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Monday, 10 April 2000

The **DEPUTY PRESIDENT (Senator Sue West)** took the chair at 12.30 p.m., and read prayers.

SOCIAL SECURITY AND VETERANS' ENTITLEMENTS LEGISLATION AMENDMENT (MISCELLANEOUS MATTERS) BILL 2000

First Reading

Bill received from the House of Representatives.

Motion (by **Senator Ian Campbell**) agreed to:

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

Bill read a first time.

Second Reading

Senator IAN CAMPBELL (Western Australia—Parliamentary Secretary to the Minister for Communications, Information Technology and the Arts) (12.31 p.m.)—I move:

That this bill be now read a second time.

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

Leave granted.

The speech read as follows—

The Bill deals with a range of initiatives announced in the 1999 Budget relating to international portability, and an extension of the requirement to seek comparable foreign payments to persons from all countries.

The measures relating to international portability include the standardisation of the portability rules, phasing out of special needs pensions, and the extension to two years of the short residence rule.

The bill makes technical amendments to the provisions of the Social Security Act 1991 which provide for the pension bonus scheme and the retirement assistance for farmers scheme. The effect of the amendments is to ensure that the 4 per cent increase in the rate of income support payments that was introduced as part of the Government's tax reform package applies to applicants under both those schemes.

The bill also provides for the use of tax file numbers for data matching purposes with the objective of strengthening compliance with the provisions of the social security law. The Australian Taxation

Office currently provides Centrelink with information on a regular basis and data matching is carried out using identity data such as name and date of birth. This approach can be ineffective due to difficulties in identifying customers who either inadvertently or deliberately provide different details to the two organisations.

The Privacy Commissioner's Office was consulted in the development of this proposal and all data matching will be undertaken in strict observance with the Privacy Commissioner's guidelines.

Further technical amendments are also made to other social security legislation and a consequential amendment is made the Health Insurance Act 1973.

Ordered that further consideration of this bill be adjourned to the first day of the 2000 Budget sittings, in accordance with standing order 111.

BUSINESS

Consideration of Legislation

Motion (by **Senator Ian Campbell**, at the request of **Senator Troeth**) proposed:

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

A New Tax System (Trade Practices Amendment) Bill 2000

Social Security and Veterans' Entitlements Legislation Amendment (Miscellaneous Matters) Bill 2000

Jurisdiction of Courts Legislation Amendment Bill 2000

Aviation Legislation Amendment Bill (No. 1) 2000

A New Tax System (Fringe Benefits) Bill 2000

A New Tax System (Medicare Levy Surcharge—Fringe Benefits) Amendment Bill 2000.

Senator BROWN (Tasmania) (12.32 p.m.)—I oppose the motion. The government has the hide to bring before the Senate a motion with the anticipation that there will be no debate for the cut-off to be applied to six pieces of legislation when, in the House of Representatives, the government is refusing to debate and is placing a gag on the mandatory sentencing legislation which went through the Senate a couple of weeks ago. There has to be recognition by the government that the Senate regards mandatory sen-

tencing legislation seriously and that it believes that the House of Representatives has a responsibility to treat it seriously. I am not saying anything other than that the government has put onto the House of Representatives a decision through numbers that mandatory sentencing will be dealt with by the executive and not by the parliament. In effect, it has created a situation whereby the Senate has wasted its time deliberating on a matter which it took to be important and which certainly the people of Australia are saying they believe is important.

The government is simply shrugging its shoulders at that, cocking a snoot at the Senate, showing a cavalier attitude to public opinion in this country and simply saying, 'Business as usual—except when it comes to the Senate's legislation.' What will be next? It is very clear that the government is saying that the Senate is a matter to be dealt with by the executive and no longer has a relationship with the House of Representatives, at least when the flow is from this place to the House. As a democrat, I will not except that. I believe there is a responsibility on the part of the government to discuss the mandatory sentencing legislation, to put it to debate and to do so as a matter of expedition. I do not believe we should be accepting a situation where, day in and day out, the government says, 'Business as usual' in this house but in the other place would have a corruption of the democratic process, an affront to the Constitution and a denigration of democratic propriety. This is a serious matter, and it has been compounded by the fact that, every day last week, an opposition motion which gained majority support in this place, calling on the House of Representatives to debate the Senate's mandatory sentencing bill, has been totally ignored. Worse than ignored—when the opposition tried to have that motion from the Senate dealt with, to draw attention to the importance with which the Senate treats mandatory sentencing, the government simply used its numbers to prevent an adequate debate and to prevent the bill from being debated.

Had the government done the right thing, this matter would now be settled, at least as far as that legislation is concerned. I do not

understand the tactics, but they are wrong. The House of Representatives is the proper place for the Senate to see its business done, the same as it is the responsibility of the Senate to do the House of Representatives' bidding. Here we have six pieces of legislation, and some of them are mightily important. The reason we are being asked to exempt them from the cut-off is that the government wants them through the parliament before we break for winter—hopefully, before the budget and, it would appear, certainly in the next week or two. This is urgent government and House of Representatives business. The Senate should treat it in at least a formal fashion. I am not going to take up the Prime Minister's position: there will be no debate. What would happen if we were to say, 'Let's have tit for tat here: no debate in the Senate'? If the government of this country took the Howard line, it would grind to a halt. The Senate is more responsible than to fall to that low level of democratic response.

But nor am I saying we should just shrug our shoulders, go through a few manoeuvres and then say, 'Well, business as usual.' This is too important. Mandatory sentencing is too important. Likewise, the relationship between the houses is too important. Remember that these pieces of legislation are not urgent because they are dealing with matters which have arisen urgently. Without exception, they are matters that the government has brought before the House of Representatives, dealt with there and then brought to the Senate in a tardy fashion. In one of the pieces of legislation, a tax bill which deals with fringe benefits and the Medicare levy surcharge, the government's excuse for urgency is:

The measures commence on 1 April 2000.

From my look at a calendar, that is a fortnight ago. It also says:

Passage of the legislation will provide employers with certainty about the details of the new measures.

Thank you very much! If they wanted certainty, the government should have had this legislation up here and passed weeks ago, so that the measures which commence on 1 April would have had the certainty that is required. The government has not done that.

On the [A New Tax System \(Trade Practices Amendment\) Bill 2000](#), the government says:

This Bill needs to be introduced and passed in the Autumn sitting of Parliament to ensure the ACCC has adequate powers to prevent businesses from using the GST to exploit customers.

