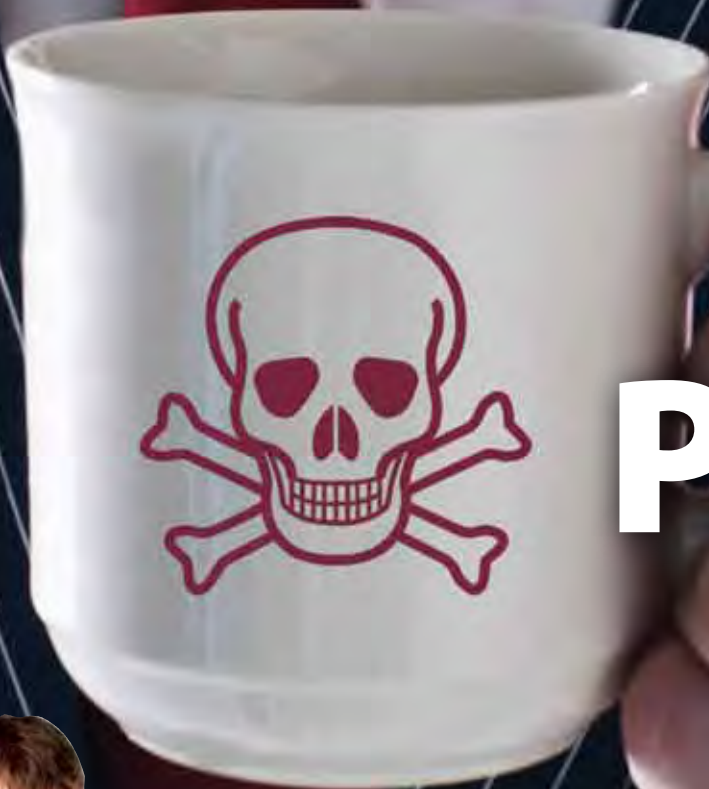


ABOUT THE HOUSE



A SLOW POISON

Confronting
workplace bullying



PRICE BYTE
IT costs don't
compute

WAR WITHOUT END
Struggles beyond
the battlefield

UP FRONT

TACKLING THE PROBLEMS OF GAMBLING

Research into the causes, consequences and treatment of problem gambling should be funded as a National Priority Health Area, according to a report from the Joint Select Committee on Gambling Reform.

The report of the committee's inquiry into the prevention and treatment of problem gambling also says each of the states and territories should set performance targets for reducing problem gambling, and report on their progress to the Council of Australian Governments.

The committee said more research is needed to improve the national knowledge base on problem gambling and its causes, which it said can be varied and complex.

To help tackle this complexity, the committee recommended the federal government fund a national helpline for primary health care professionals to assist them to identify and refer patients who present with gambling problems.

The committee also reiterated its call for a national independent research institute on gambling, as originally proposed by the Productivity Commission and recommended in the committee's previous two reports.



THINKSTOCK

PROBLEM SOLVING: *More research needed on gambling*



AAP/ONE

EQUALITY: *Half of parliaments led by women*

WOMEN TAKE THE CHAIR

Women now make up exactly half of the presiding officers in Australian parliaments after the recent election of Vicki Dunne as Speaker of the ACT Legislative Assembly following the territory's election in October.

Ms Dunne took on the role not long after Anna Burke (pictured above) became only the second woman to be elected Speaker of the federal House of Representatives.

The other presiding officers are: Robin Adams (Speaker, Norfolk Island Legislative Assembly), Lyn Breuer (Speaker, South Australian House of Assembly), Shelley Hancock (Speaker, New South Wales Legislative Assembly), Kezia Purick (Speaker, Northern Territory Legislative Assembly), Fiona Simpson (Speaker, Queensland Parliament), and Sue Smith (President, Tasmanian Legislative Council).

REPS PRACTICE UPDATED

The sixth edition of *House of Representatives Practice* has been launched in hard copy and online.

House of Representatives Practice is the comprehensive and authoritative text on the procedure and practice of the House.

It includes guidance on all of the major activities of the House including legislation, motions, committees and the control and conduct of debate, as well as extensive background information and definitions.

The role of government, opposition, individual members and the Presiding Officers is also detailed to act as a reference for all parliamentarians and members of the public.

The 6th Edition was the first new edition of the manual released since 2005. Other editions were released in 1981, 1987, 1997 and 2001.

Chapter downloads of the 6th Edition of *House of Representatives Practice* are available at the Australian Parliament website and printed copies are available to order online or for sale in the Parliament House shop.

To access *House of Representatives Practice* online, visit: www.aph.gov.au/practice

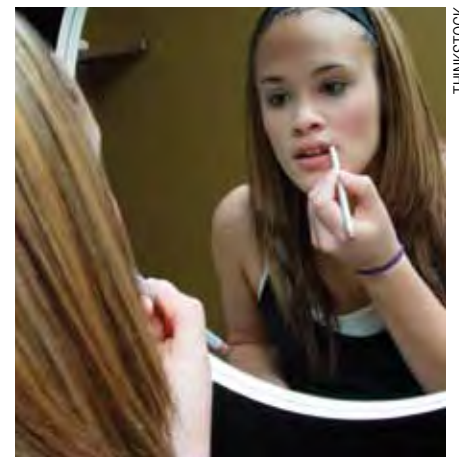
IMAGE DEBATE ONLINE

Issues surrounding body image and the sexualisation of young girls were hot topics on social media recently when the w.comm parliamentary group held its first live Twitter chat.

W.comm chair Lisa Baker, from the WA Legislative Assembly, used the two-hour social media forum to hear a variety of views from participants about what action they would like to see MPs take to ensure women have a healthy body image.

W.comm would like to see regulations put in place to make it compulsory to disclose any digital alterations made to images.

For more information visit: www.wcomm.org



THINKSTOCK

CYBER SAY: *Body image forum sparks interest*

ABOUT THE HOUSE

ISSUE 46, DECEMBER 2012

House of Representatives magazine

About the House is published by the Department of the House of Representatives. For more information on the work of Australia's House of Representatives visit: www.aph.gov.au/ath

Produced by: International and Community Relations Office,
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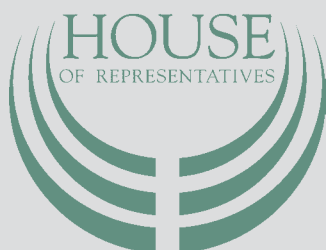
Creative Direction, Design and Production: Prue Beckett, PBMC and Kate Gosnell

Printing: CanPrint Communications Pty Ltd

To advertise in *About the House* contact the International and Community Relations Office.

To subscribe free of charge to this magazine, phone freecall 1800 139 299 or email news@aph.gov.au

Front cover: iStock



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Please include name, address and daytime contact details. Letters may be edited to fit available space and for clarity.

BOOSTING GENDER EQUALITY IN THE PACIFIC REGION

Australia's federal, state and territory parliaments are joining together in an initiative to support gender equality in the Pacific region.

As part of a new program *Pacific Women Shaping Pacific Development* announced by Prime Minister Julia Gillard at the Pacific Islands Forum earlier this year, Australian parliaments are participating in a 'Pacific women in parliament' project aimed at addressing the underrepresentation of women in the region's political life.

In the Pacific region, women currently hold only five per cent of parliamentary seats, although the recent election of four additional women to Pacific parliaments shows progress is being made.

Coordinated through a national committee of women parliamentarians, the project will support the professional and skills development of Pacific women parliamentarians and parliamentary staff; develop engagement between women in the



FIONA WAY

PACIFIC PROGRESS: *New project to support women in politics*

Pacific region and their parliaments; and support research into gender equality and creating gender sensitive parliaments.

With funding from AusAID, the project aims to build more effective links between Australian and Pacific parliamentarians, both women and men, to help ensure women get an equal opportunity to participate in the political life of the region.



JOHN GOLLINGS

REFLECTING A NATION: *Parliament House celebrates 25 years in 2013*

THREADS OF OUR NATION TO BE CELEBRATED

When Australia's new and permanent Parliament House was opened in 1988 the very essence of our nation was woven into the fabric of the building, reflected in the art and craft commissioned for Parliament House and the design work that made the building unique.

In 2013, to mark its 25th anniversary, Parliament House will be celebrating these threads of our nation, as Canberra celebrates its centenary as our national capital.

An Open Day will be held at Parliament House on Saturday, 14 September 2013 at which parliament's Great Hall will be transformed into a journey through 25 years of Capital Hill history. A new book on the art and craft of Parliament House has also been commissioned and special exhibitions will be held during the year.

Follow the 25th anniversary through the new web page at: 25years.aph.gov.au

Hillside



UNEQUAL OPPORTUNITY: *People with a disability face high rates of unemployment*

An easy step towards equality

MEMBERS of parliament from across the political spectrum have supported greater reporting requirements of disability in the workforce to help encourage businesses to hire more people with a disability.

Australia is ranked 13th out of 19 among the OECD countries in employment rates for people with a disability. A recent study by Deloitte suggested cutting the gap in employment rates between people with and without a disability by one-third would add \$43 billion to Australia's GDP over the next decade.

In a motion moved by Shayne Neumann (Blair, Qld) members from all sides of the House supported action to increase employment rates for people with a disability, which fall far below the rates for the wider population.

The motion called for Australian companies with more than 100 staff to report on how many employees with a disability are on their payrolls.

Mr Neumann said such reporting requirements would be a simple, practical and relatively easy step towards equality in the workforce, which would benefit individual businesses and the economy more broadly.

"Hiring people with disability is good for corporate Australia and it is good for

the national bottom line," Mr Neumann said. "People with disability represent a massive untapped talent, particularly as the labour force shrinks with an ageing population.

"Now, more than ever, this nation needs a healthy, highly educated, creative workforce. We need to encourage men and women to work, for we believe that everyone has a right to work, regardless of their gender, race, postcode or disability. As a nation we have gone a long way, but there is much more to be done."

His sentiments were supported by Michael McCormack (Riverina, NSW) who told the House people with disability can face enormous barriers when they try to enter the workforce.

"The most significant barriers to work for people with disabilities still appear to be stereotypical attitudes about what people with a disability can or cannot do," Mr McCormack said.

"Contrary to what may be believed, people with disabilities take fewer days off, take fewer sick leave days and tend to stay in jobs longer than other workers. Furthermore, people with disabilities also have fewer compensation incidents and accidents at work compared to other employees." •

Caring for Landcare

LANDCARE groups make a critical contribution to protecting Australia's environment and need to be supported through secure public funding, Darren Chester (Gippsland, Vic) has told federal parliament.

Mr Chester said there are more than four and half thousand Landcare groups working on practical environmental projects across the country. Most are staffed by volunteers, but Mr Chester told parliament funding is needed to ensure their projects are well run and successful.

"It is primarily a volunteer based organisation but it does need professional coordination to help maximise the volunteer effort, to help strategies for the different networks and to implement new techniques by training landholders on the most effective ways of carrying out the projects that they are involved with."

Mr Chester called on the House to support funding security for Landcare, to give peace of mind to those working in the programs and to allow them to focus on their environmental goals.

"I think it is very important that we recognise in this place that we do not want our Landcare networks and our volunteers having to spend too much time filling out reports and applying for funding to ensure the future security of their facilitators or their coordinators on a more permanent basis." •



ENVIRONMENTAL AID: *Support needed for Landcare programs and workers*

Hillside

DEFENCE DIGITAL MEDIA



NOT FORGOTTEN: *Recognising Indigenous Australians who have served in times of war*

Indigenous honour roll deserves recognition

MORE recognition is needed of the sacrifices made by Indigenous service men and women who have served their country in times of war, Mark Coulton (Parkes, NSW) has told the House of Representatives.

Thousands of Indigenous men and women served in the First and Second World Wars, but there was little acknowledgment of their contribution at the time.

“The involvement of Indigenous people in the armed forces was, in many ways, an exciting time, as they were treated as equals for the first time,” Mr Coulton said. “It was indeed unfortunate that, on their return, many people who had been comrades in arms could not celebrate together – that hotels had different areas for people of different coloured skin.

“Indeed, many Aboriginal people who returned from the war were quite devastated to find that not much had changed in the time that they had been away.”

Mr Coulton said while efforts are now being made to recognise the service of the Indigenous soldiers, help is particularly needed to maintain memorials in the country towns that many of them came from.

“Not only now but in 50, 100 or 200 years time, the residents of towns like Bourke will understand what a contribution their forefathers made, particularly their Aboriginal forefathers, who were breaking new ground,” he said.

“They represented their country in conflicts and should be remembered for now and evermore.” •

Push for debt relief

THE federal government will investigate the viability of legislating to reduce the debt burden on heavily indebted poor countries following a private member’s motion in the House of Representatives.

The House agreed to the motion moved by Rob Oakeshott (Lyne, NSW) that the government examine the risks and benefits of bringing in debt relief laws similar to those passed in the United Kingdom in 2010.

The UK laws put a cap on the amount of historically-incurred debt commercial creditors can claim from eligible heavily indebted poor countries, reducing recoverable debt by 67–90 per cent.

“We have a precedent on the table in the UK parliament, where long and good work has been done and where consensus has been reached in building a model that sees UK aid dollars – much of it in the Asia-Pacific region – going to valuable aid programs to help countries participate in the modern economy and modern community rather than paying off debts to vulture funds,” Mr Oakeshott said.

The government now has until autumn 2013 to report back to parliament on the merits of adopting similar legislation. •

Domestic violence clauses needed in contracts

PRIVATE companies have been urged to include domestic violence clauses in their enterprise agreements in a bipartisan motion passed by the House of Representatives.

Domestic violence is overwhelmingly experienced by women, around two-thirds of whom are in paid employment.

In moving the motion Amanda Rishworth (Kingston, SA) said domestic violence has a huge impact on the ability of these

women to do their jobs, whether through lost productivity because of anxiety and distraction or absenteeism because of physical and psychological injuries.

“Research suggests that women subject to domestic violence experience high levels of resignation and termination such that they are rarely able to sustain jobs on a long-term basis,” Ms Rishworth said. “They often have disrupted work histories, having had to frequently change

jobs either because they are coerced by their partners to resign or because they have unexplained absenteeism and reduced productivity that have led to termination.”

The motion recognised the positive impact of domestic violence clauses in employment contracts, which provide victims with additional paid leave and access to flexible working arrangements to limit the impact on their working lives. •

Hotline needed to tackle bullying

Expert advice for staff and employers.



LACK OF CLARITY: Inquiry witnesses concerned about where to go for help

LATEST

MYRTLE RUST THREAT

A parliamentary inquiry has learnt first-hand about the damage being done to native trees and plants by a mysterious fungal disease which was only detected in Australia two years ago.

The Climate Change, Environment and Arts Committee has detailed its findings in the second interim report of its inquiry into Australia's biodiversity in a changing climate.

At various site inspections in New South Wales and north Queensland the committee learnt more about the effect of the spread of myrtle rust throughout both states.

"This highlights the need for cooperation between all levels of

government on effective invasive species management," committee chair Tony Zappia (Makin, SA) said.

Myrtle rust is thought to have originated in South America and Mexico.

It was first discovered in NSW in 2010 but it is not known how it found its way here.

The second interim report will be the last update on the inquiry's progress before the final report and recommendations are released next year. •

LINKS

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A new national hotline is needed to help employers and workers deal with workplace bullying, according to a federal parliamentary committee report into the issue.

The House of Representatives Employment Committee's report *Workplace bullying: we just want it to stop* made 23 recommendations to stop bullying in the workplace, which the Productivity Commission according to costs the Australian economy more than \$6 billion per year.

Committee chair Amanda Rishworth (Kingston, SA) said the inquiry showed the need for early intervention and clear support channels.

"A chief concern of witnesses was the lack of clarity about what to do and where to go for help," Ms Rishworth said. "That is why we recommend ... the Commonwealth government establish a new national advisory service to provide advice, assistance and resolution services to employers and workers alike."

The report also urged the federal government to work with the states and territories to enact laws similar to Victoria's 2011 amendments to the Crimes Act, widely known as Brodie's Law.

Nineteen-year-old Brodie Panlock ended her life in 2006 after constant and humiliating bullying by her co-workers in a Melbourne café. The report recommended all state and territory governments consider greater enforcement of their criminal laws in similar cases of serious workplace bullying. (See *'A slow poison'* on page 20) •

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NEWS

Diplomatic network needs overhaul

More diplomatic posts recommended.

Australia's diplomatic network is in urgent need of an overhaul, including a bigger budget, increased overseas posts and better use of new technologies, a parliamentary inquiry has found.

Criticisms of Australia's existing representation overseas are contained in a report released by federal parliament's Foreign Affairs, Defence and Trade Committee, which described the network as "seriously deficient".

Chair of the Foreign Affairs Subcommittee, Nick Champion (Wakefield, SA) said Australia needs to rebuild its diplomatic representation and has called for an increase in the number of posts around the world by at least another 20.

To do this the Department of Foreign Affairs and Trade (DFAT) would need a significant budget increase, with the committee describing the department as being chronically underfunded over the past three decades.

"Australia has the smallest diplomatic network of the G20 countries and sits at 25th in comparison to the 34 nations of the OECD. Australia is clearly punching below its weight," Mr Champion said.

"DFAT has experienced cuts and financial constraints through successive governments and this has resulted in a diplomatic network which is seriously deficient and does not reflect Australia's position within the G20 and OECD economies."

The committee has recommended Australia increase its representation throughout north and central Asia, particularly in China. It also said deepening our relationship with Indonesia by opening a post in Surabaya should be a priority.

The review's focus on Asia complements the federal government's white paper on the increasing importance of Australia's relationship with the region.

While the focus of the report is on opening new posts it has also noted that the decision to close posts should be subject to more parliamentary scrutiny.

The report has also recommended that travellers pay an extra fee to help cover the ever-increasing costs associated with consular assistance provided to Australians in trouble overseas. Recent high-profile cases include Australian lawyer Melinda Taylor, who was detained in Libya.

An estimated 7 million Australians travel each year, and around 1,000 will end up being arrested.

The committee has recommended that the additional costs of consular assistance be met through an extra passport fee or small levy which would be tiered to take into account whether or not a traveller has insurance, or whether they cannot obtain cover.

The report has also focused on how DFAT can make better use of social media and new technologies. It has called for an overhaul of the department's websites to make them more user-friendly and the establishment of an office of e-diplomacy.

The committee has also recommended that these issues be further investigated through a white paper and external review. •

LINKS

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ON OUR OWN: More diplomatic posts needed in Asia



CRUDE SOLUTIONS: Australia's oil refineries under threat

OIL REFINERIES AT CROSSROADS

In the face of looming closures of two oil refineries in Sydney, the House of Representatives Economics Committee has launched an inquiry into the state of Australia's oil refinery industry.

The planned closures of Shell's Clyde and Caltex's Kurnell oil refineries will leave Australia with only five domestic oil refineries by the end of 2014. Those NSW facilities will be converted into import terminals.

According to Australian Institute of Petroleum figures, in 2010–11 domestic refineries supplied around 74 per cent of petroleum products required by Australia's major industries and service stations. More than a quarter of total petroleum product consumed was imported, primarily from Singapore.

Recent refinery closures have been attributed to the rise of huge refineries in the Asian region such as in Singapore, where a surge of new capacity has depressed profit margins for the Australian industry. The profits of Australia's refineries have declined for several years, mainly due to Asian competition and the high cost of importing and refining crude oil in Australia.

It is becoming more cost effective for oil companies to import refined fuel from Asian mega-refineries, such as Reliance Industry's Jamnagar refinery or ExxonMobil's and Shell's Singapore refineries.

In light of these changes, committee chair Julie Owens (Parramatta, NSW) said it was timely for the committee to examine Australia's domestic refinery capacity, and potential impacts of declining capacity on the economy, energy security and employment.

The committee will identify the current international and domestic trends and pressures impacting on the competitiveness of Australia's domestic oil refineries, and will investigate the likely impact of declining refinery capacity in Australia.

The committee will also consider any potential issues for Australia's future energy security from possible further closures of oil refinery capacity and look at the implications of refinery closures on their workforce.

According to an Australian Strategic Policy Institute report, the fact that domestic oil refining capacity falls short of local demand means Australia is already vulnerable to any future disruption of supplies of imported petroleum during times of crisis. ●

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To find out about the Australian parliament's international program visit: www.aph.gov.au/international



LIFETIME DAMAGE: More education needed to cut FASD

Action plan launched on baby alcohol disorders

Community awareness campaigns needed.

