would never have put in a tender if we'd been really told the truth about what this tender was supposed to be about—the fact that they wanted a creative way of network marketing. We're not into that.' Every one of the companies that my office rang individually said to us that this was an absolute disgrace.

And you have the gall to come in here and say that something has been fixed! Let me tell you that you have a record that stinks. You have a record on which you cannot stand, and you have the gall to come in here and criticise the ministerial council for the way in which it selected DDB Needham Adelaide.

**Senator Bob Collins**—You are saying by implication that your deal stinks.

**Senator PATTERSON**—No, I am not saying by implication it stinks. What I am saying is that you will not admit that you did things that were absolutely atrocious. (*Time expired*)

**Senator CONROY** (Victoria) (3.26 p.m)—I am not surprised Senator Patterson comes into this chamber to defend a rort after what has gone on in Victoria. The Liberals in Victoria have been defending the corruption around the casino and the corruption around tender-

ing for media contracts for years. So it is no surprise.

I sat in and listened to Cathi Moore and Senator Kemp give evidence at the hearing. Like Senator Ray, I was somewhat surprised to see the letter that arrived. I just want to put it on the record, because Cathi Moore was quite specific in her recollections. She was asked a couple of times—this was not just off the cuff—to verify what she said. The letter reads:

Dear Senator Macdonald,

I refer to the Senate estimates hearing covering the Department of Administrative Services on Tuesday 22nd October. During that hearing, you may recall discussions between Senator Ray, a DAS officer, Ms Cathi Moore, and myself regarding whether DDB Needham Adelaide was on a list of advertising agencies being considered for the gun buy-back campaign before Mr Grahame Morris sent a facsimile to Ms Moore.

The Minister for Administrative Services has informed me that he has received advice today from the Department of Administrative Services that "since the hearings the Department of Administrative Services has made a thorough check of its files and can find no written evidence that DDB Needham Adelaide was in fact included on the list of advertising agencies prior to 28 June 1996. However, contact with Ms Moore since the supplementary hearings confirms that it is Ms Moore's clear recollection that the "Bite the Bullet" theme proposed by DDB Needham Adelaide was a subject of discussion within OGIA prior to 28 June 1996".

I have copied this letter to other members of the Committee.

Yours sincerely,

ROD KEMP

That is right. That absolutely shows the lies and deception that have been taking place before the Senate estimates committee. Not just once, not just twice, but when asked to confirm recollections, that is what has been put forward.

And they are trying to cover it up today. The Prime Minister (Mr Howard) was asked whether or not Mr Max Moore-Wilton had been asked to investigate this matter. He did not deny it. Then he was asked, 'Would you be prepared to refer this to the Auditor-General?' Looking very pale faced, he said, 'No.' You know what would come if that was to happen, Senator Minchin? Everybody wants

to finger you because they all know that you were doing it. I will just quote to you from today's *Age*.

**Senator Bob Collins**—A sleazy little fix for DDB Needham.

**Senator CONROY**—That's right—for your mates in Adelaide. You have got attempts to say that Mr Whelan, the New South Wales police minister, left because he was out of time, that he could not stay. I quote from today's *Age*:

He said the parliamentary secretary, Senator Nick Minchin, had become "very agitated" as votes kept going against DDB Needham and in favor of the firm John Bevins.

**Senator Chris Evans**—Is that optional voting?

**Senator CONROY**—Optional voting, yes. The Attorney-General has given up his staff member. He said, 'No, I didn't tell her to go in there and say that.' And you have Jull claiming that the vote was tied at three all. How many times did you vote, Nick? How many different ways?

**Senator Minchin**—You would know.

**Senator CONROY**—That's right.

**Senator Minchin**—You are the ones who port elections.

**Senator CONROY**—Rorting—that is exactly what this is about, Nick. It is about rorting for your mate.

**Senator Minchin**—Tell us about the postal workers.

**Senator CONROY**—Seventy per cent, Nick; that is absolutely clear. Run more Liberal candidates. We will just go on to some more of Mr Whelan's comments. He was concerned that the committee was ignoring scathing criticism of DDB's pitch by professional consultants. Another newspaper article said:

"I left about 11 o'clock at night," Mr Whelan said. "I said it was too hot, that 'I'm not going to be a party to this decision', because it was clear that they were avoiding their own professional advice.

When they were ridiculed about the 'Bite the bullet' slogan, they said, 'Oh well, it could be modified.' And that is what happened. They got the contract on a modified tendering

pitch—not the pitch that they were asked to make. You got Mr Morris saying, ‘Ministers were consulted.’ No-one wants to own up to it. (*Time expired*).

**Senator IAN MACDONALD** (Queensland) (3.32 p.m.)—I sat through these proceedings—not by choice, I might say. I was chairman of the committee so I had to sit through them. I followed it—

**Senator Robert Ray**—On a point of order, Mr Deputy President: did Senator Minchin get up to defend himself or not? Did I miss it?

*Opposition senators interjecting—*

**The DEPUTY PRESIDENT**—Because of the interjections from the left, I could not hear your point of order.

**Senator IAN MACDONALD**—It was hardly a point of order. I will save you the trouble, Mr Deputy President. It was not a point of order. I sat through all of these hearings and I thought the officers of the department gave very forthright evidence. I thought the minister answered it very well on the advice of his officers. Senator Kemp is not the minister involved; he was the representative minister, and I thought that he was most precise, deliberate and honest in the answers he gave. The minister of course is Mr Jull.

Understand, gentlemen and ladies opposite, that your colleagues in the other House today have been asking questions on this particular matter, but I do not think they asked one single question of Mr Jull—not one single question. I cannot understand what you people are going on about. You are saying that we should be asking Mr Jull. You had the opportunity in the other House and not one question was put to him. What are you going on about?

This issue is all about the guns campaign—getting the guns back in. You would think, from the way the Labor Party are going on about this, that they want to ruin the campaign. They do not seem to be terribly interested in the campaign to get those guns back in. If they were, they would be supporting the government in getting the very best campaign going. For all of the accusations and the vindictive following of particular people

involved in this, the Labor Party have not come up with anything of substance. What they do understand, having been defeated so magnificently at the last election, is that the people involved have some real skills in understanding advertising contracts.

I have the utmost confidence in the people whose professional skills the government has relied upon in its selection of a management agency. I was not all that confident with the previous government’s people. We had Rod Cameron, who I think has done the ALP research for so many years that we cannot remember, who seemed to get all of the government contracts. And who was that other fellow? Singleton. He seemed to get a hell of a lot of government contracts as well. I suppose it is just coincidence that, having got all those government contracts, both of them happened to do all the Labor Party’s work. I suppose you will say to me that all of the work he did for the government did not help him in the advice he gave to the ALP on how they should pitch their campaigns.

I think I have been through that, and I will not bore the Senate by repeating it. I think I have been through with you all of the campaigns that Mr Cameron and Mr Singleton ran, out of which they could have used the evidence they gained—the facts and materials—to run the Labor Party campaign. Obviously his campaigning and advertising was not as successful as that that was organised by people on our side who have some real skills and information in this.

**The DEPUTY PRESIDENT**—Order! The time to take note of answers has expired.

Question resolved in the affirmative.

## ORDER OF BUSINESS

### Notices of Motion

**The DEPUTY PRESIDENT**—In a point of order yesterday, the Leader of the Opposition in the Senate, Senator Faulkner, sought an explanation as to why some notices of motion were not listed under the item ‘Discovery of formal business’ on the red. I indicated that I would have the matter investigated.



As senators are aware, the red is issued as a guide to the business which it is expected that the Senate will deal with on a particular day. It is finalised usually after the whips have met to consider the business proposed for that day. I have been advised that it has been the practice for some years now to list notices of motion at placing of business where the mover has given the whips a firm indication of his or her intention to postpone the notice and if no objection is raised to the postponement. Such notices have not also been listed under discovery of formal business on the basis that they will have been postponed by the time discovery of formal business is reached in the routine of business and, therefore, are not available for discovery.

I have been advised that, if there is any doubt as to whether a notice is to be postponed or if it is likely that the postponement may be opposed, the notice will then be listed under discovery of formal business.

### PETITIONS

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

#### **Australian History: Religion**

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

The Petition of the undersigned requests:

(i) that those of religious conviction who have contributed to the development of Australia should be recognised in the study of Australian history to ensure that a balanced history is taught;

(ii) that any syllabus prepared on the teaching of Civics and Citizenship should include the contribution of people of religious conviction highlighting their religious motivation;

(iii) that funds be allocated to ensure that teachers are given in-service training on the role of religious influences in the development of Australian democracy; and

(iv) that materials are produced to support the above for use in the classroom.

by **Senator Woodley** (from 17 citizens).

#### **Telstra: Privatisation**

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

The Petition of the undersigned strongly opposes attempts by any Australian government to privatise

Telstra as well as any other Australian public assets.

Your Petitioners ask that the Senate opposes any intentions by an Australian government to sell off national assets through privatisation.

by **Senator Kernot** (from 87 citizens).

#### **Uranium**

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

The petition of the undersigned strongly opposes any attempts by the Australian government to mine uranium at the Jabiluka and Koongara sites in the World Heritage Listed Area of the Kakadu National Park or any other proposed or current operating site.

Your petitioners ask that the Senate oppose any intentions by the Australian government to support the nuclear industry via any mining, enrichment and sale of uranium.

by **Senator Kernot** (from 1,201 citizens).

#### **Higher Education**

To the Honourable the President and Members of the Senate in Parliament assembled: The humble petition of the undersigned citizens of Australia respectfully showeth:

That we are opposed to any moves to cut funding to universities. We believe that funding cuts to universities can only be to the detriment of an educated and democratic society. We believe that a broadly accessible and liberating higher education system is fundamental to efforts at creating a more just and equitable society.

In particular we are opposed to any attempts to:

introduce up front fees for any students, including any attempt to allow universities to charge up front fees to students enrolled in excess of Commonwealth funded quotas;

increase the level of debt incurred by students through the Higher Education Contribution Scheme (HECS);

lower the level at which HECS debts must be repaid through the taxation system;

replace the grant based component of the AUSTUDY/ABSTUDY scheme with a loans scheme;

expand the loans component of AUSTUDY/ABSTUDY;

cut funding on a per student basis, in particular operating grants; and

cut the number of Commonwealth funded places already in the system or promised during the previous Parliament.

Your petitioners therefore humbly pray that you will not cut funding to universities or increase the financial burden on current or future students by raising fees or reducing access to financial assistance. We call on the Parliament to at least maintain current funding to higher education with a view to increase funding per student and the number of student places available in the remainder of the thirty-eighth parliament.

And your petitioners, as in duty bound, will ever pray.

by **Senator Stott Despoja** (from 13 citizens).

### Higher Education

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

The Petition of the undersigned shows strong support for a quality, accessible, liberating, public higher education system. As such we are opposed to the education measures announced in the 1996 Federal Budget process.

Your Petitioners request that the Senate not support legislative attempts to

introduce up front fees for Australian undergraduate students;

lower the thresholds at which HECS fees must begin to be repaid;

increase the level of HECS fees;

introduce a system of HECS whereby fees are differentiated according to course; or

reduce funding, in particular operating grants, to the sector;

and use all other means possible to oppose attempts to reduce public expenditure to education or increase the private contribution to the system.

by **Senator Stott Despoja** (from 81 citizens).

### Higher Education

To the Honourable the President and Members of the Senate in Parliament assembled: The humble petition of the undersigned citizens of Australia respectfully showeth:

That we are opposed to any moves to cut funding to universities. We believe that funding cuts to universities can only have a negative impact on society and will impede the development of our Nation.

Furthermore, that we are opposed to any increased to the annual amount payable by students via the Higher Education Contribution Scheme (HECS). We believe that increases to HECS will discourage individuals from enrolling in universities. We believe that university entry should be based upon relative merit, not relative wealth. We believe that education has a direct social and

economic benefit and appropriate levels of funding should be made available from public revenue.

Your petitioners therefore humbly pray that you will not cut funding to universities or increase HECS fees.

And your petitioners, as in duty bound, will ever pray.

by **Senator Stott Despoja** (from 41 citizens).

### Gun Control Campaign

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

The petition of the undersigned shows:

that the overwhelming majority of Australians support uniform, national gun laws and the associated compensation measures as agreed between the Prime Minister, State Premiers and the Chief Ministers of the ACT and NT.

Your petitioners ask that the Senate:

continue to demonstrate its firm support for these measures;

take all possible action to expedite their implementation; and

resist all calls for the control measures to be watered down or abandoned.

by **Senator Kernot** (from 320 citizens).

### Port Hinchinbrook Development Project

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

We the undersigned humbly request that the Senate honours the obligations of the Commonwealth of Australia to protect its territory that has received World Heritage status according to the World Heritage Convention of which Australia is a signatory.

Significant areas of marine and mangrove ecosystems of Australia's World Heritage Great Barrier Reef Marine Park are directly threatened with destruction by the adjacent construction of Australia's largest tourist resort and marina complex at Oyster Point near Cardwell North Queensland (opposite Hinchinbrook Island).

We implore the Senate to use its powers immediately to permanently halt the construction of the marina and access channel in the World Heritage "Buffer Zone" as recommended by the Valentine Report made to his Department in October 1994.

by **Senator Kernot** (from 194 citizens).

### Higher Education

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

The petition of the undersigned demand the Australian Government honour its commitment to

the Higher Education sector as stated in the Liberal and National Parties' Higher Education Policy (February 1996).

We demand the Australian Government honour its promises to:

- maintain Austudy and Abstudy with benefits at real levels

- maintain levels of funding to universities in terms of operating grants

- maintain the Higher Education Contribution Scheme (HECS)

- ensure no compulsory up-front fees for undergraduate places

- ensure no cuts in university places.

Your petitioners ask that the Senate oppose any intention by an Australian Government to introduce student fees, increase HECS repayments, abolish Austudy or Abstudy, or cut funding for university places.

by **Senator Stott Despoja** (from 11 citizens).

#### Higher Education

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

The petition of citizens and residents of Australia draws attention to the Senate that we strongly reject any increase in the Independent rate of Austudy to age 25, and any move to abolish Austudy and Abstudy to create one common Youth Allowance.

This is on the basis that:

The numerous barriers which exist in the higher education system for many groups in society make it essential for the Federal Government to provide support to those who most need assistance to attend university. The extra three years that students must remain dependent on their families presumes that families provide unconditional support for their studying children. The underlying basis for this change is especially flawed given that traditional notions of the 'family' can no longer be upheld. And furthermore it is unreasonable to expect families to support their children at university when they may not have the financial means to do so.

The Federal Government is encouraging students to take out loans which will further increase their total debt on top of HECS. It must be recognised that it is extremely difficult to study and work at the same time in order to cover all the associated expenses of education, and without some financial support, many students would not be able to attend university.

By increasing the age of Independence, the Federal Government is discouraging identified equity groups such as women, people from lower socio-economic backgrounds, Aboriginal and Torres Strait Islanders and mature age students from

participating in higher education. These groups are shown to participate at a disparate rate in higher education due to factors such as a lack of financial support.

There is no guarantee that a Youth Allowance will provide adequate income support for tertiary students. Further, unemployment benefits should not be means tested on parental income, given that the recipients of these benefits are taxpayers and citizens in their own right.

by **Senator Stott Despoja** (from 352 citizens).

#### Higher Education

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

The petition of citizens and residents of Australia draws attention to the Senate that we refuse to accept any moves to change Austudy from a grants based system to a compulsory loans scheme.

This is on the basis that:

- a loans scheme will create further barriers to participation in higher education, particularly for equity groups such as women, Aboriginal and Torres Strait Islanders, rural and isolated students, and people from low socio-economic backgrounds,

- participation in higher education will result in a massive debt from both HECS and Austudy,

- debt is a significant disincentive to study because students simply cannot afford to commit themselves to lifetime debt to participate in education,

- the proposed cuts to youth wages leaves no alternative for sufficient financial support during study.

And your petitioners ask that the Commonwealth Government reaffirm its pre-election commitment to maintain Austudy and Abstudy at real levels for tertiary students.

by **Senator Stott Despoja** (from 1,045 citizens).

#### SkillShare Program

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

The petition of Citizens of Australia draws to the attention of the Senate the recent funding cut of 33-1/3 per cent to the SkillShare Program and a lack of commitment to the Program beyond September 1996. This cut will force a dramatic reduction of services, support and assistance to unemployed people—the most vulnerable and disadvantaged members of our communities.

by **Senator Panizza** (from 20 citizens).

### Child Care

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

The petition of the undersigned strongly oppose the cuts to Child Care Assistance available for holiday absences for families who use long day care centres.

These cuts, which both the Liberal/National Coalition and the ALP support, reduce the amount of Child Care Assistance previously paid by the Government to parents for allowable holiday absences by half.

Your Petitioners ask that the Senate reverse its support for these regressive changes to Child Care Assistance.

by **Senator Woodley** (from 274 citizens).

### Legislative Program

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

The petition of the undersigned citizens of Australia draws to the attention of the Senate our concern that the Senate is obstructing the Government's attempts to implement its legislative program.

We call upon Honourable Senators to allow the Government to implement its key legislation, as outlined prior to the last federal election.

by **Senator Panizza** (from nine citizens).

### Rural Cutbacks

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

The petition of the undersigned strongly oppose the reduction of government services in rural and regional Australia.

These cuts will cause extreme hardship in areas that have not yet recovered from drought, high interest rates and the negative effects of subsidised overseas trade.

Your petitioners ask that the government reverse these cutbacks.

by **Senator Woodley** (from 71 citizens).

### Commonwealth Dental Health Program

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

The humble petition of Citizens of the Nillumbik Shire and Surrounds draws to the attention of the Senate that the closure of the Commonwealth Dental Health Program will result in considerable pain and suffering to those people who are Health Care Card holders and their dependents.

Your Petitioners therefore pray that the Senate restore the Commonwealth Dental Health Program

for Health Care Card holders and their Dependents in the 1996/97 budget.

by **Senator Panizza** (from 15 citizens).

### Child Care

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

The Petition of the certain residents of the Australian Capital Territory draws to the attention of the Senate that:

1. The Coalition's decision to means test the Childcare Cash Rebate discriminates against working parents and is a breach of a pre-election promise, where the Coalition's Policy clearly stated "We are committed to maintaining a non means tested Childcare Cash Rebate";

2. The Coalition's decision to abolish operational subsidies for community based long day care centres will result in these centres having to charge higher fees, which will again discriminate against working parents; and

3. The Coalition's changes to the income test for Childcare Assistance will mean that the majority of parents pay far more in increased child care costs than provided through the Family Tax Initiative.

Your Petitioners request that the Senate:

1. exert pressure on Members of the Coalition to reverse the outcomes of the 1996 Federal Budget in relation to child care;

2. hold Members of the Coalition to their pre-election commitments to retain the former system of child care; and

3. vote against legislation given effect to these changes which are to the detriment of Australian families.

by **Senator Lundy** (from 367 citizens).

### Regional Community Information Network Terminals

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

The petition of the residents of Regional Tasmania points out to the Senate that the Statewide withdrawal of all Regional Community Information Network Terminals is grossly unjust and will indeed have a detrimental effect on all members of our communities.

Your petitioners therefore request the Senate leave the said Terminals in isolated Regional areas, thereby providing continued access to crucial technology and information links.

by **Senator Abetz** (from 315 citizens).

### Sri Lanka

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

The petition of certain citizens of Australia expresses our grave concerns about the conflict in Sri Lanka as arguably the most significant crisis in the Commonwealth of Nations of which Australia is a member.

We understand that both the Prime Minister and the Minister for Foreign Affairs have expressed their concerns about the conflict and have advocated sending a fact-finding parliamentary delegation to Sri Lanka. They have also emphasised the need for an internationally mediated peaceful resolution to the conflict that would bring greater autonomy for the Tamils in Sri Lanka.

We therefore pray that the Members of the Senate call on the government:

to persuade the United Nations to authorise a delegation to carry out a fact finding mission to Sri Lanka.

to appeal to the Sri Lankan government to lift the economic embargo and allow Non-Government Organisations to carry out emergency relief works without any government interference in the Tamil areas.

to appeal to the parties to the conflict to stop the war and negotiate a political solution that recognises the right of self-determination of Tamils.

to persuade the parties to the conflict to accept the role of an independent "Envoy" to facilitate a negotiated peaceful resolution to the conflict under international observation.

by **Senator Woodley** (from 107 citizens).

Petitions received.

### NOTICES OF MOTION

#### Department of Employment, Education, Training and Youth Affairs: Funding

**Senator CARR** (Victoria)—I give notice that, on the next day of sitting, I shall move:

That the Senate—

(a) notes:

- (i) the failure of the Minister for Employment, Education, Training and Youth Affairs (Senator Vanstone) to defend her department from unprecedented funding cuts, and
- (ii) that the 1996-97 Budget will reduce employment education training and youth affairs outlays as a proportion of Commonwealth outlays from 11.1 per cent in the 1995-96 financial year to 10.7 per cent in 1996-97, 10.4 per cent in 1997-98,

9.6 percent in 1998-99 and 9.1 per cent in 1999-2000; and

- (b) condemns the Government's shift in funding priorities away from education, training and employment services.

### Regulations and Ordinances Committee

**Senator O'CHEE** (Queensland)—Pursuant to notice given at the last day of sitting, on behalf of the Senate Standing Committee on Regulations and Ordinances, I now withdraw business of the Senate notices of motion Nos 1 to 3, standing in my name for today.

### Gun Control Campaign

**Senator BOLKUS** (South Australia)—I give notice that, on the next day of sitting, I shall move:

That there be laid on the table, by no later than 5 pm on Thursday, 31 October 1996, by the Minister representing the Attorney-General and Minister for Justice (Senator Vanstone):

- (a) all records relating to the tendering out and awarding of the advertising and public relations contracts made in the course of the National Gun Control Public Education Campaign; and
- (b) any legal advice sought or obtained in relation to this matter.

### Migration Regulations

**Senator BOLKUS** (South Australia)—I give notice that, on the next day of sitting, I shall move:

That regulations 4, 10, 11, 13.3, 13.5 to 13.9, 14 to 37, 47 to 49, 51, 53 to 55, 74, 77.16, 77.19, 78, 85, 119 and 144 of the Migration Regulations (Amendment), as contained in Statutory Rules 1996 No. 211 and made under the Migration Act 1958, be disallowed.

### Migration Regulations

**Senator BOLKUS** (South Australia)—I give notice that, on the next day of sitting, I shall move:

That the Immigration (Education) Charge Regulations (Amendment), as contained in Statutory Rules 1996 No. 213 and made under the Immigration (Education) Charge Act 1992, be disallowed.

**The DEPUTY PRESIDENT**—I would remind honourable senators that, if there are further notices to be given, only one notice should be given at a time.

### Community Standards Committee

**Senator TIERNEY** (New South Wales)—I give notice that, on the next day of sitting, I shall move:

That the Select Committee on Community Standards Relevant to the Supply of Services Utilising Electronic Technologies be authorised to hold a public meeting/seminar during the sitting of the Senate on Friday, 29 November 1996, from 9 am to 5 pm, in relation to its reference on the portrayal of violence in the electronic media.