I know that this Senate is going to pass that legislation. I believe the government should have had that through here months ago, because consumers all over the country are worried that the GST is going to lead to business practices all over the place which will unfairly disadvantage them. This bill will pass the Senate. Is it more or less important than mandatory sentencing? You cannot measure these things. That, along with the other four pieces of legislation, are all important matters and they will be dealt with by the Senate. But if they do not meet the cut-off, it is the government's responsibility.

Finally, I point out that I am very concerned that the cut-off provision, which former Greens WA Senator Christabelle Chamarette had a lot to do with, and which the government supported—

Senator Faulkner—I made a good speech in support of it at the time.

Senator BROWN—That would be one of many, Senator Faulkner. The cut-off provision was brought into this place for very good reasons: so that we did not have bills dropped on us at the leisure of the government with the Senate not having time to properly communicate with the electorate, get feedback and then deal with them in a properly informed fashion. That cut-off is there for very important reasons. The requests for exemptions need to come with very important reasons as well.

The exemptions being sought today, almost without exception, are simply due to tardiness by the government, a failure to get its business here in time to ensure that the cut-off was not required. For example, the government has been working on the legislation attendant on the GST since the last election two years ago. The rash of bills coming in now simply points to its own lack of preparedness for this major change to the taxation system, which the government itself has brought in and has prepared for years and

which it should be carrying through in a more ordered and disciplined manner than we see here.

I do not believe that the Senate should be allowing the principle of the cut-off, which is to enable us to work in a better way for the electorate, to be serially downgraded, treated in a cavalier fashion, or not taken seriously at all, to the point where I know what is coming down the line. That is a move to rescind it, to get rid of it so that, in future, government measures, particularly contentious matters, will be able to be dumped on the Senate without adequate time and shoved through here under pressure without being adequately dealt with and without the feedback from the electorate which is so important to proper and informed debate. It is a serious matter to oppose this particular motion. But it comes out of the government's own delinquency, its own affront to the Constitution, its own derogation of duty to uphold the proper democratic procedures which are important if you are to work under the dictum that information is the currency of democracy, that the parliament is the houses of the people, and that matters as important as mandatory sentencing and indeed those that we have listed here under this motion not only have feedback from the electorate but have their fair and proper debating time in both houses.

Senator FAULKNER (New South Wales—Leader of the Opposition in the Senate) (12.44 p.m.)—I want to speak briefly on the proposition before the chair. On this occasion, the opposition will be supporting the government's proposal for an exemption of certain bills from the provisions of standing order 111 or, as we better know it, the cut-off for legislation. But I want to say this. I do understand the sense of frustration that Senator Brown has in relation to the failure of the House of Representatives to deal with the mandatory sentencing bill which has been passed by this chamber and which has received a number of messages now asking the House to deal with the bill as a matter of urgency.

What we have to look at here is: what is an appropriate response for the Senate in the circumstances where the Senate has passed a bill in relation to a matter that is front and

centre in terms of public policy debate in this country at this time and the House refuses to deal with it? I ask myself the question: what is an appropriate response in this circumstance? I suppose I ask myself whether eye for an eye and tooth for a tooth parliamentarianism is the way to go. My answer to that question is that it is not, that we have a situation where the Senate is obviously dependent on the goodwill and the decency of the Prime Minister to have the House of Representatives deal with a bill that has been passed by the Senate on mandatory sentencing. I think everyone in this chamber is well aware that goodwill and decency are not attributes of the current Prime Minister. His position on this important issue of mandatory sentencing is very clear to see. It requires the Prime Minister's goodwill and decency for the matter to be debated in the House of Representatives.

The argument that we present here is not necessarily that the House of Representatives and the government have to fall over and agree with what the Senate puts up. But at least the Prime Minister should have the intestinal fortitude to allow the people's house, the House of Representatives, to debate an important bill which has been passed by this chamber, which this chamber has given priority to and which this chamber sees as very urgent. I think most Australians accept that the issue of mandatory sentencing is very urgent but, for some reason or other, the Prime Minister is either unwilling or unable, or both, to allow this matter to come on for debate. That is denying the exemption of bills motion before the chair an appropriate response. As far as the opposition is concerned, that is not an appropriate response.

We do not want to see the Senate engage in creating havoc in relation to the government's legislative program. As Senator Brown would probably point out, this is a far more responsible view of the world than the current government ever adopted when it was in opposition. As far as the Labor Party in opposition is concerned, we do try and maintain some consistency in the positions that we adopt. We would have argued the same in government as we are arguing now in opposition. There is no point vandalising the parliamentary procedures and processes.

That is the sort of thing that the Liberal and National parties warmly embrace when they find themselves in opposition. There is a point in keeping the pressure right on the Prime Minister. I accept that there is a point in the Senate doing that. But this mechanism, which is just about causing havoc and very unreasonable obstruction to a government's legislative program, is something which the opposition simply cannot agree with and will not embrace. Our position on that will be consistent whether we find ourselves in opposition or in government.

That does not alter the fact that the significance of the substantive point that Senator Brown makes about the importance of mandatory sentencing and the need for the government to bring that bill on for debate in the House of Representatives is in no way lessened by the fact that the opposition will not agree to Senator Brown's proposal to oppose the cut-off motion in this instance. It is just that an eye for an eye and a tooth for a tooth approach is not the way to go. I do not want to descend into using the same tactics that the Liberals and Nationals so warmly embrace. I think that the obligation is on Mr Howard to allow the bill to come on for debate, but we need to be a bit more creative in finding other ways of encouraging that to occur. On this issue the pressure, in a political sense, is right on the government, right on Mr Howard, right on the cabinet and right on the Liberal and National Party party rooms to ensure that there is a decent outcome on the issue of mandatory sentencing. It would be a tactical error on the Senate's part to up-end the flow of legislation before both chambers of the Australian parliament as a response. We will keep the focus on Mr Howard and his lack of courage in allowing this matter to come on for debate. His gutlessness is indefensible, but you do not go to the extent that Senator Brown wants to go to in response. It is for those reasons that the opposition will support the motion that stands in the name of Senator Troeth.

Question resolved in the affirmative.

**CHILD SUPPORT LEGISLATION
AMENDMENT BILL 2000****Second Reading**

Debate resumed from 5 April, on motion by **Senator Ian Campbell**:

That this bill be now read a second time.

Senator FAULKNER (New South Wales—Leader of the Opposition in the Senate) (12.52 p.m.)—I speak on the Child Support Legislation Amendment Bill 2000 on behalf of the opposition. This legislation seeks to ensure that the child support system applies fairly and equally to those living outside Australia, whether they be a payer of child support or whether they be a recipient. The bill also amends Australia's domestic law in order to enable Australia to fulfil its international child and spousal maintenance obligations. The proposed amendments provide for regulations to be made for matters relevant to the recognition and enforcement of child support and spousal maintenance liabilities.