Community leaders and health workers have urged parliament to take action to prevent more children being born with Foetal Alcohol Spectrum Disorders (FASD).

The Foundation for Alcohol Research and Education (FARE) launched the *Australian Foetal Alcohol Spectrum Disorders Action Plan 2013-16* at Parliament House, presenting the plan to members of the House of Representatives Social Policy and Legal Affairs Committee, which has been inquiring into the incidence and prevention of FASD.

Brain damage caused by exposure to alcohol in the womb can lead to a range of disorders including poor memory, impaired language skills, poor impulse control and mental, social and emotional delays.

FARE's plan has called for community awareness campaigns about the dangers of alcohol during pregnancy; improved diagnostic capabilities; support for people with FASD to achieve their full potentials; improved data collection on the extent of FASD in Australia; and closing the gap on the higher prevalence of FASD among Aboriginal and Torres Strait Islander peoples.

These recommendations were highlighted through a documentary about a young boy, Tristan, who lives with FASD at Fitzroy Crossing in Western Australia.

Bunuba community leader and chief executive of the Marninwarntikura Women's Resource Centre at Fitzroy Crossing, June Oscar said Tristan was one of many children and adults living in her community with special needs because they were exposed to alcohol before they were born.

She said since the community had started to focus on the issue, people were better educated about how to recognise FASD and how to prevent it.

"I'd like to think that our community is now much more informed. People are now sharing in discussions on this issue," Ms Oscar said. "Young people are advising each other that it's harmful to drink during pregnancy, so there is hope.

"I am very optimistic that we'll reach a point where everyone knows about this and everyone can understand those who have been exposed to alcohol in utero.

"The conditions people with FASD have throughout their lives are not just because they want to behave badly or they're doing for the heck of it – it's a condition that they have no control

NEWS

over. And so it's in their interests and the interests of the whole community that we become better informed about FASD."

FARE said its action plan would cost \$37 million to implement, but the investment would save public money in the long run if it prevented just eight children from being born with FASD and needing the costly extra health and educational support they require.

Professor Elizabeth Elliott from Westmead Children's Hospital in Sydney has been working with the Fitzroy Crossing community on a study into FASD.

She said there was good evidence early diagnosis and special support also has positive outcomes and can save money in the public health and education systems.

"By making an early diagnosis, you can identify areas of need, such as help with literacy or help with gross motor skills," Professor Elliott said. "In studies from the US, children with FASD who were diagnosed earlier had up to four times decreased rates of secondary complications; they were more likely to be employed, less likely to use drugs and alcohol, less likely to have sexual problems, and less likely to end up in jail."

But Professor Elliott said prevention of FASD cases would be the best outcome of the inquiry and the action plan.

"The precautionary principle should be to avoid alcohol during pregnancy," she said. "We know that the mother's blood alcohol level crosses the placenta very readily, and that the baby is then exposed to the same level of alcohol. I'd feel tipsy after a bottle of wine – can you imagine what a developing foetus would feel, and what that is doing to the brain cells in a rapidly developing brain."

Professor Elliott said she wanted to stress that FASD is not just a problem in Indigenous communities.

"It's a problem across society and in fact many of our tertiary educated women are the highest drinkers. In my clinic in Sydney I don't see Indigenous children – I see non-Indigenous children from the whole spectrum of society," she said. •

LINKS

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FISH OUT OF WATER: Research gap affects fisheries management

Aquaculture expertise gone fishing

Inquiry hears about 70 per cent drop in research.

Scientists are finding a new species of fish in Australian waters at the rate of one per week but the work of scientifically classifying species is under threat from a decline in funding, staff and jobs, a House of Representatives inquiry has heard.

The inquiry into the science of aquaculture and fisheries by the Agriculture, Resources, Fisheries and Forestry Committee was told funding for pure scientific research has dropped by around 70 per cent.

Brian Jeffriess, Director of the Commonwealth Fisheries Association, told the inquiry this funding is being diverted to fulfil a range of obligations Australia is now required to meet.

"The requirements under the act that govern the marine environment like monitoring marine parks, climate change, oil and gas and quota monitoring – all those things are taking funding away from straight scientific research," Mr Jeffriess said.

Australia's fish fauna is one of the largest in the world with almost 5,000

species of fish known in Australian waters. The Australian Museum plays a key role in identifying and classifying these species, which research scientist Jeffrey Leis told the inquiry is crucial to fisheries management.

"In order for fisheries biologists to do their work, there has to be a proper understanding of what species they're working with," Dr Leis said. "Otherwise they risk lumping species together and not getting the fisheries management plans right."

His colleague Patricia Hutchings said this is already happening, citing the example of the Sydney fish markets.

"At any visit there are several undescribed species of octopus in the catch," Dr Hutchings said. "Some are identified and some are not, yet it is all managed as one fishery."

Dr Leis said the rising misidentification of fish species is happening in tandem with a fall in the Australian Museum's expert knowledge base. During the 1980s the museum had 11 curators whose specialty was fish. Today there are only four.

“That sort of decrease in capacity is common in all marine animal groups,” Dr Leis said.

The ability of this expertise to be replenished by a new generation of marine biologists is being undermined by funding cuts for research institutions, which means new positions are not being created for graduates.

“They move from one side of the country to another or even overseas for jobs but eventually they get discouraged because there is no career path for them,” Dr Leis said. “Ultimately they drop out and go into another field.

“We are constantly looking for outside sources of funding. We are even looking for endowments – getting people to write the museums into their wills, which a few people have done.”

Despite the concerns about the scientific base supporting aquaculture in Australia, the inquiry heard Australia can have a competitive advantage in the growing industry.

Warwick Nash, of Queensland’s Department of Agriculture and Fisheries, believes Australia’s biggest advantage would be to sell high-quality aquaculture products that have been grown sustainably.

He rates the quality of Australian product far above that coming out of Asia and the Middle East.

“I know from talking to people who sell into that region, that as soon as they find out there is an Australian producer, that is the product they want,” Mr Nash said. “The products coming out of parts of Asia are seen as being of poor quality and of questionable production having used chemicals or having been grown under poor conditions.”

Dr Len Stephens, Managing Director of the Seafood Co-operative Research Centre, said Australia should and can produce high-value expensive products that go into top-line markets.

“We emphasise the quality of our product and its freedom from disease and contaminants,” he said. “There is simply no way we can compete with the Asian aquaculture industry [on a quantity basis].” •

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Data deficiencies limit law enforcement

Criminal data kept on 30 different systems.



MISSING LINK: *Crime databases not well connected*

Outdated and poorly connected data systems are limiting the ability of Australia’s law enforcement agencies to collaborate and share information.

The Australian Crime Commission (ACC) told federal parliament’s Law Enforcement Committee criminal intelligence is currently stored in more than 30 different systems which only have limited connections between them.

“There is no single and complete point-of-truth for Australian criminal intelligence holdings, or an automated process for searching across all systems simultaneously,” the ACC said.

“While the ACC can lawfully request information and intelligence from its partners, this can be a highly inefficient process. The absence of a consistent request for information (RFI) process amplifies this problem.

“Access to a single and complete point-of-truth for Australian criminal intelligence holdings, as well as a

consistent approach to RFI, would resolve this issue.”

The ACC said criminal intelligence must be treated as a national asset that is available to and shared by all relevant agencies. It claimed issues with current methods of collecting and sharing intelligence cause duplication of effort and inefficiency.

“Producing the national picture of serious and organised crime is complicated by a number of issues relating to the collection, use and sharing of criminal intelligence, including limited availability and accessibility of current and complete criminal intelligence and other information used in the production of criminal intelligence; and the absence of agreement on a consistent way in which Australian agencies collect, collate, analyse, produce, store and disseminate criminal intelligence,” the commission said.

“To address these issues, the ACC is pursuing an environment where

NEWS

criminal intelligence is treated as a national asset – something that is collected once and used often for the benefit of many – and support is given to an Australian Criminal Intelligence Model and Strategy that secures the free flow of criminal intelligence across the law enforcement, policing and national security domains.”

The national information-sharing service for Australia’s police, law enforcement and national security agencies, CrimTrac, said it is important for all agencies to collect and enter data in the same way and using the same coding so they can link with each other.

“If reference data provided by the agencies is consistently provisioned, linked to a common ‘code’ and provides a search tool operating on the basis of this standardised code directory, the time, cost and complexity placed on the investigative and intelligence functions may be reduced,” CrimTrac told the inquiry.

Senior lecturer in criminal intelligence at Charles Sturt University and former analyst with the ACC, Patrick Walsh said part of the problem is that the ACC and Australian Federal Police (AFP) have inherited legacy databases which were never designed to be utilised as intelligence databases.

“For example, the PROMIS system used by the AFP and the ACC is a case management system – good for investigators during an operation – but not good for sharing intelligence across an agency amongst intelligence officers or between agencies,” he said.

“Another poor ‘intelligence database’ which is coordinated by the ACC on behalf of all law enforcement agencies is the Australian Criminal Intelligence Database (ACID). Again this is not a user-friendly system and while the ACC regularly post its intelligence products on it ACID is not used extensively by all law enforcement agencies.

“This reduces national knowledge about certain criminal threats and degrades law enforcement’s ability to do effective strategic intelligence which can provide warning to government about the potential development of future organised crime threats. ACID needs replacing with a system that all law enforcement agencies will distribute national significant intelligence onto.”

The Police Federation of Australia believes the future of law enforcement is the free flow of criminal intelligence through modern intelligence-sharing technical capabilities.

“In an ideal world all law enforcement and other relevant agencies would be connected into a single criminal intelligence database,” the federation’s CEO, Mark Burgess said.

“The ACC has a legislative mandate to maintain such a database, but is hampered by a lack of modern technology, and an absence of mandatory requirements for agencies to contribute intelligence to that database.”

The federation has asked the parliamentary committee to recommend the development of technical capacity to facilitate the free flow of criminal intelligence between law enforcement agencies, and to put in place legislation that obliges agencies to share intelligence. It said the current system of ad hoc memorandums of understanding, individual agreements or requests for information create an incomplete intelligence picture.

“The free flow of intelligence would greatly assist police officers in the performance of their day to day duties,” Mr Burgess said.

“Police officers should be provided with direct real time access to intelligence holdings on operational grounds. Police officers and those they interact with are most at risk when an officer is forced to operate in a situation without proper intelligence regarding the circumstances of the situation. [Information sharing] needs to be ‘real time’ – e.g. within 48 hours.” •

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DIRECT ACTION: Stronger steps to fight pirates

CLOSING THE NET ON PIRATES

Australia will increase its efforts in the fight against piracy and armed robbery against ships under an international agreement reviewed by federal parliament’s Treaties Committee.

The Regional Cooperation Agreement on Combating Piracy and Armed Robbery Against Ships in Asia (ReCAAP) targets pirates by requiring member countries to take action to protect ships from piracy, arrest pirates and seize their ships and rescue victims held by pirates.

Member countries must also endeavour to extradite pirates or persons who have committed armed robbery against ships, at the request of another member with jurisdiction over them.

Piracy and armed robbery against ships remains a significant issue in the Asian region and high profile piracy incidents in Africa have drawn widespread concern.

While the Department of Foreign Affairs and Trade (DFAT) said the risk of piracy within the Australian region is low, the threat towards Australian cargo transported via international shipping was as high as for any other international shipping country.

DFAT recommended to the committee that Australia join the agreement, saying it was in Australia’s interests to reduce piracy in the Asia region.

“For vessels transiting to and from Australian ports, piracy potentially impacts on ship routeing, cargo competitiveness, crew safety and maritime insurance premiums,” DFAT said.

“Each of these factors has the potential to contribute to increased

Law review for sea crimes

costs for Australia's maritime cargo interests. ReCAAP provides a vehicle to facilitate closer engagement with regional states to mitigate risks to those interests and Australia's vital trade routes.

"Engagement with this organisation will further enhance Australia's reputation as a responsible maritime security nation and underline our commitment to regional counter-piracy initiatives."

DFAT also noted that joining the group would not impose a significant cost burden on the government as Australia already fulfils many of the requirements.

"Many obligations are already met through existing activities, including Australian Defence Force surveillance programs and Customs and Border Protection sponsored capability and capacity building events," DFAT said.

"Australia's maritime compliance and reporting regime is strong and effective. The measures described above demonstrate that Australia's current framework is sufficient to meet the essential information-sharing objectives."

DFAT's analysis said industry had been consulted about the treaty and there was general support for it.

"Overall, industry's response has been positive, as there is common recognition of the benefits.

"The maritime industry, seafarers and the maritime law enforcement community all stand to benefit from enhanced communications and information exchange among participating governments. Maritime industry involvement can greatly assist in the improvement of incident response by Contracting Parties, help to provide more accurate statistics on piracy and armed robbery incidents, and enhance maritime domain awareness." •

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Australia can beef up protections for cruise ship passengers without contravening its obligations under international conventions, a parliamentary inquiry has been told.

The House of Representatives Social Policy and Legal Affairs Committee is investigating the adequacy of current laws and arrangements which cover crimes committed at sea.

The inquiry was established following recommendations made by the NSW coroner in the wake of the high-profile case of Dianne Brimble, who died on a cruise ship in 2002.

The investigation and prosecution of crimes committed at sea can prove difficult due to issues such as overlapping jurisdictions, the location of the ship, where the ship is flagged and the nationality of the accused and victim.

The coroner's report into Ms Brimble's death recommended that the government consider adopting similar laws to ones in place in the United States, which mandate certain requirements for cruise ships entering US waters.

The government has expressed concern that a similar move could be inconsistent with its obligations to an international convention which covers foreign flagged vessels in Australian waters.

However, maritime law expert Associate Professor Kate Lewins said this is not necessarily the case. Dr Lewins believes there is room to move under the requirements of the convention Australia is a signatory to.

"Of course we want to encourage cruise ships as it is a big industry and cruising is something our citizens enjoy, so one has to bear in mind the views of the cruise ships' people," she told the inquiry.

"But I do not believe that measured regulations would interfere with our obligation to allow innocent passage through territorial waters."

Dr Lewins said several recommendations of the coroner's report into Ms Brimble could be implemented to provide better safeguards to passengers.

"We can implement the requirements about how to deal with medical

emergencies, notification, perhaps advising passengers of what to do in certain circumstances and CCTV would obviously be an enormous boon for any authorities investigating something that is happening on board," she said.

According to Dr Lewins, while the international convention says coastal states should not be regulating on some matters such as a ship's structure, it does provide for countries to make regulations once ships are proceeding into inland waters.

"Effectively, once a ship visits the port, we have an entitlement to require it to adhere to our laws. That is the jurisdictional peg," she said.

Some companies, like P&O, have already implemented measures such as the introduction of CCTV and the screening of passengers for weapons and drugs.

Dr Lewins also told the inquiry that Australians are "woefully unprotected" when it comes to seeking compensation for any serious injuries sustained on a cruise ship.

She would like to see a passenger liability scheme introduced.

"Cruise ship lines carry passengers according to their own conditions of carriage, and that may require people to sue in overseas countries, it may require them to sue in a place that does not have English as an official language," she said. •

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SEA CHANGE: Law reform to protect cruise ship passengers

NEWS

THINKSTOCK



BREAKTHROUGH: *New imaging technology is helping early diagnosis of dementia*

New hope for dementia sufferers

Research targets early diagnosis and intervention.

A scientific study being conducted by CSIRO is providing new hope for the understanding and treatment of dementia.

With 1,600 new cases identified each week, dementia is becoming an increasing national health priority.

The House of Representatives Health and Ageing Committee is conducting a public inquiry focusing on how early diagnosis and intervention for dementia can play a role in improving the quality of life, social and community engagement and future planning for people with dementia and their families.

“The historical success of reducing the impact of chronic disorders on individuals and society rests on two

fundamental pillars – early diagnosis and intervention,” CSIRO said in its submission to the inquiry.

In its current study, ‘The Australian imaging biomarkers and lifestyle study of ageing’, CSIRO is working with other research bodies and universities to improve understanding of the causes and diagnosis of Alzheimer’s disease, the most common form of dementia.

The study involves 1,000 volunteers and brings together world leading researchers with expertise from a number of medical disciplines aimed at finding ways to diagnose dementia in its earliest stages.

“It is clear that intervention is more biologically effective and more cost effective to society and government

when it is applied at the earlier stages of the disease,” CSIRO said.

“CSIRO has identified dementia, and particularly Alzheimer’s disease, as an area of high priority and one in which we have devoted significant activity and resources within the organisation’s research priorities and in national collaborations.”

CSIRO has been attempting to identify the first measurable signs of the onset of the disease and thereby produce a platform to soundly test both lifestyle and therapeutic approaches to slow progression or prevent the initiation of the disease.

For early detection, CSIRO told the committee impressive advances in imaging technology have been made and it expects those technologies to be more refined and more sophisticated in the immediate future.

However CSIRO representative, Professor Lynne Cobiac said there is no point detecting Alzheimer’s early if we do not have an intervention.

“At this stage we do not have really strong evidence for an effective intervention, and that is part of the big challenge for this research – can we find an intervention that works,” Professor Cobiac said.

“CSIRO and its collaborators are looking at the role of lifestyle interventions, and that includes understanding the role of stress, understanding how physical activity may help to delay any further cognitive decline in people with mild cognitive impairment; and also the role of food and nutrition in terms of delaying cognitive impairment.”

The next focus for CSIRO from their research findings is to use the information available on how to detect the disease and intervene to prevent the disease from taking place.

“Prevention is a very laudable goal, and we may not be able to actually prevent it, but if we can delay the onset by as few as, say, five years, then that will have a significant impact both for health and also for the economic status of the health budget.” •

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School tests unfair for Indigenous students

Thirty recommendations made to help preserve Indigenous languages.

A parliamentary inquiry has found standardised NAPLAN assessments for Indigenous language-speaking students are unfair and should not be used in early school years.

The recommendation is one of 30 in a report on language learning in Indigenous communities by the House of Representatives Standing Committee on Aboriginal and Torres Strait Islander Affairs.

The report – *Our land, our languages* – highlights the importance of recognising, encouraging and preserving the 18 most commonly used Indigenous languages still spoken by communities in Australia.

Aboriginal and Torres Strait Islander children who speak a traditional language or creole as their first language are currently tested using the National Assessment Program – Literacy and Numeracy (NAPLAN), which applies standardised tests across Australia.

The committee said this had a negative impact on Indigenous language-speaking students because it assumed they were already fluent in standard Australian English.

“These assessments are liable to make false assumptions about learning contexts and about age-appropriate knowledge of standard Australian English,” the report noted. “In addition to being misleading, in painting a negative portrait of learners, assessments that fail to take account of these issues impact negatively on learners’ sense of worth and ongoing engagement with formal education.”

Committee chair Shayne Neumann (Blair, Qld) said these tests may contribute to disengagement with formal education.

“NAPLAN does not adequately or appropriately demonstrate what Indigenous children with traditional first languages can do or what they actually know,” he said.

Deputy chair Sharman Stone (Murray, Vic) said the recommendation



TESTING TIMES: *Indigenous students disadvantaged by standardised tests*

to provide more meaningful tests would help prevent the negative consequences associated with receiving ‘unsatisfactory’ marks.

“If the children in the classroom don’t speak standard Australian English then we should not test them with an instrument that is meant to name, blame and shame the school and the teachers because the children have failed,” Dr Stone said, referring to the results being published on the *My School* website.

“That website is visited so often by family looking at how their school is performing, and it’s looked at by teachers considered going and teaching at that school, so it’s a very powerful symbol if the school looks to have failed. That’s not fair.”

Mr Neumann said the committee believed ramping up bilingual education would reverse decline in school attendance rates.

“We had strong evidence that bilingual education works – and works well – for children whose primary language is their mother language, a contact language or creole,” he said.

Dr Stone said one of the committee’s recommendations was to provide all children with a ‘first language assessment’ when they enter the education system.

“Teachers across Australia often encounter children coming to school without English. For any child when they arrive in their earliest formal education experience, they need to have their home language acknowledged, understood, and have that child learn from the basis of that language... not immediately be overwhelmed by English,” she said.

Dr Stone said it should also be compulsory for teachers to learn how to teach English as an additional language or dialect.

“It’s not new, it’s not rocket science: Australian teachers should have capacity to teach to a multilingual school group. We have ignored that basic fundamental need for a very long time,” she said.

Other recommendations include acknowledging Indigenous languages in the constitution; establishing a national interpreting service, especially for the health and justice systems; and opening up alternative career pathways for Indigenous language speakers who work alongside English speaking teachers in classrooms to receive formal teaching qualifications of their own.