### Uranium Mining

**Senator MARGETTS** (Western Australia)—I give notice that, on the next day of sitting, I shall move:

That the Senate—

- (a) notes that:
  - (i) on 24 October 1996, the South Australian Government signed an agreement with Western Mining Corporation (WMC) to amend the Indenture Bill which exempts WMC from a range of State legislation regarding its Roxby Downs uranium mine project,
  - (ii) the proposal to amend the Indenture Bill undermines the Environmental Impact Assessment process for the Roxby Downs uranium mine expansion announced in the week beginning 13 October 1996 by the Environment Minister (Senator Hill); and
  - (iii) Senator Hill, in a press release dated 16 April 1996, said 'there will be no short cuts and no secret deals when it comes to assessing the environmental impact of any mining proposal', and has also stated in the Senate that 'rigorous and transparent processes' would be applied to any proposal for uranium mining in this country;
- (b) expresses its wish that the Federal Government notify the South Australian Government and the WMC that any passing of amendments to the Indenture Bill is contrary to the Federal Government's commitment to the highest level of environmental scrutiny; and
- (c) calls on the Government to ensure that WMC is subject to all proper State and federal environmental processes and suggests that, without these conditions being met, the Federal Government should consider these as grounds to reject the necessary export approvals for the mine.

### Sexual Harassment

**Senator PATTERSON** (Victoria)—I give notice that, on the next day of sitting, I shall move:

That the Senate—

- (a) welcomes the release today by the Federal Sex Discrimination Commissioner, Sue Walpole, of the new voluntary code of practice dealing with sexual harassment in the workplace;
- (b) notes that:
  - (i) this code comes in response to the need for more information and support for employers so that they are fully aware of their responsibilities under the Sex Discrimination Act, and so they can take the necessary steps to deal with sexual harassment in the workplace, and
  - (ii) for the past 3 years, complaints of sexual harassment have made up about 50 per cent of all complaints under the Sex Discrimination Act;
- (c) commends the code's easy-to-use explanation of the Sex Discrimination Act and the practical strategies offered for employers to deal comprehensively with this issue, from establishing policies and complaints procedures to the termination of employment; and
- (d) applauds this move towards improving workplace practices and towards eliminating sexual harassment.

### Mental Health Week

**Senator DENMAN** (Tasmania)—I give notice that, on the next day of sitting, I shall move:

That the Senate—

- (a) congratulates those involved in the organisation and promotion in Tasmania of Mental Health Week, held in the week beginning 20 October 1996, and notes the pleasing profile it received; and
- (b) commends the Family Based Care Association (North West) Inc and the support it offers for individuals with mental illnesses and their families and carers.

### Bass Strait Passenger Vehicle Equalisation Scheme

**Senator CALVERT** (Tasmania)—I give notice that, on the next day of sitting, I shall move:

That the Senate—

- (a) expresses its support for the overwhelming success of the Federal Government's Bass Strait Passenger Vehicle Equalisation Scheme which has created a tourism bonanza for operators in Tasmania;
- (b) notes that since the introduction of the scheme:
  - (i) more than 57 200 passengers have booked to travel on the *Spirit of Tasmania*, compared with 38 464 for the same period in 1995,
  - (ii) the total number of passengers booked on the ferry has now increased by 30 per cent, from 127 339 for the 1995-96 financial year to 166 563 for the 1996-97 financial year,
  - (iii) there has been a 93 per cent increase in vehicle bookings, from 11 397 for the 1995-96 financial year to 21 900 for the 1996-97 financial year, and
  - (iv) the staggering increase in demand for bookings has resulted in eight extra staff being employed at the Devonport booking centre to cope with the demand; and
- (c) recognises that the Federal Government's scheme has resulted in a multi-million dollar injection to the Tasmanian economy, whilst also being recognised as the most positive Federal Government contribution towards tourism in Tasmania for decades.

#### Higher Education Contribution Scheme

**Senator CARR** (Victoria)—I give notice that, on the next day of sitting, I shall move:

That the Senate notes that:

- (a) the planned introduction of differential levels of student contribution to the Higher Education Contribution Scheme will give Australia one of the most expensive public higher education systems in the world;
- (b) under the proposed repayment schedule, law students will pay over 80 per cent of the cost of their courses, humanities students will pay over 48 per cent, science students will pay over 54 per cent, and computer science students will pay over 46 per cent; and
- (c) these quantum far exceed international benchmark standards.

#### Finance and Public Administration Legislation Committee

**Senator ROBERT RAY** (Victoria)—I give notice that, on the next day of sitting, I shall move:

That the Senate directs the reconvening of the Finance and Public Administration Legislation Committee, on 8 November 1996, for the consideration of estimates, as a consequence of false and inconsistent evidence presented to the committee in relation to the national gun laws advertising campaign.

#### Landmines

**Senator MARGETTS** (Western Australia)—I give notice that, on the next day of sitting, I shall move:

That the Senate—

(a) notes:

- (i) the support of the Australian Government for a partial ban on detectable and self-destructible landmines, and
- (ii) the recent landmines conference in Ottawa, Canada, which called for a global ban on landmines and committed states to work together to make progressive reductions with a view to halting all use; and

(b) calls on the Government to:

- (i) support the United Nations General Assembly resolution calling for negotiations for a global ban on anti-personnel landmines as soon as possible,
- (ii) honour the commitment of the Ottawa Declaration to further measures by destroying Australia's stockpile of mines,
- (iii) lend diplomatic support to the Canadian initiative calling for a treaty implementing a global ban by December 1997, and
- (iv) expand Australia's contribution to mine clearance and assistance to victims of landmines.

#### Pome Fruit Industry

**Senator MARGETTS** (Western Australia)—I give notice that, on the next day of sitting, I shall move:

That the Senate—

(a) notes that:

- (i) the Australian pome fruit industry is concerned about the incidence of fire blight disease in New Zealand imports of pears and apples which are about to be approved, in a move which will increase the risks of the disease entering Australia, and
- (ii) the Australian Government signed up to the General Agreement on Tariffs and Trade, which reversed the onus of proof so that imports cannot be banned unless

damage has already been done to an industry; and

- (b) calls on the Australian Government to:
  - (i) protect the Australian pome fruit industry from receiving diseased imports from anywhere in the world, and
  - (ii) fight to win back its powers to regulate potentially diseased imports.

**ORDER OF BUSINESS**

**Edmund Rice: Beatification**

Motion (by **Senator Chris Evans**, at the request of **Senator Cooney**) agreed to:

That general business notice of motion No. 293 standing in the name of Senator Cooney for today, relating to the beatification of Edmund Rice, founder of the Christian Brothers, be postponed till the next day of sitting.

**Poverty**

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

That general business notice of motion No. 280 standing in the name of Senator Bourne for today, relating to the International Year for the Eradication of Poverty, be postponed till the next day of sitting.

**Burma**

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

That general business notice of motion No. 285 standing in the name of Senator Bourne for today, relating to the political situation in Burma, be postponed till the next day of sitting.

**DIFF Scheme**

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

That general business notice of motion No. 271 standing in the name of Senator Forshaw for today, proposing an order for the production of documents by the Minister representing the Minister for Foreign Affairs (Senator Hill), be postponed till the next day of sitting.

**DIFF Scheme**

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

That general business notice of motion No. 272 standing in the name of Senator Forshaw for today, requesting the attendance of the Minister for Foreign Affairs before the Foreign Affairs, Defence and Trade References Committee, be postponed till the next day of sitting.

**CONDOLENCES**

**Sir Roland Wilson**

Motion (by **Senator Panizza**, at the request of **Senator Short**) agreed to:

That the Senate—

- (a) notes, with sadness, the death on 24 October 1996 of Sir Roland Wilson KBE, Kt, CBE, BComm (Tas), DPhil (Oxon), PhD (Chicago), Hon LLD (Tas), Hon FASSA;
- (b) acknowledges with deep gratitude Sir Roland's magnificent contribution to Australia in peace and war in a wide range of capacities throughout a distinguished career of unsurpassed public service, including as Commonwealth Statistician, in the establishment of the Commonwealth Department of Labour and National Service, and as Secretary to the Commonwealth Treasury, Chairman of Qantas and Chairman of the Commonwealth Banking Corporation; and
- (c) expresses its sympathy to his wife, Joyce, at Sir Roland's passing.

**COMMITTEES**

**Public Works Committee**

**Meeting**

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

That the Joint Standing Committee on Public Works be authorised to hold inspections and public hearings in the Riverina district during the sittings of the Senate from 25 November 1996 to 27 November 1996, for the purpose of taking evidence for its inquiry into the development of facilities for the Army Logistics Training Centre and the Bandiana Logistics Group at Bandiana and Bonegilla, Victoria, and its inquiry into the development of buildings and services in support of the Department of Defence joint project 2043, High Frequency Modernisation Project.

**Community Affairs Legislation Committee**

**Extension of Time**

Motion (by **Senator Panizza**, at the request of **Senator Knowles**) agreed to:

That the time for the presentation of the report of the Community Affairs Legislation Committee on the provisions of the Health Insurance Amendment Bill (No 2) 1996 be extended to 21 November 1996.

**Community Affairs Legislation Committee**

**Meeting**

Motion (by **Senator Panizza**, at the request of **Senator Knowles**) agreed to:

That the Community Affairs Legislation Committee be authorised to hold a public meeting during the sitting of the Senate on Thursday, 7 November



1996 from 3 pm, for the purpose of taking evidence on the provisions of the Health Insurance Amendment Bill (No 2) 1996 and the National Health (Budget Measures) Amendment Bill 1996.

### PARLIAMENTARY ELECTIONS

**Senator BROWN** (Tasmania)—I ask that general business notice of motion No. 220 standing in my name—which calls for a government proposal for amendment to section 44 of the Australian constitution because it impedes many citizens from standing for parliament—be taken as formal.

**The DEPUTY PRESIDENT**—Is there any objection to this motion being taken as formal?

**Senator Panizza**—My instructions are that we allow the motion to be made formal after an amendment. Can I ask: has the amendment been included?

**Senator BROWN**—It has been amended in accordance with that discourse with the government.

**The DEPUTY PRESIDENT**—I have seen the amendment during the day. Are the senators satisfied in relation to that amendment?

**Senator Patterson**—I ask the clerk to clarify the question before the chamber.

**Senator Faulkner**—Mr Deputy President, I rise on a point of order. With all due respect to the clerk, it is not a matter for him to clarify any question before the chamber. It is a matter for you, as the Deputy President presiding in the chamber, to do so. I am more than happy for the clerk to read it, but I do think we have to get some level of proper procedure and decorum in the place.

**Senator Patterson**—I should rephrase it and say: I ask that the question before the chair be clarified.

**The DEPUTY PRESIDENT**—That is fine. I will ask the clerk to read the notice.

**The Clerk**—The motion was altered pursuant to standing order 77 yesterday. It now reads:

That the Senate—

(a) notes:

- (i) the High Court ruling of 11 September 1996 that the 1996 federal election result in the

House of Representatives seat of Lindsay was invalid, and

- (ii) that section 44 of the Constitution impedes many Australian citizens from standing for Parliament, including citizens holding dual citizenship, public servants and certain others who may be holding an office of profit under the Crown; and

(b) calls on the Federal Government to respond with a proposal for amendment.

**Senator BROWN**—I thank the government for clarifying the matter for all those listening. Therefore, I move:

That the Senate—

(a) notes:

- (i) the High Court ruling of 11 September 1996 that the 1996 federal election result in the House of Representatives seat of Lindsay was invalid, and

- (ii) that section 44 of the constitution impedes many Australian citizens from standing for Parliament, including citizens holding dual citizenship, public servants and certain others who may be holding an office of profit under the Crown; and

(b) calls on the Federal Government to respond with a proposal for amendment.

Question resolved in the affirmative.

### ORDER OF BUSINESS

#### Workplace Relations and Other Legislation Amendment Bill 1996

**Senator MARGETTS** (Western Australia) (3.59 p.m.)—by leave—Motion No. 289 was a motion I gave notice of yesterday in relation to the Workplace Relations and Other Legislation Amendment Bill 1996. The reason I wanted to move the motion was that we felt we were going to be required to deal with the workplace relations bill immediately. It was, in fact, really a new bill, because there was an agreement between the Democrats and the government which actually provided a further 170 amendments. We now see that there are amendments from the ALP, and there are further amendments from the Democrats.

It is an extremely important bill. I know we have had weeks where the committee sought the opinion of people from around Australia but, in effect, we are talking about not only a different bill but a whole range of issues associated with the bill on which we are

required to make a considered opinion. These are issues which are likely to affect just about every working person in Australia.

It is important that we make good decisions and good legislation. To be forced to deal blindly with those issues after 50 hours of discussions to which the Senate has not been privy—which I believe is bad process—is not good democratic process.

The motion seeks two weeks to enable us to consider properly the issues and the hundreds of amendments that are now in circulation. This would enable us to make good decisions in this chamber. I think it is not unreasonable to ask for at least a couple of days to look at these issues. Fifty hours equals a couple of months of various discussions. That would have been preferable, but that is not reasonable considering that we have given commitments to deal with the bill in this session.

To ask for two weeks is not unreasonable. But it is not reasonable to renege on agreements that have been made in the leaders' meetings. We are now not dealing with Telstra—there are other bills that could be dealt with. We are being forced in a very shoddy way to go back to the industrial relations bill. This is not the way to make good legislation.

I would like to voice my strongest opposition to any proposal to change the order of the bills we were going to deal with—that is, Telstra first, on which we still have a couple of speakers left, and then the workplace relations bill. A lot of people are not in a position at the moment to participate in the committee stage of the workplace relations bill.

**Senator FAULKNER** (New South Wales—Leader of the Opposition in the Senate) (4.02 p.m.)—by leave—I want to take this opportunity to put on record my most sincere congratulations to Senator Hill for the flexibility that he is demonstrating in the management of the government's legislative program! One day he indicates to the Senate that we will be proceeding with the debate on the Workplace Relations and Other Legislation Amendment Bill. Then, because the government has failed to get its act together, he

indicates that we will defer the debate on that bill until further notice.

The next day he proposes that we complete the second reading debate on the Telstra (Dilution of Public Ownership) Bill before we resume the committee stage debate on the workplace relations bill. The next day, because the negotiations with the Democrats have been concluded, Telstra is no longer, apparently, the priority it was and the committee stage debate of the workplace relations bill is to come on.

This flexibility from Senator Hill would be very admirable for a circus clown or an acrobat, but it is not very admirable flexibility in this chamber. It is not appropriate behaviour for someone who is responsible for the management of the government's legislative program in this chamber.

How is anyone seriously expected to believe the protestations that we have heard from the government about the importance of these issues that are before the Senate—the vital urgency of the flagship bills of this coalition government—when it is the same government that is continually suspending debate on these bills, changing its mind as to what the priorities might be and deferring debate in this chamber on that legislation? How is anyone expected to seriously and sensibly debate this legislation?

The government gave its commitment very recently to a particular order for debate for legislation—that is, that we would complete the Telstra second reading debate in the early part of this week before moving on to the workplace relations committee stage debate. This government has simply failed to honour those commitments that were given to the opposition and to other parties in the Senate.

What the opposition has argued for for a long time in relation to these processes in the Senate is some certainty. Anyone at all in the government from the Prime Minister (Mr Howard) down who suggests that it is the opposition that is preventing debate on its legislative program has now had exposed to them the sheer hypocrisy of such a claim. It is the government's own inept handling of its own program that has led to this situation.

I want to remind the Senate that Senator Hill said on 20 May this year in relation to bringing on the Telstra bill:

But when it comes to the Senate, the Labor Party, the Democrats and the Greens do not even have the courage to do that. What a lot of wimps!

They are Senator Hill's own words months and months ago. On 21 May, Mr Reith said in the House of Representatives in relation to the workplace relations bill:

I urge the Senate to give reasonable time to the coalition's proposal and not to delay it.

When the opposition and minor parties were ready to debate the committee stage of the workplace relations bill, it was this government that decided it would not proceed with that debate. It is this government now that is deciding not to proceed with the second reading of the Telstra legislation.

This government claims it gives the Telstra legislation the highest priority, but you will find it listed eighth on the *Notice Paper* in government business orders of the day. It is No. 8! That is the priority that this government is giving this bill, having given a commitment to me, to the Manager of Opposition Business in the Senate, to the Opposition Whip in the Senate as well as to minor parties in the Senate that the second reading debate on the Telstra (Dilution of Public Ownership) Bill would be concluded before the Senate moved to the committee stage of the workplace relations bill. You stand exposed, Minister, as being deliberately deceitful in this regard.

**Senator O'Chee**—On a point of order, I think it is unparliamentary to allege that an honourable senator has been deliberately deceitful. If it is unparliamentary to allege that somebody has deliberately misled the chamber, then it must also be unparliamentary to allege that an honourable senator has been deliberately deceitful.

**The ACTING DEPUTY PRESIDENT (Senator Knowles)**—Senator Faulkner, you may care to withdraw that statement.

**Senator FAULKNER**—I withdraw that statement, but I want to indicate very clearly that this has never been the way that the Labor Party has done business in this place—

either in government or in opposition—and it will not be. If we give commitments about processes and procedures in this place, we honour them. We do not break them—we never have. I did notice the article in the *Australian* today that indicated that Senator Hill was rolled on Senate tactics by other members of his government. Perhaps it is time for Senator Hill to be pointing out—

**Senator Vanstone**—You don't want to believe everything you read in the paper.

**Senator FAULKNER**—Senator Vanstone says, 'You don't want to believe everything you read in the paper.' She might be right. This is what the *Australian* newspaper says:

This was the very situation which Government ministers—

this is the defeat of Telstra—

wanted to avoid yesterday when they rolled the Leader of the Government in the Senate, Senator Hill, on Senate tactics.

Senator Hill argued that the present phase of the Telstra debate should be completed before the Senate moved on to the Workplace Relations Bill.

But Senator Hill's colleagues overruled him, saying that industrial relations should take precedence because it promised the Government good news to sell to voters.

**Senator Hill**—Who would have said that?

**Senator FAULKNER**—It is in the *Australian*, Minister, on page 6. The article continues:

It is understood the Prime Minister, Mr Howard, and the Minister for Industrial Relations, Mr Reith, have insisted that industrial relations be the Government's number one priority this year.

But Senator Hill was trapped yesterday—  
this is the bit—

*Senator Campbell interjecting—*

**Senator FAULKNER**—Even you with your limited knowledge of political process—

**The ACTING DEPUTY PRESIDENT**—Senator Faulkner, you may care to address your remarks through the chair and not directly across the chamber?

**Senator FAULKNER**—Through you, Madam Chair. Even Senator Campbell, with his limited understanding of political processes, should understand that this sort of process is not acceptable. This is the last paragraph I

want to quote from a very interesting article in the *Australian*. It says:

But Senator Hill was trapped yesterday because he had already struck a deal with the Senate to fast track the Telstra debate.

It is true. Senator Hill did sit around the table with me and, as I said, Senator Carr and Senator Evans from the opposition and other senators and give commitments about the program. He asked for cooperation from the opposition—which he has received and has acknowledged publicly he has received.

What the opposition says—through you, Madam Acting Deputy President—back to Senator Hill is that we expect some level of cooperation from the government. We expect the government to honour commitments it makes at round the table meetings that include Senator Hill and the soon-to-be Manager of Government Business in this place, Senator Campbell. We expect it to honour those commitments to the opposition and to the minor parties. It is not an unreasonable thing, in my view, for senators in this place, given proper procedures and an understanding of the way in which this place works, to expect from the government that, if commitments are given by the Leader of the Government in the Senate, he will honour them.

Yesterday, when everyone, as far as I am aware, had been proceeding on the assumption that we would be continuing the second reading debate on the Telstra bill, the government at the last minute tried to defer debate and bring on the workplace relations bill. Naturally enough we complained. I complained when I received what I thought was a rather pathetic call from Senator Hill saying, 'I've got a problem.' He did have a problem.

From the point of view of the opposition, we had not even been briefed, of course, on the latest backflips by the government on the workplace relations bill. Apparently even the government eventually agreed it would be unreasonable to expect senators to launch into the debate on 171 amendments, most of which had not been made available to a substantial number of senators in this place. And then it appears that the government—at least for 24 hours—reverted to the original arrangement to proceed with Telstra.

The truth of the matter is that the Senate could easily have completed the second reading debate on Telstra yesterday, and it could have voted on the bill. But what did the government do? They dredged right down, they stooped right into the bottom of the barrel, and found Senator Ian Macdonald and Senator MacGibbon to be added to the speakers list in the second reading debate. To be fair to Senator MacGibbon, I do not consider that to be right at the bottom of the barrel, but certainly with Senator Macdonald—

**Senator Hill**—Gracious!

**Senator FAULKNER**—It is gracious. In relation to Senator Macdonald, that is what you did: you stooped right into the bottom of the barrel and you pulled Senator Macdonald out. You added him to the speakers list as a deliberate government filibuster on the Telstra bill—and you stand exposed for it. Don't you come in here—

**The ACTING DEPUTY PRESIDENT**—Senator Faulkner, would you care to address your remarks through the chair?

**Senator FAULKNER**—Don't you come in here with your—

**The ACTING DEPUTY PRESIDENT**—Senator Faulkner, would you care to address your remarks through the chair and not directly across the table?

**Senator FAULKNER**—Through you, Madam Acting Deputy President, I say to the Leader of the Government in the Senate: don't come in here with your high and mighty rhetoric about Senate disruption when you instructed a number of your colleagues to come in here and filibuster on the Telstra bill.

I really think that senators, those in the press gallery and interested observers should ask themselves what this really says about the government's view of the urgency of the Telstra bill. What does it say about the government's posturing, claiming Senate obstructionism of its legislation program?

The opposition's position on the programming of these two bills has been clear and consistent. We agreed to complete the second reading debate of the Telstra bill and then proceed to the committee stage of the workplace relations bill. That remains our position

and our preference. It remains a position that the government, through the Leader of the Government in the Senate and other responsible government office holders, had agreed to a matter of days ago. It is because of that, Senator Margetts, that we indicated that we would not be supporting your motion for a deferral of the committee stage debate on the workplace relations bill until 18 November. We gave a commitment to all parties in the Senate about how and when we would debate this matter and we intend to honour it.

While I recognise that the government has the numbers to enforce its proposed change of program, I think it is not unreasonable for all senators in this chamber to expect a degree of integrity when a government gives commitments about the listing of legislation, even though we see the government breach its word regularly on these matters. Every member of this chamber knows that when the opposition gives a commitment to adopt a course of action in this place it is honoured. That is a lesson you could well learn, Senator Hill.

**Senator HILL** (South Australia—Leader of the Government in the Senate) (4.17 p.m.)—by leave—The opposition has a short memory. Its attitude in government to the opposition was that you cop what you get when and in what order the government determines. It made no effort at all, until the last few weeks of each sitting session, to speak to the then opposition in any constructive way. Only when it needed, obviously, a level of cooperation to get bills through at the end of the session did it make any attempt to find a cooperative program. Never before in my experience—and I had six years leading the opposition in here and I witnessed the previous seven years in opposition—did the government come in almost at the beginning of a session and seek to sit down with the opposition and minority parties to try to work out some orderly process. So if we have erred—and I think we have erred to some extent—it is very much that we have tried to do too much.

**The DEPUTY PRESIDENT**—I ask honourable senators to resume their seats. Senator Faulkner, would you please resume your seat.