The following are some examples of the changes: the enforcement of administrative assessments allowing the Child Support Agency to make an administrative assessment, even though the payer is not resident in Australia and does not have an Australian taxable income; in the case of New Zealand, providing that the creation and variation of liabilities will only be able to be undertaken in the country where the payee is resident; obliging each country to assist in locating payers, serving notices and providing advice so that maintenance liabilities can be enforced; allowing the Child Support Agency to collect overseas maintenance liabilities which have not first been registered in an Australian court under the Family Law Act 1975; and also requiring reciprocity in legislative presumptions of parentage. All these measures appear to the opposition to be uncontroversial in nature and, accordingly, we support the bill that is before the chamber today. I believe that the opposition have also indicated they are willing to see this matter be debated as uncontroversial legislation, if that was the wish of other parties and senators in the chamber.

Let me make a few observations about the Child Support Scheme in indicating the support of the opposition for this bill. The introduction of the scheme a decade ago attempted to put in place a set of principles which very few could disagree with. Those principles are that parents share in the cost of supporting their children according to their capacity and that adequate support is available for all children not living with both their parents. Of course, the other important reason for the establishment of the Child Support Scheme was the principle that the government should not be expected to pay the costs of supporting a child where one or both parents have the wherewithal to do so unassisted.

The problems many currently have with the system lie in the judgments it makes about people's capacity to pay, in what circumstances exceptions should be made, and how the collection of payments is enforced. The difficulty lies in the fact that complaints about child support are divided evenly between those who pay and those who receive. For every aggrieved payer who argues they are forced to give too much to the upbringing of their child, there is a payee arguing they are struggling to meet these costs and they have not got their payments through on time. Some of the issues are resolvable if the government of the day is prepared to work through the issues and talk to the people whom the scheme makes requirements of or guarantees to. But it is important to recognise that the system will never have the capacity to resolve the disappointments and hurt that often go hand in hand with separation and divorce.

The successful resolution of these very human problems and issues lies outside the scope of the Child Support Scheme. I must say that I think this is an area in which the current government has failed to show leadership and support. Since 1996, the government has stripped around \$5 billion of social services and other support from our community, creating a huge social deficit. These services, of course, directly assist people to cope with the personal dimension of separation. The government has introduced an unfair tax—the goods and services tax—that

actively discriminates against low income earners. Child support payers and payees struggling to mend their lives and get on are going to be slugged by the GST. It will push up the cost of child support and it will put ordinary people under further stress.

I think the parliament has an obligation to make the child support system as fair and as painless as we can, and I think we still have some way to go before we can truly say that child maintenance is being delivered in this way. But, as I have indicated to the Senate, the opposition is satisfied that the measures set out in this bill are a step in the right direction; and because they are a step in the right direction, the opposition takes the view that they are worthy of our support. It is for those reasons, as I have indicated, that the opposition will be supporting the bill.

Senator HARRIS (Queensland) (12.59 p.m.)—I would like to open my remarks by indicating, firstly, very clearly that Pauline Hanson's One Nation does support the requirements for parents to provide for their children in a separation process. The problems that we have with the [Child Support Legislation Amendment Bill 2000](#) that the government has before us move more towards its unconstitutional sections. I would like to speak to those sections at this point in time. These sections of the bill have the capacity to do two things: to produce a regulation that will be able to override the principal act, and I believe that that is not the intention of legislation within Australia. It will clearly give the regulations the ability to make sections of the act subservient. The other thing that this bill introduces is for the regulations, through international conventions, to enable an order that is derived in a foreign country to have legal effect in Australia without affording an Australian citizen the right of redress in an Australian court.

I believe the Attorney-General, in his process of improving the child support sections of the legislation, is actually introducing some draconian issues. Whether he is aware of them or not we will see in the responses from the minister. But I would like to ask: how long will the Senate wait before taking decisive action on what is the real head of power in this issue—the Family Law Court?

How many more parents, predominantly fathers, must die from desperation after being alienated from their children? Is the Senate aware that in Australia each week more than 20 fathers who are subject to child support orders commit suicide? In actuality, there are more fathers who have died by their own hand than there are Australians who died during the landing at Gallipoli. That is an enormous indictment on our society: that, in an endeavour to provide for children—and, as I said earlier, that is what we as a society are required to do—we have placed on the non-custodial parent such pressures that they have no recourse other than to take their own lives.

Both men's and women's lobby groups are opposed to the way in which changes to the Family Law Act are being implemented. Social commentators such as Robert Kelso claim the existence of systemic corruption. The Auditor-General's most recent report is less than flattering, and the parliament's own committee, chaired by Roger Price, was scathing in its condemnation of the Child Support Agency and its policies, practices and conduct. Many argue that the proposals will be dangerous and counter-productive, to the point of increasing the already high suicide rate that I have already mentioned.

The draconian measures that are being implemented hide the real problem that sits behind the process. These processes lie in the disgraceful and dysfunctional nature of all that falls under the wider family law umbrella in Australia. They say that the CSA, in making quasi-judicial decisions that are virtually impossible to appeal, often has the effect of putting parents into debt unfairly—a debt that is unreasonable, false, contrived and without legal merit. Many may possibly have been jailed as a result of these unreasonable decisions. Many have been placed in the predicament where they cannot provide for themselves or, in cases where the non-custodial parent re-marries and there are children as a result of the second marriage, who are in the position where they cannot provide for their second family as well. The children of that second family do not have the same rights as the children of the first family. My colleagues from the Democrats

appear to doubt in the efficiency of more draconian measures such as jailing. Some may say that Labor is completely in the pockets of the feminist lobby and the government and that it just wants to grab the cash from overstretched fathers, no matter in what the social on-costs may be.

The debate over the possibility of jailing parents must consider how many more children will not be told the truth; that is, 'Daddy has quietly closed the door and the windows, switched on the gas and gone away.' The Australian Democrats do not support imprisonment as a primary enforcement option. The Labor Party supports the jailing of those who fail to pay maintenance but not those who refuse to comply with parenting orders. The Family Court already has provisions for jailing and imposition of fines. The CSA can seize assets, impose penalties, and sweep bank accounts—and I will speak about that later. They can also impose initial prosecutions for a six-month jail penalty. A re-evaluation of child support is happening around the world, and many men are facing mounting debts. I will use the name 'Frank' for an example. Frank faces mounting debts and has found himself in a surreal world post-separation. The CSA is not bound by rules of evidence. If Frank is charged, tried and jailed, secrecy clauses mean his case cannot be reported. A Family Court ruling cannot be appealed on an error of fact. The Attorney-General, Daryl Williams, in introducing the Family Law Amendment Bill 1999, has reopened a broader debate and that is the dysfunction of family law, highlighted by the jailing initiatives. This has reignited calls for a non-adversarial tribunal system to replace the Family Court and to focus attention on the CSA.