The committee received 154 submissions and held 23 public hearings during its review. •

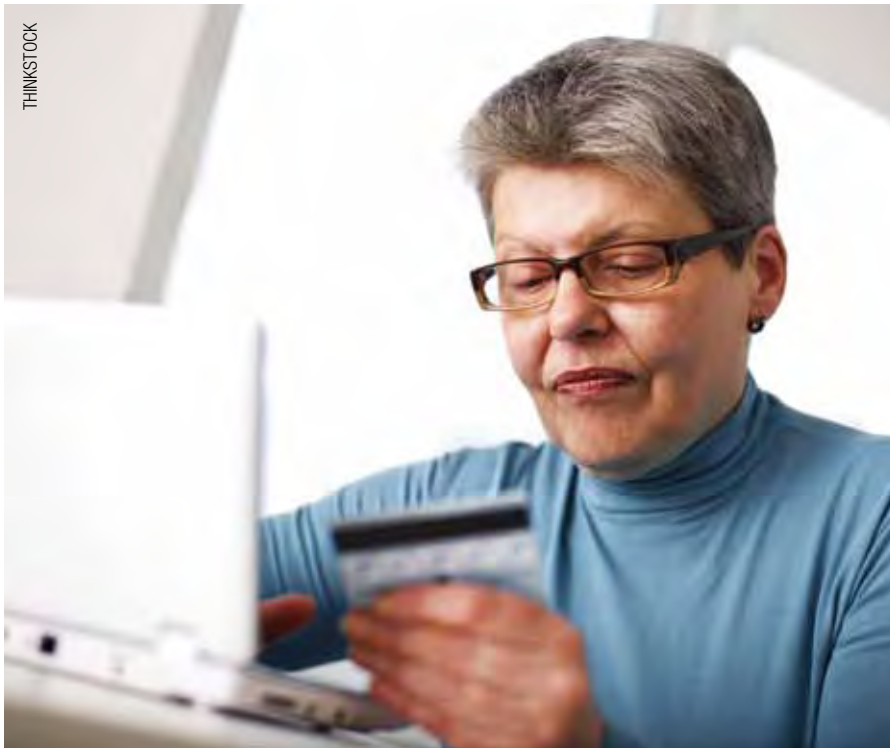
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NEWS

Trusting seniors at risk of cyber-scams

Committee survey shows trends in seniors' internet use.



RISKY BUSINESS: *Cyber skills training needed to keep seniors safe online*

Australian seniors who are 'internet-savvy' are seen as high-value targets for cyber-scammers because they are perceived to have greater assets to plunder than younger users of the internet.

That's one of the concerns raised at a federal parliamentary inquiry into cyber-safety for senior Australians, which has held 12 public hearings across Australia in the past year.

The Cyber-Safety Committee is getting a broad and diverse picture of senior Australians using the internet – some fully engaged and with confidence, and others still too frightened to use it by a lack of skills and fear of making mistakes. There is also a group not using the internet at all and the committee wants to reach them to understand their reasons for non-use

and what can be done to address their needs.

"Younger people are taught how to be safe using the internet and as they grow up they'll always use those skills. If we can reach seniors at the other end of the life spectrum, we should be able to close the understanding gap of the risks and pitfalls of using the internet in the entire community," committee chair Senator Catryna Bilyk (Tas) said.

As part of the inquiry, a survey has been asking seniors for their opinions on using the internet. So far there have been 521 responses which showed more seniors using the internet for banking and paying bills (76 per cent) than for entertainment (60 per cent), shopping (54 per cent) or social networking like Facebook (42 per cent).

"Generally seniors are more trusting as a group, so they're more

likely to put information online that could in the long-run be detrimental to them," Senator Bilyk said. "I've seen people mention on Facebook that they're going away for a six-month trip and then on another page there will be something about where they live. This could leave them open to anyone vaguely criminal who wanted to exploit them."

In its submission to the inquiry, the Australian Institute of Criminology (AIC) said one of the challenges currently facing criminal justice policy makers is a lack of knowledge about the extent of crime that is occurring online.

"This can be attributed to a low reporting rate, the multitude of state and federal government agencies within Australia that collect this type of data, how the data are recorded and a lack of resources to undertake victimisation surveys," AIC said.

The other big issue is the lack of any mandatory requirement to report to individuals when breaches of data happen.

"Senior Australians may not even have to access the internet to become victims of cybercrime," said Dr Rick Brown, Deputy Director of Research with the AIC. "Instead personal identification information they may have entrusted to businesses or government agencies to keep safe may be breached in the online environment leaving them vulnerable to identity theft and fraud."

Dr Brown said research done by the AIC and the Australian Crime Commission into serious investment fraud showed that seniors and retirees were among those likely to be targeted by offenders principally because of the often substantial assets they have available to invest.

In relation to scams, the inquiry's survey found 24 per cent (125 seniors) had been personally affected by email scams, identity theft or other internet related fraud. Of these the biggest menace was "phishing": soliciting for donations, inheritance, banking and lottery scams at 75 per cent (90 seniors). Others included malicious software installed (31 per cent or 38 seniors) or romance and dating fraud (17 per cent or 21 seniors).

Of those scammed, 57 per cent (69 affected users) did not report the incident, indicating seniors are either

unaware they should report, or don't know how to.

Senator Bilyk said it was also to do with pride and dignity because people may not want to admit they'd been taken in.

"Some seniors don't want to feel foolish, but they shouldn't worry about that because the criminals are spending 18 months to two years setting up a scam so it looks authentic," she said. "They're building bogus websites with supporting pages to a fraudulent investment so it's very difficult to tell it's a scam. People should always report a problem – to SCAMwatch in the first instance – so they can help prevent others from being taken in too."

Only 1.3 per cent or seven respondents did not have a computer at home. But this statistic highlighted one of the limitations of the survey.

"It would appear we're reaching those seniors who are already connected and well-versed in using the internet," Senator Bilyk said. "What we're not capturing are those seniors who are not online or prefer doing things the old way."

A telling statistic was the response to the question: are you aware of friends, relatives or contacts aged over 55 who don't use the internet? Eighty-three per cent (or 428 seniors) answered yes, with the main reason for non-use being "not interested" (40 per cent or 173 seniors). Thirty-five percent (153 seniors) cited a lack of skills as the reason and 10 per cent (42 seniors) said it was the cost of computers. Only 21 respondents (or 4.9 per cent) answered that fears of security risks prevented them from using the internet.

The survey is open until the end of the year and can be accessed at: www.aph.gov.au/jscc. If you are not online but still want to contribute, phone the Cyber-Safety Committee's secretariat on (02) 6277 4202 to request a hard copy to be posted to your address. Your response will still be anonymous. •

LINKS

www.aph.gov.au/jscc
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Privacy caught in the web

Concerns over new security laws.

Federal MPs have questioned whether there are adequate safeguards against privacy breaches in new laws which could see a person's internet data stored for up to two years.

The federal government has proposed changes to national security legislation which would allow agencies access to certain types of information contained within a person's web browsing and electronic communication.

With concerns raised that the laws breach people's privacy, federal parliament's Intelligence and Security Committee is inquiring into the amendments.

Committee members voiced their concerns to the Attorney-General's Department at a recent public hearing.

Department secretary Roger Wilkins told the inquiry changes to legislation have been proposed because it needs to be brought up to date with the emergence of new communication technologies in the 21st century.

However committee chair Anthony Byrne (Holt, Vic) questioned whether privacy protections are sufficient.

"From what I've heard so far, I'm not satisfied there is an independent mechanism which would provide satisfaction to the public that their data was being protected," he said.

Mr Wilkins responded that the necessity of law enforcement agencies to obtain a warrant to access the content of web searches was the "ultimate protection".

"That's the current requirement. If they want to get this stuff they're going to have to get a warrant."

Mr Wilkins also said the ombudsman and privacy commissioner can be used to provide oversight.

Law enforcement officials must get a warrant to access the content of a person's web searches, but need only authorisation to see the data that allows electronic communications to occur.

But several committee members said they were not satisfied sufficient distinction between content and data



SEARCH HISTORY: Agencies push for greater access to personal online data

had been established and whether it was even possible to separate the two.

Independent MP Andrew Wilkie (Denison, Tas) also questioned whether the legislation would be able to catch out sophisticated criminals who are likely to use encryption methods to hide their internet activity.

The department's Catherine Smith said while some are able to hide their activity, patterns of behaviour can still be established through data that can be accessed.

Senator John Faulkner (NSW) told the inquiry concerns had been raised about a lack of detail surrounding the proposal.

"I think what seems to be lost here by some of the agencies is that this proposal is a very controversial proposal," he said.

"I want to have all the information I can available to me as I put my views before this committee in private meetings about the recommendations it should make and I've not felt I've had that information available to me."

The department revealed that the cost of the measure is not yet known, but it is working on three separate scenarios including: industry pays, government pays or a combination of the two. •

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NEWS

Sport can help close the gap

Indigenous educational outcomes improved.



RACING AHEAD: Sport keeping Indigenous students engaged

Sport can play a key role in lowering delinquency rates among Indigenous youth in regional and remote areas, according to a scholar of Aboriginal sport.

Professor Colin Tatz shared his decades of research with the House of Representatives Aboriginal and Torres Strait Islander Affairs Committee for its inquiry into the contribution of sport to Indigenous wellbeing.

“Proof is sufficient to say that where sport flourishes in Aboriginal communities, especially those remote and rural, delinquency rates drop, sometimes to almost zero,” Professor Tatz said. “Where sport is not a presence, rates are alarmingly high.”

“Sport provides a sense of belonging, social cohesion and loyalty, almost a substitute for clan and kinship loyalties. Sport is the only activity in which horizonless and otherwise purposeless youth can pit their bodies and skills against others – without having to go to school, college or apprenticeships.”

Professor Tatz believes participation in sport reduces antisocial behaviour. His views concur with the experience of school teachers and mentors in central Australia, such as Samarra Schwarz, manager of the Girls Academy at the Centralian Middle School. The academy was established in Alice Springs three years ago primarily to keep Indigenous girls interested in school.

Ms Schwarz welcomed the parliamentary inquiry and believes the academy’s focus on sport and sporting role models is making a difference.

“I really hope they do realise it’s making a big impact,” she said. “Our girls’ attendance is averaging 75 to 80 per cent for the whole year. That’s massive – for 55 girls. It is making a difference and there’s a real need for it to continue. A lot of our girls don’t get the opportunity.”

Ms Schwarz said the academy gives structure and purpose to many children who live in otherwise very challenging circumstances.

“For some of them they get let down in their home lives on a daily basis,” she said. “So coming to us and seeing some continuity and knowing we’re always going to be here to support them and there’s this goal if they do well, it makes a hell of a difference.”

The Centralian Senior College is also part of the national Sporting Chance program and offers experiences beyond just sport, such as leadership, teamwork, grooming and deportment, art and craft, and music. The manager of the senior college’s Girls Academy, Beverley Angeles, said sport remains the main carrot dangled to get many of these girls to stay at school.

“It’s exercise, nutrition, leading a healthy lifestyle, and for those with the talent to go on and play at elite level, sport’s a big part of territory lifestyle,” Ms Angeles said.

“Schools go away on a lot of sporting trips and we support the kids, not just financially, but in other ways too.”

The senior college’s development officer Jessie White recalled when one of the teachers came up to her a few months ago.

“She said she can pick which girls are in the academy and which ones aren’t, because their confidence is growing, their self-belief is kicking in, their pride, participation in classes is a lot greater for those girls that are a part of the academy than those that aren’t,” Ms White said.

Committee chair Shayne Neumann (Blair, Qld) is aware of the importance of sport to Indigenous communities.

“Indigenous athletes enjoy a long and rich history of achievement in sport,” Mr Neumann said.

“Indigenous people are more likely to participate in some sports, such as Australian Rules football or rugby league, and Indigenous men participate in sport more than Indigenous women.

“We know that sport can contribute to promoting teamwork, healthy living and community cohesion in Indigenous communities. The challenge, then, is to increase participation in sport and remove barriers to participation. Sporting bodies, non-government bodies and the government all have a role to play.” •

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Norwegians outline gambling solutions

Representatives from Norway's gambling industry have told an Australian parliamentary committee the introduction of maximum daily limits and player identification cards has helped to slash problem gambling in the Scandinavian nation.

In 2007 all slot gaming machines in Norway were removed and replaced in 2009 by networked interactive video terminals with loss limits of €50 per day or €275 per month, operated by personal identification cards preventing players from exceeding limits by changing venues or machines.

Speaking to the Joint Select Committee on Gambling Reform, Norsk Tipping senior adviser Bjørn Helge Hoffmann said the new system has allowed the government to control gambling losses and monitor problem gambling behaviour.

"That system we launched was a ground-breaking system worldwide," Mr Hoffmann said. "We used our player card to identify the players. In Norway, 55 per cent of the adult population have this player card. For all types of lotteries and games, they use the player card to register to play.

"The new machine, the new VLT, is based on a PC and has a touch screen, and is connected to a central network. That means that we have the ability to upload different limits on the machines. Since it is a central network, they can also monitor the machines and the turnover."

The Norwegian Ministry of Culture admitted the 2007 ban on slot machines led to the disappearance of an entire industry and 1,500 people may also have lost their jobs, but social benefits were considered to outweigh employment issues.

The government-owned Norsk Tipping has provided gambling services

in Norway since reforms in 2007 brought the industry under a state-controlled monopoly. Operating under the Ministry of Culture, it supplies and controls the gambling industry, which includes lottery, bingo, game machines and sports betting.

The company said that before the reforms there was nothing stopping gamblers from losing \$1,000 an hour playing the old slot machines.

"The new regime stated that in the game you have to control the net loss of each player. That is why they use the player card," said Lars Martin Ottesen, Norsk Tipping VLT games manager.

"We keep track of your net loss and your maximum net loss is €275 per month and €50 per day. The machine is disabled once you reach your maximum, so you cannot transfer any more funds to your terminal and you cannot play anymore."

In the Gambling Reform Committee's latest report, committee chair Andrew Wilkie (Denison, Tas) and Senators John Madigan (Vic), Richard Di Natale (Vic) and Nick Xenophon (SA) made additional comments comparing the Norwegian example to proposals in Australia to introduce mandatory pre-commitment, where gamblers would set a maximum limit they could lose before they start playing.

"While the environments and systems differ to those in Australia, it is clear that setting limits in Norway has reduced problem gambling and gambling harm," the four committee members stated in the report.

"Limits in Norway have been set by the government, whereas with mandatory pre-commitment the intention is to provide that tool to the gambler to set their own limit."

Responding to a question from Mr Wilkie, Mr Hoffmann said there

had been little if any community hostility or resistance to the reforms.

"No, not at all, except for some principal debate whether slot machines should be allowed or not," he said. "Since people have seen the machines there has been no protest against them as far as I know. The organisations that help people with problem gambling are all very happy with the solutions that we have introduced into the market."

Usage figures confirm the limits have been well accepted, with only 21 per cent of players reaching the government mandated limits each month.

Norsk Tipping also said the introduction of machines with limits had not introduced any new problems.

"We do not think there is very much of a black market," Mr Hoffmann said. "We cannot say that we have seen any huge movement to online gaming." •

LINKS

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WITHIN LIMITS: Norwegian pre-commitment scheme deals with problem gambling

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A slow poison

Behind the alarming statistics on workplace bullying are personal stories of grief and hardship, revealed during a parliamentary inquiry.

STORY: JANE FAURE-BRAC

John McPhilbin spends his day on the phone helping people who've been injured at work. But these are not just physical injuries, more often they are psychological injuries as a result of bullying.

People come to the Injured Workers Support Network with nowhere to turn; broken, depressed and humiliated. John is a very sympathetic ear to them. He knows exactly how they feel. He was one of them.

John considers himself a lucky survivor of workplace bullying. Countless others lose their job, family, self-esteem and in extreme cases take their own lives. Now with a degree behind him and in a job where he feels valued by his employer, John wants to try to change the system which pushed him to the brink and prevent others from going there too.

"You just can't underestimate how damaging a psychological injury from bullying is. I was depressed, I couldn't sleep, I couldn't get out of bed, I couldn't go into work. I'd just stopped functioning," John says.

That was nine long years ago, during which John fought a bitter battle for justice after being bullied at work.

As an ex-military man, he understood the importance of protecting staff in the line of duty, which was one of the reasons he took a job with a security firm when he returned to civilian life.

"Roughly one in three employees in the workplace has experienced some form of bullying or poor behaviour and one in two has witnessed it"

John loved his new job as operations manager. A natural problem solver, John was good at his job and got results. He soon found himself promoted to a national role, but that's when things started to go wrong.

In the new role John says the workplace culture was driven by profit margins and bonuses and he saw safety being compromised.

"It was definitely a case of the workplace culture engendering the behaviour," he says.

"Once the change from safety to profit was entrenched, there was no going back. In one month, the profit



HARD TO SWALLOW:
*Many people are suffering
psychological damage from bullying*

margin was 14 per cent. The following month, the managers had to increase their profit margins by 18 per cent and they were told if you achieve this, you'll get a bonus."

When John saw safety breaches happening in the name of cost-cutting, he told his superiors.

Instead of taking up his concerns, two senior managers stopped listening and started what John says was a two-year campaign of covert bullying, isolating him from other workers, undermining his work and reputation in the firm and excluding him from important meetings he should have been at.

"The French have a saying when they refer to workplace bullying; they call it the 'slow poison' and that's literally what it was like," he says. "There were a lot of passive aggressive moves made behind my back and it was very Machiavellian. You know you're being attacked, but there's very little you can do about it."

Unfortunately, John's story is far from unique. Bullying exists in all types of workplaces across the country and the Productivity Commission estimates it's costing the Australian economy between \$6 and \$36 billion a year.

The issue has been under scrutiny by the House of Representatives Education and Employment Committee, which has been conducting a wide-ranging inquiry into workplace bullying, looking at prevalence, how workplace cultures respond to bullying and whether there are regulatory, administrative and cross jurisdictional policy gaps that should be addressed.

And it's had an overwhelming response, taking evidence in every state and at each hearing making time for targets of bullying to tell their stories.

"A lot of what we are hearing is just what a devastating impact workplace bullying can have on people's lives," committee chair Amanda Rishworth (Kingston, SA) says.

"At face value, bullying can appear to be a situation between a number of people at work, but what we are hearing very strongly is that it can also be the result of systemic workplace culture and bad culture. A culture in which bullying is allowed and permitted and the organisation may even encourage it. We need to recognise some of the systemic issues around this."

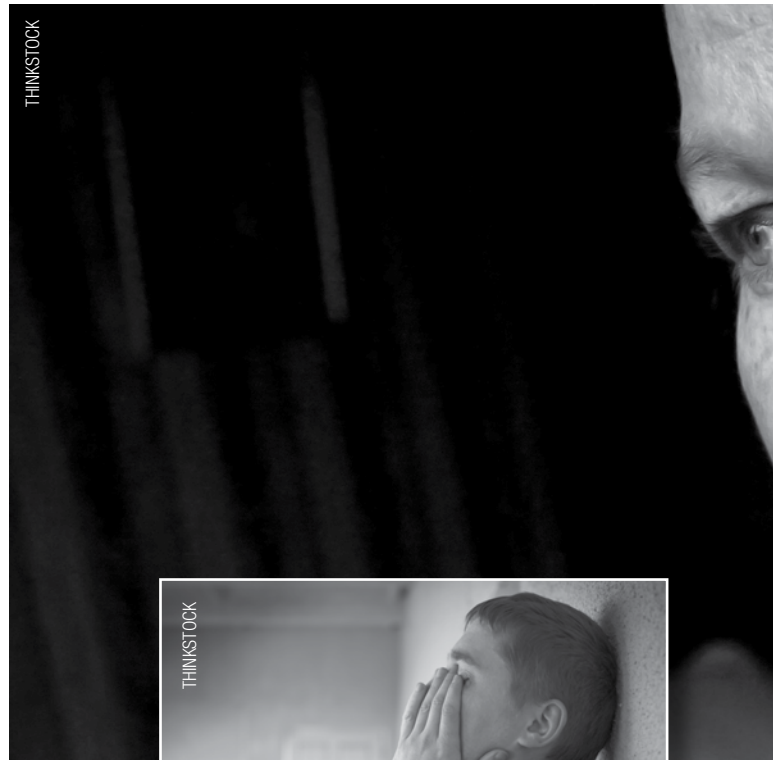
Estimating the prevalence of bullying in Australia is problematic as there are no large-scale Australia-wide studies in place. Also, bullying is very much an under-reported problem.