**Senator HILL**—He lectures us constantly on courtesy but has no hesitation in turning his back on the speaker. He does it regularly. We have sought to provide the opposition with detail of our program in an unprecedented way. We have sought to do it because we recognise—

**Senator Carr**—Your word's not worth the paper it is written on.

**Senator HILL**—You are teaching me a lesson, yes. We have sought to do it because we realise, with the volume of work in this place and obviously with the numbers as they are, you really do need cooperation to get a reasonable program through. We have cut out many bills. We have cut out major important bills from this program—dozens of them—in order to provide the Senate with what we think is a working program between now and when we get up on 13 December. We have said that we will concentrate—we do want votes—on the—

**Senator Carr**—Do you? You want to win votes, is that it?

**Senator HILL**—We want votes taken in this place on the workplace relations bill, on the Telstra bill, and on the appropriations and budget related bills. We have six weeks to achieve those goals. Perhaps we have tried too hard to give certainty.

**Senator Carr**—‘Tried too hard’! Why don't you try to keep your word.

**The DEPUTY PRESIDENT**—Order!

**Senator HILL**—Circumstances do change for a government, which I should have recognised. Priorities change and sometimes a certain flexibility is necessary in those circumstances.

**Senator Carr**—Your word is not worth a dob of glue.

**Senator HILL**—Madam President, despite the heckling on the other side, we will continue to seek to cooperate with the opposition and minor parties. We will seek to continue to put an orderly program before this place. We will seek to continue to ensure that the Senate has an adequate time to debate the legislation that is before it in the way that the Senate requires, that is, to give it a proper

scrutiny rather than the sort of scrutiny that it sometimes receives elsewhere. That is the way in which we will progress.

I do concede that circumstances did change in this matter and I had to go to Senator Faulkner to indicate that yesterday. I hope that that will not happen again. Perhaps the lesson I have learnt is that there is a need for the government to retain within its cooperation even greater flexibility than I thought would be necessary.

**Senator BROWN** (Tasmania) (4.22 p.m.)—by leave—This is one of those moments when the importance of the Greens' presence in this chamber is underlined. I understand that for some 50 hours and for some two months there have been negotiations behind closed doors between the government and the Democrats on reaching an agreement on one of the most important pieces of legislation that has come before the parliament in a long time. There are a whole series of amendments to the workplace relations legislation which affect every Australian citizen and which will affect them for decades to come.

The reality is that the amendments were agreed, they were dropped to the media on the weekend, there was no time for analysis by community groups, let alone other parties in this place, and the government moved to have those amendments dealt with beginning yesterday. Under pressure, they put it off for one day. Even today we got another bundle of new amendments from the government and the Democrats.

**Senator Hill**—I beg your pardon? From whom?

**Senator BROWN**—I am sorry, from the Democrats. We got the amendments from the government and the Democrats yesterday and another bundle from the Democrats today.

**Senator Sherry**—Five hundred amendments we have to deal with.

**Senator BROWN**—As the honourable senator says, we have 500 amendments to deal with. This chamber of review is expected not just to debate those but to vote on them starting today. That is a disgraceful set of circumstances for us to find ourselves in. It is a total abrogation of the responsibility of the

Democrats to see that those amendments have time to go out to the public, the community groups, the unions, the conservation groups and the social justice groups so that their impact can be analysed, their feedback can come to their representatives in this chamber and then we can have a representative debate on that public feedback.

That obligation rests very heavily on the shoulders of the Democrats, not least their leader. But they have knocked it from their own shoulders. Their leader said that she had not asked for this immediate debate. But compliance is the same thing. It is truncating the right of every Australian to be able to assess this legislation and to be able to feed into this debate. This is not a debate for 76 people in this chamber; this is a debate for 18 million Australians, because it will affect every one of them.

The only real debate that has taken place with time for proper analysis before the vote in this chamber is that debate behind closed doors by the government and the Democrats. I reiterate that this chamber ought to be endorsing the very reasonable move by Senator Margetts and say, 'Well, after two months of debate behind closed doors, let's at least extend for a fortnight or three weeks for the wider public to be taken into account.' The wider public has been locked out. Votes on these amendments begin today, this week. I know from speaking with unions and lobby groups today that they do not know what impact this legislation will have on their livelihood, on their workplace and on their ability to act as responsible Australians.

**Senator Sherry**—Millions of workers.

**Senator BROWN**—It will affect absolutely every Australian. It is very wrong that the government and the Democrats have got together and are determined to guillotine public debate on this issue. That is what is occurring. The gag has been put on the public—vote now before you are able to reach out and assess the feedback from the public.

I am amazed that the Liberals opposite—if they stand by that name of theirs—are not agreeing with Senator Margetts that part of a Liberal democracy is the right of every individual to be able to feed into their repre-

sentative. It is a shameful process. It is an abrogation of proper democratic forms. It is an abrogation of the right of the public to be informed and to feed properly into this debate.

What is wrong with waiting two weeks after all the months of behind closed doors negotiations, agreements and compromises against the interests of many Australians? What is wrong with that? Nothing. Yet it is the Greens in here who apparently alone stand up for that public right to get breathing space, to get information and to get time before this debate proceeds. I cannot understand the position of the other parties. I would ask them to rethink this matter because it is not too late—the government does not have the numbers in this place—to at least ensure that the public gets a rightful say in this critical matter of importance to everyone out there, beyond this chamber of 76 senators.

**Senator MURRAY** (Western Australia) (4.19 p.m.)—by leave—I have listened with care to the manufactured passion and hypocrisy of Senator Brown. I consider his real problem is that he does not have the resources or the time to attend to the issues concerned. Throughout the process of the consideration of these issues not once—he has the office next to mine—has Senator Brown opened my door and said, ‘Hey, can we discuss this important matter?’ Senator Margetts is two doors down. Not once has she opened the door and said to me, ‘Can we discuss this important matter?’

Let us contrast that with Labor, who rang us quite frequently, who spoke to us and who appeared on interactive media occasions with us. I sympathise with the Greens’ lack of numbers and their lack of resources, but that is not our problem.

Let us talk about what I understand is the normal process by which amendments are arrived at, and that is that you should go with the amendment to whoever you are dealing with and you agree behind closed doors as to how it will be. After that is finished you come out and you present it to the public. That happens on every single bill and on every single issue.

I referred earlier to hypocrisy. I think one of the problems is that the Greens actually were not involved in these particular negotiations. They were involved in behind-closed-doors negotiations with the previous government and us on native title. You cannot say that it is okay for one issue but not okay for another.

Let us deal with the matter of how widely these issues have been canvassed. We have had 1,431 submissions; we have had 18 days of public hearings; we have had a Senate report; and a supplementary report with second reading debates attached to that. Our position was clearly signalled in our supplementary report. We have had ongoing and continuing consultation with the ACTU, the ACCI and other employee and employer organisations. We have had constant correspondence and constant telephone interaction. I would be very surprised if senators from either side of the chamber have also not had that experience. This is and will remain a hot issue.

I had one of my more enlightening and enlivening experiences on the public hearings. As you know, I am a new senator. I was sitting in the hearings and I suddenly heard this disembodied voice descending from the rafters and I discovered that there is a process whereby senators not able to attend hearings can, in fact, do it audiovisually and I was most impressed. So it is true that Senator Margetts did follow the hearings as far as she could.

I recall that I was developing a line of questioning with a representative of the government of Western Australia in Perth which was particularly effective and Senator Margetts appreciated it so much that she hopped ahead of me in the queue and took my line of questioning and got some good media coverage from it. I appreciated the political skill that involved. I was not in Tasmania. My colleague Senator Allison was. Perhaps Senator Brown was there; I do not know. I do not know how much Senator Brown has been involved in this issue or how much his passion has suddenly emerged to make some political points.

It is not as if these amendments introduce brand-new concepts. What we have done has been to make the bill fairer and more balanced. It is not a new bill; nothing new has been raised; all issues have been canvassed. It has been in the public arena prior to, during and following the election. This debate and these amendments will not be over in five minutes. This is going to go on for some days and I have the confidence, even if you do not, Senator Brown, that the very capable members of the opposition, many of them with deep union experience, will get right on top of these issues and these amendments and will produce a very spirited debate in the Committee of the Whole. I have far more confidence in the remaining senators in this chamber than you do.

We took Labor amendments with us into the negotiations. From what we could glean, we took the Greens' concerns, which included those on the environment. Unfortunately, they were not ready with their amendments as soon as Labor were, so we could not take those amendments in with us. But now, suddenly, and very opportunistically, they are up, making political mileage on this one.

**Senator Brown**—Don't talk about being opportunistic. You are the people who have locked the public out. Patronising the public; that is what it is.

**Senator MURRAY**—How can you lock the public out of a 10-month debate, Senator Brown? Really, your arguments are silly. I now want to deal with the matter of the Telstra (Dilution of Public Ownership) Bill 1996. I think that Senator Hill should explain to the Senate why, when we are one or two speakers short of the end of the second reading debate—and it would not be delaying the IR bill debate—it could not continue. There must be a reason. I would like to know which senator or senators want it this way, because it is not the Democrats. We were willing to facilitate the end of the speeches on the second reading of the Telstra bill and we were expecting a procedural motion to achieve that. As there is not one, it seems that we will move to the next item of government business. But, really, the process of government business, as we all know in this cham-

ber, is in the hands of the government. That is all I want to say in reply to the motion, thank you.

#### UNEMPLOYMENT

**Senator FAULKNER** (New South Wales—Leader of the Opposition in the Senate)—I ask that general business notice of motion No. 284, standing in my name and relating to an order for the production of documents, be taken as formal.

**Senator Hill**—There is an objection.

#### Suspension of Standing Orders

**Senator FAULKNER** (New South Wales—Leader of the Opposition in the Senate) (4.36 p.m.)—Pursuant to contingent notice, I move:

That so much of the standing orders be suspended as would prevent Senator Faulkner moving a motion relating to the conduct of the business of the Senate, namely a motion to give precedence to general business notice of motion No. 284.

This is a very important issue for the Senate. At the recent estimates hearings, the Department of Employment, Education, Training and Youth Affairs revealed that they had written to Minister Vanstone's office to draw their attention 'to the incorrect reporting in the *Australian* on 19 August' which inferred that the department had advised the former Labor government that the five per cent unemployment rate was unachievable. The department was concerned at the incorrect inference in this article, attributed to Senator Vanstone, that the department had advised the former Labor government that the five per cent target was unachievable. Certainly, the department was not the only one to draw that inference. I think it would have been very obvious to any reader of not only the *Australian* article but also the press release from Senator Vanstone on which the article was based. That press release says:

Similarly, DEETYA has advised that at the time of the election, on information available to the previous government, unemployment in 2000 would have been between 6.8 and 7.3 per cent.

Both forecasts provide clear evidence of the deceit in Labor's election campaign. . .

I would argue that the inference here is very deliberate. Clearly, neither the incorrect inference in the *Australian* nor that in the



minister's press release were of any concern to the minister herself. In fact, she ignored the department's advice. She repeated her statements on the *Meet the press* program on 24 August and she repeated her statements again in the Senate on 10 September.

I have argued here for some time that Senator Vanstone displayed the same disdain for accuracy that she showed in relation to the evidence over the Wright family and the same disdain for accuracy and the truth that she showed in her answer to a similar Dorothy Dix question on the issue of the Democrats' Internet home page. We have said very clearly that this level of disdain for the parliament, for ministerial responsibility and for ensuring that the public record is accurate is absolutely unacceptable—totally unacceptable in a government minister. It is unacceptable, in my view, in any public figure at all.

John Howard, the Prime Minister, took the same view in his much vaunted ministerial guidelines. He quickly retreated when he realised the impossibility of imposing such high standards on his ministers. Now he is in the process of rewriting these very same guidelines.

There is a direct parallel between the information being sought in this return to order and the case of the bogus Wright family. Again, the department rightly drew the minister's attention to the inaccuracies in press reports, which again were based on the minister's statements. At least in that particular case the minister agreed to release a departmental advice. She should do the same here. We are asking for this precedent to be followed in this case. We believe that this is a perfectly reasonable request.

Given that the minister twice repeated her assertions about the deceit of the Labor Party in maintaining, against the advice of DEETYA, a purportedly unachievable unemployment target, we also want to know whether the department brought this matter to her attention again after these subsequent statements. It seems to me that this is an open and shut case of a minister being required to fulfil a ministerial responsibility. I would ask for

support for the suspension of standing orders. (*Time expired*)

**Senator HILL** (South Australia—Leader of the Government in the Senate) (4.41 p.m.)—What Senator Faulkner is doing is himself actually misleading the Senate and, out of misleading the Senate, attempting to paint a picture that Senator Vanstone shows, in his terms, disdain for the truth. He did it firstly in relation to the so-called Wright matter. That matter was explained by the department, which gave the minister an apology for the incorrect information it had provided. But that is not conceded by Senator Faulkner.

He has instead come in here day after day and, either explicitly or by implication, said that Senator Vanstone deliberately misled the estimates committee. That is not so. Similarly in relation to this matter, what he is seeking to allege out of a press release that Senator Vanstone issued is again that in some way that statement was misleading, when there is no evidence in fact that it is misleading at all. The statement said:

Similarly, DEETYA has advised that at the time of the election, on information available to the previous government, unemployment in 2000 would have been between 6.8 and 7.3 per cent.

That is a statement she has made, a statement that she is prepared to support. That was then interpreted in a subsequent press report, and then the department wrote Senator Vanstone saying that the press report was misleading. The opposition has not even sought to make out the case that the statement Senator Vanstone made in the press release was misleading. Yet, the impression Senator Faulkner is seeking to create in this place is that in some way she has disdain for the truth. That is why what he is seeking to do is misleading and grossly unfair. It is good sport for Senator Faulkner, I understand, but the record is entitled to stand as it is, rather than as Senator Faulkner would wish it to be.

He takes this one step further and comes in here today and says that he is entitled to seek a return to order basically for all information relating to the matter, whether or not it is relevant to the issue of whether Senator Vanstone has evidence to substantiate the statement she put in her press release. All

advice, as I recall it, relating to unemployment projections was in the form of his notice of motion, not advices that might substantiate the argument Senator Vanstone put in her press release. In doing so, Senator Faulkner again alleges that she has been misleading during the course of this debate.

The important thing is: is there a case to suspend standing orders to require the passage of this return to order? Firstly, there isn't because no urgency has been established at all, or even an attempt by Senator Faulkner to establish an urgency. Secondly, what he is subsequently going to seek goes far beyond the evidence for the case that he is trying to make. Thirdly, this is fishing. This is the practice that this opposition is now adopting day after day with returns to order without making out any prima facie case at all, fishing for all documents that are possible in order to find something that can exploit a political opportunity.

**Senator Carr**—A huge landing net.

**Senator HILL**—Fourthly, you have reminded me, Senator Carr, that this matter is due to be debated again in the estimates committee this Friday. Senator Faulkner and his colleagues can ask whatever questions they like. They can ask for the production of whatever documents they like. Why in such circumstances should they come in before the estimates committee and enter into a fishing expedition to try to build up a case?

**Senator Faulkner**—You know that is wrong.

**Senator HILL**—No, it is not wrong. The case for suspension of standing orders has not been made out.

Question put:

That the motion (**Senator Faulkner's**) be agreed to.

The Senate divided. [4.45 p.m.]  
(The Acting Deputy President—Senator S.C. Knowles)

Ayes . . . . .	37
Noes . . . . .	35
Majority . . . . .	<u>2</u>

AYES

- |                   |                   |
|-------------------|-------------------|
| Allison, L.       | Bishop, M.        |
| Bolkus, N.        | Bourne, V.        |
| Brown, B.         | Carr, K.          |
| Childs, B. K.     | Collins, J. M. A. |
| Collins, R. L.    | Colston, M. A.    |
| Conroy, S.        | Cook, P. F. S.    |
| Cooney, B.        | Denman, K. J.     |
| Evans, C. V.      | Faulkner, J. P.   |
| Foreman, D. J.*   | Forshaw, M. G.    |
| Gibbs, B.         | Harradine, B.     |
| Hogg, J.          | Kernot, C.        |
| Lees, M. H.       | Lundy, K.         |
| Mackay, S.        | Margetts, D.      |
| McKiernan, J. P.  | Murphy, S. M.     |
| Murray, A.        | Neal, B. J.       |
| O'Brien, K. W. K. | Ray, R. F.        |
| Schacht, C. C.    | Sherry, N.        |
| Stott Despoja, N. | West, S. M.       |
| Woodley, J.       |                   |

NOES

- |                     |                     |
|---------------------|---------------------|
| Abetz, E.           | Boswell, R. L. D.   |
| Brownhill, D. G. C. | Calvert, P. H.      |
| Campbell, I. G.     | Chapman, H. G. P.   |
| Coonan, H.          | Crane, W.           |
| Eggleston, A.       | Ellison, C.         |
| Ferguson, A. B.     | Ferris, J.          |
| Gibson, B. F.       | Heffernan, W.       |
| Herron, J.          | Hill, R. M.         |
| Kemp, R.            | Knowles, S. C.      |
| Macdonald, I.       | Macdonald, S.       |
| MacGibbon, D. J.    | McGauran, J. J. J.  |
| Minchin, N. H.      | Newman, J. M.       |
| O'Chee, W. G.*      | Panizza, J. H.      |
| Parer, W. R.        | Patterson, K. C. L. |
| Short, J. R.        | Tambling, G. E. J.  |
| Tierney, J.         | Troeth, J.          |
| Vanstone, A. E.     | Watson, J. O. W.    |
| Woods, R. L.        |                     |

PAIRS

- |                |                  |
|----------------|------------------|
| Crowley, R. A. | Alston, R. K. R. |
| Reynolds, M.   | Reid, M. E.      |

\* denotes teller

Question so resolved in the affirmative.

**Procedural Motion**

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

That general business notice of motion No. 284 may be moved immediately and have precedence over all other business today till determined.

**Motion**

**Senator FAULKNER** (New South Wales—Leader of the Opposition in the Senate) (4.55 p.m.)—I move:

That there be laid on the table, by 5 pm on Tuesday, 29 October 1996, by the Minister for Employment, Education, Training and Youth

Affairs (Senator Vanstone), copies of any advice to her from her department relating to unemployment projections up to the year 2000 and her statements about the purported unachievability of the Australian Labor Party's target of 5 per cent unemployment by the year 2000.

I feel it might be useful in relation to this particular issue to remind the Senate of the history of this particular matter. The issue first came to light on 19 August in the *Australian* newspaper. In a newspaper article at that time it was stated by Senator Vanstone that, at the time of the March election, her department had advised Mr Crean, the then employment minister, that unemployment by the year 2000 would have been, at best, 6.8 per cent.

That particular newspaper article caused Senator Vanstone's department to confirm, after it was published, that they in fact moved to inform the minister that Mr Crean was advised about 'a range of conditions that would need to be met to achieve the former government's five per cent unemployment rate target by the turn of the century'. The department says it 'did not put any view on the most likely outcome or suggest any particular level below which the unemployment rate was likely to fall'.

That information has been confirmed by the Department of Employment, Education, Training and Youth Affairs in answer to question No. 232 asked by my colleague Senator Carr of Mr Hollway at the Senate estimates legislation committee hearing on budget 1996-97. In fact, it appears in *Hansard* at page 228. This is the question that Senator Carr asked on notice:

It is the case, Mr Hollway, that the department has written to the minister disassociating itself from the comments that it did not advise the previous Labor government that five per cent was achievable?

... ..

Can we have a copy of that advice?

The answer that was subsequently provided was:

The department has written the office of the Minister for Employment, Education, Training and Youth Affairs to draw the attention of the office to the incorrect reporting in the *Australian*—

on 19 August 1996—

which inferred that the department had advised the former Labor government that the five per cent unemployment rate was unachievable.

The answer goes on:

The last written advice on this matter which was provided by the department to the former Minister for Employment, Education and Training, Mr Simon Crean, was on the conditions which would need to be met in order to achieve the government's five per cent unemployment rate target by the turn of the century. The department did not put any view on the most likely outcome or suggest any particular level below which the unemployment rate was unlikely to fall.

Senator Carr may not agree with me here but I think it is fair to say that the second part of his question on notice—'Can we have a copy of that advice?'—was not adequately canvassed in that particular answer from the department.

**Senator Carr**—No, that would be fair.

**Senator FAULKNER**—Any reasonable person would come to that conclusion. But I do believe that, through the return to order that is currently being debated by the Senate, there will be ample opportunity for this advice to be provided, and I think that would be to the benefit of all senators.

Now, Madam Acting Deputy President, on 25 August Senator Vanstone, the responsible minister, repeated her untruth on Channel 10's *Meet the Press* program.

**Senator Hill**—No, she didn't. You keep alleging that. You think that if you say that often enough, people will believe you.

**Senator FAULKNER**—Senator Hill, one thing that people do believe is that Senator Vanstone has a most miserable record as a minister in this government. I must say, in relation to so many issues, the only reason that the truth has come out in relation to the way in which Minister Vanstone has conducted her responsibilities and administered her portfolio is the constant questioning by the Labor opposition and the demanding of the sorts of advices that would be required to be produced by the minister if the motion before the chair is successful.

So I stand by my words that Senator Vanstone repeated her untruth on Channel

10's *Meet the Press* program on 25 August. She said, and I quote from the transcript:

Labor knew before the election that its target of 5 per cent by the year 2000 was unachievable. It had been told that. I know that's absolutely true.

She also then went on to say that there was 'no point in lying to the Australian people about the unemployment program'. They are Senator Vanstone's words.

Then, on 10 September in the Senate, Senator Vanstone repeated this untruth for a third time. She did that in response to a question that was asked by Senator Bolkus in this chamber. And that is also in the *Hansard* record for all interested senators to see. She said in response to Senator Bolkus:

That is my understanding, that the Labor Party knew well that the target it was promoting as achievable was not achievable.

If you want to allege I am wrong, I am happy for you to do so and I am happy to check the matter out.

They are Senator Vanstone's own words: 'I am happy to check the matter out.'

But when the opposition starts to question Senator Vanstone more closely about this issue, when we try to get to the nitty-gritty, Senator Vanstone is not happy for the matter to be checked out at all. Senator Bolkus went on with what I thought was a most searching supplementary question. He asked:

Did you receive any other advice from your department to confirm your *Meet the Press* statement?

Senator Vanstone's response:

I have nothing further to add.

Not 'yes', not 'no'; just 'I have nothing further to add.' That is the usual way, Senator Vanstone, in which you respond to questions in this place: you, the minister who has come into this newly elected government with the philosophy of 'I don't have to answer your question unless I want to'. That is the philosophy you have adopted from day one. And you have been exposed, of course, and I must say that I think that attitude that you have had has been—

**Senator Campbell**—Do you know how many times Nick Bolkus has said, 'I have nothing further to add?'

**Senator FAULKNER**—It is not an issue of not saying that. The issue is Senator Vanstone's approach: 'I won't answer your questions. I won't give you the information unless I want to.' That is Senator Vanstone's approach to ministerial accountability. There is no doubt that is one of the reasons that Senator Vanstone's reputation as a minister has become so tarnished in just the eight months since the election of this government. I think she has been exposed in the public arena as a minister who will do anything to cover up her actions unless, or until, she has been exposed by constant questioning and the actions of the opposition in this place.