Six years ago a joint select committee made history for the number of submissions made to it—163 submissions. The exhaustive report of that committee said that there were many complaints about the CSA, including inconsistency of advice, administrative errors and refusal to verify data. It said, 'The inaction or lack of service is inexcusable, and the end result is often appalling client service delivery.' Many of the report's 163 recommendations—including an external review of

the CSA 'as a matter of priority', close study of its social impacts, its impacts on families, disincentives to work, and the reassessment of the child support formula—have not, in those six years, been carried out.

Mr Robert Kelso says that jailing would exacerbate the high suicide rate among parents separated from their children. He says the CSA is a self-contained bureaucracy whose clients—that is, the non-custodial parents—have 'no way out of the legal system.' He says that the 1994 inquiry into the CSA, read in conjunction with the *Hansard* of the time, clearly indicates systemic corruption by public servants whose objective was to minimise the cost to the Commonwealth of supporting single parents by welfare by maximising revenue from their non-custodial spouses. He said,

Neither the Labor government nor its Liberal successors have been interested in examining the behaviour of these public servants.

The proposal to have overseas court decisions binding on Australian citizens, without right of redress in an Australian court, is totally unacceptable. It casts a shadow over the Attorney-General's well-intentioned attempt to reform family law. The federal government has already encouraged separating couples to avoid, where possible, the Family Court, in favour of mediation and counselling, and discouraged litigation by cutting legal aid. The Attorney-General's overall idea is to create a streamlined federal magistrate service with a hefty startup budget of \$30 million, to begin operating midyear, to partially sideline the Family Court, then make court orders enforceable so children would not be denied money or a relationship with their non-custodial parent—the biggest beefs on either side of the custodial divide. The proposed laws have appeased no-one.

The Attorney-General has been asked to answer questions on the legality or constitutionality of the legislation. He has declined to say how many children will be ensured a continuing relationship with their non-jailed parent and why he is handing more power to the judges of the Family Court and the Child Support Agency. The Attorney-General also declines to say whether jailed parents will be placed on suicide watch. The rate of suicide

of non-custodial male spouses is five times greater than that of youths or females. Griffith University research psychologist Susie Sweeper, an expert on separation, says there are high levels of stress associated with the Family Court and the CSA. She says, 'The accumulation of stress from not seeing children, low finances, litigation and a low level of social support can lead to psychopathology such as suicide. Some parents are very angry—that is certainly expressed.'

The policy director of the CSA, Sheila Bird, said that Australians have much to be proud of, with 90 per cent of liabilities having been paid since the agency's inception. She claims that this is the world's best. She disputes doubts raised by men's groups about the honesty of the agency's review officers, and she disputes claims made by many paying parents that the formula used by the CSA is inflexible and fails to take into account individual circumstances. Bird says she does not know the suicide rate among paying parents.

The chairman of the 1994 committee on the child support scheme, Roger Price, said that no-one should think the CSA was set up for the benefit of children. He said its sole rationale was to save taxpayers' money by clawing back social security payments, as each dollar paid by a parent reduces the amount of social security paid to the recipient, and so it is not indicative of what is in the best interests of the children. He said that we have to find a less battering, bruising and financial crippling system.

I would like to move now to some cases that have been brought to my notice. A person, who I will refer to as 'James', has four children aged between 10 and 15 years, and he sees them for more than 40 per cent of the time. He said:

I have done the right thing by my children. When my wife left me, she said I was too much of a family man. The impact the CSA has had on my children's lives has been pathetic. It has to be held accountable. I believe the time will come when children will take the CSA to court.

James has a back debt of \$40,000. About \$27,000 of this is penalty for late payment. He says this is a false debt because it was accrued after he lost his job—an \$80,000 a

year job—but a review from the agency kept him on that same salary. Last year the agency took his \$4,500 tax refund. On Christmas Eve he received a letter informing him that his bank accounts had been swept and the money had been seized, including money from one of the accounts that was in trust for his children—\$2,000—which James said took the children five years to save. He was absolutely outraged, and I believe that he has every right to be. He said:

I told the Child Support Agency I want that money to go into a similar account with similar objectives.

The CSA's response was that they did not know where the money went, but that it was probably sent to the custodial parent. James said that the children themselves had been asking about the money that they had saved. He said, 'What really gets under my skin is the injustice.'

In closing, I again indicate that One Nation will be moving a series of amendments to the government's bill, not to affect the responsibility of parents in supporting their children but to make the bill accountable to this parliament. What this bill does, in effect, is to neutralise the Senate's ability to debate freely an act of parliament on behalf of the Australian people that we represent. I believe that it is grossly unfair that a regulation that will have effect on sections of this bill has not been produced. We have not seen the regulation. We do not know how the department is even going to make provisions for changes in the exchange rate. (*Time expired*)

Senator NEWMAN (Tasmania—Minister for Family and Community Services and Minister Assisting the Prime Minister for the Status of Women) (1.20 p.m.)—I thank senators for their contributions to the debate on the Child Support Legislation Amendment Bill 2000. I particularly welcome the comment by Senator Faulkner that these measures are a step in the right direction. The previous Labor government found, as we have also found, that we are very much in the position of King Solomon when dealing with child support matters. It is extremely difficult dealing with two upset parents, and children who are being shared—or not shared, as the

case might be—between them. The issue of money adds fuel to the fire.

Nevertheless, when we were in opposition we were supportive of the recommendations that were made by the Price committee, which reviewed in 1994 the operation of the child support legislation. Senator Harris has not been here for very long, so he may not be aware of this, but since we have been in government we have been moving constantly forward, trying to implement as many of the Price committee's recommendations as possible. I think it is now fair to say that, while some people would still feel that there is more to be done, this government has implemented the majority of the recommendations made by that committee, either in whole where it has been possible or in part where that has been necessary. Having said that, this bill does have support from the three parties in the Senate—the government, the Labor Party and the Democrats—and I am sorry to think that Senator Harris does not see this as a measure that will improve the situation. It certainly will, in my view.