Dr Carlo Caponecchia of the University of NSW has written extensively about workplace bullying. He says people don't report bullying for fear of a negative impact on their career.

"The data in Australia has been collected from public sector agencies which do regular surveys of their workforces," he says.

"Different public sector agencies from around the country are indicating that between 15–25 per cent of their workforce report they have been bullied in the last 12 months and that has been pretty stable over the last few years."

Davidson Trahaire Corpsych (DTC) is a leading national organisation which deals with difficult workplace issues. It's due to publish the first Australia-wide survey for some time into workplace bullying early next year.



"You know you're being attacked, but there's very little you can do about it."

Chief executive Michele Grow says 70,000 people a year present to them with some form of workplace grievance like harassment, perceived bullying or major inter-personal conflict.

"Focusing solely on bullying, we see 10,000 cases that relate to workplace bullying per year. That means roughly one in three employees in the workplace have experienced some form of bullying or poor behaviour and one in two have witnessed it," she says.

"So in context, every person you encounter today, one or other of you will have experienced bullying in the workplace and that's a damning statistic."

DTC's research shows that for every case of bullying reported there are between eight to 20 actual cases going unreported. "What worries me more is that of the people who do report bullying, 44 per cent say their organisation does nothing to resolve the issue and another 18 per cent say that the organisation made the situation worse," she says.

At present, bullying falls under state occupational health and safety regulations. Dr Caponecchia says this means organisations should treat bullying like any other safety risk in their workplace. It requires a risk assessment and preventive measures to be put in place.

While it may be easy to install a rail or guard on a machine to prevent a physical injury to a person operating



FEAR AND LOATHING:
Bullying goes unreported because people are scared of negative consequences

it, organisations often struggle to understand that bullying is a product of workplace culture.

Cutbacks, restructuring, workplace change, pressure to deliver results and bottom line figures can all contribute to conditions where bullying may thrive. Similarly, more stressful workplaces have high incidences of bullying.

During his time working at a security firm, John says he was badgered by his bosses and threatened with dismissal. He says the workplace culture was so toxic, there was no-one to stop the senior managers who'd cast him as a "whinger" and a "trouble-maker".

John was eventually so damaged by the treatment he couldn't do his job properly. He left work ill on stress leave and launched a claim against the firm for psychological injury.

"They made my life miserable. I thought I could tough it out, and for a while I did, but after 12 months of this treatment, I was knocked flat by it," he says.

"There was no other avenue open to me apart from the workers compensation system and I was forced into that scheme because I needed to get back some of the wages I'd lost from being off work. I spent the next 12 months going from psychiatrist to psychiatrist to have assessments done in order to have my claim heard through the workers compensation commission."

Just as Australia doesn't have a uniform safety scheme, so it has a disparate series of workers compensation schemes. The ideal is that accidents are prevented at work, but if they occur, there should be compensation and a system of rehabilitation and bringing the injured worker back into the workplace. But it rarely happens that way.

"Unfortunately, the compensation system is heavily run by insurance interests," says Michael Harmer, chairman

Stress factors

- The highest prevalence of bullying comes from four different industries: public administration, education, health and defence.
- The most common form of mistreatment is around verbal abuse: shouting, swearing, malicious sarcasm and intimidating behaviours.
- One in two people who experience bullying then suffer an extreme version of a stress related complication: stomach ulcers, tachycardia, hair loss, dermatitis, panic attacks or irritable bowel syndrome.
- Over 70 per cent of the perpetrators of workplace bullying are deemed to be managers, yet managers are often protected in the process.
- 'Inadvertent bullying' can happen where people are demonstrating bullying behaviours because they are inexperienced, they are untrained, they are unsupported or they are emulating the behaviour of others whom they see are successful in the organisation.
- In almost 50 per cent of cases, the bullying behaviour has gone on for more than a year.
- Around one in five people do not have faith in the complaint process – whatever that complaint process looks like.
- 90 per cent of people being bullied make the comment: 'I just want it to stop.' They don't want to go down a formal path, but just want the behaviour to stop.
- Stopping the bullying behaviour needs to be the end goal.
- About 30 per cent of bullying occurs in 'mobbing' where the behaviour is carried out by more than one person.
- An apology can go a long way in dealing with bullying, but an apology is useless if the behaviour does not change.
- It's rare to see 'contributing to creating a dignified and respectful workplace' as part of the core competencies of training for a manager.



Based on data collected from 5,200 bullying cases in Australia. Source: Davidson Trahaire Corpsych



of Harmers Workplace Lawyers, which specialises in industrial law.

“There’s a great interest in denying liability and sometimes the rehabilitation process is not seriously undertaken and so people get into that treadmill unfortunately of: ‘you’re on workers comp so you are in some way tainted’ – and you get your redress through that minimal recompense, which has got a massive gap between what’s received and your income you would be receiving,” he says.

Michael Harmer has been practising industrial law for more than 30 years and describes Australia’s current laws for dealing with bullying as totally inadequate.

There is no single stand-alone law which prohibits bullying. Consequently he is forever trying to shoe-horn bullying cases into existing legislation like racial discrimination or unfair dismissal.

“It’s a matter of fitting it into the existing legal boxes – and some cases of pure bullying don’t fit neatly into any one box – so it’s very difficult to take that matter forward on a viable basis. You’re really left scratching.”

His submission to the parliamentary inquiry suggests a separate law against bullying, with punitive penalties to discourage the conduct, as well as efficient and timely access to a court or tribunal to enforce them and punish the conduct.

Mr Harmer has seen some very high-profile organisations ignore bullying because the perpetrator earned the company millions of dollars. He recommends that companies are fined the amount of profit made for them during the time the bullying occurred.

He also believes Australia should go the way of Victoria and criminalise bullying. After the tragic suicide of 19-year-old waitress Brodie Panlock and the ensuing outcry at her atrocious bullying at work, the state amended the Crimes Act of Victoria.

Brodie Panlock’s three tormentors were given punitive fines. To date no prosecution has been made under the year-old law, but Michael Harmer says there’s a lot of extra value in Brodie’s Law.

“As with so many laws you don’t enact them in the hope that you’ll catch a lot of people bullying to the point of suicide. But now people know that if you conduct yourself

“We have to take bullying seriously because there are a lot of highly productive people who’ve had their lives destroyed.”

in a certain way, you can be jailed and you can be fined,” he says.

Once in the workers compensation system, John McPhilbin says he felt bullied a second time – this time by the system. His bullying claim was denied outright by WorkCover NSW on Christmas Eve 2003. He found the investigation process adversarial and humiliating.

“These people were really hostile and didn’t give a damn. They treated me like I was a fraudulent malingerer,” John says.

Michele Grow agrees that going through any kind of formal process is extremely difficult and people need to be prepared for what may lie down that track.

“From our experience very few people want to go down the path of formal complaints and litigation,” she says.

“People end up in that space when they feel there are no other options, but 90 per cent of people just want the behaviour to stop.”

She says the best way for companies to prevent bullying is for every employee from the top down to embody respect and dignity in the workplace.

At the committee’s hearing in Perth, Unions WA told the inquiry calls about workplace bullying had increased by 70 per cent in three years.

Sue Pethick, industrial organiser for the Australian Services Union, told the inquiry they are spending too many resources helping people exit the workplace after a bullying case. This results in costly re-hiring and re-training of staff.

The WA Chamber of Commerce and Industry represented employers at the Perth hearing. While its employee relations consultant Paul Moss agrees health and safety legislation needs “tidying up”, he’s against additional legislation to deal with bullying.

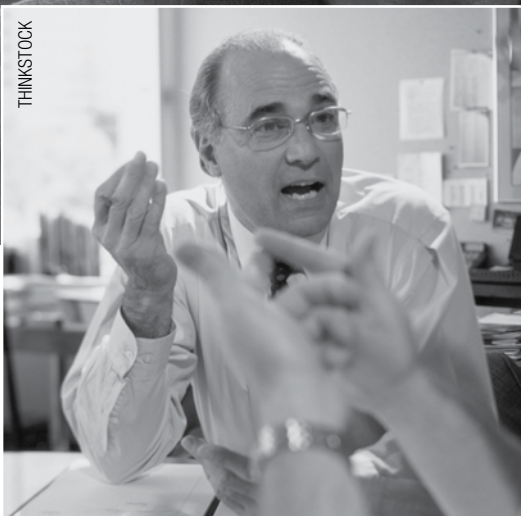
“The more legislation you have the more complex the issue is. Employers in running a business have an awful lot they need to be aware of and comply with so the more legislation we add in the greater the chance of non-compliance is going to be,” he says.

The lack of a national definition for bullying was raised as a problem by the chamber of commerce.

Definitions do differ across states, but Dr Caponecchia says quibbling about definitions avoids the issue.

“We’ve actually had definitional criteria in some jurisdictions in Australia for almost 10 years now,” he says. “Those criteria have been in the guidance material that the safety regulators have put out.”

Essentially, bullying behaviour has to be repeated, it has to be unreasonable and the behaviours have the potential to cause a risk to people’s health and safety.



MIXED MESSAGES:
*Different rules and interpretations
of bullying cause confusion*

“The three criteria are really quite conservative, so I think we’d be in a much better place if we understood what they mean and secondly if we apply them consistently.”

Dr Caponecchia has been advising Safe Work Australia in its development of a national code of practice for preventing and responding to workplace bullying. A draft produced late last year and sent out for public comment is now being re-worked.

Safe Work Australia was established in 2009 as an independent statutory agency responsible for improving occupational health and safety and workers compensation arrangements across Australia. It has been working to harmonise the states’ various legislation into a national model of work health and safety legislation.

The model laws were adopted in NSW, Qld, ACT, and NT on 12 January 2012. Tasmania deferred its commencement date until 1 January 2013, but Western Australia is reluctant to sign up because its mining sector has specific elements not covered by the model laws. It also objected to proposed penalty levels among other things. South Australia passed the legislation in November 2012 with a commencement date of 1 January 2013.

South Australia’s own health and safety legislation offers a bullied worker the option of taking their complaint outside the internal process to the Industrial Relations Commission of South Australia.

Giving evidence to the inquiry in Adelaide, executive director of SafeWork SA, Bryan Russell, recommended that the federal regulator, Safe Work Australia, develop a national training program to ensure a consistent approach to investigating bullying complaints across Australia.

This would have been ideal for John McPhilbin. Instead he says he lobbied politicians, appealed to the media and sought help from the government to investigate his claim and force WorkCover to act.

Finally something changed and in 2009 John got a call from the same insurer who’d initially denied his claim. They apologised for past failings and appointed him with a rehabilitation counsellor. Together she and John discussed a career change and convinced WorkCover to pay for his re-training.

At a cost of around \$60,000 to WorkCover, John completed a degree in applied social sciences earlier this year and secured his job with the Injured Workers Support Network. It was a nine-year struggle for justice, which nearly cost him his life and his family.

“I was lucky. And I have to stress I was very lucky, this is not a normal occurrence,” he says. “We have to take bullying seriously because there are a lot of highly productive people who’ve had their lives destroyed.” •

The House of Representatives Education and Employment Committee released its report into workplace bullying on 26 November 2012. The report, *Workplace bullying: We just want it to stop*, is available at www.aph.gov.au/ee or for more information email ee.reps@aph.gov.au or phone (02) 6277 4573.



A House of Representatives committee is trying to find out why Australian consumers have to pay more for their IT and what can be done about it. [Story: Andrew Dawson](#)

If you are thinking about buying some computer software, maybe you should also think about an overseas holiday. In some instances it would be cheaper to hop on a plane to the United States and buy it there than download it from a computer in Australia.

Research by consumer group Choice, undertaken for its submission to a parliamentary inquiry into information technology pricing, found an average 50 per cent price increase for what Australians pay for a range of software, hardware, games and music downloads compared to what US consumers pay for identical products.

“We looked at music downloads from iTunes, PC games, software, console games and computer hardware,” Choice’s head of campaigns Matt Levey told the House of Representatives Infrastructure and Communications Committee.

“Some of the starkest figures coming out of that were that, compared to US consumers, Australians pay around 52 per cent more on iTunes for the equivalent top 50 songs; we pay 88 per cent more for Nintendo Wii console games – that was a selection of the 20 most recently released games; and there was a difference of about 34 per cent across a selection of 44 popular home and business software titles.

“We also looked at hardware, and a selection of 12 Dell computers, showing a price difference of about 41 per cent between what Australians and consumers in the US would pay. So we think these are significant price differences and we do not think they can be fully explained, let alone justified.”

One niche product’s price difference stood out. According to Choice, for Microsoft’s Visual Studio 2010 with MSDN there was a staggering \$8,665 price difference between Australia and the US.



PAT CAMPBELL

“To illustrate the price difference, we suggested that you could employ someone, pay their wages to fly to the US and back twice and buy the product once when they are there, and you would still come out slightly ahead. So that was certainly the starkest individual price difference that we identified,” Mr Levey says.

“The cost of doing business in Australia has a direct impact on prices recommended by Microsoft and ultimately charged to customers.”

Scores of other submissions from the public to the committee inquiry lament the significant extra costs

Australians are paying for all manner of IT-related products, from a 'Call of duty' computer game to a wireless router. Tech-savvy local consumers say they are fed up with having to pay anywhere from 50 to 400 per cent more for everyday products.

With the Australian dollar now at parity with the US dollar, Queensland consumer Dane Weber blames "flat-out greed" for IT products costing more than one and a half times more in Australia.

"For example, the US store lists the full version of Windows 7 Ultimate at \$US 319.99 whereas the Australian store lists the full version of Windows 7 Ultimate at \$AU 469.00. In both cases, this is a digital download: there is no extra costs associated whatsoever," he says.

But the Australian Information Industry Association, which represents more than 400 information technology companies including Microsoft, Apple, Adobe, IBM, Google and Dell, denies there is any price gouging in a supposedly cashed-up Australian market.

AIIA chief executive Suzanne Campbell points to local factors such as the GST, higher wages and commercial rents, plus more comprehensive warranties to explain the higher prices paid online by Australian consumers compared to American consumers for identical software or music downloads.

"There seems to be a misapprehension that online equals somehow free," she says.

Ms Campbell explains there are two different key drivers to price differentials for online products.

"The first is online, just as for bricks and mortar, has its own costs, so product development, product management, sales and marketing, are costs which are all related to a specific geography like Australia, that's one part of it," she says.

"The other is the rights owners, the content owners, who have their own regime of distribution and costing."

Mr Levey disagrees: "It's not an explanation, and it's certainly not a justification.

"We've had a look at a lot of those costs and we think that even cumulatively those factors that are unique to doing business in Australia can go no way to explaining what is an average 50 per cent price increase in IT hardware and software that we've identified, between what an Australian and a US consumer will pay for identical products."

Choice labels it international price discrimination when overseas manufacturers, suppliers and copyright holders deliberately decide Australians can afford to pay more. They then use technological protection measures (TPMs) to identify Australian internet service providers and 'geo-block' any Australians from accessing or downloading products from overseas websites at the cheaper prices.

"Essentially Australian consumers are identified, whether through technological means, or whether through controlling the physical supply chain, and charged more," Mr Levey says.

"There's a view that Australian consumers are willing to pay a higher price, we have done so for many years, and will continue doing so, until we see pressure on some of these international businesses to actually reduce their Australian prices."

Choice believes the use of geo-blocking is enabling global IT companies to price discriminate against Australians and it doesn't believe consumers should face potential criminal or civil liability for simply trying to get a better



deal on legitimate goods and services. Choice considers these measures to be anti-competitive, especially when they result in significant price differentials for Australian consumers. It is calling upon the government to fully investigate whether technological measures such as region-coding or the identifying of IP addresses should continue to be allowed.

In its submission to the inquiry, Microsoft is unapologetic for higher prices, pointing to a range of factors that impact on its pricing in the Australian market including the high cost of labour and rent, supply chain costs, exchange rates and Australia's regulatory regime.

"Like any other company in any other industry, Microsoft seeks a rate of return on its investment in the Australian ICT market to enable it to market and support its products with a presence in Australia," Microsoft says.

"The cost of doing business in Australia has a direct impact on prices recommended by Microsoft and ultimately charged to customers.

"Software that is delivered via an online portal offers the potential for reduced transaction costs for vendors in the way of distribution costs. Nevertheless the costs of providing the services... needs to be recovered and a profit from those operations derived."

On the thorny issue of more expensive music downloads, Australian Recording Industry Association chief executive officer Dan Rosen warned against further regulation, telling MPs there is an ever increasing range of more affordable options for Australians wanting to download music.

"First, Australian consumers have very considerable choice," he says. "In the digital sector of the retail segment of the market there are over 30 services that supply legitimate recorded music in a range of methods from downloads to streaming services. Some of these, including Spotify, a major multinational corporation that supplies streaming services, offer a very wide range of music free of charge to consumers."

ARIA also believes the choice for Australian consumers is likely to increase as more international services, including Amazon and Google, enter the Australian market.

"Given this situation and given also the abundance of free or near-free services, there is no policy justification for governmental intervention by price regulation or by trying to prohibit national differential pricing," Mr Rosen says.

ARIA notes that piracy is a major issue for the Australian music industry and indicates it is one of the reasons why



“Australians pay around 52 per cent more on iTunes for the equivalent top 50 songs”

it supports the use of geo-blocking and other TPMs by music businesses.

“Australian consumers have access to a plethora of unchecked and unregulated web-based suppliers that offer a very wide range of pirated music at no charge,” Mr Rosen says.

“Digitisation has enabled piracy on a massive scale, so much so that the wholesale revenues for record companies have been almost halved over the past 11 years, from \$648 million in 2001 to \$383 million in 2011.”

While John Stanton from the Communications Alliance agrees piracy is an issue for the entertainment industry, he told MPs the industry’s claims of financial losses up to \$1.3 billion from piracy are a “bit questionable”.

Mr Stanton believes one of the most obvious reasons for online piracy is the unavailability of legal and affordable online content. The increasing use of regional windows and staggered releases means consumers outside the US simply do not have a timely legal way of buying the content they want.

“In those circumstances, the unauthorised methods of downloading files for free are not just a tempting alternative but often the only alternative,” he says.

“Similarly it can be argued that, if Australian consumers see that they are being asked to pay a higher price to receive content, be that music, video, software or whatever, than consumers in the rest of the world are paying, then the temptation to use unauthorised channels to access those files also increases.”

Mr Stanton highlights how an American videogame developer Valve Software dramatically increased its sales and revenues for a game by 1,470 per cent after decreasing the game’s price by 75 per cent.

“My hypothesis is: what if we were to reduce IT prices in Australia and the result was that Australian consumers

HIP POCKET NERVE:

Claims and counter-claims on IT pricing

got a better deal, the companies selling the IT became more profitable and greatly expanded their revenues and, thirdly, online copyright infringement were reduced, which would bring economic benefits to the rights holders themselves?”

However ARIA cites research by the International Federation of the Phonographic Industry estimating that piracy accounts for a staggering 19 out of every 20 digital musical downloads.

Like the AIIA, ARIA also cautions against the “incorrect assumption” that the sale of digital goods online in Australia imposes no physical or hard costs saying its members have significant marketing, labour and overhead costs.

“The contention made by some commentators that digitally-delivered content by a local company with an international parent is identical and should therefore cost consumers the same in Australia as in the US or some other country is unfounded and misleading,” Mr Rosen says.

“Each national affiliate is managed and staffed by Australians conducting business in Australia under the particular national market conditions that exist in Australia. They invest substantially in Australian music creation and culture and provide the risk capital and operating costs out of their local revenues.

“Record companies are essentially marketing and talent finding enterprises, engaged in the highly skilled and complex task of finding, nurturing, investing in and subsequently developing high-risk talent activities. A success factor of one-in-10 or two-in-10 releases is standard. It is to an extent the success of those one or two out of 10 releases that provides the revenue to cover the significant losses on all the others.”

Treasury’s submission shows the government is aware of the issue but believes these costs may change as more Australian consumers gain greater access to the global marketplace. As a result, Treasury is also cautioning against any interventionist measures that risk stifling competition.

“While in many instances Australian consumers may be able to access internationally-competitive pricing, there are cases where Australian prices are higher than those available overseas,” Treasury says.