But, Madam Acting Deputy President, we know that on 22 October the department detailed the advice in the form that I indicated earlier. It detailed the advice and corrected the statement by the minister in her 19 August pronouncement in the *Australian* after a question was put on notice by the Labor opposition. We know that advice was made available to members of the Senate estimates committee on 22 October; of course, we know that was, in fact, a day before the estimates committee met. The committee met on 23 October—

**Senator Carr**—Wednesday.

**Senator FAULKNER**—It was Wednesday, 23 October. On this occasion, Senator Chris Evans asked this question:

Is there any other aspect of the report in the *Australian* which was incorrect?

**Dr Volker**—Not that I can recollect.

**Mr Grant**—I have the *Australian* report in front of me. Certainly, the statement which caused us to advise the minister's office was the suggestion that the department had advised Mr Crean, when employment minister, that unemployment by the year 2000 would have been at best 6.8 per cent. We gave no such advice to Mr Crean.

Senator Evans went on to ask:

In your view, is there any way that such a conclusion could be fairly drawn from the advice given to the former minister, Mr Crean?

**Mr Grant**—No, there is not.

And so the estimates go on. The Mr Grant in question, as I understand it, is the First Assistant Secretary of the Economic and Policy Analysis Division of the Department of

Employment, Education, Training and Youth Affairs. His evidence to the Senate estimates committee was very clear.

I want the Senate to reflect on the fact that, in the case of the Wright saga, Senator Vanstone was exposed of perpetrating a massive fraud not only in terms of misleading the Senate but also, and I think more importantly, in terms of misleading the public, the Australian people. There were newspaper articles splashed all around Australia about this massive fraud and she did absolutely nothing either in a parliamentary sense or in a public sense to correct the record. The only reason she acted at all was, again, that the opposition asked questions of relevant ministers, including questions I asked a day later to Senator Newman in a Senate estimates committee.

As I said in an earlier debate, we could smell the Liberal Party dead cat that was dragged across the track in relation to this particular matter, but Senator Vanstone, in relation to the Wrights, actually decided after continual pressure from the media and from the opposition in parliament to table documents in this place. She was forced to table documents in this place. It is Senator Vanstone who has set the precedent in relation to this particular matter.

Why will Senator Vanstone not agree to take the same action as she did with the Wrights in relation to this particular matter? I pose the question: what does Senator Vanstone have to hide? I pose the question: why is she involved in a cover-up of these proportions? If it was good enough in the case of the Wrights, why is it not good enough in this particular case?

What Senator Vanstone is establishing here is very clear: a pattern of unacceptable ministerial behaviour, a pattern of abusing the parliament, of misleading the parliament and of misleading the public. It is not only the parliament that has been misled. It is not only the Senate and Senate estimates committees that have been misled but also the public that has been misled with regard to these particular matters.

Senator Vanstone thinks nothing about articles on the bogus Wright family being

splashed right across the newspapers of this country and on every talkback radio show and nothing about ever going back and apologising to those people where the bogus information has been used. She thinks nothing of peddling untruths and inaccuracies in the *Australian* newspaper, on *Meet the Press* or in the parliament on this matter.

Minister, you really do not know the difference between right and wrong. I really do not believe that you do understand the very serious obligations that are placed on you as a minister. It is for that reason, Minister, that, as far as we in the opposition are concerned, we intend to hold you accountable for your actions. We want to see what advice your department gave you in relation to this particular matter.

I am very disappointed that you have not taken the same course of action you were forced to take in relation to the Wrights—that is, eventually, kicking and screaming, you came into the chamber and tabled documents because it got too hot. You stand exposed in those documents. You know what the consequences of that are: further parliamentary scrutiny and further public scrutiny.

On this occasion, you are trying to avoid that. Forget the fact that you have established a precedent in relation to your modus operandi with the Wrights; forget all that. On this occasion, you are basically saying, 'I am not going to front up with the information that the opposition and the parliament want.' Minister, I think you are, as they say, a 'petardist'. You are hoist on your own petard.

**Senator Stott Despoja**—What is a petardist?

**Senator FAULKNER**—Have you not heard of a petardist? A petardist is a person who is hoist on their own petard. That is what you are, Minister. You have established a precedent and now, as far as I and the opposition are concerned, you will have to honour that level of commitment.

I want to put another canard to rest. On Friday, a Senate estimates committee will be held at the bright and early time of 7.30 a.m. to look at matters relating to the Wright family and you are going to argue your role

and your department's role in that. Apparently, there is a letter from a Senate estimates committee secretary—

**Senator Carr**—A very fine man.

**Senator FAULKNER**—I am sure he is. The letter says that other matters can be raised. As far as the opposition is concerned, we ask that committee hearing to be held then—

**Senator Carr**—On her invitation.

**Senator FAULKNER**—Yes, on Minister Vanstone's invitation—so that you, Minister, can front up and answer questions in relation to the Wrights and your role in that debacle. That is exactly what we intend to do, Minister. But if you feel that it should be extended and other issues should be raised, you might care to consider why the same amount of information that is available in relation to the Wrights should not be available to those committee members. It is a perfectly reasonable question to ask you: what have you to hide on this particular matter; what are you covering up on this matter?

Minister, the only way open to the opposition to ensure that there is ministerial accountability on your part, to ensure that the public are not being misled and to ensure that the information you have given the Senate during question time today and on previous occasions has been accurate is to provide that information for the benefit of all senators. You cannot sustain, Minister, an argument against supporting this motion.

Minister, it is you who, time and time again in your previous incarnation as an opposition shadow minister, argued for the production of all sorts of documents, many that were cabinet-in-confidence and budget-in-confidence, over a very long period of time. Minister, you have form on returns to order on orders of the Senate—you have real form. On this occasion you have an obligation to the parliament, you have an obligation to senators in this chamber and you have an obligation to the public to front up with the information you are trying to keep from public eyes.

I urge the Senate to support this reasonable motion. I also urge you, Minister, to act responsibly in accordance with what ought to

be your commitment to proper principles for public office holders and ministers, according to your Prime Minister's much vaunted code of key elements of ministerial responsibility. You have a responsibility to the Senate, you have a responsibility to the public. It is about time, Mr Acting Deputy President, that Minister Vanstone fulfilled those responsibilities.

**Senator VANSTONE** (South Australia—Minister for Employment, Education, Training and Youth Affairs) (5.18 p.m.)—I oppose this motion moved by Senator Faulkner for a number of reasons, not the least of which is, in the first instance, that no case has been made that I have misled the Senate. No-one has produced any words that I have used in the Senate that have misled the Senate, to the best of my knowledge, at all. I will come to that and go back over those matters in detail, lest there is anybody who has not been focusing on some of the questions that have been asked and the answers that have been given.

But equally importantly, returns to order are a mechanism for the Senate to use in circumstances where they believe that information should be provided to the Senate. Presumably, that is because there is an important matter where you call upon taking from a minister and a department information that would otherwise not be publicly available, that is not on the public record. There have been occasions, of course—and there always will be—where returns to order should be used. I make no bones about that whatsoever. But in circumstances where no case has been made that a senator has misled the Senate, then I do not think it is an appropriate case to use a return to order.

Secondly, I follow on and indicate that the breadth of the return to order does not go simply to the question of whether I have misled the Senate; it goes to the much broader fishing expedition in relation to any advice to me from my department relating to unemployment projections up to the year 2000. That is any advice whatsoever—not advice pertaining to the, I say, fabricated allegation that I have misled the Senate, but any advice whatsoever and my statements about the purported

unachievability of the Australian Labor Party's target of five per cent unemployment by the year 2000.

I say, firstly, a return to order is an important mechanism for use by the Senate when it believes that documents that otherwise would not be provided publicly should be. Secondly, because that mechanism is so important, if you want to use it because you think someone has misled the Senate then you have to make a decent case that in fact they have. Thirdly, when you do want to use it, you do need to have some discretion in the focusing of the return to order to ensure that you are not trying to debase the value of returns to order by casting your net so wide that you consistently get refusals from a government. That is, the terms of the proposed return to order should be targeted to the matters in question.

Of course, a return to order should be used, if all of those other conditions are satisfied, in circumstances where there has been an unwillingness to front up and give an answer. In that respect I would say, 'Look, with respect to this matter, I have answered this in the Senate on a number of occasions yesterday and again today.' Also, I have been written to by the secretary of the estimates committee which is meeting on Friday—and it is early days in the week, I know, but Friday is not that far away—indicating that the committee may wish to discuss these matters then, and I am happy to do that.

In those circumstances, to proceed with a return to order would cast an enormously wide net across any information provided on unemployment projections—and how do you do a projection? You take into account certain assumptions about a whole lot of economic matters and you necessarily therefore are asking for a lot more than that because you want to see what is behind assumptions that have been made.

So let me come to the case of whether I have, in fact, misled on this matter. I have dealt with this matter once before, yesterday, and I have dealt with it today. But since members opposite do not seem to have come to grips with what I have said, and perhaps some people now in the chamber were not

here during question time, let me go through these matters.

On 18 August I put out a press release entitled 'Labor's hidden unemployed to slow fall in jobless rate'. One sentence at the bottom of that press release said:

Similarly, DEETYA has advised that at the time of the election, on information available to the previous government, unemployment in 2000 would have been between 6.8 and 7.3 per cent.

Let me read that to you to convey its meaning:

Similarly, DEETYA has advised—that is us—

that at the time of the election—

that is, its advice as to what information was around at the time of the election, and this information would have been available to the previous government. I said in the Senate, not today but yesterday, that, if they chose to ask for this information, they could have got it themselves; that is, it was information that was available to the government. If you have a whole department there, all you have to do is ask for it. The press release continued:

. . . unemployment in the year 2000 would have been between 6.8 and 7.3 per cent.

That is what that sentence means. It says:

Similarly, DEETYA has advised that at the time of the election, on information available to the previous government—

they were in government for 13 years; they had every piece of information available to them that it was possible for the department to provide—

unemployment in 2000 would have been between 6.8 and 7.3 per cent.

A journalist in the *Australian*, not having done an interview with me—and that is fair enough; people are entitled to rely on your release—paraphrased that. He did not quote it. He obviously did not directly quote it. He paraphrased it and said:

Senator Vanstone said that at the time of the March election, her department had advised Mr Crean, the then employment minister, that unemployment by the year 2000 would have been, at best, 6.8 per cent.

That is a journalist trying to do his job, but that has created the impression that I have

said Mr Crean was advised by his department. The department then did send—

**Senator Carr**—Your department certainly thought that was the impression you wanted to create.

**Senator VANSTONE**—No embarrassment about this. I am pleased they did.

**Senator Carr**—They did.

**Senator VANSTONE**—Let me continue. The department did send a note to my office indicating that that press report was incorrect.

**Senator Carr**—That's right. They did.

**Senator VANSTONE**—That is right. That press report is incorrect, as I have just tried to indicate. I do not think I have a copy of that note with me, but they did. What that note indicated was that the press report was incorrect. That is all it indicated. The situation that I have outlined to this point is that I have put out a release, and a journalist has paraphrased that and given the wrong impression. The department has sent a note to my office, indicating that the article in the *Australian*, which gives the wrong impression—

**Senator Carr**—It quotes you!

**Senator VANSTONE**—which does not quote me but gives the wrong impression—was incorrect. The department has, of course, done the right thing in doing that, because that report is incorrect. It is not what I said. It is what a journalist in the *Australian* has paraphrased from a press release.

Then the opposition seeks to rely further, for some reason inexplicable to me, on a transcript of an interview done with *Meet the Press* a few days later. It has already been raised in here by nearby Senator Faulkner. What I would like to tell you is this. The transcript states:

Labor knew before the election that its target of 5 per cent unemployment by the year 2000 was unachievable; it had been told that. I know that's absolutely certain that they knew.

Nonetheless, they kept pretending that they could perhaps get to a target. That says they were told, and I repeated in here—and I am happy to do it again if that is what people prefer—the range of people who did tell them they would not get to that target. If we have

got to the stage where a minister cannot say, 'Look, you knew you were not going to get there and you were told'—when, in fact, they were told and they did know—where are we? Where are the words I have used that have misled this Senate? Where are they? They are just not there.

The press release is on the public record. I have no embarrassment about that press release. I am quite happy with it. If my job is going to be to correct what has been said every time a journalist gets something wrong or members on the other side get something wrong, I am never going to do any work. I stand by what I said in that press release—quite happily. I stand by what I said in the *Meet the Press* program. That does not add up to what the opposition members would have it that I said. That does not add up to that at all. So the first point—

**Senator Conroy**—Do you stand by your answer in question time?

**Senator VANSTONE**—Yes. Regarding the first point, the key matter is to recognise that the *Australian* of 19 August incorrectly paraphrased my press release of 18 August. What was said in my press release was correct. I have also explained my comment that the previous government has been told that its five per cent target could not be achieved. I have appointed—

**Senator Carr**—By DEETYA.

**Senator VANSTONE**—Mr Acting Deputy President Murphy, I have 20 minutes left. I have plenty of time. I just ask you to bear in mind that it is easier to speak if you are not consistently interrupted. Senator Carr seems to have an enormous inability to let other people speak. He not only chooses to yell when he does speak but he chooses to interject on other people when they do.

As I was saying, I have also explained my comment that the previous government had been told that its five per cent target could not be achieved. I have pointed to remarks by the secretary to the Treasury and others—plenty of others. For example, I have pointed to the editorial of the *Australian*, which basically came to this conclusion:



At best he is deluded and at worst Mr Crean is not telling the truth.

I have referred to Professor Helen Hughes from the full employment project. In the *Australian* of September 1995, Professor Hughes said:

The unemployment rate not 8.2 per cent would be no better than seven per cent by the year 2000 if present growth levels were maintained.

Dr John Quiggin, whom I think Senator Kernot quoted in this place today—

**Senator Kernot**—Yesterday.

**Senator VANSTONE**—Earlier this week. He is an associate professor and, as I understand it, a great proponent of Working Nation. He said in September:

There is no doubt, the government cannot possibly achieve five per cent under its current policies.

If that is not clear evidence that the government was told by its advisers or supporters, I do not know what is. Ted Evans, the Secretary to the Department of the Treasury, is reported to have said that it would be extraordinarily difficult to achieve the government's target of five per cent unemployment by the turn of the century and he described the target as 'very ambitious'.

In September 1994, Dr Vince FitzGerald could see and expressed concerns that our national savings rate would not be sufficient to bring unemployment down to an acceptable level—that is, five per cent or below—within the remainder of the present decade.

Senator Carr continues to interject 'by the department'. He cannot find the words other than the paraphrasing by the journalist in the *Australian*.

**Senator Carr**—Your own press release.

**Senator VANSTONE**—I have not said they were told by the department. That is what I have not said. That is probably the crux of the matter in the end.

I have referred to the comment on *Meet the Press* that they were told—and I have repeated this for almost a third time in this place—the sorts of people who told them. There is really nothing in this suggestion that I have misled or that my department has somehow suggested in advice to me that I misled. Make no bones about it—the department rightly

points out that the article in the *Australian* is correct. That is not an article written by me and it is not an article done from an interview with me; it is an article done by a journalist paraphrasing a press release. The department's advice to me simply drew attention to the inaccuracy of the *Australian* report.

I turn to the second ground. Senator Faulkner seems to be seeking every piece of analysis and advice concerning scenarios, projections, forecasts, et cetera about unemployment. No government is going to simply give out all of this to satisfy the senator's curiosity and fishing expedition. The Public Service has to be able to provide dispassionate and fearless analysis and advice. This cannot happen if anything can be put in the public domain at a senator's whim.

The return to order process was not created as a licence to fish. It was not created as a device to give automatic access, least of all for no good reason, to internal information in government. The previous government itself declined to provide information when it was judged not to be in the public interest. It is not in the public interest to undermine the institution of frank analysis and advice. That is especially so when aspects of the information, as with economic projections, can be market sensitive.

That brings me to the third reason for opposing the motion. I would not lightly invoke market sensitivity and public interest as reasons for declining to provide material to the Senate. We should be careful and look at issues of market sensitivity case by case. This should not be invoked as some unthinking or blanket reason for denying information.

Senators who have an interest in the estimates committees will have heard on numerous occasions the attacks I have made on claims that have been used by departments over the years about market confidentiality. The ABC's frequent use of that comes to mind.

At a later stage, I might raise some opportunities the previous government used to get around the Senate estimates committees which were finally making departments come to grips with the fact that the departments could not be allowed to escape scrutiny at estimates

committees by sticking market confidentiality clauses in. They devised a very sneaky way of getting around that, but I will come to that on another day. It does not warrant any more than a mere mention here.

There are some aspects of the advice to me from the department which, in the view of the Treasurer's office—and I accept that—must be market sensitive. The Senate, I hope, would appreciate that work on scenarios for unemployment involves comments about possible future rates of economic growth and that this can carry implications beyond any debate here about employment or about whether the Senate has been misled.

I am perfectly happy to be as forthcoming as possible with the Senate committee which reconvenes on Friday and discuss these matters. There is no urgency about this today. I am happy to go on answering questions about why I have not misled the Senate. I am happy to repeat in this place time and time again the number of people who told the previous government that it was not going to reach its five per cent unemployment target by the year 2000. I am very happy to continue to do that. If people want to continue raising these matters day after day, they can bring in here again the press release I issued and the article written in the *Australian*.

I do not know if I have said this in the Senate already—I may have—but in case I have not I will say it now. I do not attribute any bad faith to the journalist. People make mistakes; I understand that. People do read things differently; I understand that. I do not attribute any bad faith to him at all.

But, nonetheless, an incorrect impression was created. In other words, the impression was created that I have said something that I have not said. I am perfectly happy to keep reanswering that matter in here, but we have to stick to the issue here—that is, because Senator Faulkner wants to maintain that I have misled the Senate and has not yet, in my view, made out an appropriate case, it does not entitle him to go on a fishing expedition for the full range of advice on unemployment projections up to the year 2000 which this government may or may not have received.

I understand arguments that we have projections in the budgets. I am not making a case here that there are not ever forecasts, that there are not ever projections and that scenarios are never cast. I am not making that case at all. Of course these things are done. But a government goes through all that advice, weighs it up and accepts that which it thinks is the best advice. What Senator Faulkner is asking for is the full range of that. If you do it here, then why not do it next week to Senator Kemp on Treasury matters? Why not ask for everything there?

**Senator Kernot**—We might. I tried on the Foreign Investment Review Board.

**Senator VANSTONE**—Senator Kernot interjects. I hope she was listening in the early part of my remarks when I said that I do understand why there is a return to order and that I do think there are circumstances when it is appropriate to use it. I used it myself. To the best of my recollection I have used it only once, and certainly only once recently. That was when the previous government refused to be forthcoming with respect to the payment of Dr Lawrence's fees. That was a very important issue, and we believed it was important enough to use a return to order. Perhaps the Foreign Investment Review Board was one. I do not know; I was not involved in that. There are those circumstances.

All I am saying is that use of a return to order is important. Use of a very broad one necessarily becomes even more important. In order to use it you have to make a really decent case. What I said on the record is there for all to see: a press release that says one thing and an article the next day written by a journalist who has not spoken to me. It was written with no bad faith as far as I am concerned, although I suppose I should not say that without having met him to discuss it. I am giving him the benefit of what perhaps should be doubt, but it has never entered my head that this was done in bad faith; put it that way. The journalist has misparaphrased that. The journalist has not put it in quotes; he has misparaphrased it. The department has written to me and said, 'There's a mistake in the media.'

I hope my department does not do that every time that happens and expect me to come and correct it in the chamber or somewhere else, because I will spend my life in here. I suspect the reason the department did it on this occasion is that the incorrect paraphrasing actually refers to an activity of theirs: that is, whether they directly advised the previous minister. I think that is the circumstance that occasioned them to do this. They certainly did not do it in other circumstances when there has been incorrect reporting—for example, in higher education, which we will discuss on another day.

In summary, let me conclude by saying that I agree—there is no dispute—that returns to order are important. They are a very important mechanism. The currency can be devalued by overuse and the currency can be devalued by poor drafting when you use a baseball bat or a sledgehammer to hit a nail. But, when the nail is not even there—when the relevant documents are on the public record in the sense that the statement I made is a public press release, when the article in the *Australian* is on the public record, when what I said on *Meet the Press* is on the public record; and I think they speak for themselves—there is no case for using a return to order as broad as this to go right into every possible projection that the government might have made with respect to these matters. You need to have a case; otherwise what we are saying is, ‘Any time we feel like it, for no good reason, we think we’ll just ask the government to open up its books on everything.’ That is not the purpose of a return to order.

Lastly, before I conclude—because I will try to keep very close to the time that Senator Faulkner used—Senator Faulkner raised yet again the Wright family, the so-called Wright family. I will not bother going into everything he said. It seems that as much as I come into this place and acknowledge that the department made a mistake and that they have apologised—and although I wrote to the estimates committee, having asked for the draft of the letter to the estimates committee to be changed, having got some advice, and although I asked that the letter be sent around to the committee so that all members got it,

including, obviously, Labor members and presumably, therefore, Senator Natasha Stott Despoja as well—somehow this is a ruse and a cover-up.

It is very important to remember something that was raised in question time today. I accept that this is not pertinent to the detail of this return to order, but it is pertinent to the remarks that Senator Faulkner made, since he is alleging I have some sort of record in this respect and is using the Wright family as an example of it. There were two things wrong with the Wright family. Firstly, the Wright family was presented as being an actual family, when what in fact happened was that an actual example of a family that had been caught by the means test was taken and altered. In my view it is not reasonable to then call it an actual family. That is fair enough. That has been acknowledged. Secondly, errors of calculation were made in the level of social security benefits that that family could get.

But we should not forget that the Wright family example illustrates a very real problem. The problem is that relatively wealthy families were applying for Austudy—families which might also have available to them social security or other government benefits. Other departments do not have an actual means test. If anything, the case of the so-called Wright family demonstrates the merit of Labor’s means test. Nobody disputes that a family with the Wrights’ profile would have available to them around \$12,000 worth of benefits other than Austudy. I have tabled in the Senate real cases of wealthy families denied Austudy by the application of the means test.

There has been extensive consideration over the life of this government of the desirability of extending the means test. There have been no rash decisions about an immediate application of the means test to other benefits, because no-one wants to disadvantage the genuinely needy. But let me reassure the Senate that we will be targeting the greedy, just as Labor did by applying the means test to Austudy. It was designed to get at people like the so-called Wrights, who, taking Senator Ray’s advice, as I am advised, did have a

home worth over \$1 million and who would, but for the means test, have got Austudy.

I just raise those points to indicate that the error with respect to the so-called Wright family is that they started with an actual family and changed it. It is not reasonable to call it an actual family after that.

Initially, there was an error in the calculations. I think the calculations put it up at \$20,000, and we say it is around \$12,000, but the guts of it—that a family with the profile would, but for the means test, be able to get those benefits—is not incorrect. As an example of how it works, it is a good example. It is only one example, and that was the error that was there.

Let me conclude by saying returns to order are important. They should be used for very important matters. They should not be more broadly cast than they need be. They certainly should not be used when the question of whether someone has misled the Senate has already been answered. They should not be used for a fishing expedition and there is certainly no case to use them when the estimates committee before which I am to appear on Friday has not even had the opportunity to answer and was told at the last sitting, when I was overseas on education matters, that I would be coming back. There is absolutely no reason, for all of those reasons, to proceed with this return to order.