I will refer very briefly to the issues that Senator Harris raised, but I will first give a bit of an overview. Australia's existing international child support enforcement arrangements are designed to deal solely with court ordered maintenance, which is being gradually replaced in Australia by administrative assessments. New arrangements which apply to administrative assessments are desirable, and I think everybody would agree with that statement. The amendments made by the bill enable Australia to become a party to three international maintenance agreements, which extends the range of countries with which Australia has treaty arrangements, providing for the enforcement of Australian maintenance liabilities. These agreements will replace or complement existing arrangements for the enforcement of child support and spousal maintenance liabilities. They oblige each country to provide in its laws for the recognition and enforcement of such liabilities. It is important to understand in that context that since we have been in government—and, once again, Senator Harris may not know this—we have changed the way in which treaties are dealt with in the constitu-

tional process. In my view, it has been a considerable improvement that treaties now have to come before the parliament. They have to be endorsed, there has to be a consultative process with the states and territories and the committee of the parliament scrutinises any treaty that Australia is looking at signing. So there has been a considerable improvement in that area.

I will now turn to the regulation making power which is inserted into the Child Support (Registration and Collection) Act 1988, the Child Support (Assessment) Act 1989 and the Family Law Act 1975. This allows regulations to be made prescribing, in relation to countries with which Australia has maintenance enforcement arrangements, all matters relevant to the recognition and enforcement of child support and spousal maintenance liabilities. Some of the matters for which the regulations may prescribe include: the enforcement of administrative assessments as well as the continued enforcement of court orders and registered agreements; allowing the Child Support Agency to make an administrative assessment even though the payer is not resident in Australia and does not have an Australian taxable income; in the case of New Zealand, providing that the creation and variation of liabilities will be able to be undertaken only in the country where the payee is resident; obliging each country to assist in locating payers, serving notices and providing advice so that maintenance liabilities can be enforced; allowing the Child Support Agency to collect overseas maintenance liabilities which have not first been registered in an Australian court under the Family Law Act 1975; and requiring reciprocity in legislative presumptions of parentage. If ever there were measures which go to the benefit of children, I would have thought, Senator Harris, that those measures are very directly related to the wellbeing of children.

I just want to speak briefly in reference to the Family Court and the Attorney-General. Senator Harris has spoken at some length about the Family Court and the Attorney-General, but I just draw the Senate's attention to the fact that we are debating Child Support Agency legislation here. It is not Attorney-

General's legislation; it is from my portfolio. Maybe Senator Harris is not aware of the fact that the Child Support Agency has always had the ability to go to the Family Court to get an order where a payer has, for example, failed on repeated occasions to provide necessary information. Theoretically, a breach of that order could have resulted in a jail sentence, but I also point out that, during the whole history of the Child Support Agency, no-one has ever gone to jail. That is quite separate from the argument that it would appear Senator Harris has with the Attorney and his proposed changes to penalties in the Family Court for breach of orders. There has always been the ability to do that under the child support rules.

It is important that these facts be on the table, because if ever there was an area where there has been a great deal of misinformation and misunderstanding it is the child support area. This is a scheme which Labor introduced but which this government has supported in opposition and has tried to improve in government. The child support area is an area where a great number of people who have gone through unhappy times in the break-up of their relationship transfer some of that unhappiness to their view of their treatment by the Child Support Agency, and I think that is unfair. Senator Harris mentioned Sheila Bird, a very senior adviser in the Child Support Agency. She has disputed claims of dishonesty and inflexibility. I think it is appropriate for me now to say that I believe that Sheila Bird is a fine officer. She has served the families of Australia well. She has been enthusiastically involved with this government in trying to implement reforms and improvements to the child support system and is very sympathetic to the needs of all parties in child support disputes. I would urge Senator Harris to think before he names a public official, as he did today when he named her.

I think it is perhaps best if we leave the rest of the debate to actually addressing the only amendments to the bill, which come from Senator Harris on behalf of the One Nation Party. The government will not be supporting any of the amendments and I would be happy, as the committee stage progresses, to give my reasons why.

Question resolved in the affirmative.

Bill read a second time.

In Committee

The bill.

Senator HARRIS (Queensland) (1.29 p.m.)—In moving my amendments to the **Child Support Legislation Amendment Bill 2000**—

The TEMPORARY CHAIRMAN (Senator Hogg)—Senator Harris, are you moving them all together or are you moving them singly?

Senator HARRIS—I will be moving them jointly in four lots. As we have no running sheet, if the chair wishes me to indicate how I will move them, for the benefit of the government and the opposition, I will do so.

The TEMPORARY CHAIRMAN—Yes, if you could give an indication of how you intend to move those lots, that would be very helpful.

Senator HARRIS—I will be moving Nos 1 and 2, 8 and 15 together first. I will move Nos 3, 10 and 16 together. I will move Nos 4, 11 and 17 together. I will then move the remainder—Nos 5, 6, 7, 12—

The TEMPORARY CHAIRMAN—You have missed No. 9. It should be Nos 5, 6, 7 and 9.

Senator HARRIS—My apologies, Mr Temporary Chairman—No. 9 will be moved with the first group.

The TEMPORARY CHAIRMAN—So in the first group—let us get this clarified—there is Nos 1, 2, 8, 9 and 15.

Senator HARRIS—Yes, with my apologies, Mr Temporary Chairman.

The TEMPORARY CHAIRMAN—And the last group will be?

Senator HARRIS—It will be Nos 5, 6, 7, 12, 13, 14, 18, 19 and 20 together.

The TEMPORARY CHAIRMAN—So you would now seek leave to move the first lot—Nos 1, 2, 8, 9 and 15—together.

Senator HARRIS—I seek that leave.

Leave granted.

Senator HARRIS—I move:

- (1) Schedule 1, item 1, page 3 (line 8), omit “international agreements or arrangements”, substitute “approved international agreements”.
- (2) Schedule 1, item 2, page 3 (line 17), after “an”, insert “approved”.
- (8) Schedule 1, item 3, page 4 (line 17), omit “international agreements or arrangements”, substitute “approved international agreements”.
- (9) Schedule 1, item 4, page 4 (line 26), after “an”, insert “approved”.
- (15) Schedule 1, item 5, page 5 (line 28), after “an”, insert “approved”.

The purpose of this group of amendments is to address one of the main oppositions to the bill as presented by the government. I would like to go to the bill and to the proposed amendment to section 163B of the Child Support (Assessment) Act. The proposed section 163B says:

The regulations may make provision for, and in relation to, the following matters:

- (a) giving effect to an international agreement that relates to maintenance obligations arising from family relationship, parentage or marriage;
- (b) maintenance obligations arising from family relationship, parentage or marriage, where:
 - (i) the maintenance is claimed by or on behalf of a person who is in a reciprocating jurisdiction; or
 - (ii) the person from whom the maintenance is claimed is in a reciprocating jurisdiction.