“Such differentials are not a new phenomenon, nor are they unique to Australia or the IT sector in particular. However, Australian consumers have become more aware of international price differences, as the internet – and with it, the international marketplace – has become increasingly accessible to Australian consumers.”

Committee chair, Nick Champion (Wakefield, SA) believes the issue is about fairness. “Obviously there are going to be some differences in costs, and it’s not a crime to make a decent profit, and it’s not a crime to make a profit if you’ve made some innovation, or you’ve got a product that people want to buy,” he says. •

For more information on the House of Representatives Infrastructure and Communications Committee inquiry into IT pricing visit www.aph.gov.au/ic or email ic.reps@aph.gov.au or phone (02) 6277 2352

THE LAW

Safety net guaranteed

Entitlements protected if bosses go bankrupt.

Employee rights to redundancy and other benefits if their employer goes bankrupt or insolvent will be confirmed by legislation passed by the federal parliament.

The Fair Entitlements Guarantee Bill 2012 guarantees payment for entitlements including redundancy, annual leave, long service leave, wages and payment in lieu of notice in cases where an employer is unable to pay these entitlements to their staff.

In such cases the government would provide an advance to the worker equal to their unpaid entitlements, and then take the employee's place as creditor to the company to seek recovery of the advance through winding up or bankruptcy proceedings.

Introducing the bill into parliament, Employment and Workplace Relations Minister Bill Shorten said this process would allow workers to promptly receive their full entitlements, rather than facing long delays and the risk of receiving far less than what they are owed.

"The bill will provide certainty for Australian employees who find themselves without a job and left out of pocket when their employer becomes

insolvent or bankrupt and cannot pay them the employment entitlements they are owed," Mr Shorten said.

The bill largely mirrors existing arrangements available to workers under the General Employee Entitlements and Redundancy Scheme (GEERS) currently administered by the Department of Employment, Education and Workplace Relations.

This process would allow workers to promptly receive their full entitlements

The bill seeks to enshrine these protections in legislation, rather than as an administrative arrangement, as well as make some minor changes to eligibility requirements to make it easier for workers to apply for payments.

Member for Mayo (SA) Jamie Briggs said the opposition largely supports placing the arrangements into law, given the GEERS was established in 2001 by the previous government.

Mr Briggs said there are a number of examples where companies have collapsed suddenly, often without the ability to pay their employees' wages or entitlements.

"Equally, there are times when employers and directors make bad decisions or deliberately make decisions which seek to unfairly treat their workers," Mr Briggs said.

"That is why we need protections in law in this country: to ensure that people are not unfairly treated. We do need a safety net, and we have always supported – I have always supported – the need for a strong safety net of entitlements for people in the workplace."

However the opposition has raised concerns about increases to the maximum payments that were available under the original GEERS, particularly relating to potential redundancy payouts for long-serving workers.

Shadow Minister for Employment Participation Sussan Ley moved an amendment to cap redundancy payments at a maximum of 16 weeks' pay, saying it is important to keep payouts at a limit in line with community expectations.

"As noted by the minister, the bill actually enshrines in legislation a redundancy package, calculated at four weeks per year of service, which would, we believe, set a new high bar that union bosses could use as a new high bar in enterprise bargaining," Ms Ley said.

"The Coalition maintains its fiscal prudence – its cautious approach – and we will keep the redundancy package as it is under GEERS now, in line with community expectations and capped at 16 weeks."

However Mr Shorten said workers would only receive payments equal to what they would be otherwise entitled to under their workplace agreement or other industrial instrument, with redundancy set at a maximum of four weeks per year of service.

Mr Shorten said the amendments put forward by the opposition may unfairly penalise long-serving workers who could otherwise be entitled to much larger redundancy payouts.

"Under the opposition's proposal, once you have basically done four

"The bill will provide certainty for Australian employees who find themselves without a job and left out of pocket"

THE LAW

FAILSAFE: Support for workers caught out by corporate collapses



years in a company, you get nothing more,” Mr Shorten said. “What the opposition will be doing with their amendments is enshrining a short-term view of people’s loyalty, saying that, at four years, that’s it.

“If you have worked as a machinist in an automotive components company for 20 years,

they are saying, ‘You might as well have only worked there for four years, because that is all we are giving you’.”

“We do need a safety net”

The opposition amendments were defeated and the bill passed the House and the Senate with the support of crossbench MPs. •



Video news from the House now available at
www.aph.gov.au/ath

STATUTE LAW

Legal spring clean

Tidy up for legislation.

Australia’s laws were recently scheduled for spring cleaning, with the passage of a bill to fix typos, punctuation errors and cross-referencing mistakes in about 150 pieces of Commonwealth legislation.

Obsolete laws such as the Treaty of Peace (Germany) Act 1919 will also be scrapped in a bid to tidy up the law book.

Attorney-General Nicola Roxon introduced the clean-up bill into the House of Representatives, stating that the aim of the Statute Law Revision Bill 2012 was to make the Commonwealth statute book simpler, clearer and easier to understand.

“Statute law revision bills have been used for the last 30 years to improve the quality of Commonwealth legislation,” she said.

“The bills do not make substantive changes to the law but still perform the important function of repairing minor errors ... which accumulated across successive government amendments.”

The Office of Parliamentary Counsel had the job of going through the acts, finding the errors and out-dated references to be fixed.

Proposed amendments include:

- inserting or deleting full stops and capital letters;
- replacing terms that no longer exist with the ones that replaced them;
- fixing incorrect cross-references;
- fixing incorrect punctuation;
- fixing typographical/spelling errors such as himself→himself; originally→originally;
- getting rid of redundant sections of acts;
- adding conjunctions at the end of the subparagraphs to make the acts consistent with current drafting practice;
- replacing specific references and definitions of certain aircraft with more generic references;
- removing specific references to ministers and departments with generic terms that will still be relevant even if the portfolio name changes; and
- repealing obsolete acts entirely. •

THE LAW

STATUTORY AUTHORITIES

National Portrait Gallery becomes independent

New laws recognise gallery's significance.

The National Portrait Gallery has now taken its place alongside other Commonwealth institutions as an independent statutory authority.

Bills to make the gallery a stand-alone institution have passed through federal parliament.

The National Portrait Gallery was previously part of a branch within the Department of Regional Australia, Local Government, Arts and Sport.

Its independent status will begin from 1 July 2013 and will allow it to have its own board of governance and director.

Member for Canberra (ACT), Gai Brodtmann said the new laws give the National Portrait Gallery proper acknowledgement of its success and significance.

"The functions of the gallery as established by the bill are to develop, preserve, maintain, promote and provide access to a national collection of portraits, other works of art and related material, including portraits that reflect the identity, history, diversity and culture of Australia," she said.

"It will also develop and engage a national audience in relation to that collection and other works of art and related material that will be in the possession of the gallery including through exhibitions, education, research, publications and public and online programs."

The laws set out the powers that enable the National Portrait Gallery to perform those functions and handle its own budget and accounts.

"For the first time, as a result of this legislation, the functions of the Portrait Gallery will be enshrined, giving it a clear and coherent purpose reflecting its cultural role and its cultural importance," Ms Brodtmann said.

"As a result of this particular bill, the National Portrait Gallery will continue its role as a source of great pride to all Australians and to all those who visit the national capital. This bill represents a fitting tribute to Canberra and a very important change to one of my electorate's most significant cultural institutions." ●



OUT OF THE CROWD: Portrait gallery to stand alone

CUSTOMS

Butting out illegal tobacco

Jail terms and large fines for smugglers.

Tobacco smugglers face up to 10 years in jail and large fines under new laws passed by federal parliament.

The Customs Amendment (Smuggled Tobacco) Bill 2012 creates specific offences for smuggling tobacco products and for conveying or processing smuggled tobacco products.

Previously people who illegally imported tobacco products could only be prosecuted under general anti-smuggling provisions, which only carry financial penalties between two and five times the customs duty that would have been payable on the tobacco if it had been declared.

Attorney-General Nicola Roxon said while tobacco smuggling has not been a major problem in Australia in recent years, the government was keen to ensure appropriate penalties are in place to deter potential smugglers and to deal with those who do try to circumvent Australia's high tobacco duties.

"A term of imprisonment is not currently available as a penalty for tobacco smuggling under the Customs Act and these new penalties will send a clear message to smugglers that they risk spending significant time in jail by bringing illegal tobacco into this country," she said.

However the opposition accused the government of underplaying the prevalence of tobacco smuggling and illegal tobacco products in Australia.

Shadow Customs Minister Michael Keenan pointed to a report from industry research giant Deloitte which estimated the illicit tobacco market in Australia to be 2.26 million kilograms in 2011, equivalent to 13.4 per cent of the legal tobacco market.

"While figures on the illegal tobacco market will vary and, clearly, it is difficult to find the appropriate methodology to assess how large this

AAPONE



CRACKDOWN: *New penalties to hit tobacco smugglers*

market is, we do have very strong indications that this is a problem and that illegal tobacco is smuggled through our borders,” Mr Keenan said.

“This is clearly an issue the government is in denial on and it is refusing to address with any real conviction or action.”

But Ms Roxon said the government is clearly committed to reducing the harm caused by tobacco and stamping out illegal operators.

“Tobacco, of all types, can kill its users,” she said. “Australia has regulated this dangerous product very tightly – and these steps strengthen our arm if smugglers try to get around those regulations and try to avoid the payment of taxes.”

The Customs Amendment (Smuggled Tobacco) Bill received Royal Assent on 6 November 2012 and will come into effect in the coming months. •

For the latest news from House of Representatives committees, visit: www.aph.gov.au/ath

PRIVACY

Update for privacy laws

Bill aims for simpler system of protections.

A new set of privacy principles for both public and private sectors in Australia is one step closer after the bill to create them passed through federal parliament.

The Privacy Amendment (Enhancing Privacy Protection) Bill 2012 was drafted following recommendations from the Australian Law Reform Commission to simplify, consolidate and enhance privacy protection laws in Australia.

The bill amends the Privacy Act 1988 to replace the current privacy principles for the public and private sectors with a single set of privacy principles – the Australian Privacy Principles or APPs – and an APP code of practice.

The APPs will set out how public organisations such as government departments and private organisations such as banks or retailers can collect, use and distribute people’s personal information.

Government agencies that are involved in law enforcement would be able to collect and share information with each other, without seeking permission from the person whose details are being viewed.

Agencies and companies will also have an obligation to proactively ensure that any personal information they collect will be handled properly and protected from misuse.

The bill would also implement a comprehensive credit reporting system and code of practice; give further powers to the Privacy Commissioner; and clarify the functions, powers and role of the Information Commissioner.

However a House of Representatives Social Policy and Legal Affairs Committee inquiry into the bill heard there are some concerns about the structure and scope of the new principles.

The Law Council of Australia told the committee it was concerned the bills did not achieve their aim of making privacy laws simpler and easier to understand.

“The simple language and structure contained in the current National Privacy Principles (NPPs) has been replaced with a more verbose and complex set of principles,” the Law Council said in its submission.

“The structure and drafting of the APPs should be reviewed with the aim of reverting to the simpler drafting style of the NPPs.”

The council also had concerns that principle eight, which seeks to protect personal information from being misused if it is sent overseas, would place an unfair burden on organisations such as banks that have branches or customer service operators overseas.

The council warned consular activities and defence might also be impacted, as could internet companies that store information in ‘clouds’ offshore.

“In an era of global trade and other interactions, the council believes that APP 8 errs too much on the side of cross-border compliance at the cost of the convenient flow of information,” the Law Council said.

“APP 8 may deter the growing use of cloud computing. The council submits that this may impede access for Australian businesses and other entities to the economic and other benefits that cloud computing has to offer, putting Australian businesses and other entities at a competitive disadvantage with their international counterparts. [It] should be redrafted to impose less onerous, but still effective requirements.”

In its submission to the inquiry, the Office of the Australian Information Commissioner (OAIC) raised concerns about the range of government departments that would receive special provisions for law enforcement activities under the APPs.

“The Immigration Department would appear to be of a different character to the other agencies included within the definition of an ‘enforcement body’, in the sense that its usual activities are not of an enforcement related nature... The OAIC recommends that the Immigration Department be removed from the definition of ‘enforcement body’,” the OAIC said.

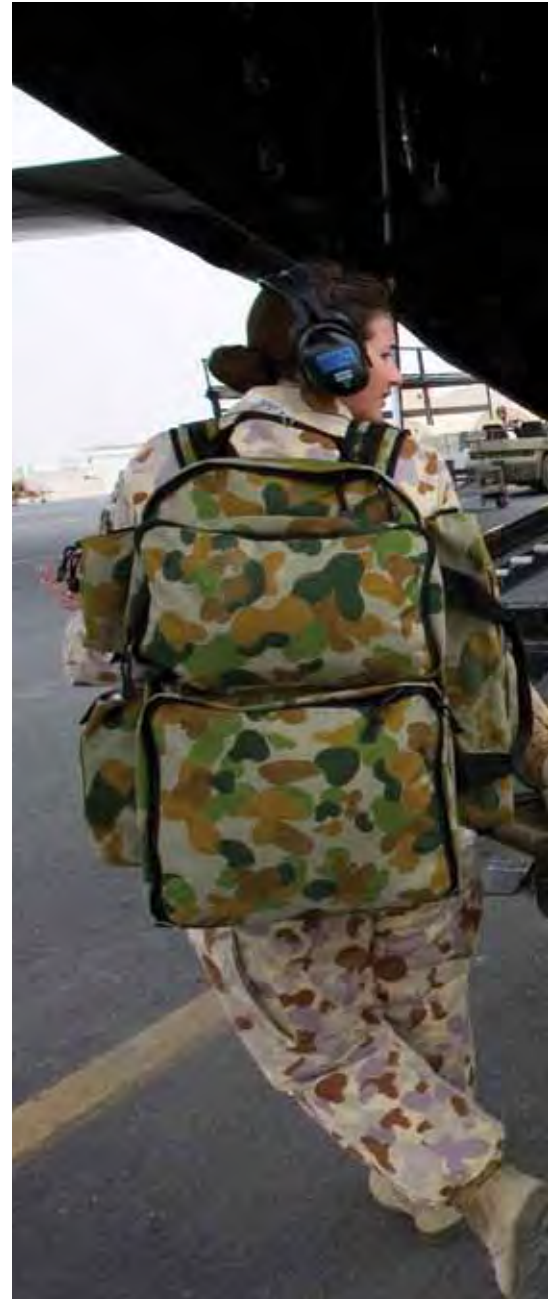
The committee said while it was aware there were a number of outstanding concerns from industry and consumers about the APPs, it supported the House passing the bill.

It recommended the Attorney-General conduct a review of the legislation one year after it becomes law. Issues to be reviewed include any conflicting overseas laws and direct marketing and opt out provisions for direct marketing. •

WAR WITHOUT END

A parliamentary committee has been warned that an increasing number of Australian Defence Force personnel are returning from overseas conflicts to find their next battle begins at home.

STORY: GEORGIE OAKESHOTT
PHOTOS: DEFENCE DIGITAL MEDIA



For many soldiers, when one war ends another begins.

Returning home from a tour of duty is sometimes just the start of a deeply personal journey into a very dark place indeed.

Some veterans call it ‘the beast’ in reference to its fighting spirit, but for all those who struggle with the troublesome demons of Post-Traumatic Stress Disorder (PTSD), one of the hardest steps is the first one: acknowledging it.

Characterised by flashbacks and feelings of fear, horror, anger, sadness and hopelessness, PTSD can interfere with a person’s ability to carry on their

everyday life, work and relationships and can lead to other anxiety disorders, depression and problems with drugs and alcohol.

For war veterans, the beast is born in the harsh months or years exposed to the demands of irregular hours spent in dangerous situations which these days involve improvised explosive devices (IEDs), rocket attacks and the ever present threat of insurgents.

Several ex-service personnel have described their personal struggle with PTSD in submissions to federal parliament’s Defence Committee which is uncovering this relatively hidden disorder as part of an investigation into the care of wounded and injured

Australian Defence Force (ADF) personnel on operations.

While much of the focus of the inquiry is on the treatment of physical wounds, the committee is also looking at how the Department of Defence and Department of Veterans’ Affairs deal with an individual’s psychological well-being, including PTSD, which can take months or years to rear its ugly head.

As one veteran told the inquiry, his breakdown came 40 years after serving as a conscript in Vietnam.

“The flashbacks are disturbing as they create a sense of re-experiencing a very real traumatic experience, without registering that this is an unresolved memory from the past. For many



Left unchecked the worst mental health cases may end in suicide

veterans they appear to be occurring in real time,” he told the committee.

A former RAAF serviceman now struggling with PTSD described how he'd been subjected to indirect rocket attacks on a regular basis while in Kandahar in Afghanistan, but when his PTSD symptoms were identified as part of a post operations psychological screening, no treatment was given.

He was simply told his symptoms would fade in time. But as with so many of his peers, he's still fighting.

PTSD is now listed by the Department of Veterans' Affairs (DVA) as one of the top three service-related health conditions affecting the contemporary cohort of veterans from

HARROWED HOMECOMING:

Soldiers battling more than the physical wounds of war

conflicts in East Timor, Solomon Islands, Afghanistan and Iraq.

Among this group of 5,000 veterans – mostly young males – there are 3,000 cases of PTSD, tinnitus and sensori-neural hearing loss, including 1,179 cases of PTSD alone from these relatively recent conflicts.

In its submission to the inquiry, the veterans' family support group Legacy warns that left unchecked the worst mental health cases may end in suicide,

pointing to the United States where the number of veterans' suicides has reached 6,500 per year, which is the equivalent of 18 per day.

Legacy says Defence and DVA need to acknowledge a likely increase in mental health prevalence rates, as well as acknowledge delayed onset of mental illness, and be prepared to deal with the increase.

It says the departments need to apply more resources to provide resilience development pre-deployment as well as early intervention post-deployment, both of which should include partners and families, and commence resourcing capabilities to increase capacity to deal with increased mental health prevalence rates.

Legacy has also suggested changing the terminology from 'disorder' to 'battle wound' or 'operational stress injury' to help overcome the stigma associated with mental health issues.

"Defence and DVA will need to understand and find ways to overcome what is likely to be both attitudinal and knowledge barriers. Overcoming the stigma associated with mental health issues and normalising both the existence and treatment of mental health needs to be addressed."

**"Many servicemen/
women (with mortgages
and young families) fear
the impact that disclosing
psychological injury will
have on their ongoing
employability"**

Concerns about the stigma associated with mental illness have also been expressed by Dr Andrew Khoo, a psychiatrist at Brisbane's Toowong Private Hospital, who has worked with veterans for more than a decade.

"It is a recognised phenomenon (and a recurring theme from my therapeutic contact) that there is a stigma around mental illness in the male dominated military culture," he says in his submission.

"Further there is a pervasive suspicion that military health personnel are not bound by the same



confidentiality constraints as their civilian counterparts. Given a relative lack of civilian qualifications, many servicemen/women (with mortgages and young families) fear the impact that disclosing psychological injury will have on their ongoing employability, deployability and promotional opportunities."

He's also concerned about the process of getting recognition from the DVA for a psychiatric diagnosis, which he says can be "gruelling, prolonged, invalidating and dehumanising".

"Whilst I understand that strict processes are required to efficiently and fairly investigate large numbers of claims and that the department has a defined budget, many veterans feel that they are viewed by DVA as trying to cheat the system until proven otherwise."

This view is supported by a former Army Reservist who served in Iraq and Afghanistan and now struggles with PTSD.

"Having proudly served my country willingly and loyally in two theatres of war, I never would have imagined the struggle that has eventuated over the past three to four years dealing with two very large, faceless and uncaring bureaucracies as my symptoms presented and became progressively worse," he told the committee.

"As if dealing with trauma memories and emerging related

ailments while fighting to restore my health to pre-operational levels is not difficult enough, I have also had to fight for my entitlements, my job and even my marriage."

Another ex-serviceman told the committee: "When my discharge was processed I received no help, counselling or support from the ADF or DVA. If I hadn't pushed and submitted paperwork nothing would have happened. Although this may not sound bad, when you have a soldier trained to kill people and blow things up with PTSD and major depressive disorder left to fall through the cracks this not only presents a dangerous situation to the soldier, but also to his family and the public."

In a detailed submission, the Department of Defence outlines the processes, roles and responsibilities of health care pre-deployment, during operations, and post-deployment.

It says all ADF members must be assessed as psychologically fit pre-deployment and receive psychological screening prior to returning to Australia and three to six months following their return.