**Senator KERNOT** (Queensland—Leader of the Australian Democrats) (5.46 p.m.)—I have not followed the detail of the estimates committee hearings as closely as my colleague Senator Stott Despoja, with whom I have discussed this return to order. I think Senator Vanstone made a fairly cogent general case about the use of return to order, but when I look at the material that Senator Faulkner has presented today, it seems to me that the question is not first and foremost a matter of misleading but whether it is pertinent to statements you have been making, whether this advice is pertinent.

It seems to me that the advice is pertinent. It has been used and is being used. On the wider matter of the words of the motion which ask for advice relating to unemployment projections up to the year 2000, given

that the whole future of employment-unemployment policy arising out of the budget is so important to this country, in the budget context the future of unemployment and this government's responses to unemployment, the framing of those responses and the advice that goes into the framing of those responses is really important.

I do not regard that as general fishing. I do think that the information the Democrats got on a return to order which Senator Hill complied with ultimately on Hinchinbrook gave us material that was so useful in the estimates process that I do not think it is sufficient to argue, 'If you wait until Friday, you get another go at it.' I am not persuaded by that particular argument.

I am certainly not persuaded by the argument of market sensitivity and that there are things that the public does not have a right to know when it comes to commercial confidentiality. I think the issue of employment projections is an important one. On page 119 of Budget Paper No. 1 we have projections. On the page after that we have assumptions, four years out. It is no big deal. Treasury is worried about us doing this but it is no big deal in the budget, as long as you spell out the assumptions. At page 227 we have the actual forecasts and yes, of course, they are only one year out.

I think the wider question of the debate we can have on projections and forecasts, what that means for unemployment policy and what advice is being given to you by the department is a relevant matter for the Senate to discuss. I am not focusing on it, as I said earlier, from the point of view of the major emphasis being on misleading the Senate, but I do note that in your answer to Senator Carr on 23 September at the estimates committee you said:

... the government asked for advice on basically, if I can put it this way, 'What would you have to do to get unemployment to five per cent?' That advice was offered.

Further over, Mr Hollway answered a question from Senator Carr which said:

Can we have a copy of that advice?

Mr Hollway said:

I would like to have a look at it and see whether I should provide it.

Quite clearly it exists.

**Senator Vanstone**—That is not denied.

**Senator KERNOT**—I know that is not denied, so I am taking it the next step: is it pertinent? You say it is not pertinent to your misleading of the Senate and that it should not be a fishing exercise, that this is not a licence to fish. I believe that it is pertinent to the wider debate about what the department is relying on in terms of future employment policy. I think that then goes back to you and your statement. So I am going backwards and saying—

**Senator Vanstone**—So you support a return to order because it is a general policy area. Is that the principle you are establishing?

**Senator KERNOT**—No. I am taking that first and going back and saying that that is then relevant to your statement. I am saying I would like to look at the advice and then go back to that other step. That is why I think we should consider this return to order. I am not moved by the arguments of the Treasurer (Mr Costello)—‘We don’t want to have to provide projections’—because the projections are in the budget. Treasury does this all the time. We all know that it is like reading chicken’s entrails and we know that we can add in the implicit assumptions and we can draw the conclusions we want to draw. There is nothing wrong with being asked to provide that sort of advice, in my view.

**Senator HARRADINE** (Tasmania) (5.52 p.m.)—My view is somewhat similar to that which has just been expressed by Senator Kernot. As the Senate would know, my general viewpoint on returns to order and the laying of documents on the table is to support those propositions. Indeed, I was responsible in the long term for getting the automatic return of file lists for government departments, which I notice various people have made use of. Might I say in passing that I had very strong support from the Minister for Employment, Education, Training and Youth Affairs, Senator Vanstone.

**Senator Vanstone**—And continue to have it on that matter.

**Senator HARRADINE**—I acknowledge that interjection from Senator Vanstone that I continue to have support on that particular issue. I listened carefully to what the minister said about this. Let me make it perfectly clear that I do not see this as a witch-hunt on Senator Vanstone. Senator Vanstone has explained the situation to the Senate, and I believe to the satisfaction generally of the Senate. I have not seen any motions or heard of any suggestion that there be a motion against Senator Vanstone in respect of her most recent statements which she had explained to the Senate.

I also suggest to the opposition, or to anybody, that you can devalue the currency of returns to order. I think Senator Vanstone has made a very good point about that. That is something that I think the opposition should bear in mind when preparing return to order motions.

**Senator Kernot**—I thought that was a good part of her case too.

**Senator HARRADINE**—As Senator Kernot mentioned, it was her view that it was a very valid point that Senator Vanstone made. We have been asked to consider the following motion:

That there will be laid on the table, by 5 pm on Tuesday, 29 October 1996, by the Minister for Employment, Education, Training and Youth Affairs (Senator Vanstone), copies of any advice to her from her department relating to unemployment projections up to the year 2000 and her statements about the purported unachievability of the Australian Labor Party’s target of 5 per cent unemployment by the year 2000.

I believe that this matter of unemployment is one of the most important policy considerations that are facing every individual member of the parliament and the people in general—not only the government but also individual members of parliament. I certainly would like to see the advice that has been given to the government by the department relating to unemployment projections. I think this is a very important matter.

I take on board what Senator Vanstone said about these possibly including advices re-

ceived from Treasury. But as Senator Kernot pointed out, and as most would have observed, the budget papers themselves have employment projections and unemployment projections. The budget papers themselves have the assumptions upon which those projections have been made. It is very important to have as much information as possible about that question of employment. The government itself has established a cabinet committee on employment.

**Senator Vanstone**—Quite right too.

**Senator HARRADINE**—Yes, that is quite right too. Let us be in a position to hear what advices have been given to the government in respect of this matter, and also the assumptions that are made. Some of the assumptions have to be queried. Once you query those assumptions, you then place the government and others in a position of considering whether or not the policies that are adopted will achieve the desirability of reducing unemployment.

The problem of unemployment, simply stated, is that there are more people in or seeking paid work than there are jobs available at the same time as technological change and automation are slashing jobs that used to be about, particularly for the unskilled. We have to look at the situation very carefully. If we look at the assumptions, we have to look at what those assumptions are. We ought to be looking at those in paid work at present for whom it would be a great desire to be out of that paid work and doing something else and performing other tasks and jobs which they want to perform, which are socially creative,

rather than a situation whereby people, particularly families, are forced to have two and three people in the paid work force just to make ends meet.

I believe that we have to really have as much information as possible that is collected by government departments—the Department of Employment, Education, Training and Youth Affairs and also Treasury. That is probably the major reason I am supporting this return to order. I intend to vote for it.

**Senator FAULKNER** (New South Wales—Leader of the Opposition in the Senate) (5.59 p.m.)—I thank senators for their contributions to this debate. I have had made available to me now the notice of meeting of the Senate Employment, Education and Training Legislation Committee dated 28 October. I thank Senator Vanstone for drawing that to my attention. It is addressed, ‘Dear Senator and staff members’ and is headed ‘Budget estimates-hearing into the ‘Wright family’ matter’. It states:

Minister Vanstone and Mr Sandy Hollway, Secretary and relevant officers of DEETYA will be present at the hearing to discuss the ‘Wright Family’ matter.

**Senator Vanstone**—Why don’t you incorporate the document?

**Senator FAULKNER**—Given that the minister has invited me to incorporate the document, I seek leave to incorporate that in *Hansard*.

Leave granted.

*The document read as follows—*

EMPLOYMENT, EDUCATION AND TRAINING  
REFERENCES COMMITTEE  
LEGISLATION COMMITTEE

28/10/96

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Senator J Tierney	Senator E Abetz	Senator C Evans
Senator K Carr	Senator L Allison	Senator M Forshaw
Senator R Crowley	Senator N Bolkus	Senator B Harradine
Senator J Ferris	Senator B Brown	Senator J Hogg
Senator N Stott Despoja	Senator Bob Collins	Senator K O’Brien
Senator J Troeth	Senator B Cooney	Senator S Mackay
		Senator D Margetts

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Dear Senator and staff members

Budget estimates—hearing into the ‘Wright family’ matter

This is to confirm that an estimates hearing of the Employment, Education and Training Legislation Committee will be held on Friday 01 November from 7.30am—9.00am. The hearing will take place in Committee Room 2S3.

Minister Vanstone and Mr Sandy Hollway, Secretary and relevant officers of DEETYA will be present at the hearing to discuss the ‘Wright Family’ matter.

At the last estimates hearing on 23 October 1996, the matter was also raised concerning the release to the Committee of a copy of advice sent by DEETYA to the Minister in relation to a report in *The Australian* of 19 August 1996 (*Hansard* pp.311-315). This was part of question 232. The Committee may wish to explore this matter on Friday.

Yours sincerely

Pamela Corrigan

Research Officer

**Senator FAULKNER**—I think that makes the record clear in relation to the nature of this particular committee hearing, which obviously will focus as is proposed on the Wright family matter. I think those senators who have indicated that they will be supporting this motion. I believe that it is appropriate for the Senate to have available to it the advices that are outlined in the answers to questions on notice, especially in relation to the department’s advice to the office of the minister drawing the attention of the office to the incorrect reporting in the *Australian* and other relevant advices. As I have indicated before, I believe this is nothing more or less than the same process as the minister entered into in relation to the Wright matter and, if this motion is successful, if anyone does care to raise it on Friday they will be able to do so with the benefit of those advices before them. I commend this motion to the Senate and thank those senators who have spoken in support of the motion for their support.

Question put:

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

The Senate divided. [6.00 p.m.]

(The President—Senator the Hon. Margaret Reid)

Ayes . . . . .	36
Noes . . . . .	36
Majority . . . . .	0

#### AYES

Allison, L.	Bishop, M.
Bolkus, N.	Bourne, V.
Brown, B.	Carr, K.
Childs, B. K.	Collins, J. M. A.
Collins, R. L.	Conroy, S.
Cook, P. F. S.	Cooney, B.
Denman, K. J.	Evans, C. V.*
Faulkner, J. P.	Forshaw, M. G.
Gibbs, B.	Harradine, B.
Hogg, J.	Kernot, C.
Lees, M. H.	Lundy, K.
Mackay, S.	Margetts, D.
McKiernan, J. P.	Murphy, S. M.
Murray, A.	Neal, B. J.
O’Brien, K. W. K.	Ray, R. F.
Reynolds, M.	Schacht, C. C.
Sherry, N.	Stott Despoja, N.
West, S. M.	Woodley, J.

#### NOES

Abetz, E.	Boswell, R. L. D.
Brownhill, D. G. C.	Calvert, P. H.*
Campbell, I. G.	Chapman, H. G. P.
Colston, M. A.	Coonan, H.
Crane, W.	Eggleston, A.
Ellison, C.	Ferguson, A. B.
Ferris, J.	Gibson, B. F.
Heffernan, W.	Herron, J.
Hill, R. M.	Kemp, R.
Knowles, S. C.	Macdonald, I.
Macdonald, S.	MacGibbon, D. J.
McGauran, J. J. J.	Minchin, N. H.
O’Chee, W. G.	Panizza, J. H.
Parer, W. R.	Patterson, K. C. L.
Reid, M. E.	Short, J. R.
Tambling, G. E. J.	Tierney, J.
Troeth, J.	Vanstone, A. E.
Watson, J. O. W.	Woods, R. L.

\* denotes teller

Question so resolved in the negative.

#### DOCUMENTS

##### Joint House Department

**The PRESIDENT**—Order! In accordance with the provisions of the Public Service Act, I present the annual report of the Joint House Department for the year ended 30 June 1996.

### Department of the Senate

**The PRESIDENT**—In accordance with the decision by the senior officers of the Department of the Senate to declare their interests on the same basis as senators, I present a copy of statements of interest lodged on or before 29 October 1996.

### COMMITTEES

#### Membership

**The ACTING DEPUTY PRESIDENT**—The President has received letters from the Leader of the Government in the Senate and an Independent senator seeking variations to the membership of committees.

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

- (1) That senators be discharged from and appointed to committees as follows:

Economics References Committee

Discharged: Senators Ellison and Panizza as participating members.

Standing Committee for the Scrutiny of Bills

Discharged: Senator Campbell

Appointed: Senator Ferris.

- (2) That Senator Colston be appointed a participating member of the following standing committees:

Community Affairs References Committee

Economics Legislation Committee

Employment, Education and Training Legislation and References Committees

Environment, Recreation, Communications and the Arts Legislation Committee

Finance and Public Administration Legislation and References Committees

Foreign Affairs, Defence and Trade Legislation and References Committees

Legal and Constitutional Legislation and References Committees

Rural and Regional Affairs and Transport Legislation and References Committees.

### ADDRESS BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

**Senator HILL** (South Australia—Leader of the Government in the Senate) (6.12 p.m.)—At the request of Senator Campbell I move:

- (1) That the Senate:

- (a) invites the President of the United States of America to address the Senate, on Wednesday, 20 November 1996, at a time to be fixed by the President of the Senate and notified to all senators;
  - (b) accepts the invitation of the House of Representatives to meet with that House for that purpose; and
  - (c) concurs in the provisions of the resolution of the House relating to the conduct of that meeting.
- (2) That this resolution be communicated to the House of Representatives by message.

Message No. 109 from the House of Representatives, on which this motion is based, states:

- (1) That the House invites Mr William Clinton, President of the United States of America, to attend and address the House, on Wednesday, 20 November 1996, at a time to be notified by the Speaker.
- (2) That the House invites the Senate to meet with the House in this Chamber for this purpose.
- (3) That, at the meeting of the two Houses for this purpose:
  - (a) the Speaker shall preside at the meeting;
  - (b) the only proceedings shall be an address by the President of the United States of America, after which the Speaker shall forthwith adjourn the House and declare the meeting concluded; and
  - (c) the procedures of the House shall apply to the meeting so far as they are applicable.
- (4) That the foregoing provisions of this resolution, so far as they are inconsistent with the standing and sessional orders, have effect notwithstanding anything contained in the standing and sessional orders.

The House has passed that resolution to invite Mr Clinton to address it. It now invites us to do likewise and to accept that the form of the meeting take place as per the resolution of the House. This is the form, as I recall it, that was adopted by the Senate in relation to the time when then President Bush of the United States addressed both houses of this parliament. That was, I think, a very successful occasion and reinforced the very close, long-standing and important links between Australia and the United States of America. We therefore strongly support an invitation being



extended to the United States President, while he is visiting Australia, to address the Senate.

The only issue of some controversy is where such an address should take place—whether it should be in the House, in the Senate or on neutral ground such as the Great Hall—and what rules should apply. We wrestled with this, I recall, at the time of the debate in relation to President Bush. As I recall, some were somewhat uncomfortable with the notion that the Senate move into the House of Representatives for this purpose. Nevertheless, as that worked successfully—the meeting has to take place somewhere—and as the House comes to this place for the opening of parliament as set down in the constitution, upon reflection we think it is not a bad balance of power in all the circumstances.

That is not the argument I recall putting on the previous occasion, but we all learn from our experiences in such circumstances. As that worked well—the rules that applied on the last occasion would apply on this occasion—it seems that this is a process we should adopt again on this second occasion. I therefore urge the Senate to approve the motion in order that this invitation might be issued, and that we join together in the House of Representatives to hear the address of the United States' President.

**Senator FAULKNER** (New South Wales—Leader of the Opposition in the Senate) (6.17 p.m.)—The opposition supports the motion arising from the message from the House of Representatives. We are happy to indicate that we believe the suggestion that the joint sitting take place in the House of Representatives is appropriate.

I would invite those who have an interest in matters historical to examine Senator Hill's contributions in *Hansard* at the time President Bush came to Australia and addressed a joint sitting of the Commonwealth parliament. I am interested to see that Senator Hill has had yet another conversion in the corridor to the executive wing. He waxed lyrical at that time about the evils of such a joint sitting being held in the House of Representatives. I do not want to be churlish at this time. I suggest to

anyone who does have an interest in these matters to examine the *Hansard*.

**Senator Campbell**—Its a big document that *Hansard*.

**Senator FAULKNER**—Yes, but I am sure if you put 'President of the United States' and 'Senator Hill' in the computer as a query you will find it eventually.

**Senator Hill**—Some amusing reading.

**Senator FAULKNER**—'Some amusing reading,' says Senator Hill. For the opposition's part, we do believe that it is appropriate that the joint sitting be held in the people's House.

**Senator BROWN** (Tasmania) (6.18 p.m.)—I don't agree. I go along with the previous position of the then opposition parties, the now government, that this is not the right thing to do. The President of the Senate expressed a view a little earlier, a week or two ago, that it would be better if the address by the President of the United States were to be held in the Great Hall. I cannot help but agree with that point of view.

When we look at the direction in which we are heading with this particular motion, we see that we are discriminating towards one head of state against every other head of state on the face of the planet. If we are going to invite the President of the United States to address both houses in the House of Representatives, why, for goodness sake, not the head of state of Greece? Why not the President of India? Why not the Prime Minister of New Zealand, who comes to Australia on an average of every other year, if not every year?

**Senator Sherry**—What about the Queen of England; she is not even allowed in the House of Representatives?

**Senator BROWN**—Why not the head of state of Canada or Japan or South Africa or Argentina? I submit that there are some extremely good reasons for putting at least some of those heads of state in the queue ahead of the President of the United States.

We have, for example, a very large expatriate Greek community in this country, far bigger than that of the United States. It would seem, if we were to be logical about taking

into account the public interest here in Australia, that the Prime Minister of Greece would be at least as creditable a head of state as the President of the United States of America in addressing a joint sitting of parliament in the House of Representatives. Let alone the fact that just a couple of weeks ago the head of the Tibetan people, the Dalai Lama, was in Parliament House but did not even get a look in at either the Senate or the House of Representatives. His presence was not even accorded recognition. So there are dual standards afoot here.

We are setting a wrong precedent. Somebody a moment ago interjected what about our head of state? Many Australians would not know that Her Majesty cannot go into the House of Representatives, nor can the Governor-General, because we abide by some out-of-date English tradition. If this motion carries we will have this absurd situation where a president of a foreign country will address the parliament in the House of Representatives but our own head of state cannot even do that.

I am not a monarchist but I point to the fact that we have a tradition, which is an ancient one but which at least has some democratic impulse behind it, but we have allowed willy-nilly this idea that only the President of the United States should address the parliamentarians of Australia in the House of Representatives—nobody else on earth. I think we should nip that tradition in the bud.

It was a mistake for President Bush to so address the parliament in the House of Representatives in 1992. It is one we ought not be compounding. At the very least we ought to set out a policy which applies to all visiting heads of state to our country.

If we have the President of the United States addressing us in the house of government, why not those other heads of state? It is an institutionalised piece of discrimination that we are headed towards here, and one cannot help but think that there is some obsequiousness involved in it towards the United States.

I suppose it is a slip or a glitch that we are being asked to vote on a motion which reads:

(1) That the Senate:

(a) invites the President of the United States of America to address the Senate—

that is, in the House of Representatives—

on Wednesday, 20 November 1996, at a time to be fixed by the President . . . and notified to all senators;

Is the President of the United States going to fix the time that he is going to address us and notify us all? I know, of course, that what is meant there is that the time is to be fixed by the President of the Senate, but it is a very Freudian slip that has occurred here. It reminds me of the time that Robin Gray, the then Premier of Tasmania, decided to recall parliament to determine a matter of having a giant pulp mill on the farmlands of Wesley Vale but allowed North Broken Hill, the woodchip company, to announce it through dint of their own press release on their letterhead and to transfer to them the business of fixing when parliament should return.

I do not think we should do other than welcome any head of state to this country, and that applies to the President, but he should be addressing us elsewhere. It ought to be in the Great Hall. If that is good enough for other heads of state, it is good enough for him.

By the way—we cannot believe all we read in the press—it may not be that President Clinton is anything but caretaker President when he comes. I read in the *Australian* in the regular column by Phillip Adams on the weekend the attributes of Ralph Nader as presidential candidate. While Phillip Adams omitted to say so, Ralph Nader is the US Green Party candidate for the presidency. He has been frightening the daylights out of the White House until recent polls gave President Clinton such a big lead over presidential contender Dole.

It may be that we will have the first US Green President in President Nader next time. Will both sides want to have President Nader address them in the House of Representatives? I doubt it very much. I might find myself then changing positions. But, until that day arrives at least, we ought to—

**Senator Carr**—You admit the possibility of a compromise. What a breakthrough!

**Senator BROWN**—I will stick with the point of view I am putting now. Quite seriously, we are going in the wrong direction here. The President should address us in the Great Hall or somewhere else. The House of Representatives as a site for joint sittings ought to be for purposes other than the visits of heads of state, unless we are going to do it for all.

The best I can do—apparently the idea of having it in the Great Hall has been turned down—is to move the following amendment:

At the end of paragraph (1), add:

- ; and (d) resolves that, as a matter of principle, a similar invitation should be extended to any head of state who makes an official visit to Australia, with any joint meeting being conducted in accordance with the relevant provisions of the resolution of the House.

Fair for one; fair for all. Let this nation be equal handed in its invitations to heads of state. If one head of state is going to address us under these circumstances, let every head of state be able to address us under the same circumstances.

It is an insult to other heads of state not to extend an equal opportunity to them to address us as we are apparently extending, if this motion stands as it is, to the President of the United States. Fair for one; fair for all. I commend the amendment to the Senate.

**Senator BOURNE** (New South Wales) (6.27 p.m.)—The Australian Democrats have no objection to listening to President Clinton. In fact, when President Bush was here, the Democrats did not come back to Canberra. Both houses were recalled and we did not come because we thought it was a waste of money. But we will be sitting the week when President Clinton is here. We have no objection to listening to President Clinton. In fact, when President Bush was out here, I did go and listen to him when he spoke in Sydney, I might add. But that is not a consideration with this one.

The consideration with this one is the other consideration we had the last time a similar motion was moved, and that is that it is being held in the House of Representatives. When

it was confirmed this would happen at a whips meeting—it was actually a joke—I said I was going to move a motion that, if President Clinton spoke to us, every head of state should speak to us in the House of Representatives.

I do not actually think every head of state ought to be addressing us in a joint meeting in the House of Representatives, but I do believe that this is a very bad precedent to make. I note that Senator Hill, when he spoke last time on the Bush motion, said that it was just not appropriate and that this should definitely not be considered to be a precedent. He said:

... this is very much a one-off situation. It is not the normal practice in this country. We have adopted the practice of giving a foreign dignitary who is here as a guest of the government the opportunity to address parliamentarians elsewhere in the building—usually at a ceremonial dinner in the Great Hall.

That is true, and that is what we have done, except, of course, in the one case of President Bush.

Not even our own head of state has addressed a joint meeting of both houses of this parliament in the House of Representatives. In fact, the only time she is entitled to address a joint meeting of both houses of this parliament in the Senate is when she is giving a speech which has been written by the government—by the executive of Australia. If she is giving a speech which has been written by herself—which she has done in this place—it has been given in the Great Hall, and that is quite appropriate. I see no reason why any other head of state should assume a higher status in the parliament of Australia—in this parliament building—than our own head of state, which is exactly what we are conferring when we agree to this.

We will agree with this motion in the end. I do not believe every head of state should automatically be able to address both houses of this parliament in the House of Representatives or in the Senate—in either house of this parliament. But I do believe that we are now setting this precedent. Obviously we are, even though we did not set the precedent last time, Senator Hill. We are setting it this time, are we not? Yes, because this is twice in a row

now, but only with the American President. If we are setting this precedent, and this motion does go through—as it obviously will—the next time our own head of state comes to Australia, I will move that she be allowed to address us in the House of Representatives in a joint meeting.