The main problem I have with the bill as it stands is that there is no indication in that section of the bill of a provision that the international agreements are approved agreements by Australia. I believe that, if this bill is passed today in its present form, it will bring automatically into common law in Australia any international agreement in relation to the provision for family relationships, parenting or marriage. I believe that is far too open and far too wide for we as a Senate to consider and pass. The intention of my second amendment is to insert after ‘an’ the word ‘approved’, so that the bill itself then would give effect only to international agreements that had been approved within Australia.

I would like to bring to the Senate’s attention the possibility, because of the subclauses under 163B, that the jurisdiction could actually be claimed in what is referred to there as

a ‘reciprocating jurisdiction’. Nineteen countries within Europe are signatories to the Hague convention, which the government is proposing to endorse this month. The question that I would like to put to the minister is: how many of those countries have a legal system under which a person is guilty when charged and is required to prove their innocence? We have the total opposite to that legal system within Australia: an Australian is considered innocent until they are proven guilty. As to my reason for raising this issue, I do not intend to imply that there will be an enormous proliferation of these instances but, in my questioning of the minister’s advisers in a briefing on this matter, they indicated that there were approximately 1,000 custodial parents who reside on a non-resident basis and approximately 8,000 payer parents who reside in non-residential areas, so it is possible for a custodial parent to obtain an order on an Australian citizen in a foreign court and then have that implemented in Australia.

If they are doing this as a result of the Hague convention, it has huge implications for this chamber if it passes this bill without there being an insertion that says that the international agreement must be approved by the Australian parliament. I believe that the people who are involved in this situation, undesirable as it is, through marriage break-up should provide for their children, but I believe that it is an impost on those parents, whether they are resident in Australia as a payer or resident overseas as a payer, to be subjected to this type of legislation under which they will have no redress under the provisions of the bill.

Senator NEWMAN (Tasmania—Minister for Family and Community Services and Minister Assisting the Prime Minister for the Status of Women) (1.39 p.m.)—I listened carefully, as best I was able, to Senator Harris, and I do think that here he is perhaps a bit misguided. The situation is, as I said in the second reading debate, that we have changed the arrangements in this place to involve the parliament about treaties. We are talking about future treaties, and this legislation refers to ‘maintenance obligations arising from family relationship, parenting or marriage’. In other words, what we are talking about is a

very narrow group of future treaties, if there are any. But they do not just relate to family relationship, parenting or marriage; they relate to maintenance obligations arising from family relationship, parenting or marriage, so it narrows it down as to what such treaties would be about. We do not have them currently. Therefore, any that we were entering into would be entered into after the new process that this government has introduced has been gone through; namely, they would be considered by the Joint Committee on Treaties and they would be tabled in the parliament for a necessary period of time. Those are the sorts of things that did not happen before.

They will continue to be approved by the executive. That has always been the way. The Australian government represents the people of Australia in the treaty making power, but what has happened now is that the parliament is involved. The treaties committee was set up so as to have the parliament involved, and the laying on the table of a proposed treaty has the parliament involved as well. I would hope that Senator Harris's concerns would be mitigated to some degree by the new process for treaties but also because we are not talking about the wide spectrum of treaties that he was implying in his comments. It is simply related to maintenance obligations, and I think appropriately so, of course.

Senator FAULKNER (New South Wales—Leader of the Opposition in the Senate) (1.41 p.m.)—To the extent to which I was able to follow the argument that was mounted, or attempted to be mounted, by Senator Harris, I am afraid that I found no merit in the little bit I did understand.

Senator HARRIS (Queensland) (1.42 p.m.)—Could I then ask the senator why under section 163B(1A) the government has not clearly indicated that it refers only to future international agreements? The wording there is so wide open that, if there is an international treaty out there in another country or as a result of the United Nations that the minister is not aware of, that section as it stands would implement that.

The TEMPORARY CHAIRMAN—Senator, to whom was that question addressed?

Senator Harris—To the minister.

Senator NEWMAN (Tasmania—Minister for Family and Community Services and Minister Assisting the Prime Minister for the Status of Women) (1.43 p.m.)—The answer to Senator Harris's question is, as I said to him just now, that we do not have currently any treaties on maintenance obligations, so it can only be prospective and not referring to anything in the past because we do not have any agreements of that kind now.

Amendments not agreed to.

Senator HARRIS (Queensland) (1.43 p.m.)—by leave—I move amendments Nos 3, 10 and 16:

(3) Schedule 1, item 2, page 3 (line 25), at the end of paragraph (b), add:

; provided that in respect of such matters the regulations must provide for an Australian citizen to seek a review of any such claims in an Australian court.

(10) Schedule 1, item 4, page 5 (line 2), at the end of paragraph (b), add:

; provided that in respect of such matters the regulations must provide for an Australian citizen to seek a review of any such claims in an Australian court.

(16) Schedule 1, item 5, page 6 (line 6), at the end of paragraph (b), add:

; provided that in respect of such matters the regulations must provide for an Australian citizen to seek a review of any such claims in an Australian court.

The matter that this block of amendments refers to is that Australian citizens will have the right of review in an Australian court. I believe that, where a decision is made in a foreign court, under the bill as proposed by the government this will be binding on an Australian citizen without redress in Australia.

I believe that also is in total contravention of the third chapter of the Australian Constitution, which says that we very clearly have a right to judicial action. Chapter III of the Constitution goes on to say that we also have the right to a trial by jury. Again, I bring to Senator Newman's attention that, as a result of the bill she is introducing, these Australian citizens will have no right of redress in an Australian court. If they are resident in Aus-

tralia and the custodial parent achieves an order from a reciprocating jurisdiction, then that Australian person has no redress within Australia. I ask Senator Newman to explain to the Senate and the Australian people how the government can propose this bill without supporting the amendment that I have put forward which says 'the regulations must provide for an Australian citizen to seek a review of any such claims in an Australian court'.

Senator NEWMAN (Tasmania—Minister for Family and Community Services and Minister Assisting the Prime Minister for the Status of Women) (1.46 p.m.)—The current situation provides for a review in an Australian court. Let me be absolutely clear about this: that is not going to change. All the opportunities for review, either by the agency or by a court, for an Australian citizen will remain. New Zealanders will have access to their system. In New Zealand, there are administrative remedies, just as there are in Australia—people do not have to go to courts for these in our two countries. The Australian Child Support Agency will help the payers living in Australia who are New Zealanders and who need to have access to New Zealand remedies. I am surprised or confused—whichever you like—as to why you have any concern about the need for your amendment. The current regulations provide for review in an Australian court—that will not change. But New Zealanders will have access to their review system and their court system.