Defence says the ADF also has embedded health staff and fly-in specialist teams to provide psychological and critical incident stress management support in areas of operation.



HELPING HANDS:

Support needed to help veterans adjust to life back home

Personnel requiring further mental health support and treatment post-deployment are offered comprehensive counselling and treatment programs using a network of Defence mental health providers and external services.

Defence has also taken a step towards recognising acute psychological casualties as battle casualties where there is a clear diagnosis, the casualty is unable to perform their duties on operations and they require a medical return to Australia for their condition within one month of exposure.

“Acute psychological injury has not previously been included in the ADF definition of battle casualties. However whilst uncommon there are circumstances where acute psychological conditions arise as a result of direct contact with the enemy or as a result of direct exposure to the consequences of enemy action,” the Defence submissions states.

It goes on to say that members who develop mental health conditions

“Having proudly served my country willingly and loyally in two theatres of war, I never would have imagined the struggle that has eventuated over the past three to four years dealing with two very large, faceless and uncaring bureaucracies”

on deployment but not as a result of direct contact with the enemy, or subsequent consequences of the contact or post-deployment, are not classified as battle casualties.

Enter the Department of Veterans’ Affairs which is tasked with providing support for veterans and their families who develop mental health conditions under these circumstances.

DVA has told the inquiry it offers a wide range of mental health treatment services including GP services, psychiatric services, psychologist services, pharmaceuticals and hospital services.

In addition, DVA provides direct services through the Veterans and Veterans Families Counselling Service (VVCS) which provides free and confidential counselling either face to face at one of the 15 VVCS centres nationally, or through a 24-hour hotline.

DVA is also developing a range of mobile phone applications to strengthen engagement with contemporary veterans and their families, and offers a self-help website offering mental health and well-being information at: www.at-ease.dva.gov.au

In his submission, Dr Khoo acknowledges steps are being taken in the right direction, singling out a recent initiative to grant personnel a mandatory two-year period of treatment, rehabilitation and vocational training either back into ADF employment or into the civilian world once a significant injury is identified.

However, he doesn’t believe mental health issues are being treated by Defence – or funded by the government – as well as they should be.

“From 10 years’ experience treating current and ex-serving

personnel, I am convinced that an on-going, predominantly internal (ie one base ADF management) approach to treatment will remain a significant barrier to early identification of psychiatric illness,” he told the inquiry.

He says all returning troops need to be provided with a PFA (psychological first aid) which includes psycho-education on human responses to trauma, basic signs and symptoms to look for, support services, non-judgmental management and access to specialist treatment.

Dr Khoo says strong consideration should also be given to group cognitive behaviour therapy given it has equivalent outcomes to individual treatment in PTSD and given the significant numbers of returning troops, the relatively low numbers of specialist veterans’ mental health services, servicemen’s experience of receiving training in groups, and servicemen’s greater comfort and support around their military peers.

“It is my feeling that if we are going to be comfortable as a government and a nation sending our young men and women overseas where many will become permanently injured and some will not return, then we need to make similarly ‘hard decisions’ regarding funding the best possible care for them on their return.” •

FOR MORE INFORMATION on the parliamentary inquiry into the care of Australian Defence Force personnel wounded and injured in operations, visit www.aph.gov.au/jfadt or email jscfadt@aph.gov.au or phone (02) 6277 2313.



BACK FROM THE BRINK

THE ROAD BACK FROM THE DISASTROUS SUMMER OF 2011 HAS BEEN LONG AND HARD. AS THE REBUILD CONTINUES, FEDERAL MPs WANT TO RECOGNISE THE REMARKABLE EFFORTS MADE BY THEIR COMMUNITIES, BUT ALSO ENSURE THE LESSONS LEARNT ARE NOT FORGOTTEN. **STORY: MICHELLE MURRAY**



BRIDGE TO THE FUTURE:
*Renewal continues in the
Lockyer Valley*

Almost two years have passed since that fateful January day when the town of Grantham in Queensland's Lockyer Valley was changed forever.

Out of the ruins of lives and houses swept away by a vicious torrent of water, Grantham's main street is back in business with a new store, hotel and information centre.

At the start of 2011, Scott Buchholz had just been elected to federal parliament as the Member for Wright, which includes Grantham, when he found himself dealing with distraught residents who had lost everything.

Many will remember his tearful statement to the House of Representatives as he read out the names of those who had died in and around the devastated town.

"What was experienced here in the community of Grantham was nothing short of devastating," he says today, standing in the place where the water came cascading through.

"As fear of flood recedes people will get on with their lives and perhaps won't be ready for it."

"There was an enormous loss of life, in excess of 20 community members lost their lives, and still to this day there are a number of bodies we've been unable to find.

"But for each story of horror and devastation, there are equal parallel stories of random acts of kindness, not only those from within this community but from all around Australia who gave generously. We were very lucky

as a community to be the recipients of that."

Mr Buchholz has been involved in the rebuild effort, including the construction of a community park where the old town centre was destroyed. Green grass, a playground and newly planted trees have replaced the battlefield of debris the water left behind.

Anzac Park symbolises the life that's been restored in the town: the new leaf that many have started and the growth that still lies ahead.

"Just to see the transformation from a war zone to such a beautiful environment it is now is part of the healing process," Mr Buchholz says.

"This park will ensure we never forget those that we've lost. This park will help commemorate and help the community to take the next progressive step in getting over those tragic days."



Lockyer Valley resident Elizabeth Fraser, better known as Bess, lived through the tragic events of January 10, when she lost her sister Brenda Ross and nephew Joshua Ross.

“I was doing the washing and kissed my sister on the head and said, ‘I’ll be back to finish the washing.’ That was the last time I saw my family alive,” she says.

While dealing with the trauma of her own loss and what she witnessed on that day, Bess has been actively supporting other Grantham locals in their struggle to recover.

With some flood victims still without new homes, Bess and some other local residents have been critical of the new community park’s \$1.8 million price-tag.

“Many people are still on the bottom as they haven’t been able to afford the move. There are elderly people who no one will give a loan to move, so they have to stay down here,” she says.

“The money that was spent on this [park], the community would have preferred that money to go to those who need help to move up the hill.”

But Lockyer Valley Mayor Steve Jones believes Anzac Park is a worthwhile investment, skilling unemployed locals and boosting morale in the community.

“This scheme had 45 unemployed involved. It’s given them opportunity to learn skills and move them to a position where they can hopefully get long-term employment,” he says.

“Up until now, most of the reconstruction work has been around moving families up to a safer position on the hill. Now it’s about the lower part, this central part. It is important to mark where the old Grantham used to be, that’s a very important part of the emotional rebuild of the area.”

Some 100 kilometres east, federal MP Graham Perrett says for some people in his south Brisbane electorate of Moreton it has been a long and slow recovery process.

“Sadly there are still some suburbs like Rocklea where people haven’t come back. They’re either too wary or too traumatised to rebuild in a flood plain and so they took their money and left,” he says.

The damage to local Rocklea State School was so extensive the school was forced to close down and students had to cram into a nearby school for eight weeks during the first term of 2011.

School principal Murray Branch says the whole school community was severely impacted by the floods.

“Unfortunately 13 students moved to another area and so didn’t come back when we returned. For a small school like us to go from 53 students to 40 students that’s a lot. That’s the difference between three and two teachers,” he says.

The school re-opened a term later at the original site after everything had been fully replaced. The community banded together to hold working bees and fetes and resources were kindly donated from the local community, from across Australia and even from overseas.

With new buildings, a new basketball court, additional resources and increased student enrolments, Mr Branch says the school is now looking better than ever.

But not everyone has been able to bounce back so quickly. Just a few streets away, Rocklea resident Gary Lobley is still restoring flood damage to his home after it was virtually wiped out when the Wivenhoe Dam was opened.

While the water may have receded, for many victims like Gary the horror of the floods will be stained in their memory forever. “I lost everything I owned,” he says.



“This park will help commemorate and help the community to take the next progressive step in getting over those tragic days.”

STEP BY STEP:

Scott Buchholz (above right) says the recovery has come a long way

But losing even his most precious possessions was nothing compared to the pain he felt losing people he loved.

Mr Lobley's grief was soon replaced with frustration as he began a drawn out battle with his insurance company to try and get the assistance he needed to rebuild his life.

“The company I was insured with said I wasn't covered for flood. With the help of legal aid I fought and won a small proportion of the money from them,” he says.

Mr Perrett chairs the House of Representatives committee that investigated the operation of the insurance industry during disaster events. The Social Policy and Legal Affairs Committee investigated processing times for claims, the impact of third-party consultants and dispute resolution procedures.

“It was a case of putting the spotlight on insurance companies and how they behaved,” Mr Perrett says. “I should say that some insurance companies got a big tick, but some were found wanting.”

While recognising that the insurance industry faced an unprecedented workload at the time, the committee report called on the industry to plan and resource itself effectively so that it can deliver to its customers in times of need, concluding that consumer protections needed to be increased, particularly in the claims handling process.

Mr Lobley says dealing with his insurance company was just the start of the challenges he has faced since the flood.

“Our neighbourhood is getting on, but it's still devastating. There are a lot of health issues. There seems to be a lot of respiratory infections, even before winter. I believe it's from the water,” he says.

“My health has not been the best. Depression comes and goes, it's been tough. There are days I feel wonderful and days that I just find it very difficult to get out of bed. But I do think of my friends and try to move on.”

As life return to its normal patterns, flood victims like Gary are keen to ensure the lessons learnt from the tragedy are not forgotten.

Mr Perrett says the reality is knowledge fades so it is the responsibility of good government at all levels to remind people how to be prepared.

“Some people have made adjustments to build up property and be prepared, but not others. As fear of flood recedes people will get on with their lives and perhaps won't be ready for it,” he says.

“There are things we've learnt from the 2011 floods that I hope will always be a part of this community. If we are not prepared then we can suffer more than we need to.”

In the Lockyer Valley, Mayor Steve Jones says one of the most important things to have happened is the opportunity people have had to move to a safe environment up the hill.

“I think people can have every confidence now that we won't see again the loss of life we did,” he says.

Grantham locals John and Kathy Mahon were some of the first to take advantage of the land swap which has enabled residents to exchange their low-lying blocks for lots on higher ground well above the flood line. Since the move to higher ground Kathy says life is looking up.

“It's great. We feel safer, our grandkids feel safe again too. When they visit they play in the park – they love it,” she says. “And we sleep a lot better,” John adds.

Moving five times since the floods from one temporary accommodation to another, the couple say they've felt lost at times, but now they're starting to find their feet.

“It's been nearly two years in limbo, trying just to get back to something we own,” John says. “For me it's hard because I felt like nothing. But now I've been feeling better because the house is being built. I can see something is happening.”

While the couple say they'll never forget the tragedy of the past, like many others in their community their sights are firmly set on the future.

“Our focus now is our new house, to finally feel settled again and have a family Christmas in our own home,” Kathy says.

“Our slab went down the other day, so I know that something's finally started. We're getting excited. Kathy's been a bit tense picking colours,” John chuckles. “I hope she's picked the right ones. I'm still waiting for my shed. I'll get it and I'll be right one day.”

Good humour is one of the enduring qualities at the core of communities like Grantham. The floods may have taken away things they love so dearly but it didn't dampen their spirits.

While the flood recovery is in no way near complete, Scott Buchholz says the community has come a long way.

“It's important that we remember the community of Grantham will take many generations for the deep scars to heal. But as a community and as a nation we're resilient. Things like this make us stronger, that's Australia.” •

Fifty years after becoming independent, Samoa has become an important bastion of parliamentary democracy in the Pacific. Australia is playing its part in supporting the Samoan Legislative Assembly's ongoing development. Story: Jeremy Kennett

For a country boasting the largest islands in the Pacific outside of New Zealand and Hawaii, the independent state of Samoa is not always at the forefront of global discussions on Pacific politics.

A relatively safe, prosperous country with a stable government and an intact traditional way of life, it hasn't suffered the political and economic upheavals that typically draw the attention of the international community.

But while not always in the spotlight, Samoa is facing challenges that run just as deep as those faced by its neighbours. Maintaining the way of life, known as 'Fa'a Samoa', that has guided the country for so long, while meeting demands for change and development is proving a difficult balancing act.

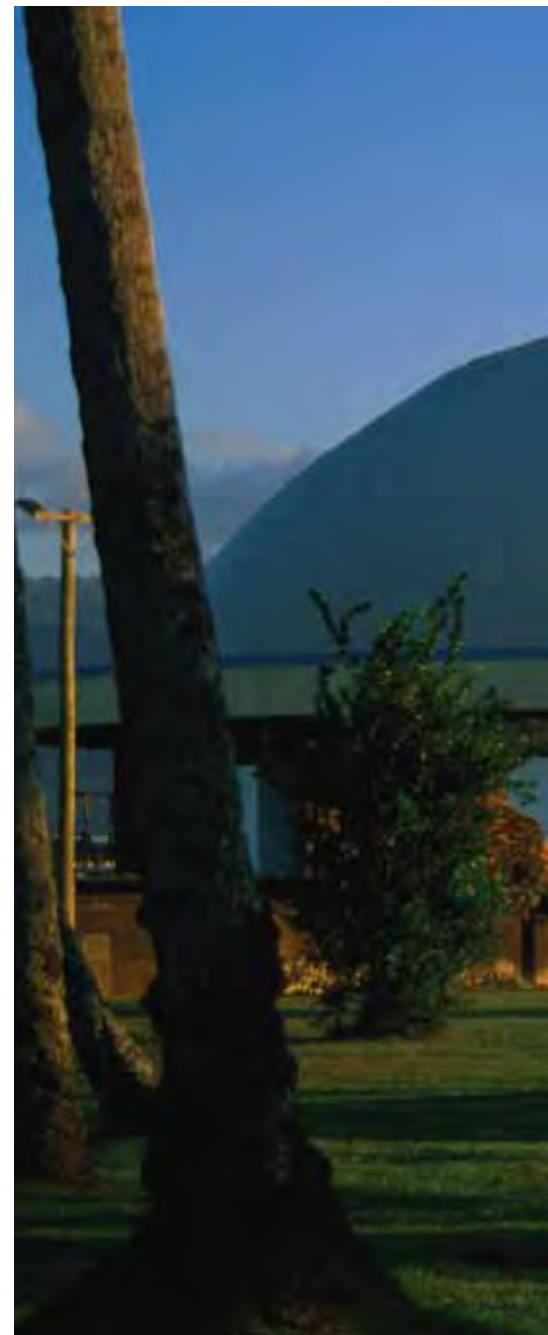
As the representative body for its people, the Parliament of Samoa carries much of the responsibility for guiding the country through this period of

transition. However long-term funding and structural constraints mean many of the services needed to support the operations of a truly representative parliament have been unavailable.

"The way you often learn is in talking to people, being able to experience with them"

A new Samoa Parliamentary Support Project is aiming to tackle these issues and improve the Samoan Legislative Assembly's operations, allowing it to effectively represent its people and lead the achievement of development goals across the country.

Funded by AusAID and coordinated by the United Nations Development Programme (UNDP), the project is centred on the Office of the Clerk of the Legislative Assembly, the parliamentary department responsible for administering the parliament and

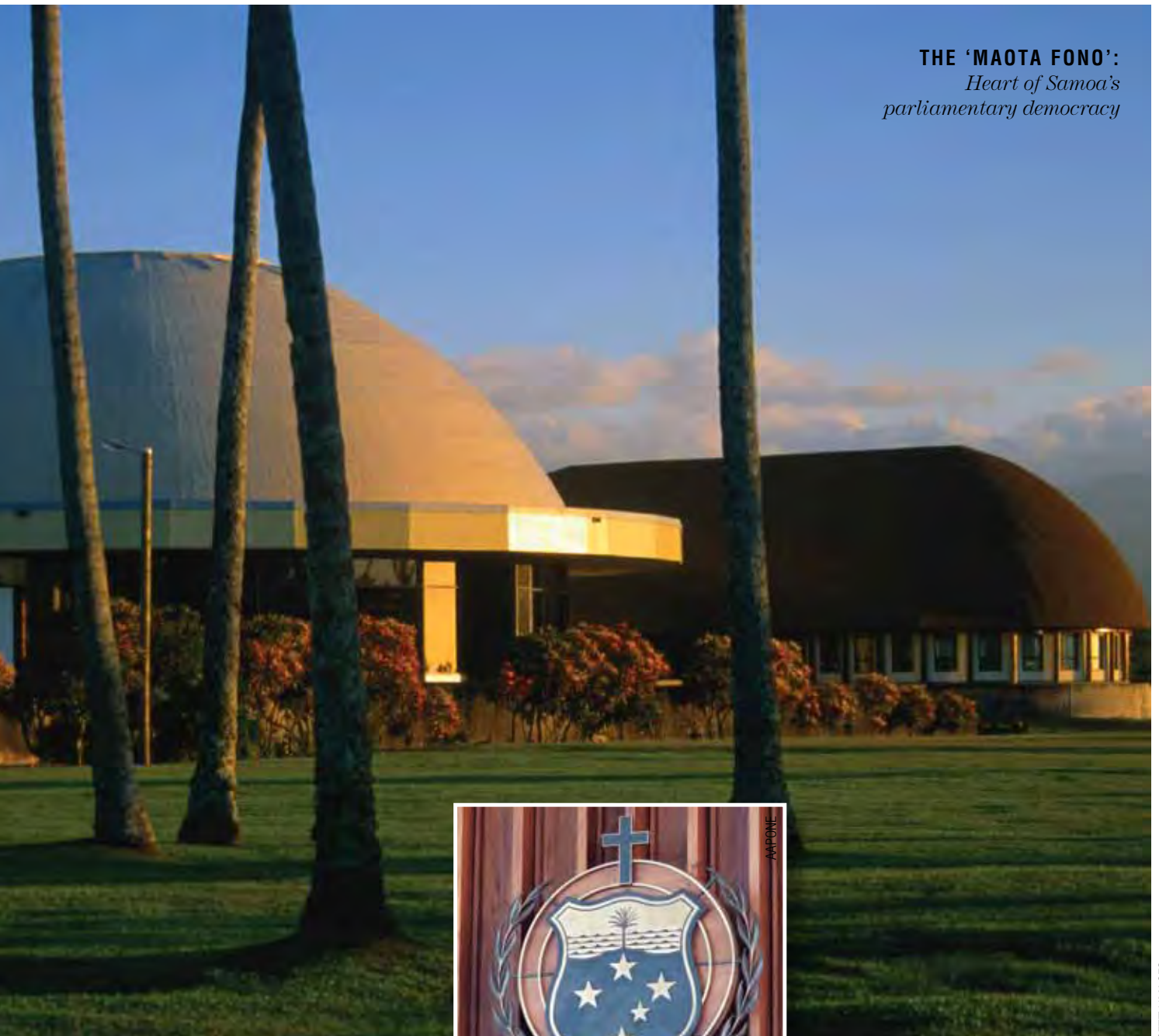


supporting its members and operations. Technical expertise for the project is being provided by the Australian and Tasmanian parliaments under a twinning program known as Pacific Parliamentary Partnerships, with the



Pacific pearl

THE 'MAOTA FONU':
*Heart of Samoa's
 parliamentary democracy*



a way of improving the parliament's role in scrutinising these things," Fepuleai says.

"The people and public need to know that these people are their representatives, and they also have the opportunity to voice their own views, so what is passed by parliament as law is something that has been contributed to by all affected members of the community."

The first target for the parliament's community outreach program is to increase its engagement with the women of Samoa, and ultimately to increase women's representation in the parliament. Currently only two of the 49 members of the Samoan Legislative Assembly are women.

University of Tasmania recently enlisted to assist with training and development.

The project has a long list of goals, from improving IT, research and library services to a complete restructure of the parliamentary administration and its functions.

Clerk of the Samoan Legislative Assembly, Fepuleai Ropati says one of the most important actions taken so far is the development of a community outreach office to foster greater engagement between the parliament and the community.

"The public engagement will bring people to participate and play their role as the public and to voice their concerns and opinions with bills, and that's

**"The people and public
 need to know that
 these people are their
 representatives, and
 they also have the
 opportunity to voice
 their own views"**

Increasing the participation of women in public life is a key challenge for Samoa, which has historically been a patriarchal society. While change is coming slowly men still dominate positions of formal authority, particularly in the village communities which make up the majority of the country.

The imbalance in village life has a greater impact on a national level than might be expected, due to the influence and authority held by the village title holders, known as matai. Matai are the representatives of their families and communities, and form the councils which govern each village.