I am going to move that—and I never make a threat that I do not carry out, as you know, Senator Hill, not that that would be a threat, of course—and I would expect that that will be agreed to. I think it is really quite outrageous that a head of state is accorded a higher status than our own head of state. I am going to do that. I think Senator Brown has a good point when he says—as I have said many times in the past, and I did say it when President Bush came out here, and Senator Lees said it on the record—that we have to consider where we draw the line and where we start offending people because we are not inviting heads of state to address us in one of the houses of this parliament.

I think that is a very, very serious matter that we have to consider now, because there are going to be other heads of state visiting after this. There are going to be heads of state of countries with which we do have very, very close relations, with which we have special defence treaties, as we do with the US, and with which we have other relations. Those people will be visiting this country and they ought to be given special consideration as well. We cannot just do this with one head of state—not even our own. When this motion is passed and sets the precedent, that is exactly what we are doing, so just keep that in mind.

**Senator MARGETTS** (Western Australia) (6.31 p.m.)—I also rise in concern at the nature of this proposal that is in front of us today and in support of the amendment that Senator Brown has moved—not because I believe that the Senate ought to be saying that all heads of state should be entertained in the House of Representatives but because, if we are going to say that this is a precedent, that this is an issue of tradition now, we need to ask: where do you set the tradition? If you are going to make some statement about what the

formality or propriety is, then you have to say that the same rules exist for all.

On what basis do you do it? Do you say this is because we are very friendly with the United States? Australia is very friendly with a number of other nations. Perhaps there are a number of other nations with which Australia has a closer alliance. Is it because the United States is very big? There are other countries which are bigger in terms of their economic power. Perhaps after a while we will be able to change the ratings and, if there is another country which has more economic power, we can change the rating and that head of state will be given special consideration. Or perhaps we can nudge out the United States and put the other country in.

Perhaps it is not economic power at all. Perhaps it is because the United States is an English speaking buddy of Australia. Perhaps this is it. We have not actually heard what the rationale is for singling out the United States as different from any other nation in the world. I agree with the speakers today who have said that it is a very silly precedent, if it is a precedent. I would like to think it is not a precedent just because it has happened twice. I would like to put on record my strong objection to the whole situation of creating a special double sitting of the parliament when the Great Hall would be much more appropriate.

I support Senator Brown's motion simply because we know that everybody else in the Senate from the major parties seems hell-bent on making sure that this goes ahead. If it is going ahead, you should know that you should not set a discriminatory precedent and you should at least think of how you are going to explain to other nations, as they become more important, why you have singled them out or why you have discriminated for one nation against all other nations in the way this parliament proceeds.

**Senator HARRADINE** (Tasmania) (6.34 p.m.)—I have two main problems with this motion. The first one relates to the question of the convening of a formal meeting of both houses of parliament. That is what we are asked to vote upon here, that it is a formal meeting of both houses of parliament—not a

meeting of members of both houses of parliament, which, as has been said previously in the debate, could take place in the Great Hall. That would be not a formal meeting in the constitutional sense.

I invite any honourable senator to show me in the constitution or in the standing orders where there is authority given to the House of Representatives or the Senate to have a formal meeting of both houses of parliament except on one occasion. That is set out in the standing orders whereby the Governor-General at a particular occasion instructs the Usher of the Black Rod to go to the House of Representatives and ask the members of the House of Representatives to come into this chamber. I do invite honourable senators to consider that matter very carefully—as to what we are doing here.

I know that it occurred for President Bush, but that cannot be pointed to as a precedent, not only for the reason that I have just given—that is the most important—but also for any other reason, because that happened as a result of the Prime Minister of Australia addressing the United States Congress and this was a sort of reciprocal arrangement. That was no excuse of course, but it cannot be regarded as a precedent.

I also invite honourable senators to show me in the standing orders or indeed in the constitution where we are given the authority to sit elsewhere than in this chamber. The authority for us to sit anywhere but in this chamber is not there.

Inferentially, it is clear from the standing orders that the sittings of the Senate are to take place in the Senate chamber. If you have a look at the provisions in the standing orders which relate to the description of who shall sit in what seats, it is clearly inferred that the sittings of the Senate take place in this chamber.

You might say, 'What if the chamber burnt down? Does that mean the Senate can't sit?' Of course, that is an emergency situation and no doubt there would be a convening of the Senate for the purposes of sitting elsewhere, but that clearly is an emergency situation which is not envisaged here. We are not facing an emergency situation; it is an invita-

tion that has been issued to the President of the United States.

Honourable senators should think about this a bit further and see what it is doing to this chamber. We in this chamber have not been consulted about this. We read it in the newspaper. Not only were we not consulted in this Senate chamber but also no committee of this chamber was consulted. The Senate Standing Committee on Foreign Affairs, Defence and Trade was not consulted. The Joint Standing Committee on Foreign Affairs, Defence and Trade, of which I am a member, was not consulted about this. This is not an initiative of the parliament. This was an announcement by the executive government and we are expected to kowtow and follow.

I do not mean any disrespect to the head of state of a friendly country at all, but I am raising some matters which really should be considered having regard to the constitution and having regard to the standing orders of the Senate and the integrity of the parliament. I would like to see this whole matter—and I am not going to move it now—at some stage referred to one of our committees for consideration and report. Whether that be the Procedures Committee or not, we do have to consider these matters carefully in future.

Obviously, to reject the proposal that has been put forward by the Leader of the Government in the Senate (Senator Hill) would be regarded, to say the least, as discourteous. So we are in an invidious position. I do invite senators to consider this question very seriously. I am not going to proceed with the other point I was going to make because I think these matters have been canvassed sufficiently.

**Senator CALVERT** (Tasmania) (6.41 p.m.)—I take note of what Senator Harradine has had to say, but I draw his attention to section 50 of the constitution where it says:

Each House of the Parliament may make rules and orders with respect to—

- (i.) The mode in which its powers, privileges, and immunities may be exercised and upheld:
- (ii.) The order and conduct of its business and proceedings either separately or jointly with the other House.

I do not know whether that sheds some light on the question you just raised, Senator Harradine.

**Senator Harradine**—It has done so in the standing orders.

**Senator CALVERT**—I am just looking at the constitution.

Amendment negatived.

Original question resolved in the affirmative.

### ASSENT TO LAWS

Messages from His Excellency the Governor-General were reported informing the Senate that His Excellency had, in the name of Her Majesty, assented to the following laws:

- Statute Law Revision Act 1996
- Bankruptcy Legislation Amendment Act 1996
- Australian Animal Health Council (Live-stock Industries) Funding Act 1996
- Australian Capital Territory Government Service (Consequential Provisions) Amendment Act 1996
- Cattle Export Charges Amendment (AAHC) Act 1996
- Cattle Transaction Levy Amendment (AAHC) Act 1996
- Laying Chicken Levy Amendment (AAHC) Act 1996
- Live-stock Export Charge Amendment (AAHC) Act 1996
- Live-stock Slaughter Levy Amendment (AAHC) Act 1996
- Meat Chicken Levy Amendment (AAHC) Act 1996
- Pig Slaughter Levy Amendment (AAHC) Act 1996

### WORKPLACE RELATIONS AND OTHER LEGISLATION AMENDMENT BILL 1996

#### In Committee

Consideration resumed from 16 October.

The bill.

**The TEMPORARY CHAIRMAN (Senator Calvert)**—Order! A running sheet has been circulated to all senators. Is it the wish of the Senate that the amendments be dealt with in the order of the running sheet?

**Senator Sherry**—I assume we are referring to the running sheet going up to schedule 5 and schedule 4 is being dealt with later?

**The TEMPORARY CHAIRMAN**—I believe that is correct, yes.

**Senator CAMPBELL** (Western Australia—Parliamentary Secretary to the Minister for the Environment and Parliamentary Secretary to the Minister for Sport, Territories and Local Government) (6.43 p.m.)—I table a supplementary explanatory memorandum relating to the amendments to be moved by the government and the Australian Democrats to this workplace relations bill. For the information of honourable senators, this memorandum was circulated in the chamber on 28 October 1996. Therefore, it is just a tabling of that document that has been circulated.

In answer to Senator Sherry's question, the government is quite happy to deal with schedule 4 after, I think, schedule 15. There may be some alterations to the running sheet in relation to schedule 5 to make it easier for the Senate to debate cogently.

**Senator Sherry**—Our whip has just drawn my attention to the fact he did not have a running sheet. I am not being critical of anyone but, given the enormous number of amendments, the complexity and the difficulties we could fall into, I suggest we consider making running sheets more widely available.

**The CHAIRMAN**—The running sheet will be more widely circulated.

**Senator Harradine**—Mr Chairman, I have now received a copy of the running sheet. Could I please be informed again of what was proposed by Senator Campbell?

**Senator CAMPBELL** (Western Australia—Parliamentary Secretary to the Minister for the Environment and Parliamentary Secretary to the Minister for Sport, Territories and Local Government) (6.45 p.m.)—The government proposal is as set out on the running sheet before the Senate. There has been a request by some senators, informally at this stage—but this is not a matter of urgency because the schedule 4 they relate to would not be coming on this evening in the 4½ minutes remaining to us—that schedule 4 not be dealt with until schedule 15 has been dealt with because,

depending on what happens with schedule 15, schedule 4 debate may be less important.

The government has indicated to the opposition that, in a spirit of cooperation, we would be quite happy to deal with that. But we will ensure as much as possible that all honourable senators, regardless of where they sit in this chamber, will be kept fully informed as this debate moves towards its conclusion.

Schedule 1.

**Senator CAMPBELL** (Western Australia—Parliamentary Secretary to the Minister for the Environment and Parliamentary Secretary to the Minister for Sport, Territories and Local Government) (6.46 p.m.)—by leave—I move:

- (1) Schedule 1, item 1, page 3 (line 13), after "flexible", insert "and fair".
- (2) Schedule 1, item 1, page 3 (line 28), omit "that there is", substitute "the maintenance of".
- (3) Schedule 1, item 1, page 3 (line 29), after "fair", insert "and enforceable".
- (4) Schedule 1, item 1, page 4 (line 9), after "members", insert ", and are able to operate effectively".
- (5) Schedule 1, item 1, page 4 (line 11), after "disputes", insert "as far as possible".
- (6) Schedule 1, item 1, page 4 (line 11), omit "as a last resort", substitute "where appropriate".
- (7) Schedule 1, item 1, page 4 (after line 21), at the end of clause 3, add:

; and (k) assisting in giving effect to Australia's international obligations in relation to labour standards.

Schedule 1 proposes a new principal object for the act, and these amendments to schedule 1 clarify the intent of the reforms and reinforce the overall thrust of the bill. Amendment No. 1 emphasises the importance of having a labour market that is both fair and flexible. The award system is to be focused on providing a safety net of fair minimum wages and conditions. Amendments Nos 2 and 3 reflect the intention that the safety net be maintained and be enforceable. The new principal object already gives priority to ensuring freedom of association. Amendments Nos 4 and 5 reinforce the importance of registered organisations being able to operate effectively.

The core of the new principal object of the act will be to provide a framework for co-operative workplace relations. Within this context the role of the Australian Industrial Relations Commission is focused on settling disputes as far as is possible by conciliation, in order to encourage the parties to reach mutually beneficial agreements and to enable them to take responsibility for their own industrial relations.

Amendment No. 6 reinforces the intention that there remain a role for arbitration in the new system but that arbitration take place only where appropriate and within specified limits. Amendment No. 7 introduces a new paragraph to reflect the fact that the provisions of the workplace relations act will be an important part, though only a part, of the law and practice through which Australia will meet its international obligations in respect of labour standards.

**Senator SHERRY** (Tasmania—Deputy Leader of the Opposition in the Senate) (6.48 p.m.)—Mr Chairman, I have a question of procedure. We have unusual procedure here where I understand the government is moving amendments not just on its behalf but also on behalf of the Australian Democrats. I have not encountered this approach in the chamber before. Could you indicate to us, given that Senator Campbell has moved those amendments, what the position is with the Australian Democrats speaking to them. Normally, I understand that it would be the opposition's role to now make comment. But because of the unusual nature of the situation, could you please clarify that point for us?

**The CHAIRMAN**—The amendments that have been put before the chair are headed 'to be moved on behalf of the government and the Australian Democrats'. So the parliamentary secretary, in moving them, moves them on behalf of his government and the Australian Democrats. It is probably unusual, but there is nothing untoward about it. The question before the chair is that the seven amendments be agreed to.

**Senator MARGETTS** (Western Australia) (6.49 p.m.)—In the 10 seconds remaining in this debating time, people will realise that the

Greens (WA) also have some amendments that have been circulated on this issue.

Progress reported.

### DOCUMENTS

#### Australian Wine and Brandy Corporation

**Senator BROWNHILL** (New South Wales—Parliamentary Secretary to the Minister for Trade and Parliamentary Secretary to the Minister for Primary Industries and Energy) (6.51 p.m.)—I move:

That the Senate take note of the document.

The wine industry is one of Australia's success stories. It produces annually about 450 million litres from 600,000 to 700,000 tonnes of wine grapes. It also is a major contributor to tourism and a big employer. Visiting wineries, of which there are approximately 900 dotted around Australia, is one of the most popular pastimes in Australia.

The wine industry holds about 97 per cent of the Australian market. The real success story in the industry, however, is its export performance. Exports now account for over 28 per cent of production, and the industry has set itself a target of \$1 billion of export sales by the year 2003. This is from a country that is regarded as one of the world's smaller wine producers.

The growth in the Australian wineries in the last five years has been rapid, with the then seven publicly listed wine companies recording a net increase in profits. That has been very good for those wine companies. A large part of this is the twentyfold growth in the exports over the last 10 years. There has been increased vineyard planting of premium grape varieties, especially in New South Wales and Victoria, in the cold country. I was out on Saturday actually visiting wineries in the Young area, for example. It is absolutely amazing what is happening in the industry. Between the years of 1993 and 1995 there has been an additional 11,000 hectares of grapes planted—worth nearly \$400 million. It is an industry that has seized the export opportunities available, and I applaud it for that.

However, while the industry is enjoying boom times at the present, the current eupho-

ria will not last unless the industry is managed appropriately. Much of the success of the wine industry must go to the Australian Wine and Brandy Corporation, and this annual report sets out clearly its functions and objectives. The report also outlines the structure of its various committees, including the Australian Wine Export Council, which plans and recommends and executes export marketing programs; the Geographical Indications Committee, which plays a valuable role in defining the names and boundaries of Australia's geographical regions; and the label integrity program, which, in essence, ensures truth in labelling.

Recently, the AWBC had a change in chairmanship, with John Pendrigh completing an eight-year involvement with the board as both the deputy chairman and the chairman. I would like to place on the Senate's record my appreciation for the job that he has done in that role over the years. As parliamentary secretary responsible for the wine industry, it has been a great joy to have dealt with him in his term as chairman.

Dr John Keniry was appointed on 21 August, and I am confident that he will provide outstanding leadership to the board and to the wine industry in the future. Dr Keniry was formerly Chairman of the Grape and Wine Research and Development Corporation. He brings to his new position a wealth of corporate administrative experience, which I am quite sure will assist and help the wine industry in the future.

The wine industry is an exciting star of the rural sector, and it deserves the support of all Australians. I must finish by saying that, of course, we have to be competitive on world markets. We have to be competitive because it is such a big employer. It is going to be so important that the industrial relations legislation is passed in the Senate. The legislation will be of great assistance when it has gone through to help the wine industry and many other industries in Australia.

**Senator WOODLEY** (Queensland) (6.56 p.m.)—Before I seek leave to continue my remarks, I would like to comment that on today's *Notice Paper* we have 86 documents. I am not going to waste a lot of precious time



of the Senate to comment at length on this. However, we have raised before not only the number of reports but also the groups—for example, treaties—of documents that have come in on the one day. It makes it absolutely impossible to comment in any depth on anything relating to these matters. For example, we could spend a whole half hour, and a lot more, discussing the Australian Wine and Brandy Corporation report. As Senator Brownhill has said, it is a very good report.

I am not going to take up too much time of the Senate, but I want to yet again register my protest about this process. Towards the end of each sitting, we have this great rush of documents, which are grouped department by department and in big numbers, and we have inadequate time to comment on them. I emphasise my concern about the volume of documents that have been tabled here today and are to be discussed in half an hour. Obviously, there is no way that 86 documents could be dealt with in half an hour.

I acknowledge and underline the point that the great bulk of these documents are annual reports. They can be dealt with in Senate estimates committees, and I hope that will be done. Nevertheless, it raises questions about whether it is appropriate to limit the tabling of documents to two days during the week and whether there should not be a change in arrangements so that these documents can be dealt with in a better way.

I acknowledge that on Thursdays there is much more time put aside for dealing with accumulated documents, but it is unfortunate that the parliament, as a result of this procedure, comes a bad second to the media in terms of capacity to discuss the content of these annual reports. For example, the media has the opportunity of dealing with 86 reports tomorrow if it gets the time. We have no chance of commenting on 86 reports. When there are definite tabling requirements for annual reports of departments and agencies, clearly there is pressure on the Senate to deal with them. We have to make some other suitable arrangements to cope with this peak reporting time.

I want to say to the Senate that I just read a speech by Senator Tierney and one by

former Senator Michael Baume, and those speeches were given when their party was in opposition. How things have changed! Now that they are in the government, we do not hear anything like those kinds of speeches from them. Former Senator Michael Baume and Senator Tierney and Senator Rod Kemp came in here often and complained about the number of documents.

Now that they are in government—lo and behold—there are 86 documents for us to comment on. If you can work that out, that is about three documents every minute. What a turnaround we have. What a noise we heard when the coalition were in opposition. What are the coalition going to do about it now that they are in government? I think the Senate would agree that we have a ridiculous situation here tonight. I leave that question: what are the coalition going to do about this situation now that they are in government? I seek leave to continue my remarks later.

Leave granted; debate adjourned.

#### **Australian Institute of Aboriginal and Torres Strait Islander Studies**

**Senator BROWN** (Tasmania) (7.00 p.m.)—  
I move:

That the Senate take note of the document.

I visited the Australian Institute of Aboriginal and Torres Strait Islander Studies in Darwin earlier this year. I want to make the Senate aware of what a seminally important institute this is and what a struggle it is for it because of the cutback in the funding going to it at a time when it needs more money to expand to carry out the extraordinarily important job it does of providing a whole range of studies for Aboriginal and Torres Strait Islanders.

It is quite a remarkable institution. It is ensuring that there is a two-way flow of information across the north of Australia and from people all over this country so that not only the Aboriginal and Torres Strait Islander people can be better equipped to take part in the affairs of the modern Australian nation, as it is, but this nation can gain from the enormous storehouse of special information and cultural background which the original people of this country can provide to us.

I take this opportunity to say to government senators opposite that this institute deserves adequate funding. This institute has enormous importance not only to the people attending it but to the nation as a whole. The work of this institute is unique. It has gained world-wide prominence and notice. People from elsewhere in the world, including people from the other 300 million indigenous peoples around the world, see this institute as something of a guiding light in terms of the educational facility it provides for those who go there. Yet its funding is being cut. It is being squeezed. The pressure on staff is phenomenal. The disadvantage to students because of the funding cuts is obvious when you are there.

I urge the government to look again at the cut to the funding of this extraordinary important institute. If it cannot do that, I urge government ministers and members to be better acquainted with this institution, to read this report and to visit the institution to see the value that there is in that place for so many students and for the nation as a whole.

It is a travesty that it is being put under the slow squeeze, as it is. It is a travesty that it is being blighted by the pressure being put on staff and students alike. It is a travesty that so many people who want to study at the Australian Institute of Aboriginal and Torres Strait Islander Studies cannot and that the institute is not expanding but is being forced to contract. I urge government senators opposite and government members as a whole to look again at what they are doing to this marvellous institute.

**Senator HERRON** (Queensland—Minister for Aboriginal and Torres Strait Islander Affairs) (7.05 p.m.)—I think what I have just heard is a lot of rubbish. I suggest that Senator Brown go and inspect the Australian Institute for Aboriginal and Torres Strait Islander Studies, talk to the people there—

**Senator Brown**—You were not here.

**Senator HERRON**—I am sorry I was not here, Senator Brown. The institute is separately funded, Senator Brown. It is not affected. It has a separate grant it to. It was founded and established by the Liberal Party.

I congratulate it on the work it has done and is doing. It is in the process of appointing a new director. Dr Jonas has just gone to the National Museum after many years and a new director will be appointed.

To say that the government is contracting the activities of the institute is untrue. It should be refuted. I would like to know what evidence Senator Brown has for that. I would be happy to receive any representation from him if he has evidence to support the statement that he just made.

**Senator BOB COLLINS** (Northern Territory) (7.06 p.m.)—The introduction to the Australian Institute of Aboriginal and Torres Strait Islander Studies annual report for 1995-96 mentions two important studies that the institute has been engaged in. One of those studies was into the Aboriginal councils that are incorporated under the federal act set aside for that purpose, which was commissioned by the previous government last year.

The registrar of those Aboriginal corporations, Mr Bouhaus, has appeared before Senate committees to lay out the difficulties that Aboriginal corporations registered under this particular act have in respect of that question which is so much in the news—accountability of Aboriginal organisations. It is a fact that many of the organisations that do have financial difficulties funded by ATSIC are organisations that are incorporated under this act of parliament that the report refers to.

A point that has been made by a number of Aboriginal leaders previously, and by me, I might add, is that it would have been far more reasonable, prudent and fair of the government to have waited until the report referred to in this document was finalised and presented to the government before it took the totally outrageous action that it did of appointing a special auditor, by ministerial direction, into ATSIC. It was a ministerial direction later found by the Federal Court to be unlawful, a ministerial direction which had the effect of declaring all Aboriginal organisations funded by ATSIC guilty until they were proven innocent. Funding was frozen by that ministerial direction until organisations had been cleared by the special auditor.

There is a great deal of sensitivity at the moment about the use of the words 'racist' and 'racism', words that I have rarely used in my 20 years of public life, words that I think are applied far too freely. For example, I do not regard the Prime Minister of Australia (Mr Howard) as a racist, and I do not regard the member for Oxley, Pauline Hanson, as a racist. Sadly ignorant and ill-informed she may be, but I have met some real racists in my life and she does not even come close. But it is difficult to look at things like the appointment of the special auditor to ATSIC without accurately applying that term.

A comparison has been made by me—and I do not hesitate to make it—with another auditor's report which is in this parliament, that is, the report of the federal Auditor-General on the diesel fuel rebate scheme, which found rorts in that scheme.

**Senator Herron**—Oh, come on!

**Senator BOB COLLINS**—I know the Minister for Aboriginal and Torres Strait Islander Affairs has not even read the report, so perhaps he could keep his interjections to himself. I certainly read it as the shadow minister for primary industry. It conservatively identified rorts in the diesel fuel rebate scheme at \$40 million a year.

**Senator Woodley**—Full of rorts.

**Senator BOB COLLINS**—Yes, full of rorts—\$40 million a year. The Auditor-General made it clear that, on his own assessment, that was a conservative figure. In fact, a more reasonable figure put by people publicly at the time the report came down was something like double that. But, as I said at the time, did anyone seriously suggest—I would not have—that a responsible act of the government would have been to have appointed a special auditor to the diesel fuel rebate scheme, to have frozen all payments under that scheme to farmers and miners across Australia, and to have declared all recipients of the scheme guilty until proven by the special auditor to be innocent? No. You would have been laughed out of the room if you had made such an absurd suggestion, but that is precisely what the government did in respect of the Aboriginal and Torres Strait Islander Commission.