Senator HARRIS (Queensland) (1.48 p.m.)—I clearly disagree with Senator Newman as to—and I will attempt to clarify the issue for her—the situation where an order is obtained from a reciprocating jurisdiction. That could be, as the government is proposing, any of the 19 countries listed in the Hague convention, which I believe the government intends to ratify. The question I put to the minister is: will she explain very clearly as to how, if an order is given from any of those areas, a resident Australian payer will have a right to redress in an Australian court?

Senator NEWMAN (Tasmania—Minister for Family and Community Services and Minister Assisting the Prime Minister for the

Status of Women) (1.49 p.m.)—I am advised that this amending bill has to be read in the light of existing Australian law. I would refer Senator Harris to regulation 36 of the Australian Family Law Act 1975. Regulation 36 is entitled 'Party in Australia may apply to vary etc. overseas maintenance order or agreement'. It reads:

(1) Where an overseas maintenance order is enforceable in Australia, a person for whose benefit the order was made or the person against whom the order was made may apply to a court in which the order is registered for an order discharging, suspending, reviving or varying the overseas maintenance order.

Senator HARRIS (Queensland) (1.50 p.m.)—Thank you, Senator Newman. You quoted regulation 36, which says that a person may apply to have an assessment varied. If the situation is reversed and the payer is resident in a reciprocating jurisdiction, how is the Australian citizen going to address the issue on that basis?

Senator NEWMAN (Tasmania—Minister for Family and Community Services and Minister Assisting the Prime Minister for the Status of Women) (1.51 p.m.)—That is not changing. As is currently the case, such a person living overseas would have access to the Australian courts.

Senator HARRIS (Queensland) (1.52 p.m.)—For the benefit of the chamber, would Senator Newman indicate how many payer non-custodial parents have been successful in applying to have their payment varied under regulation 36?

Senator NEWMAN (Tasmania—Minister for Family and Community Services and Minister Assisting the Prime Minister for the Status of Women) (1.52 p.m.)—I am advised that the court does not keep statistics on that.

Senator HARRIS (Queensland) (1.52 p.m.)—Again, I put to Senator Newman: could that possibly be because nobody has been successful?

Senator NEWMAN (Tasmania—Minister for Family and Community Services and Minister Assisting the Prime Minister for the Status of Women) (1.53 p.m.)—I understand that the department is aware of cases where people have been successful but the court does not keep records.

Senator HARRIS (Queensland) (1.53 p.m.)—For the senators who are here, could Senator Newman distinguish what we have just been through in relation to assessments and convey to the chamber what will happen in the difference between a court giving an order and an assessment that is issued by the CSA?

Senator NEWMAN (Tasmania—Minister for Family and Community Services and Minister Assisting the Prime Minister for the Status of Women) (1.54 p.m.)—Madam Chair, it is not only Senator Faulkner who has a problem. My advisers also have a problem in understanding the question. I am unable to get advice as to the appropriate answer because we are all a bit confused about what you are actually asking.

Senator HARRIS (Queensland) (1.54 p.m.)—I will attempt to clarify the question for the minister and her advisers. Previously, we have been discussing the issue where a payer has been in a reciprocating jurisdiction or where the payer has in actuality been residing in Australia and is faced with a court order from a reciprocating jurisdiction. We have been speaking explicitly about court orders. My question to Senator Newman is: where a payer who resides in a reciprocating jurisdiction is faced with an assessment by the Child Support Agency, where is that person's right of redress?

Senator NEWMAN (Tasmania—Minister for Family and Community Services and Minister Assisting the Prime Minister for the Status of Women) (1.55 p.m.)—Thank you for making it clearer, Senator. The advice that I am able to give you is that, if that person living overseas who is required to pay support for his children is dissatisfied with the administrative assessment by the Child Support Agency in Australia, currently it is the case that he is able to appeal to the court in Australia.

Senator HARRIS (Queensland) (1.56 p.m.)—Could I draw to Senator Newman's attention that one of the major problems faced by the non-custodial parent—and in this case we are using the term 'payer'—is that they cannot access the courts in relation to an assessment that has been handed down by the CSA because, on the rulings of the

minister's department, they cannot have that assessed unless it is a new issue. I believe this goes to the heart of what I asked the minister earlier in relation to how many payers have been successful in having assessments varied when they applied.

Senator NEWMAN (Tasmania—Minister for Family and Community Services and Minister Assisting the Prime Minister for the Status of Women) (1.58 p.m.)—Once again, I respond to Senator Harris by saying that the payer does not appeal to the court but they can apply to the court for a decision on child support if they are not satisfied with the child support decision. Nothing could be clearer than that. I repeat: the payer does not appeal to the court but can apply to the court for a decision on child support if they are not satisfied with a child support decision.

Amendments not agreed to.

Progress reported.

QUESTIONS WITHOUT NOTICE

Goods and Services Tax: Input Credits

Senator GEORGE CAMPBELL (1.59 p.m.)—My question without notice is addressed to the Assistant Treasurer, Senator Kemp. What response does the minister have to reported claims from the Motor Trades Association of Australia that the Howard government has breached pre-election undertakings that car dealers would not be subject to a dual system of notional and actual GST input credits for purchases made from both registered and non-registered entities? Were any such commitments made to the MTAA before the last election? If so, what was the nature of any commitments given?

Senator KEMP—I will make a couple of observations. I did read that comment in the press at the weekend. I will check but, frankly, I am not aware of any commitments given along the lines outlined in the press. I also make the point that a second-hand car dealer will charge GST on the sale of a second-hand vehicle. However, they will also be able to claim input tax credits on cars purchased, so the net effect of the GST is really only on the dealer's margin. Input tax credits are available to GST registered dealers on cars purchased from both the registered sector and the unregistered sector, even though

GST is not actually charged by the unregistered sector. Credits for cars purchased from the unregistered sector are deferred, that is, they are available when the car is sold and are used to offset the GST payable on supplies in the relevant tax period. These provisions, while different to the normal process of claiming input tax credits, should not greatly add to compliance costs, and I think that is the nub of the concerns that the MTAA have. As part of normal business practices, dealers would naturally distinguish between cars purchased from registered and unregistered persons and would keep records of the price of individual cars and track them in order to be aware of the margin associated with each car. Finally, deferring payment of input tax credits on unregistered purchasers ensures that there is no scope for tax evasion through falsifying records involving the unregistered sector.