The matai council's area of control extends from the appearance and upkeep of each village to religious observance times and even local law and order. Only a small percentage of matai are women, and some villages ban women from their councils even if they hold such titles.

This lack of representation at the village level translates nationally, as only matai are allowed to nominate to represent their communities in parliament. While the numbers of female matai are growing, representation in parliament has actually fallen – there are half as many women now in parliament as there were following the 2006 election.

One of the two women remaining, Gatoloaifaana Amataga Alesana-Gidlow, thinks the fall in numbers can be attributed largely to less effort by local women's groups to encourage women to nominate.

"The high number then was mainly due to a lot of publicity and engagement workshops by some of the women's groups to try and push women to go for election," Gatoloaifaana says. "Perhaps that was one of the reasons why not as many women came through. There was not as much of a push in 2011 as in 2006 from the women's groups."

Since the results of the 2011 elections, the government of Samoa has decided to take responsibility for increasing women's representation into its own hands, putting forth a constitutional amendment requiring at least 10 per cent of parliamentarians to be women.

Based on a 49 member parliament, that means at least five seats would be held by women, with extra seats likely to be added to the parliament if not enough women are directly elected.

This would give Samoa its highest ever number of women MPs, as well as one of the highest rates of women's representation in any Pacific island nation.

Gatoloaifaana says the legislation will be crucial in giving more women the confidence to stand for election, knowing there is a possibility of being selected even if they are not directly elected.

"It's going to really give confidence to women to come forward and run for election. Most women are a bit worried that if they don't win at the election that it's a disgrace on their character," she says. "I think it's going to open up the women to take that leap, take that step forward".

The push for a legislated increase in women's representation comes with Samoa reaching 50 years of independence and self-governance.

Deputy Clerk of the Legislative Assembly Charlene Malele says this is enough time for the parliament to start representing all the people of Samoa.



FIONA WAY

STEP FORWARD:

Gatoloaifaana Amataga Alesana-Gidlow is one of two women MPs in Samoa, with hopes for more

"Given we've come 50 years, I think it's high time for the general public to be properly represented, demographically anyway," Ms Malele says.

"We've got to start from here and set the example for the rest, and hopefully not have to wait another 50 years for it to eventuate."

Ms Malele says the conservative nature of Samoan society in general means much of the responsibility for this change rests with the parliament.

"It might be irresponsible to actually compare the societal changes to the parliamentary changes, because Samoan society in most of its aspects is very conservative," she says.



FIONA WAY

“In order for gender equality to come about I think it will have to come from parliament, otherwise we’ll have to wait a really long time.”

The issue is not restricted to Samoa. The Pacific region has the lowest level of women’s representation in the world, which is one of the major areas the Australian government plans to tackle in the recently announced 10-year, \$320m program to improve the political, economic and social opportunities for women across the region.

Foreign Affairs, Defence and Trade Committee member Alan Griffin (Bruce, Vic) recently visited Samoa with Senate Deputy President Stephen Parry to participate in a community engagement workshop for Pacific island parliamentarians. He says the multimillion dollar gender initiative shows Australia’s level of commitment to help Pacific island parliaments better engage with women and other underrepresented groups, which was a key topic of discussion at the workshop.

But Mr Griffin also highlights the importance of existing programs such as the Samoa Parliamentary Support Project and Pacific Parliamentary Partnerships, which focus on direct links at an organisational level.

“I think it’s really important that it’s people to people links, you can learn a lot from a website, you can learn a lot from a book, but the way you often learn is in talking to people, being able to experience with them,” he says.

“I think the sort of work that’s being done between the parliaments gives a real opportunity for the Samoans to learn



BRIGHT FUTURE:

Samoa’s Legislative Assembly is building its capacity, led by the Speaker the Hon Laauli Leuatea Polataivao Fosi Schmidt

“In order for gender equality to come about I think it will have to come from parliament, otherwise we’ll have to wait a really long time.”

from the Australian experience but I think also sometimes for Australia to understand the circumstances faced in a nation that is one of our neighbours but still is a long way away.”

For Ms Malele it is this strong, ongoing relationship with the Australian and Tasmanian parliaments being developed through the Samoa Parliamentary Support Project that is the most valuable result of the project.

“The value is immense,” she says. “As a young democracy in comparison to Australia I think we need all the exposure we can get.” •

Jeremy Kennett, a staff member in the International and Community Relations Office of the Australian parliament, worked for three months in Samoa as a project manager for the Samoa Parliamentary Support Project.



Supply chains

The underbelly of the global economy is being exposed as part of a new parliamentary inquiry.

STORY: SHEREE SCHMAAL
PHOTOS: PANOS PICTURES

SLAVING AWAY:
Sweatshops producing clothes are just one face of modern slavery



“There are about 20 to 25 million people worldwide in a situation of exploitation that is extremely severe”

Slaves are no longer lined up on wharves, shackled at the neck. They don't need to be. There are other ways to detain, control and exploit those trapped by 21st century life.

Slaves today are caught up in modern day supply chains, generating many of the products and services Australians use every day.

Victims are not so different to you and me: women harvesting coffee beans in South America and Africa; children in Uzbekistan picking cotton in a field; or men digging up charcoal that becomes pig-iron used to make cars.

Dr Anne Gallagher has spent two decades working to combat slavery and human trafficking, joining the United Nations in 1992 just as the issues appeared on the fringe of the human rights agenda.

"There are about 20 to 25 million people worldwide in a situation of exploitation that is extremely severe, which they cannot get out of," the human rights lawyer says.

She believes the industry is likely to generate at least \$30 billion a year, with at least half of that wealth generated from industrialised countries like Australia.

Dr Gallagher is now considered a leading global expert on international human trafficking law and says the definition of trafficking in persons has changed over the years as international policies and laws have developed.

"Trafficking in persons is an umbrella term for a range of exploitative practices," she says. "It's not really about 'movement' anymore. I think it is important to understand this big shift because it has huge implications for policy as well as for law."

The United Nations defines trafficking in persons as the recruitment, transportation, transfer, harbouring or receipt of people through the use of threats, force, coercion, abduction, fraud or deception, for the purpose of exploitation. Such exploitation can be sexual, forced labour or services, slavery, or the removal of organs.

Dr Gallagher says Australians are only just starting to find out about human trafficking and forced labour and how it might be linked to the products they consume.



"This whole new movement of exposing trafficking-related exploitation in supply chains is going to change public awareness, but we're right at the beginning," she says. "I think people are absolutely shocked when they find out."

Dr Gallagher is pleased federal parliament's Foreign Affairs, Defence and Trade Committee is conducting an inquiry into the issue, through its Human Rights Sub-Committee.

The committee is focusing on ways to encourage international action to address all forms of slavery, slavery-like conditions and trafficking in persons; international best practice; and Australia's efforts to address trafficking,

including through prosecuting offenders and protecting victims.

Australians are only just starting to find out about human trafficking and forced labour and how it might be linked to the products they consume.

"My wish list months ago would have been for an inquiry like this," says Dr Gallagher. "When I saw the terms of reference I was absolutely thrilled



Up to 2,000 women come to Australia and are forced to work as sex slaves in Sydney and Melbourne each year.

NO CHOICE:

Thousands of children and young women are facing exploitation

between governments, corporations and individuals, who all have different agendas.

“Trafficking is woven into the fabric of the global economy; it’s actually part of what makes our global economy function well,” says Dr Gallagher.

“There aren’t great incentives for many of those who need to do something about trafficking to do something about it.”

“[Countries are] very good at talking ... but in terms of actually affecting the structural factors that feed into this exploitation, they’re not very good at all.”

This can be because some countries have a vested interest in maintaining an irregular and disposable labour force. The people used are cheap and can be moved on when necessary.

She says there are good reasons some countries are reluctant to stamp out exploitative practices such as forced labour.

Since leaving the UN in 2003, Dr Gallagher has led AusAID’s Asia Regional Trafficking in Persons Project (ARTIP), through which Australia has helped to train more than 7,000 police, judges and prosecutors in the investigation and prosecution of human trafficking crimes in all 10 member states of the Association of South-East Asia Nations (ASEAN).

She says Australia’s action on the issue is mixed. “Australia’s response has demonstrated a level of flexibility and responsiveness that I think is quite exceptional. The best example of this is the bill that’s currently before the parliament,” she says.

The Crimes Legislation Amendment (Slavery, Slavery-like Conditions and People Trafficking) Bill 2012 passed the House of Representatives in August and is before the Senate. It

aims to ensure the broadest range of exploitative behaviour is captured and criminalised, including new offences for forced labour, forced marriage, organ trafficking, and harbouring a victim.

But Dr Gallagher says while the amendments are helpful, at some stage there will need to be a thorough rationalisation of Australia’s laws.

“Australia’s laws are not too narrow now with these latest rounds of amendments and I think they’ve got good coverage, but the legal framework is incredibly complex. I’d hate to be a prosecutor or a police official, because they’re not easy to use,” she says.

The way trafficking and slavery are defined in law has a direct impact on the volume and variety of cases police can investigate and prosecute.

There have been about 325 investigations for trafficking-related offences in Australia as at March 2012. Of those, 34 people have been prosecuted, with 14 of those convicted.

“If you look at the number of investigations and the number of prosecutions, we can talk it up... but it’s not really very good at all compared to the acknowledged size of the problem, or even if you compare the results to other serious crimes that may have a similar prevalence.

“I think there needs to be a thorough review of what’s actually happened and why certain cases have failed,” Dr Gallagher says.

Most trafficking victims identified in Australia are women exploited to work in the sex industry.

A recent University of Queensland and University of Sydney study shows up to 2,000 women come to Australia and are forced to work as sex slaves in Sydney and Melbourne each year.

Study co-researcher Associate Professor Julie Hepworth says

because it shows a genuine desire to learn and reach to the outside and see what’s working and what isn’t.”

She hopes the inquiry leads to a clear and measurable plan of action in Australia, overseen by a credible and independent national rapporteur.

The Attorney-General’s Department is currently drafting a national plan of action to combat trafficking in line with recommendations from the UN Special Rapporteur, which will include benchmarks to measure progress and impact.

But Dr Gallagher admits putting an end to trafficking will not be easy because it involves coordination



government services need to better coordinate with non-governmental organisations (NGOs) in providing trauma counseling, health services and other services for victims.

“There needs to be increased understanding as to how the women became trafficked to begin with,” she says.

“Many have been forced or tricked into being trafficked in the sex industry from a young age and have no knowledge of anything else. They also fear deportation because they face being ostracised by their home communities.”

Grassroots campaigning movement Collective Shout wants the parliamentary inquiry to recommend the government reframe its understanding of trafficking as a crime largely commissioned by the sex industry.

The group says there are many outward signs that trafficking is a feature of the Australian sex industry, despite official claims to the contrary.

“We urge the committee to understand sex trafficking in Australia as occurring within a legal and policy environment that is welcoming of the sex industry and its activities, despite the risk these activities place women in – both local and foreign – in relation to trafficking,” it says.

“The culture of denial that surrounds sex trafficking in Australia contributes to an environment in which prosecutors bring very few trafficking-related cases to court and achieve very few convictions.”

While 160 of the 199 trafficking victims identified by Australian police since 2004 have been exploited in the sex industry, the Australian Crime Commission says victims are being increasingly identified in the agricultural, construction and hospitality industries.

Professor of criminal law at the University of Queensland, Dr Andreas Schloenhardt, says the experiences of people trafficked for labour exploitation and sexual exploitation are fundamentally different.

“The systems in place to address these different aspects of trafficking must be tailored accordingly,” he says.

“Preventative mechanisms, investigative procedures, prosecutorial systems, and victim rehabilitation must be tailored to specific manifestations of trafficking in persons.”

Slavery Links Australia believes the inquiry needs to make a distinction between trafficking and slavery because the issues, solutions and stakeholders are different.

“Consulting about trafficking will not illumine slavery,” Slavery Link says. “Slavery is about ownership. Ownership is a change of state, from free to unfree. Ownership is what makes slavery a crime against humanity.”

POOR SOLUTION:

Many countries are reliant on cheap labour

Apart from the domestic response to slavery and trafficking, the inquiry will look at international responses and best practice.

Dr Gallagher says Australia has done some really great things to combat trafficking in South-East Asia, especially through AusAID, but it could do even more.

“I think AusAID could take this model and start working in different regions, and internationalise the products that have been generated over the past few years,” she says.

“I really believe that we’re in the middle of a decade when international law, policy and good practice around trafficking are going to be set. It’s clearly beneficial to Australia to actually help shape global policy and laws on this because that’s what we’re actually going to be living under.”

Australian Rules football manufacturer Sherrin was recently made aware some of its footballs were being stitched by child labourers in Jalandhar, India.

Sherrin says it was extremely grateful the matter was brought to its attention, as it considers the use of child labour in the production of its footballs “totally abhorrent”.

Within a day it initiated an immediate review of its relationship with the supplier and the subcontractor involved, and ceased allowing any stitching to be done by subcontractors.

Dr Gallagher says consumers who benefit from shadow economies of exploited workers also have a responsibility to help stop trafficking and slavery.

“It seems to be accepted that it’s in the general interest of our community to secure goods at the lowest possible price. In that respect we are part of this problem of slavery and slavery-like exploitation being woven into the fabric of the global economy,” she says.

“For example, it defies logic to think that you can buy five pairs of thongs for \$10. And it defies logic that someone hasn’t been exploited in making those.

“We should absolutely be questioning things more on a personal level. How were these goods produced? Where were they produced? What information is available about the supply chain?”

Dr Gallagher hopes the parliamentary inquiry encourages Australians to ask themselves these very questions and reflect on their role as consumers

“Whether you call it slavery or trafficking, it’s all about taking away the freedom of another human being and using it to your benefit.

“And as we come to understand that it’s not just the person who does that but also those who benefit further down the line who are complicit, then I think we don’t really have much choice if we actually want to wake up and feel comfortable about ourselves in the morning.” •

FOR MORE INFORMATION on the parliamentary inquiry into slavery, slavery-like conditions and people trafficking, visit www.aph.gov.au/jfadt or email jsctadt@aph.gov.au or phone (02) 6277 2313.

The Wrap



DIGGING AROUND: *Regional Australia Committee members in Mongolia*

Fly-in worker experiences explored

Learning from the experiences of other mining nations was the focus of a recent parliamentary committee visit.

MPs on the Regional Australia Committee say a recent study visit to Canada and to Mongolian mining sites has provided valuable insights into how other communities grapple with the challenges posed by fly-in fly-out (FIFO) workers.

The committee is inquiring into the use of fly-in fly-out and drive-in drive-out workers in several industries such as the mining sector.

Members of the committee travelled to several locations in Canada including Newfoundland and Edmonton as well as a new mine in Mongolia to gather

and share information with other places confronting similar issues.

The delegation was part of parliament's annual program which allows a committee to undertake a study visit to two Asia-Pacific countries.

Speaking in the House of Representatives, committee chair Tony Windsor (New England, NSW) said the committee felt wider research was needed to inform its recommendations.

"Even though the Canadian experience and the Mongolian experience are different, there is an enormous amount for us to learn from their experiences," he said.

"The delegation findings prove that a balance can be found between utilising a fly-in fly-out workforce and building local, sustainable communities as long as strong leadership from all levels of government is put in place," he said.

Committee member Kirsten Livermore (Capricornia, Qld) said she was interested to discover that local governments in Canada play a very active role in decision making for their regions.

"So I got the sense that local governments there were possibly more empowered than our equivalent local governments in Australia and certainly were not afraid to use the powers that they did have," she said.

"I am talking about things like planning and licensing powers both for the mines and very particularly as to the question of temporary accommodation to facilitate mining development at the construction phase."

Ms Livermore also described her visit to Fort McMurray in Alberta as being like "Moranbah on steroids" with around half of the 100,000 strong population FIFO workers.

The central Queensland mining town of Moranbah is dealing with huge numbers of transient workers who have come to the Bowen Basin to work on projects flourishing in the mining boom.

Riverina MP Michael McCormack said the committee's visit to Mongolia was also to reaffirm the two countries' friendship and look for ways Australia can support Mongolian development, as well as to inspect a new mine around 600km south of the capital Ulaanbaatar.

"Australia and Mongolia are facing a similar challenge with the social impact of FIFO work practices and the impact on infrastructure, water, housing costs, food supply, school needs and the social fabric of regional areas," he said.

The committee is hoping to release its recommendations early next year. A video interview with Tony Windsor on the visit to Canada and Mongolia is available at: www.aph.gov.au/international •

LINKS

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The Wrap



PEOPLE POWER: Free and fair elections in Georgia say observers

Australia supports Georgian elections

Poll brings about peaceful change of government.

Two Australian senators were part of an international team of election observers to the recent parliamentary elections in Georgia which unseated the incumbent government of Mikheil Saakashvili.

As the soon-to-be Georgian Prime Minister Bidzina Ivanishvili put the finishing touches to his new cabinet, Senator Mark Furner (Qld) and Senator John Williams (NSW) spoke about their role in scrutinising the October 1 poll. They were just two of a 2,000 strong team of international observers backed up by some 3,000 domestic observers overseeing the vote.

“It’s a level of scrutiny we certainly don’t have here in Australia,” Senator Furner said.

“Georgia has gone through a democratic review of its election laws and processes and I guess they wanted to show that off to the world.”

He said there were a lot more checks that voters have to go through before they received their ballots, such as inking their hand to prove they had not already voted and presenting photographic identification.

The two senators visited several polling stations in the capital, Tbilisi, and then went to a regional polling station in the town of Gori about

70kms northwest of Tbilisi to visit further stations there.

The biggest issue they had with operations on the day was that each station had only three booths in which to cast a vote and some stations were expecting 1,500 voters. This led to long queues outside polling stations and a wait of up to an hour-and-a-half before some people could vote.

Another major concern was the lack of pre-polling in the Georgian election. There was no postal or absentee voting for the general population, however the contingent of 1,000 Georgian soldiers serving in Afghanistan were afforded an opportunity to vote in advance.

“If you’re wheel-chair bound, or sick in hospital, how do you vote,” Senator Williams asked.

“I believe many could not have their say on the day, so there’s room for improvement there and Senator Furner and I will be recommending that absentee voting afforded the military be extended to the rest of the population.”

Despite these limitations, as well as concerns over uneven distribution of population across electoral boundaries, both senators had faith in the result which saw Mr Ivanishvili’s Dream Coalition – described as a mix of liberals and radical nationalists – win 83 seats in the 150 seat parliament, while Mr Saakashvili’s United National Movement captured only 67 seats.

“The incumbent government could not deny or refute the process because they put it all in place,” Senator Furner said.

“The process was seamless and the next day there were celebrations, and no uprising or anarchy in the streets as was thought might be the case.

“Scrutineers were allowed in to see the count once polling was closed, so there was no way anything could have been shonky, defrauded or cheated.”

“The good thing is for the first time in a 100 years, a government was changed in Georgia without a revolution and I think that’s a huge step in the right direction,” Senator Williams said.

To see video interviews by Senator Furner and Senator Williams visit: www.aph.gov.au/international. •

The Wrap



GROWING CRISIS: Australian aid vital as countries face crop failures

Agriculture fund worth supporting

Committee told previous issues with international fund resolved.

Federal parliament's Treaties Committee has thrown its support behind Australia rejoining the United Nations International Fund for Agricultural Development (IFAD), which runs agricultural development programs to combat hunger and poverty.

The committee said organisations such as IFAD were likely to need Australia's support more than ever in years to come.

"With crop failures in the United States and Russia during the northern summer due to record high temperatures and drought, the price of food is already on the rise again," the committee said. "The fund has noted predictions that events of this sort will increase due to the influence of climate change."

Australia became a founding member of IFAD in 1977 but withdrew its support in 2004 amid concerns about the fund's effectiveness and relevance to national aid priorities. Australia was the only member to withdraw and is one of

only two countries in the G20 group, along with Russia, that are not members of the fund.

IFAD began a corporate reform program under new management shortly after Australia's involvement ended. This prompted the Australian Agency for International Development (AusAID) to review the situation last year.

AusAID told the Treaties Committee there was a strong business case to rejoin the organisation.

"Since 2004, the fund's reform process had resulted in improvements to strategic planning, project quality and impact, knowledge management and innovation," AusAID said.

"The fund is now considered by donors and developing countries to be an increasingly effective, results-focused, value-for-money development partner.

"Rejoining the fund will allow Australia to expand its existing support for food security and rural development and help the world's most vulnerable

fight hunger. This aligns with the Australian government's aid policy, which places priority on food security as a vehicle for sustainable economic growth and poverty reduction."