Question resolved in the affirmative.

### **Australian Film Finance Corporation Ltd**

**Senator BOB COLLINS** (Northern Territory) (7.12 p.m.)—I move:

That the Senate take note of the document.

I actually came in to speak on the adjournment tonight, but I did wish to speak to the Australian Film Finance Corporation Ltd annual report 1995-96 on the last occasion that government papers were tabled. I actually came in here armed with the report itself and ready to speak to it. We ran out of time on that occasion and did not get to it. But not having the material in front of me has never stopped me before today and it will not now. I do want to draw honourable senators' attention to the record of achievement that is contained in the report. This year, as it happens, the film corporation and I have something in common: we both turn 50.

**Senator Herron**—That you should be so lucky.

**Senator BOB COLLINS**—Indeed. We both turn 50 this year. The 50 years that is recorded in the report that is before the parliament is 50 years of remarkable achievement. One only has to go to the back of the report to see the awards and honours that have been collected by Australian films, documentaries and television productions that have been made with the assistance of the corporation, to see what an extraordinary record of achievement the Australian film industry has. I am pleased to say that it is an industry which is very much alive and well at the moment and it is producing superlative films. In terms of the films that are listed in the corporation's report, if you have not seen *Shine* may I commend it to you. It is one of the best films that I have seen recently.

**Senator Short**—A terrific film.

**Senator BOB COLLINS**—You agree? Yes, I was moved to tears when I saw that movie. I might add that the other passengers on Ansett found that quite strange at the time, but I managed to restrain myself. It is a superb film. It is simply typical of the quality of the films that are now being produced in Australia.

I am one of those people who believe that the cinema—movies—is one of the highest forms of civilised achievement in that it can draw together, as it does, all of the best creativity of humankind in terms of writing, music, the visual arts and, of course, acting—the whole lot of it all brought together in, on occasions, one superb product. There are a lot of duds as well, but I am pleased to say that the Australian film industry has never been better. One of the nice things, of course, about movies is that as well as bringing all that creativity together, the best way to enjoy them is as a shared experience.

It is a record that Australia can well be proud of. I am sure I speak on behalf of all senators in here in congratulating the corporation on its 50th anniversary of great creative achievement on behalf of this country.

**Senator HERRON** (Queensland—Minister for Aboriginal and Torres Strait Islander Affairs) (7.15 p.m.)—It is a rare occasion that I can stand in this chamber and congratulate Senator Bob Collins and the Australian film industry at the same time on both achieving their 50th anniversary.

**Senator Forshaw**—You should do it more often.

**Senator HERRON**—I should, in a spirit of harmony, peace and light. Senator Collins, I also am a film buff, it may surprise you to learn, particularly of Australian films. I rejoice with you and support entirely the remarks that you have made in relation to the Australian film industry.

I am a little older than Senator Bob Collins. I used to pay sixpence when I was a youth to go to a film on a Saturday afternoon in Townsville. I witnessed the evolution of the Australian film industry. When we look back to the first movie made, an Australian movie, it is a remarkable achievement. It is quite a joy to go across to the Film and Sound Archive in Canberra to view them. I recommend the film archive to anybody who is visiting Canberra.

So I stand to support you on the remarks that you have just made because I think your congratulations are well deserved. The Australian Film Finance Corporation and the

outstanding producers who have come from Australia deserve great congratulations. Apart from *Shine*, I would recommend *Babe*. I think that was an extraordinary movie. There are many movies—I could recount others. I would join Senator Bob Collins in his congratulations on the report and the industry itself.

**Senator FORSHAW** (New South Wales) (7.17 p.m.)—I rise to speak briefly on the annual report of the Australian Film Finance Corporation. I recall that one of the very first meetings I had when I became a senator was with the then Director of the Film Finance Corporation—I think it was John Morris. At that time, *Strictly Ballroom* was the big feature and was leading a revival of Australian films on the international scene. We have always known that we were able to produce great films but we have seen over the years the impact that they may have had on the international scene rise and fall. It was in 1994 that I had those discussions with the Film Finance Corporation about the future of the film industry. I did so because the industry has always been an area of keen interest to me, not that I have always had the opportunity to put as much time into it as I would have liked in the past.

One of the things I recall arising out of those discussions was the enthusiasm of people in the corporation—and I also met with Australian Film Commission—for the future of the industry. That has been borne out with the continuing release over the last couple of years of such movies as *Priscilla*, *Babe* and *Shine*, which are not only first-rate productions in themselves but have also gone on to win many awards throughout the rest of the world.

The other important thing is that the system of government and industry support through the Film Finance Corporation is one that is now generally acknowledged as being very successful and contrasts with some of the earlier efforts that governments made—I do not single out one side or the other here—in terms of using the taxation system to try to inject finance into filmmaking in this country. Whilst providing 150 per cent tax deductibility for filmmaking in this country was an

enthusiastic initiative at the time, we saw that it really did not work in terms of producing good quality films. Now what we see is the corporation, in conjunction with all the other industry partners, going from strength to strength and producing great movies that we can be proud of. (*Time expired*)

Debate interrupted.

#### ADJOURNMENT

**The ACTING DEPUTY PRESIDENT (Senator Knowles)**—Order! It being 7.20 p.m., I propose the question:

That the Senate do now adjourn.

#### Condolences: Sir Roland Wilson

**Senator SHORT** (Victoria) (7.20 p.m.)—I am very gratified that the Senate today unanimously adopted a motion that I moved in respect of one of the greatest Australian public servants in our history, the late Sir Roland Wilson who died last Friday at the age of 92. That motion read:

The Senate—

- (a) notes, with sadness, the death on 24 October 1996 of Sir Roland Wilson KBE, Kt, CBE, Bachelor of Commerce, Doctor of Philosophy (Oxford), Doctor of Philosophy (Chicago), Hon LLD (Tas), Hon FASSA;
- (b) acknowledges with deep gratitude Sir Roland's magnificent contribution to Australia in peace and war in a wide range of capacities throughout a distinguished career of unsurpassed public service, including as Commonwealth Statistician, in the establishment of the Commonwealth Department of Labour and National Service, and as Secretary to the Commonwealth Treasury, Chairman of Qantas and Chairman of the Commonwealth Banking Corporation; and
- (c) expresses its sympathy to his wife, Joyce, at Sir Roland's passing.

The motion contains several of the bare facts of Sir Roland's career. There are many more. In particular, he was the first Tasmanian from a government school to be a Rhodes scholar. He was in his day one of Australia's foremost economists with great strength in economic statistics. He was the first economist to head the federal Treasury. He was a man of many parts. He was skilled in engineering and in cabinet making. In both these fields he had some notable achievements.

I am indebted to John Farquharson's excellent obituary in the *Canberra Times* last Sunday which said that during the war years Sir Roland would fossick in Canberra's rubbish dump to salvage material from which he built an electric motor car to defeat petrol rationing. In his youth he had success as a pole vaulter because 'he had designed and built his own lightweight Oregon vaulting stick which was much lighter than the orthodox variety and was tailored to his five-foot height and nine-stone weight'. That is not entirely correct. Sir Roland was more than five foot tall, though perhaps not a lot more. He was small in physical stature but he was a giant in intellect and in the respect that he commanded.

As the Prime Minister (Mr Howard) said in his statement of tribute last week:

Sir Roland Wilson was an important member of a unique group of public servants who helped to transform Australia into a modern industrial economy after the Second World War.

The group was unique. Although there were more than seven, those who were perhaps best known were the so-called 'seven dwarfs'—Roland Wilson, Dick Randall, Allen Brown, Harry Bland, 'Nugget' Coombes, John Crawford and Frederick Shedden. Between them they wielded enormous influence on the direction of postwar Australia right through to the 1960s and, in some instances, into the early 1970s.

It was my privilege to have known Sir Roland Wilson. He was the Secretary to the Treasury when I joined that department in September 1963. I had the opportunity to work closely in his presence in the following three years before his retirement from the Treasury in 1966. I acted as his personal assistant on more than one occasion. I had almost daily contact with him whilst I was private secretary to the then Treasurer, Harold Holt, from late 1964 to early 1966. In these capacities we travelled to numerous international conferences around the world and, of course, saw each other, particularly in the domestic scene here in Canberra.

Never on any one occasion was Roland Wilson other than the complete professional public servant. His relationship with the

governments he served was correct at all times. He gave advice objectively and fearlessly. His stewardship of the Treasury was impeccable. It was almost certainly during his period as secretary that the Treasury enjoyed its greatest pre-eminence. The benefits to Australia were great.

Roland Wilson had a sharp tongue and a sharp pen. I can attest to the accuracy of John Farquharson's statement in his obituary where he said:

Colleagues of the day have told of the submission from a senior (and long-winded) Treasury official that went to him—

that is, to Wilson—

with a conclusion, "It is recommended the grant be authorised." Wilson altered it, in his precise handwriting,—

and it was very precise—

to read "be not authorised," and added, "Recommendation approved as amended." To another paper ending, "The complexities make it difficult to frame a recommendation" he added just two words, "Try harder".

I saw some of the most powerful and influential figures in the land stand in awe of Roland Wilson—and, in many instances, fear—but in all cases with respect. At the same time, Sir Roland Wilson had a razor sharp wit to match his razor sharp intellect. I often felt that he was a shy man. Once you got behind the steely glance and the sharp tongue, a heart of gold was often clear to see.

The world has changed a great deal since the days of Sir Roland's illustrious career. So has the Public Service. We may not see the likes of Roland Wilson again. Most Australians would probably not remember or even have heard of Sir Roland Wilson because of the great age to which he lived. It is very important, however, that we not lose sight of the values that he epitomised—character, intellect, honesty, integrity, objective and fearless advice to government and, through all of that, dedicated service to the Australian people.

#### Public Education

**Senator LUNDY** (Australian Capital Territory) (7.28 p.m.)—I rise to speak on the adjournment tonight with respect to public

education. Last week I attended the opening ceremony of the combined campus of Nicholls Primary School and the Holy Spirit Primary School, the former being an ACT government funded school and the latter being a Catholic school. A combined campus such as this may not be new in some other states but it is here in the ACT. This combined campus was an initiative by Labor when they held government in the ACT.

The experience shared by all the invited guests at the opening ceremony—by the parents and politicians alike—is something worthy of conveyance to this chamber. It is worthy because it served to reinforce in my mind what I am doing here and why many of us are in fact here. All of the children from both campuses participated in the ceremony. They were welcomed by Principal Woolacott from Nicholls, Father Bernie blessed the congregation and we were joined by the Ngunawal elders, who ratified the school's use of the land.

The themes the school adopted were 'belonging', 'friendship', 'we are one', 'tolerance', 'sharing' and 'learning without boundaries or barriers'. Each child had made an exquisite banner, while the walls of the hall were covered with bright murals of outstretched welcoming hands. The choir opened up with the national anthem and throughout the ceremony sang songs of peace and sharing. Their performance concluded with the song *We are one*, which to me symbolised many things of value.

The future of our children must be foremost in our minds—their health, education, security and, of course, happiness, their opportunity and their future. We cannot trust these things to the fancies of the market. To do so is to jeopardise the ability and responsibility we have as elected representatives to guarantee the best possible outcomes for our children.

The depth of feeling this innocent school ceremony invoked not only in me but in most of those present reinforced in me the importance of government funded education—of public education. Show me a better investment of taxpayers' money. Show me a better way to ensure that our young people have the best chance of survival in a changing and

challenging society. Some parents will have the choice between a public and private school. But most will not. Most will have to take what is given. If what is given is not as good as what you can purchase on the market, where does this leave the children? What if you are not earning enough to purchase the higher standard of education?

This is a dangerous path to tread for any socially democratic society. It will only serve to once again determine access to quality education on socioeconomic grounds. To reduce funding or compromise public education in any way will send us down this path. The Howard government is doing just that. This government will sacrifice the standard of public education to promote private education. They will steal almost \$130 million from government schools to fund an expansion of non-government schools, providing huge incentives to middle-class parents to leave the state system.

But will this expansion benefit children? Until now, new schools were approved after they had met educational and financial standards. These requirements will now be waived. Concerns have already been expressed that many new schools will be fundamentalist or run by narrow sects and interest groups. Now, schools that have been rejected before may, no matter what, get funding from this government.

It is an ideologically driven policy based on a misplaced notion of competition and level playing fields. And what about the children left behind? Have we no obligation to them? And what about the future for children in the new private schools? Under Labor we saw an increase in schools funding of 56.7 per cent in real terms. Under Howard we have already seen cuts to higher education of \$2 billion, cuts to vocational education, cuts to recurrent grants for government schools—

**Senator Herron**—Madam Acting Deputy President, the senator should refer to the Prime Minister accordingly.

**The ACTING DEPUTY PRESIDENT (Senator Knowles)**—Senator Lundy, I ask that you refer to the Prime Minister accordingly, please, or at least by his proper name.

**Senator LUNDY**—Yes, Madam Acting Deputy President.

**Senator Bob Collins**—On a point of order: in respect of the courtesy that is due to the chamber, Madam Acting Deputy President, I wonder whether senators who raise points of order could actually stand when they do so and address the chair, instead of simply calling out from their seats.

**The ACTING DEPUTY PRESIDENT**—Senator Lundy, you may care to resume your seat while the point of order is being taken. On your point of order, Senator Collins, I had actually heard it myself and was about to make the recommendation to Senator Lundy before it was mentioned. I was also reading something simultaneously.

**Senator Bob Collins**—I do not want to string this out but, with respect, that may well be so, but that is not relevant to the point of order that I raised. Senators have an obligation, if they take a point of order, to rise and address the chair when they do so.

**Senator O'Chee**—On the point of order, Madam Acting Deputy President: I do not think that Senator Herron was in fact taking a point of order. Under the standing orders, if a senator wishes to take a point of order, of course he has to rise. But Senator Herron did not call for a point of order. He merely called to the Acting Deputy President.

**Senator Herron**—On the point of order: interjections are out of order, as you know, Madam Acting Deputy President, so I fail to see how Senator Collins could get up and make that statement if an interjection—

**Senator Bob Collins**—Hardly. I just think some respect is due to the chair; that's all.

**Senator Herron**—It was not a point of order, Senator Collins. It was an interjection and it was out of order. I think you have just been shown to be very sensitive about an interjection. You stated the obvious. On the point of order, Madam Acting Deputy President: Senator Collins stated the obvious. It was an interjection that I made and interjections are disorderly, Senator Collins.

**Senator Bob Collins**—Why did you make it?

**Senator Herron**—Because interjections are made frequently in this chamber. Senator Collins has become extraordinarily sensitive to interjections. He has jumped up on the adjournment on a spurious point of order, which you have already ruled on. I will sit down.

**Senator LUNDY**—Under Mr Howard, we have seen cuts to higher education of \$2 billion, cuts to vocational education, cuts to recurrent grants for government schools and cuts to capital grants for non-government schools. The message from this government to the young people of Australia is not an encouraging one. What subliminal and, in fact, overt effect are we having when all young people hear about is cuts to their education? Is that not a devaluing of their role and their right to learn and then eventually participate in the work force? This is an unacceptable approach.

Holy Spirit Primary School and Nicholls Primary School have jumped many hurdles to get where they are today. Their opening day has become a powerful statement on the value of publicly funded education. The expressions of sharing and reconciliation provide a powerful and pertinent contradiction to some of the narrow and introverted utterances that have attracted media attention recently and, as I have said, have served as a reminder of why we are here. And, if it is not to provide a better place and a better life for the next generation of Australians, then what is it?

If every politician who attended the opening at Nicholls felt the same way I did, then a great purpose was served. I only wish that every senator and member of that other place had the same opportunity to experience everything good about public education, the excellent management of resources through a combined campus, and the children's messages, and then, like me, remember whose purpose we are really trying to serve during our time here. I would like to congratulate all the children and teachers of Nicholls Primary and Holy Spirit for their efforts at their opening ceremony.

### Literacy

**Senator ALLISON** (Victoria) (7.36 p.m.)—I, too, rise to speak on the subject of education. At the hands of the Minister for Schools, Vocational Education and Training (Dr Kemp) this month, education has already been a sorry affair for Australian children. I am referring in particular to the remarks made by Minister Kemp concerning literacy in our schools. I think these remarks show that the minister has little understanding of the issue and, in my view, they are unhelpful to educators, parents and children alike.

The current edition of the independent education magazine *Education Alternatives* has made a scathing attack on the minister under the headlines 'Literary hoax'. Hoax indeed! For the benefit of the Senate, I would like to recap on some of the minister's remarks recently and on how they have been interpreted in the media.

At a meeting in Perth two weeks ago, he told the audience that he had become aware that an extensive body of data relating to literacy had remained unreported. He was referring to the Australian longitudinal surveys of Australian youth program. The minister went on to say on radio:

. . . this information has been sat on for 15 years. None of it was analysed or published. No use was made of the data. My view is that the public has a right to know.

As if that was not enough, the minister said on Radio National:

Parents have a right to be informed about the progress of their children. If the facts had been released as they could have been . . . then perhaps this problem might have been addressed much more effectively much earlier.

Parents and educators across the country must have been overwhelmed by the minister's insight. Why did they not think of that! Before I indulge too much in sarcasm, I need to put on record the nature and the objectives of this study that the minister so cleverly uncovered.

The Australian longitudinal surveys of Australian youth program is a study of 28,000 year 9 students which began in 1975. The main purpose of this program was to provide a better understanding of the process of young



people's transition between education, training and work. It is made up of three components which together span a period of 20 years, and it is in fact not due to be published until 1997. I would be quite happy to supply the minister with further details of that program, but I can assure him that there is nothing secret about it. It certainly did not require the minister's intervention to prepare an analysis all of a sudden.

As might be expected, Minister Kemp's revelation that 30 per cent of 14-year-olds in year 9 had not achieved basic literacy skills made the headlines elsewhere too. 'No data on alarming literacy rates' said the *Canberra Times*, 'Minister wins support for school literacy push' said the *Age* and 'Cult of secrecy must end', said the *Herald-Sun*—and so on. The *Mercury* in Hobart described the situation as 'staggering' and, like puppy dogs feeding out of the minister's hands, the paper reported:

The statistics also must make taxpayers wonder what has been happening to their education dollars.

Enthused by his own rhetoric, the minister announced that \$12 billion is already enough to spend on teaching children to read and write. Bingo! Here we have it. The minister is preparing Australians, I believe, for the coalition's real intentions. This government wants to starve our public education system of funds to an even greater degree, I think, than the previous government did. And the minister wants to persuade Australians that the money is being wasted and that there is a conspiracy in schools to conceal this from parents. The minister said:

At the moment there is an information black market among parents about school results.

As I have already pointed out, the study on which the minister bases his shameful pronouncements has not been concealed from parents for 15 years. Furthermore, it will come as some surprise to all the teachers I know, who spend many hours each term preparing extensive written reports and meeting with parents, that they are not only failing to report to parents but they are also hiding the truth. I suggest to the minister that nothing could be further from the truth. This government so often resorts to accusing the

Democrats of scaremongering, but I ask: what is this if it is not scaremongering?

I said earlier that the minister has displayed his ignorance on education. If he were not the minister for schools, he could be forgiven for assuming that literacy problems are, firstly, easy to identify and define and, secondly, easy to remedy. In discovering the study, the minister imagines that he has defined the problem. He then goes on to give us his own version of literacy by defining it with a question: are our children learning to read?

The minister did not bother himself with detail. It is apparently of no consequence to him that the aspect of literacy on which the study concentrated is comprehension. The researchers of that study, the Australian Council for Educational Research, said that a failure in terms of literacy in this case meant 'they have not achieved what is regarded as an 80 per cent satisfactory result on tests of reading comprehension'. Quite another matter, Minister Kemp, from just learning to read. The Australian Council for Educational Research warned in the study that the results were 'based on a particular definition of competence and will shift as definitions are modified and as the requirements of society change'.

What is obvious to educators is that the demands on today's children are quite different from those made when Dr Kemp was at school. In fact, there is a substantial body of opinion which says that literacy standards are increasing. Dr Brian Cambourne, associate professor in education of the Centre for Studies in Literacy at the University of Wollongong says that, rather than a decline in literacy standards, data strongly supports a very different interpretation; namely, that, given the increase in the multicultural mix of students whose first language is not English, our schools and teachers have held the literacy line. If literacy standards were indexed like costs, wages and pensions, it would mean something like a 30 to 40 per cent increase in literacy ability over the last 20 years.

So the minister should do his homework. He should understand that the declining standards theory is a myth. He should also know that literacy is not a simple, easily

taught and easily tested mechanical skill. It involves getting together the ability to give meaning to situations, the ability to handle words to serve meaning, and the ability to process words by listening, speaking, reading and writing.

Whatever problems there are in the literacy skills of our students, they will not be solved by simply forcing schools to timetable English instead of computer classes, physical education, art or any other subject. The problem is not, as the minister suggests, the result of a crowded curriculum.

I do not suggest that there is not a problem in our schools or that they are confined to government schools, but I do suggest that further cuts to funds for our public education system are not going to solve the problem.

Publishing literacy data school by school will do little more than frighten parents into shifting their children from school to school, and no doubt the government would prefer them to be shifted out of government schools and into private schools. Leaving aside the questions of usefulness and equity, the chaos that that approach would cause is reason alone to question the minister's judgment.

About the only useful headline which Dr Kemp's remarks have drawn were in the *Herald-Sun*. It said, 'Gude hits Canberra over literacy cuts.' The Victorian education minister, whose views I often do not share, accused the federal government of extreme hypocrisy when it came to tackling literacy problems. In a stinging attack, the paper said: Mr Gude said, 'If Dr Kemp were serious about raising literacy levels he would not have cut \$676,000 for early literacy programs from Victoria in this year's budget.'

What was the minister's response? 'At present Australia is spending about \$12 billion of taxpayers' money on schools a year and most people in the community would think that that would be more than enough,' he said.

What the minister did not say at that point and what the previous government has not said is that Australia already has an appallingly low level of spending on education. I suggest that to guarantee the best available education for Australian children is a fundamental obligation of any nation's government.

The minister should show leadership in this respect and refrain from making pronouncements on subjects on which he apparently has inadequate knowledge.

### **Australian History: Racism**

#### **Minister for Aboriginal and Torres Strait Islander Affairs**

**Senator BOB COLLINS** (Northern Territory) (7.45 p.m.)—I rise on the adjournment debate tonight to canvass a number of issues in relation to this government's treatment of race issues. A number of people have commented that the response of the Prime Minister (Mr Howard) to Pauline Hanson's first speech was racist. I don't think it was. It was not a racist response; it was simply a political response. The Prime Minister was doing what politicians often try to do; that is, have two bob each way. He did not get away with it, but the extraordinary thing is that he still continues to do it on almost a daily basis, as was evidenced just 24 hours ago by his statements on foreign aid.

In recent days, the Prime Minister has re-entered the race debate by telling John Laws: I sympathise fundamentally with Australians who are insulted when they are told that we have a racist bigoted past.

He went on to say:

And Australians are told that quite regularly. Our children are taught that. Some of the school curricula go close to teaching children that we have a racist bigoted past.

That is an extraordinary statement from a Prime Minister who just a short time ago was claiming that the election of his government gave a new birth to free speech in this country. Free speech apparently only lasted a month. I found this statement totally bizarre—all the more so when you consider it came from a man who has represented the seat of Bennelong in this parliament for more than 20 years; a man who just a few short weeks ago was so dismissive of the problems of the 'stolen generation'.

The Prime Minister should know that the person after whom his seat is named—a seat he has represented for 20 years—was in fact one of the first Aborigines to be stolen, not a child but an adult.

**Senator Herron**—He died of smallpox.

**Senator BOB COLLINS**—Listen, Minister; you may learn something. He didn't die of smallpox at all. You would be hard-pressed in fact to find a more suitable example of our racist bigoted past than to look at the life of Bennelong that was a prototype for the process of dispossession of Aboriginal people which began in 1788.

Historians have certainly recalled—and I would be surprised if Mr Howard does not know it—that Governor Phillip's stated intention with respect to Aborigines shortly after white settlement was 'to cultivate an acquaintance with them without their having an idea of our great superiority over them that their confidence and friendship might be more firmly fixed'—all very good sentiments.

Captain Phillip designed a process by which he was going to do this by capturing an Aboriginal person forcibly and taking him away from his people. In December 1788 an Aboriginal man named Arabanoo was captured to be introduced to the 'benefits of European civilisation'. Unfortunately, the first benefit Arabanoo was introduced to was smallpox from which he had the bad taste to die six months later.

Captain Phillip then captured two other Aborigines, Bennelong and Colebee. Bennelong managed to escape in April 1790 and later that year he and Colebee were sighted in Manly. When Captain Phillip went to talk to them he was speared by another older Aboriginal. Bennelong, who had taken no part in the attack, began to appear frequently near Sydney Cove and, when assured he would not be detained, his visits became more frequent. A small brick hut was eventually built to house Bennelong and his family at Bennelong Point on the site now occupied by the Opera House of which the Prime Minister enjoys the best view in Australia from Kirribilli House across the harbour.

Sadly, from the day that he was captured his life went rapidly downhill. He found himself alienated from his own people and the white settlers and his despair was reflected in his behaviour. He developed a very early taste for another of the benefits of European civilisation, that is, strong drink. He was spending

most of his time drunk and disorderly before eventually meeting a violent death.

All of this brief history is found in the *Australian Encyclopaedia* on the parliamentary database. Does the Prime Minister seriously suggest that this should be removed? Should we also remove from the *Australian Encyclopaedia* reference to the Coniston massacre or to the White Australia Policy or to the fact that next year, 1997, will mark the 30th—I say again the 30th—anniversary of Australian Aborigines becoming citizens in their own country? Thirty years is not exactly pre-history.

It is the case that Australia does have a racist and bigoted past. I do not believe we should go around feeling guilty about it but at least we should have the honesty to own it. What worries me far more than that is that a lot of Australians are now asking whether silence or prime ministerial equivocation will condemn us to a racist and bigoted future. I think that is a far more important question.

This government, for example, has no empathy at all with Aboriginal Australia. Aborigines have been targeted by this government from day one. The central issue at the first cabinet meeting of this government in Canberra on 9 April and the first prime ministerial press conference in Canberra on 10 April was Aborigines and their alleged lack of accountability. After its failed attempt to gain power to sack the board and appoint an administrator and its bungled appointment of a special auditor, the government imposed savage cuts on inarguably the most dispossessed section of the Australian community.

The devastating picture of these cuts is slowly emerging through the hearings of the finance and public administration committee. ATSIC has estimated its global loss of funding over the next four years at \$470 million. With three-quarters of its budget effectively quarantined from cuts by the government, the ATSIC board was then left to do the government's dirty work. It was left to find in excess of 30 per cent cuts across 27 per cent of the budget still left under its control. It was given 48 hours to make the deadline for the inclusion of its decisions in the budget papers from the time it was given absolute confir-

mation of the magnitude of those cuts. As you would expect, ATSIC is still trying to assess the full impact of the 30 per cent across-the-board cuts to programs that address the needs of young people, children, women, the aged and the disabled.

Cuts to the community and youth support component, for example, will see, on current information, over 1,000 people lose their jobs and 206 Aboriginal organisations are expected to close down while others downsize unless they can find alternative funding. What did the Minister for Aboriginal and Torres Strait Islander Affairs (Senator Herron) say in the estimates committee hearings in the face of all this? It is in the *Hansard* in black and white. He said, 'No pain, no gain.' That is how he summed up the cuts.

This government, as I said in the Senate estimates, has effectively clamped three of ATSIC's wheels and forced it to slash the other tyre. One is compelled to ask: why don't they simply have it towed away? Let's stop the pretence; let's stop the Prime Ministerial double talk.

The member for Bennelong (Mr Howard) never wanted ATSIC in the first place. Mr Howard, in his first ever news conference as Prime Minister in Canberra, said that the government's decision to appoint a Special Auditor and to seek the power to appoint an administrator was in direct response to 'a set of management challenges that have specifically arisen since the election'—that is, in the few short weeks between 2 March and 9 April. What nonsense that was!

The Minister for Aboriginal and Torres Strait Islander Affairs (Senator Herron) gave the game away just a few moments later when he said, 'There are many allegations. There have been allegations for years.' You cannot avoid being deeply suspicious of this government's agenda on Aboriginal affairs when you look at the public record on this issue.

For example, there is vintage Prime Minister as Leader of the Opposition in debate on a ministerial statement on the administration of Aboriginal affairs on 11 April 1989. He said:

The ATSIC legislation strikes at the heart of the unity of the Australian people.

He went on in the same debate to attack strongly the formation of ATSIC. It is impossible to believe that he did not carry these sentiments into government on 2 March. There is no doubt at all in my mind, and never has been, that all the moves against ATSIC since 2 March stem firmly from his ideology rather than any management problems discovered in the few short weeks after the election.

What of the minister? He began his career telling Aboriginal people he wanted to be a part-time minister and continue, in his own words, his practice as a weekend hobby surgeon in complete defiance of the Prime Ministerial code of ministerial conduct. The Prime Minister told him that he could not continue to be a weekend hobby surgeon, but he obviously did not tell him that he could quit being a part-time minister, because that is exactly how he performs.

This has been amply demonstrated in Senate estimates and in this chamber. The most glaring and recent example was his tabling in this chamber of the Special Auditor's final report and the selective quoting from that document by the minister to put the darkest possible complexion on the findings of the Special Auditor. But, even worse, he compounded the problem by then selectively quoting, and gleefully quoting, from a number of totally misleading and colourful newspaper reports to support his appointment of the Special Auditor. He owned up to this fact last week in Senate estimates, but he astounded everyone by saying that he did not say that these reports that he read out in the chamber were an accurate representation of the Special Auditor's report.

As I pointed out—and this is the reason I am making this speech tonight—the minister has now flatly refused again and again and again to correct the record. As I pointed out to the minister at the time, he selectively quoted from the newspapers that, in fact, carried sensational and, in his own words, inaccurate reports. On the same day they were published, the *Canberra Times* and the *Australian* newspapers—both on the same day,

the 15th—carried totally accurate reports of the Special Auditor.

These are not minor, backwoods papers. This is the *Canberra Times* and the *Australian*. Almost everyone in this building gets both of them or has access to both of them. They carried totally accurate reports. The minister selectively did not choose to quote from either of these reports. He has consistently refused to identify the inaccuracies that he so lovingly read into the parliamentary record from the stories that were all written by the same journalist. I seek leave to table the two press reports.

Leave granted. (*Time expired*)

#### Ministerial Reply

**Senator HERRON** (Queensland—Minister for Aboriginal and Torres Strait Islander Affairs) (7.56 p.m.)—I would like to take the few minutes remaining to refute some of the statements that have just been made. It is incumbent upon the Leader of the Opposition (Mr Beazley) to state his position clearly and unequivocally regarding the racist debate that is occurring at the moment, particularly in relation to Aboriginal affairs.

Have we heard a word from the Leader of the Opposition in this regard? I think it is incumbent upon him to state his position. All that we have heard is an attack on the Prime Minister (Mr Howard), and the Prime Minister clearly refuted that in the House today. He has made it abundantly clear that he is not racist, but we keep getting this allegation that, somehow or another, he is, by inference, racist in relation to the Aboriginal people of this country, and that is far from the truth.

It is incumbent upon Mr Beazley to state his position, because he has been remarkably silent in this regard. One wonders whether it is because there is a certain amount of support for those statements within his own party. Why is he not coming out clearly and unequivocally in this matter? He gets his surrogate here in the Senate to make statements in this regard.

**Senator Bob Collins**—I'm nobody's surrogate, Senator Herron.

**Senator HERRON**—Well, his spokesman, if you wish. It is a term that is used. Then to compound it, for the life of me, Senator Collins has been pursuing this matter in relation to the Special Auditor. The allegations that came through to my office on my selection as minister came from Aboriginal people. As I go around the remote communities there is enormous criticism from people in remote communities, as I have said on the record, about a fire hose of money at one end and a trickle coming out the other. That is coming from remote community people. It is a spurious allegation to say that it is the government that is doing this. This is coming from remote community people who are making these allegations. Many of those allegations have been put forward. I will not repeat yet again the findings in the final report of the Special Auditor. Eighty-nine per cent were not in complete order—89 per cent, Senator Collins.

In regard to these allegations about my comments in the estimates, I suggest that Senator Collins read carefully—get away from his obsession; get away from his demand that somehow I have misled the Senate—the *Hansard*. He needs to try to take the mote out of his eye and read it carefully. He will see that there has been no misleading. He has been pursuing this in question time consecutively. He is now doing it on the adjournment.

Maybe he should ask somebody else—because he obviously does not have the capacity—to read the *Hansard* and understand it. Perhaps he can read it but perhaps not understand it. I would suggest somebody on his staff. Maybe it is somebody on his staff who is fuelling all this, and, Madam Acting Deputy President, this is the alternative government! These are issues of major moment that are going to bring down the government! If the opposition is ever going to get back into the game, then they have to start taking notice of things. We have a cattle industry crisis in this country, and the shadow minister for primary industries is carrying on with these issues. (*Time expired*)

**Senate adjourned at 8 p.m.**

**DOCUMENTS****Tabling**

The following documents were tabled pursuant to sessional order agreed to on 18 August 1993:

Aboriginal Hostels Limited—Report for period 25 June 1995 to 22 June 1996.

Administrative Appeals Tribunal Act—Administrative Appeals Tribunal—Report for 1995-96.

Affirmative Action (Equal Employment Opportunity for Women) Act—Affirmative Action Agency—Report for 1 June 1995 to 31 May 1996.

Anti-Dumping Authority Act—Anti-Dumping Authority—Report for 1995-96.

Audit Act—

Grains Research and Development Corporation—Report for 1995-96—Addendum—GRDC Project Guide.

Private Health Insurance Complaints Commissioner—Report for period 1 October 1995 to 30 June 1996.

Audit Act—Reports for 1995-96—

Australian Film, Television and Radio School.

Australian Institute of Family Studies.

Australian Institute of Health and Welfare.

Australian Law Reform Commission (Report No. 81).

Australian Maritime Safety Authority.

Australian Telecommunications Authority (AUSTEL).

Australian Trade Commission (AUSTRADE).

Australian War Memorial.

Australian Wine and Brandy Corporation.

Commonwealth Scientific and Industrial Research Organisation (CSIRO).

Great Barrier Reef Marine Park Authority.

Meat Industry Council.

National Occupational Health and Safety Commission (Worksafe Australia).

Seafarers Safety, Rehabilitation and Compensation Authority (SEACARE).

Special Broadcasting Service Corporation (SBS).

Stevedoring Industry Finance Committee.

Audit Act and Primary Industries and Energy Research and Development Act—Reports for 1995-96—

Dairy Research and Development Corporation and Dairy Research and Development Corporation Selection Committee.

Energy Research and Development Corporation and Energy Research and Development Corporation Selection Committee.

Grains Research and Development Corporation and Grains Research and Development Corporation Selection Committee.

Land and Water Resources Research and Development Corporation and Land and Water Resources Research and Development Corporation Selection Committee.

Pig Research and Development Corporation and Pig Research and Development Corporation Selection Committee.

Rural Industries Research and Development Corporation and Rural Industries Research and Development Corporation Selection Committee.

Sugar Research and Development Corporation and Sugar Research and Development Corporation Selection Committee.

Australia Council Act—Australia Council—Report for 1995-96.

Australian Capital Territory (Planning and Land Management) Act—National Capital Planning Authority—Report for 1995-96.

Australian Centre for International Agricultural Research Act—Australian Centre for International Agricultural Research—Report for 1995-96.

Australian Federal Police Act—Australian Federal Police—Report for 1995-96, including a report pursuant to the *Complaints (Australian Federal Police) Act 1981*.

Australian Film Commission Act—Australian Film Commission—Report for 1995-96.

Australian Film Finance Corporation Limited—Report for 1995-96.

Australian Institute of Aboriginal and Torres Strait Islander Studies Act—Australian Institute of Aboriginal and Torres Strait Islander Studies—

Report for 1995-96.

Report for 1995-96—Errata.

Australian Multimedia Enterprise Limited—Report for 1995-96.

Australian Political Exchange Council—Report for 1995-96.

Australian Space Council Act—Australian Space Council—Reports for—

1994-95.

1995-96.

- Bankruptcy Act—Inspector-General in Bankruptcy—Report for 1995-96 on the operation of the Act.
- Commonwealth Electoral Act—Australian Electoral Commission—Report for 1995-96.
- Commonwealth Funds Management Limited—Report for 1995-96.
- Customs Administration Act—Australian Customs Service—Report for 1995-96.
- Data-matching Program (Assistance and Tax) Act—Data-matching program—Department of Employment, Education, Training and Youth Affairs—Report for 1995-96.
- Environment Protection (Alligator Rivers Region) Act—Supervising Scientist—Report for 1995-96 on the operation of the Act.
- Equal Employment Opportunity (Commonwealth Authorities) Act—Equal employment opportunity program—Australia Post—Report for 1995-96.
- Family Law Act—Reports for 1995-96—  
     Family Court of Australia.  
     Family Law Council.
- Financial Transaction Reports Act—Australian Transaction Reports and Analysis Centre (AUSTRAC)—Report for 1995-96.
- Governor-General Act—Office of the Official Secretary to the Governor-General—Report for 1995-96, including a report pursuant to the *Equal Employment Opportunity (Commonwealth Authorities) Act 1987*.
- Health Insurance Act—Professional Services Review—Report for 1995-96.
- High Court of Australia Act—High Court of Australia—Report for 1995-96.
- Housing Assistance Act—Report for 1994-95 on the operation of 1989 Commonwealth-State Housing Agreement.
- Human Rights and Equal Opportunity Commission Act—Human Rights and Equal Opportunity Commission—Report for 1995-96.
- Meat and Live-stock Industry Act—Australian Meat and Live-stock Corporation—Report for 1995-96.
- National Film and Sound Archive—Report for 1995-96.
- National Parks and Wildlife Conservation Act—Australian Nature Conservation Agency—Report for 1995-96.
- National Residue Survey Administration Act—National Residue Survey—Report for 1995-96.
- Pig Industry Act—Australian Pork Corporation—Report for 1995-96.
- Protection of Movable Cultural Heritage Act—Report for 1995-96 on the working of the Act and the administration of the National Cultural Heritage Fund.
- Public Lending Right Act—Public Lending Right Committee—Report for 1995-96.
- Public Service Act—Department of Housing and Regional Development—Financial statements for period 1 July 1995 to 10 March 1996.
- Public Service Act—Reports for 1995-96—  
     Department of Communications and the Arts.  
     Department of Finance.  
     Department of Foreign Affairs and Trade.  
     Department of Industrial Relations, including a report pursuant to the *Industrial Relations Act 1988*.  
     Department of the Environment, Sport and Territories, including reports on the operation of the *Hazardous Waste (Regulation of Exports and Imports) Act 1989* and the *Ozone Protection Act 1989*.  
     Department of the Treasury.  
     Department of Transport and Regional Development, including reports under the *Air Navigation Act 1920*, *Airports (Surface Traffic) Act 1960* and *Aircraft Noise Levy Collection Act 1995*.
- Public Service Act and Merit Protection (Australian Government Employees) Act—Public Service Commissioner and Merit Protection and Review Agency—Reports for 1995-96.
- Refugee Review Tribunal—Report for 1995-96.
- Safety, Rehabilitation and Compensation Act and Audit Act—Comcare Australia, Safety, Rehabilitation and Compensation Commission and QWL Corporation Pty Limited—Reports for 1995-96, including a report pursuant to the *Occupational Health and Safety (Commonwealth Employment) Act 1991*.
- Superannuation (Resolution of Complaints) Act—Superannuation Complaints Tribunal—Report for 1995-96.  
     *Superannuation Act 1922* and *Superannuation Act 1976*—Commissioner for Superannuation (ComSuper)—Report for 1995-96, including a report on the administration and operation of the *Papua New Guinea (Staffing Assistance) Act 1973*.  
     *Superannuation Act 1976*—Commonwealth Superannuation Scheme Board—Report for 1995-96.  
     *Superannuation Act 1990*—Public Sector Superannuation Scheme Board—Report for 1995-96.
- Telstra Corporation Act—Telstra Corporation Limited—Report for 1995-96.

Trade Union Training Authority Act—Australian Trade Union Training Authority—Report for 1995-96.

Treaties—Text together with national interest analysis—

*Bilateral—*

Agreement between the Government of Australia and the Government of the Republic of Singapore for the Reciprocal Protection of Classified Information Transmitted between the Australian Department of Defence and the Singapore Ministry of Defence, done at Canberra on 15 October 1996.

Agreement between the Government of Australia and the Government of Macau concerning Air Services.

*Multilateral—*

Amendment, done at Copenhagen on 31 August 1995, of the Agreement relating to the International Telecommunications Satellite Organization "INTELSAT" of 20 August 1971, to Implement Multiple Signatory Arrangements.

Amendment, done at Washington on 16 April 1996, of the Operating Agreement relating to the International Telecommunications Satellite

Organization "INTELSAT" of 20 August 1971, to Implement Multiple Signatory Arrangements.

Amendments, done at London on 23 November 1995, to the International Convention on Load Lines of 5 April 1966.

Veterans' Entitlements Act, Public Service Act and Audit Act—Repatriation Commission and the Department of Veterans' Affairs—Reports for 1995-96, including reports under the *Defence Service Homes Act 1918* and the *War Graves Act 1980*.

### Treaties

The following documents were tabled by the Clerk:

Acts Interpretation Act—Statement pursuant to subsection 34C(7) relating to the delay in presentation of a report—Australian Space Council Report for 1994-95.

Air Services Act—Direction under section 16—Instrument No. M138/96.

Lands Acquisition Act—Statement describing property acquired by agreement under section 40 of the Act for specified purposes.

Ships (Capital Grants) Act—Return for 1995-96.



## QUESTIONS ON NOTICE

The following answers to questions were circulated:

### **Protocol 1 Additional to the Geneva Conventions: International Fact Finding Commission**

(Question No. 115)

**Senator Forshaw** asked the Minister representing the Minister for Foreign Affairs, upon notice, on 27 June 1996: (1) Did Article 90 of Protocol 1 (Geneva, 8 June 1977), additional to the Geneva Conventions (12 August 1949), envisage an international fact finding commission to inquire into grave breaches and serious violations of the conventions and protocol.

(2) When more than 20 high contracting parties had agreed to accept the competence of the commission, did the depositary of the conventions have to convene a meeting of representatives of those parties for the purpose of electing the 15 members of the commission.

(3) Did New Zealand lodge an instrument of ratification and the 11th declaration accepting the competence of the commission on 8 February 1988.

(4) Did Australia, on 21 June 1991, lodge an instrument of ratification but not a declaration.

(5) Did Canada, on 20 November 1990, lodge an instrument of ratification and the 20th declaration.

(6) Is the composition of the commission based on equitable representation of the geographical areas.

(7) Were New Zealand and Canada elected to the commission in 1991.

(8) Did Australia lodge the 31st declaration on 23 September 1992.

(9) Which other parties in Australia's geographical area have lodged declarations since Canada, and on what dates.

(10) Will a fresh election of the whole commission take place in Berne on 29 October 1996.

(11) Who will represent Australia in Berne.

(12) Is Australia being nominated for the commission.

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

(1) Yes. Article 90 provides for the establishment of an international fact finding commission.

(2) Yes.

(3) Yes.

(4) Yes.

(5) Yes.

(6) The composition of the commission is based on the individual qualifications of the members and on equitable geographical representation.

(7) Yes.

(8) Yes.

(9) Mongolia made a declaration in relation to Article 90 when it acceded to Protocol 1 on 6 December 1995.

(10) Yes.

(11) A member of Australia's Permanent Mission to the Office of the United Nations at Geneva will represent Australia in Berne.

(12) No.

### **Livestock Production: Use of Chemicals and Antibiotics**

(Question No. 216)

**Senator Woodley** asked the Minister representing the Minister for Primary Industries and Energy, upon notice, on 4 October 1996:

(1) What body monitors the use of chemicals and antibiotics in livestock production.

(2) Is there a register kept of amounts and usage of chemicals and antibiotics.

(3) Is it possible to obtain a full list of all antibiotics and growth promoters administered to livestock, poultry, etc in Australia.

(4) Are growth promoters such as Zeranol or Trenbolone currently in use in Australia; if so, on what animals.

(5) Is it the case that the European Union currently has a ban on the importation of meat from animals which have been administered certain growth promoters; if so, is this ban justified.

(6) Has there been any research or investigation into possible links between use of antibiotics, such as Avoparcin, on farm animals and the development of antibiotic resistance in humans.

(7) Are there any attempts being made to reduce the amount of antibiotics or chemicals used on livestock and farm animals; if so, what measures are being taken.

**Senator Parer**—The Minister for Primary Industries and Energy has provided the following answer to the honourable senator's question:

(1) The monitoring of the use of chemicals and antibiotics in livestock production is the responsibility of the States and Territories. In addition, the National Residue Survey monitors for chemical and antibiotic residues in livestock produce.

(2) The National Registration Authority for Agricultural and Veterinary Chemicals is currently compiling a list of the amounts of usage of chemicals and antibiotics.

(3) A list of registered antibiotics and growth promoters approved for use in respect to livestock, poultry, etc in Australia is available from the National Registration Authority for Agricultural and Veterinary Chemicals.

(4) The growth promoters Zeranol, Trenbolone, oestrogen, testosterone, and progesterone are registered in Australia for use in cattle.

(5) The European Union's ban on the importation of meat from animals administered with certain growth promoters is currently being considered under the World Trade Organisation dispute settlement procedures. Australia does not believe the ban is justified.

(6) Yes. The most recent report is the "The Report of the Scientific Committee for Animal Nutrition (SCAN) on the possible risk for humans on the use of Avoparcin as feed additive". That report concludes that there is no evidence linking the use of the antibiotics studied with the development of antibiotic resistance in humans.

(7) The minimising of the use of chemicals and antibiotics on livestock and farm animals is being attempted through the use of vaccines, eg salmonella mycoplasma vaccines, to treat conditions previously treated by chemicals and antibiotics.

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SENATE

Tuesday, 29 October 1996