During its inquiry, Treaties Committee members questioned whether IFAD was a worthy recipient of Australian aid dollars, considering its patchy track record of effectiveness.

AusAID told the committee it believed the reformed fund now provided value for money.

"Australia's past concerns with IFAD have been outgrown, resolved or are on a clear trajectory of improvement," AusAID said. "The Australian government can have a high degree of confidence that providing funding to IFAD will deliver tangible developmental benefits in line with Australia's development objectives and that the investment will represent good value for money."

AusAID's Assistant Director General Paul Wojciechowski said Australia would be seeking to strongly influence the management of the fund if successful in IFAD board elections in 2015.

"As a member of the Executive Board, Australia would be able to participate in decision-making processes regarding the strategic direction, policy setting and implementation of the fund's objectives. This would be an important mechanism through which to ensure Australia's future investments in the fund are well managed and contribute to global food security," he said.

Mr Wojciechowski added that while a decision on rejoining the fund should be purely based on Australia's development and aid priorities, there would be commercial benefits to the country for doing so.

"Because we are not a member of IFAD, Australian nationals are prevented from bidding for contracts and being employed by IFAD, which is a large organisation. So our re-engaging with it and becoming a member mean that Australian specialists can be employed and receive contracts from IFAD, so there will be these direct commercial benefits," he said. ●

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House Rules

The human rights test

Nine months after its inception federal parliament's Human Rights Committee is having an impact.

WHEN the Joint Standing Committee on Human Rights was established earlier this year, its members knew they were facing a potentially epic task.

Under legislation passed in 2011, the role of the Human Rights Committee is to examine bills, acts and legislative instruments for compatibility with human rights and to report to both houses of parliament on their findings.

With around 200 bills and many more legislative instruments presented in a normal parliamentary year, giving adequate scrutiny to each is no mean feat.

Committee chair Harry Jenkins (Scullin, Vic) said the committee has been fortunate to have had the understanding and assistance of many people and organisations interested in human rights in Australia.

"We were very lucky from the outset when we sat down with stakeholders they acknowledged to us that the task that confronted us was, to use one of the words put to us, 'awesome' in the extent to which we could be confronted with a whole range of issues," Mr Jenkins said.

"We may have been concerned that people expected us to do things that we may not have been able to do in our first year of operation. What's been made clear to us is that people understand we have to develop the committee's work practices and credibility."

Already the committee has considered the human rights impacts of over 70 bills and 400 legislative instruments, as well as producing six reports to parliament on their activities.

In deciding on the nature and extent of any human rights impacts, the committee refers to seven specified international human rights instruments, including covenants covering civil, political, economic, social and cultural rights, as well as conventions on torture, discrimination and the rights of children and people with disabilities.

Mr Jenkins said the committee's role is to look at the practical application



PRACTICAL RIGHTS: *New committee considers legislation against human rights standards*

of those instruments in the Australian context.

"We then take as a basis what's been the interpretation of those international covenants. We also take on board the work of the international UN committees. We would explore if it's relevant to Australia's domestic situation and what may or may not have happened in other jurisdictions," he said.

"We're very conscious that this is an opportunity for us to develop an Australian viewpoint about the assessment of human rights issues."

While every bill and instrument is examined, to help manage its workload the committee quickly establishes which bills and legislative instruments do not have significant impacts on human rights and which need greater scrutiny.

Key to this process are the statements of compatibility which are now required to accompany the explanatory material to bills and legislative instruments. These statements provide an assessment of the human rights impacts of the changes proposed.

Mr Jenkins said the requirement to produce statements of compatibility means government agencies and ministries are getting better at thinking

about human rights impacts at the development stage of legislation, rather than as an afterthought.

"Now we're really into the cycle where we're trying to give the lead on our expectations, so that things like the statement of compatibility are not an add on at the end, it's very much a part of the whole process," Mr Jenkins said.

"It can eventually create a situation where the committee's scrutiny role that is set down in the legislation becomes a lot easier because these things will have been discussed well and truly before the point that the legislation goes into the parliament."

Ultimately he hopes the committee will be able to increase awareness of human rights impacts to the point where it will be a natural part of all policy and legislative processes.

"That's one of the outcomes that we'd want to see, is to ensure that right across policy areas that human rights issues are very much a point of reference in everything that's done."

For more information on the Joint Standing Committee on Human Rights, visit www.aph.gov.au/joint_humanrights or email human.rights@aph.gov.au or phone (02) 6277 3823.

ONE ON ONE

Eyes on the prize

Scrutiny of the federal budget has been given a boost with the establishment of a new office at Parliament House, explains the very first person in the hot seat.

The new Parliamentary Budget Office (PBO) is open for business at Parliament House in Canberra under the stewardship of its inaugural Parliamentary Budget Officer, Phil Bowen.

Mr Bowen started his job in July this year with a staff of just three people. The PBO has now grown to eight staff and under its budget of \$6 million a year is expected to grow to around 30-35 people.

Formerly a member of the Board of Directors of the Asian Development Bank based in the Philippines capital, Manila, Mr Bowen returned to Canberra eight months before his tenure ended in order to take up the role. He was unanimously approved by federal parliament's Public Accounts and Audit Committee for a four-year term.

"I thought long and hard about the role and recognised the risks in taking on such a challenge but I came to the view that the risks were manageable and the challenges were achievable and so I took it on," he said.

The role of the PBO is to inform parliament by shining a light on the budgetary process and making it more transparent and accessible to scrutiny. The PBO will provide independent, non-partisan advice on the budget throughout the entire budget cycle, including fiscal policy and the financial implications of proposals.

One important role the PBO can perform which couldn't happen previously is to prepare budget analyses and policy costings in confidence at the request of senators and members including those from the smaller parties and independents. Previously only Treasury and Finance could cost pre-announced policies during the three-week caretaker period in the lead-up to an election. Under the new arrangements parties can develop their policies in a more measured way and in a confidential manner over the three-year electoral cycle.

"This really places non-government parties and the independents on a more level playing field with the government," Mr Bowen said. "It will also improve the quality of the policy development process and strengthen budgetary transparency."

Mr Bowen's office has already received requests for work, but he's not at liberty to elaborate.

"Anyone can come to me asking for policy costings and they know that they'll get independent non-partisan advice in confidence," he said.

The PBO will also make submissions to parliamentary committees when required and can also initiate work itself to improve transparency of the budget.

"It's a very complicated process and the presentation contains an enormous amount of information which for many people, it's really difficult to understand what the budget is really telling us," Mr Bowen said.



BOOSTING BUDGET TRANSPARENCY:

Inaugural Parliamentary Budget Officer Phil Bowen

"I want to look at how different elements of the budget have changed over time, where the money is going and expose areas of the budget that don't necessarily get regular scrutiny."

One of these areas is the special appropriations – money allocated and enshrined in non-budget legislation. These have a life of their own until they are changed and Mr Bowen said they're not looked at every year with a fine-toothed comb.

"Not many people realise that 80 per cent of the budget is tied up in these on-going programs," he said. "So that's an area where I think we could do some useful work to identify just what's in there. We won't draw conclusions or make recommendations, but we'd bring out the information in a way that others could draw their own conclusions."

Another area Mr Bowen believes could benefit from some exposure is the tax expenditures. These appear in the budget papers every year but are not formally part of the budget. They're not a revenue and they're not an expense; as Mr Bowen explained, they're a sort of revenue forgone.

"It's like the tax deduction you can account for on the depreciation of your computer at home. Total budget expenditure is about \$370 billion and tax expenditures account for around \$170 billion. So it's a question of identifying these things, showing how the trends have emerged over time and allowing people to ponder that information and use it in their policy making."

While there has been much talk of the government delivering a future surplus budget, Mr Bowen says the PBO will not act as a watchdog.

"It's not my responsibility to remind the government if they've met or haven't met their commitments. That's not my responsibility, but I do have a responsibility to improve the general understanding, particularly of the parliament, and maybe the public of the budget process," he said.

Mr Bowen will be looking for highly skilled people with economic backgrounds and those who have real skills in revenue costings and economic modelling. He expects the PBO to be fully operational by the middle of next year. •

Question Time

Scrutiny in writing

Question

What are questions in writing and how do they work?

Answer

Most of us are familiar with the spectacle of Question Time in the House, in which ministers answer questions 'without notice' from MPs on the opposition benches and from government backbenchers. But this is not the only opportunity afforded to MPs looking to further scrutinise executive government.

Questions can also be asked of ministers and parliamentary secretaries in writing, or 'with notice'.

MPs must submit their question to the clerk or table office for inclusion on

the notice paper and they must follow various rules outlined in the House's standing orders.

While the Speaker is responsible for applying the rules, in practice this is done under authority of the Speaker by House of Representatives staff.

The rules allow for an MP to do several things: press for a course of action, refer to a statement in the media, seek an explanation, and ask whether a minister's statement to the House is government policy.

But there are also plenty of things that are not allowed, such as questions which contain arguments, imputations, requests for opinion, or for government policy to be announced. An already asked question also cannot be repeated.

And questions must not be critical of the character or conduct of the Royal Family, Governor-General, Speaker or other MPs.

Many of these rules also apply to Question Time on the floor of the

House. However, according to House procedures the rules apply to questions in writing more strictly because of the opportunity to examine them more closely.

Once published on the notice paper, questions remain there until written replies are received and published in Hansard.

Although a minister is not compelled to answer, if he/she has not done so in 60 days a request can be made in the House that the Speaker write to the minister asking why there has been a delay. If a question has not been answered by the time of the next election, it effectively lapses by dropping off the notice paper.

It should also be noted that questions cannot be asked to MPs who are not ministers or parliamentary secretaries. While it has happened on rare occasions, most were disallowed under the standing orders.

A list of unanswered questions can be found at: www.aph.gov.au/qiw •

Do you have a question?

If you have a question about the House of Representatives email news@aph.gov.au or write to About the House, International and Community Relations Office, PO Box 6021, Parliament House, Canberra ACT 2600. Questions published in *About the House* will receive our history pack *A House for the Nation* on the first 100 years of the House of Representatives.



Can a building
reflect a nation?

THREADS OF OUR NATION



Parliament House
25th anniversary
~ Open Day ~

Saturday, 14 September 2013

Follow the anniversary by
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Connecting across the Tasman

Common challenges were discussed and cultural understanding was shared during a recent visit by a New Zealand parliamentary committee.

EXTRA

When New Zealand MPs recently visited the dusty town camps that surround Alice Springs, they saw firsthand the many challenges facing Indigenous children and their parents in outback Australia.

Maori Affairs Committee member Metiria Turei said the main focus of their visit was to investigate how governments in Australia deal with the many issues confronted by Indigenous children.

“We know that the situation for Aboriginal children is quite similar to Maori children in our own country,” Ms Turei said. “We’re looking at what’s working, what’s not working and how government policy plays out on the ground. The Maori Affairs Select Committee is undertaking its own inquiry on the wellbeing of Maori children, and so this visit will inform that inquiry.”

Members of the Maori Affairs Committee met with Australian MPs and organisations in Sydney and Canberra, before heading inland to Alice Springs, where they spoke with women’s councils, community leaders and schools to

see how government policies are being implemented on the ground.

Committee member Louisa Wall agreed it had been enlightening to see firsthand what works and what doesn’t.

“I was actually hoping to develop relationships and to understand from the community’s perspective what their needs and aspirations were and the intersection between this and government policy,” Ms Wall said.

In Alice Springs, the MPs visited the Central Australian Aboriginal Media Association (CAAMA) and Imparja broadcasting studios, where they learnt about the success of a TV show promoting healthy lifestyles and personal hygiene.

CAAMA manager Gerry Lyons, who has been building links between his own native Maori culture and Aboriginal communities since moving to Alice Springs 24 years ago, said they saw a snapshot of how Aboriginal people live.

The delegation leader and deputy chair of the Maori Affairs Committee, Parekura Horomia, was impressed with the way the Ngaanyatjarra, Pitjantjarra and

Yankunytjatjara Women’s Council was tackling difficult issues like family violence and alcohol abuse.

“So I think give it 10 years, and you’ll see lots of difference through the influence of those women,” Mr Horomia said. “And I think the thing we learnt from them today, they’re strong leaders in their own right and they’ve learnt how to articulate their argument in the modern world without losing their culture and who they are as first nations people.”

Committee members believed the exchange visit was a great opportunity for both nations to learn from each other.

“For me it’s always a two way process,” Ms Wall said. “I think the teachings we can bring is about us living and breathing our culture.”

Mr Lyons hoped this Maori visit can also inspire Australia’s Indigenous people.

“What they’ve learnt from the Maori is to have a very strong voice, don’t give up, if you have a purpose and it’s about your people, make it known. Don’t be ashamed. Be proud of who you are and speak with one voice.” •

House Work

Your guide to investigations by House of Representatives and Joint Committees

Aboriginal and Torres Strait Islander Affairs Committee

- **The contribution of sport to Indigenous wellbeing and mentoring**
Public hearings being conducted
- **Language learning in Indigenous communities**
Report released 17 September 2012
www.aph.gov.au/atsia
atsia.reps@aph.gov.au
(02) 6277 4559

Agriculture, Resources, Fisheries and Forestry Committee

- **Role of science for fisheries and aquaculture**
Report being prepared
www.aph.gov.au/arff
arff.reps@aph.gov.au
(02) 6277 4500

Australian Commission for Law Enforcement Integrity Committee

- **Integrity of overseas Commonwealth law enforcement operations**
Report being prepared
www.aph.gov.au/aclei_ctte
aclei.committee@aph.gov.au
(02) 6277 3419

Climate Change, Environment and the Arts Committee

- **Australia's biodiversity in a changing climate**
Second interim report released 26 November 2012
www.aph.gov.au/ccea
ccea.reps@aph.gov.au
(02) 6277 4580

Corporations and Financial Services Committee

- **Family business in Australia**
Public hearings being conducted
www.aph.gov.au/senate/committee/corporations.joint@aph.gov.au
(02) 6277 3583

Cyber-Safety Committee

- **Cybersafety for senior Australians**
Report being prepared
www.aph.gov.au/jsc
jsc@aph.gov.au
(02) 6277 4202

Economics Committee

- **Australia's oil refinery industry**
Report being prepared
- **Reserve Bank Annual Report 2012 (First Report)**
Public hearing scheduled for 22 February 2013
www.aph.gov.au/economics
economics.reps@aph.gov.au
(02) 6277 4587

Education and Employment Committee

- **Workplace bullying**
Report released 26 November 2012
www.aph.gov.au/ee
ee.reps@aph.gov.au
(02) 6277 4573

Electoral Matters Committee

- **AEC analysis of the FWA report on the HSU**
Report released 20 September 2012
www.aph.gov.au/em
jscem@aph.gov.au
(02) 6277 2374

Foreign Affairs, Defence and Trade Committee

- **Care of ADF personnel wounded and injured on operations**
Public hearings being conducted
- **Defence Annual Report 2010–2011**
Report released 17 September 2012
- **Australia's overseas representation**
Report released 29 October 2012
- **Australia's human rights dialogues with China and Vietnam**
Report released 20 August 2012
- **Australia's trade and investment relationship with Japan and the Republic of Korea**
Report being prepared
- **Slavery, slavery-like conditions and people trafficking**
Public hearings being conducted
www.aph.gov.au/jfadt
jscfadt@aph.gov.au
(02) 6277 2313

Gambling Reform Committee

- **Prevention and treatment of problem gambling**
Report released 12 October 2012
www.aph.gov.au/senate/committee/gamblingreform@aph.gov.au
(02) 6277 3433

Health and Ageing Committee

- **Roundtable on Adhesive Arachnoiditis**
Roundtable held 21 September 2012, report being prepared
- **Health issues across international borders**
Roundtables being conducted
- **Dementia: early diagnosis and intervention**
Public hearings being conducted
www.aph.gov.au/haa
haa.reps@aph.gov.au
(02) 6277 4145

Infrastructure and Communications Committee

- **IT pricing**
Public hearings being conducted
www.aph.gov.au/ic
ic.reps@aph.gov.au
(02) 6277 2352

Intelligence and Security Committee

- **Administration and Expenditure No. 11 (2011–2012) — Australian intelligence agencies**
Submissions being sought
- **Re-listing of Al Shabaab, Hamas' Izz al-Din al-Qassam Brigades, Kurdistan Workers Party (PKK), Lashkar-e-Tayyiba and Palestinian Islamic Jihad as terrorist organisations**
Report released 10 October 2012
- **Potential reforms of National Security Legislation**
Report being prepared
- **Administration and Expenditure No. 10 (2010–2011) — Australian intelligence agencies**
Report being prepared
www.aph.gov.au/pjcis
pjcis@aph.gov.au
(02) 6277 2360

Law Enforcement Committee

- **Gathering and use of criminal intelligence**
Report being prepared
www.aph.gov.au/le_ctte
le.committee@aph.gov.au
(02) 6277 3419

Migration Committee

- **Multiculturalism in Australia**
Report being prepared
www.aph.gov.au/mig
jscm@aph.gov.au
(02) 6277 4560

National Broadband Network Committee

- **Rollout of the National Broadband Network – Fourth review**
Public hearings being conducted
www.aph.gov.au/jcnbn
jcnbn@aph.gov.au
(02) 6277 2322

National Capital and External Territories Committee

- **National Capital Authority: biannual public hearings**
Hearing held 28 November 2012
- **Department of Regional Australia, Regional Development and Local Government (re Cocos & Christmas Islands)**
Hearing held 28 November 2012
- **Department of Sustainability, Environment, Water, Population and Communities (re Antarctica)**
Visit scheduled for December 2012
www.aph.gov.au/ncet
jscncet@aph.gov.au
(02) 6277 4355

Petitions Committee

www.aph.gov.au/petitions
petitions.committee.reps@aph.gov.au
(02) 6277 2152

Procedure Committee

- **Procedural changes implemented in the 43rd Parliament**
- **Maintenance of Standing Orders**
www.aph.gov.au/proc
procedure.committee.reps@aph.gov.au
(02) 6277 4672

Public Accounts and Audit Committee

- **Auditor-General's Report Nos 24 to 32 (2011–12)**
Report released 23 August 2012
- **APS — fit for service — Australian Public Service annual update**
Report released 23 August 2012
www.aph.gov.au/jcpaa
jcpaa@aph.gov.au
(02) 6277 4615

Public Works Committee

- **Upgrade of housing for Defence at RAAF Base Tindal, Northern Territory**
Report being prepared

- **Upgrade of on-base housing for Defence at Larrakeyah Barracks, Darwin, Northern Territory**
Report being prepared
- **New National Archives preservation facility and refurbishment of the existing facility in Mitchell, ACT**
Report being prepared
- **Defence logistics transformation program**
Report being prepared
- **Moorebank units relocation, Holsworthy, NSW**
Report released 17 September 2012
- **High voltage electrical distribution upgrade, Liverpool Military Area, NSW**
Report released 17 September 2012
- **Development and construction of housing for defence members and their families at Kellyville, Sydney, NSW**
Report released 17 September 2012
www.aph.gov.au/pwc
pwc@aph.gov.au
(02) 6277 4636

Regional Australia Committee

- **Use of 'fly-in, fly-out' (FIFO) workforce practices in regional Australia**
Report being prepared
www.aph.gov.au/ra
ra.reps@aph.gov.au
(02) 6277 4162

Social Policy and Legal Affairs Committee

- **Arrangements surrounding crimes committed at sea**
Public hearing being conducted
- **Foetal Alcohol Spectrum Disorder**
Report released 29 November 2012
www.aph.gov.au/spla
spla.reps@aph.gov.au
(02) 6277 2358

Treaties Committee

- **Treaties tabled on 1 November 2012**
Public hearings being conducted
- **Treaties tabled on 30 October 2012**
Public hearings being conducted
- **Treaties tabled on 18 September 2012**
Report being prepared
- **Treaties tabled on 11 September 2012**
Report being prepared
- **Treaty tabled on 21 August 2012**
Report being prepared
- **Treaty tabled on 14 August 2012**
Report released 31 October 2012
- **Treaty tabled on 26 June 2012**
Report released 10 September 2012
- **Treaties tabled on 19 June 2012**
Report released 10 September 2012
www.aph.gov.au/jsct
jsct@aph.gov.au
(02) 6277 4002

**A number of committees are conducting inquiries into legislation before parliament.
Details of current bills inquiries can be obtained from committee websites.**

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