Senator GEORGE CAMPBELL—Madam Deputy President, I ask a supplementary question. What response does the Assistant Treasurer have for all those car dealers, made up of many small and medium businesses nationwide, when they claim that a dual system will have ‘fearsome’ accounting requirements and adverse cashflow implications? Is it the case that New Zealand rejected this dual system of input credits when introducing its GST, on the grounds that it would create too many compliance difficulties for dealers and tax collection authorities?

Senator KEMP—If you had listened to my answer to the first part of your question, you would have noticed that I had already dealt with that topic. That it is always the problem when you have a written out supplementary question—regardless of what one says in the answer, the supplementary rolls on regardless.

Senator George Campbell—You didn’t address the complaints issue!

Senator KEMP—I can read it out to you if you wish, Senator. I specifically addressed that issue.

The DEPUTY PRESIDENT—Order! Senator Kemp, would you please address the chair and ignore the interjections.

Senator KEMP—Thank you, Madam Deputy President. In relation to the supplementary question from Senator George Campbell: read the first part of my answer, Senator.

Information Technology and Telecommunications: Start-ups

Senator CHAPMAN (2.03 p.m.)—My question is directed to the Minister for Communications, Information Technology and the Arts. What is the government doing to assist information technology and telecommunications start-ups create the jobs of the future and improve Australia’s competitiveness worldwide? Will the minister inform the Senate of progress in the implementation of the \$1 billion Telstra social bonus initiatives aimed at IT&T start-ups? Is the minister aware of any alternative policy approaches and what would be the impact if these approaches were implemented?

Opposition senators interjecting—

The DEPUTY PRESIDENT—Order! Can I have some order on my left. The minister needs to hear the question, and I certainly have not been able to hear the last sentence.

Senator CHAPMAN—I will repeat the last sentence. Is the minister aware of any alternative policy approaches, and what would be the impact if these were implemented?

Senator ALSTON—This is a very good question from Senator Chapman because it highlights the absolute political divide between the two major parties in this country. It once again highlights the fact that we are in a position to make very substantial commitments right across Australia, not just to rural and regional areas but to new high-tech industries with enormous employment potential, enormous export opportunities and enormous knowledge based job opportunities. We do this, in the latest instance, by committing \$76 million to a new incubator project, which will mean that every mainland state and territory will be in a position to have a model which will benefit them in

terms of access to business management plans, legal advice, accounting advice, intellectual property advice and simple business techniques, and enable them to commercialise some of those very good ideas that are out there and which went lamenting for all those long 13 years of Labor.

It is particularly significant that, in conjunction with the tax changes which we got through the parliament last year, we are now starting to see a great deal of interest internationally, not just from the pension funds but from venture capitalists, who are delighted to see these things happening. The thing to tell them is that none of this could have happened if it had not been for us because Labor has opposed us every inch of the way. I simply do not understand why it is that Labor would be opposed to building additional rural networks or why it would be opposed to a new boost to the Natural Heritage Trust, training for tourism, Accessing the Future, regional Australia, Telstra's \$158 million on Building on IT Strengths, a new television fund, mobile telephony on highways, additional rural networks—all the things Senator Ray chooses to characterise as rorts.

Senator Robert Ray—You rorted it! You made up the reason six months later.

Senator ALSTON—I hope that all my colleagues outside the metropolitan areas will make sure that their constituents understand the Robert Ray view of the world.

Senator Robert Ray—Why don't you publish the documents if you didn't rort it? Put them on the table.

Senator ALSTON—We are interested in results, Senator. We are interested in delivering the goods. The bush got \$250 million from Networking the Nation; they will get another \$670 million from these social bonus initiatives.

Senator Robert Ray interjecting—

Senator ALSTON—You choose to call them rorts. We call them actually providing real, live services. Senator Ray wants to have it both ways. Not only did he want to vote down the Telstra legislation but we never hear him say, 'Well, we'd actually like to see all those initiatives but we'd fund them out of the budget.' We did not hear a word of that.

Poor old Senator Schacht got up and said, 'We're going to close down that Networking the Nation.' In other words, at no stage of the game did they show the slightest interest in any of these initiatives. Never once did they try and separate them out from the main Telstra legislation and have them voted on separately. They simply were not interested because they knew that this was in the interests of rural and regional Australia. They knew the money was not there otherwise, but they could not quite bring themselves to vote for privatisation when in opposition. In other words, the new election slogan is 'Not till we get to government'. It is, 'We will oppose everything in sight, but just wait and see. You know what our track record was on privatisation. We'll deliver once we get there but we can't do it now because we have a policy of obstructionism and opportunism.'

That is the real weakness. Why would you leave Senator Schacht there now that he is no longer relevant? Mr Beazley cannot bring himself to say that he is dead meat because he does not want to bring back Carmen Lawrence. He does not want to be put under pressure. In other words, the Labor Party are not interested in taking the tough decisions. *(Time expired)*

Goods and Services Tax: Bakery Products

Senator HOGG (2.08 p.m.)—My question is to Senator Kemp, the Assistant Treasurer. Can the minister explain the simplicity and efficiency of the GST as it applies to bakery products? Can he explain why an iced bun attracts the GST while an un-iced bun does not, why a bun with raisins in it does not attract the GST while a bun with raisins and a bit of apple does and why a bun with cracked wheat attracts the GST while one with sesame seed or poppy seed does not?

Senator KEMP—I am delighted to receive this question from Senator Hogg. The first point I make is that the Labor Party has signed on to the GST. Make no mistake. The Labor Party has signed on to the GST. This might not be widely broadcast in public but no-one has got up in this parliament to deny that the Labor Party will be going to the next election with a GST. No-one has denied it.

The other point I make is that the only slight variation to the Labor Party policy is that there will be a roll-back. We are interested to see what the roll-back will be. When this issue first came up in the parliament, the Labor Party refused to accept the amendment brought forward by the Democrats to make food GST free. Senator, you were actually opposed to food being GST free. The debate after question time today will be interesting. A few of my colleagues are keeping checklists on what things the Labor Party will include in its roll-back, and we will be pressing you to see whether you will be changing the rules which govern bakery products. We will be interested to see whether this is just a vague attack or whether this is part of the roll-back. The bakery industry are very interested. Senator Hogg's roll-back position is on record on a number of occasions.

The DEPUTY PRESIDENT—Senator Kemp, would you address the chair. When you turn your back to the microphone, we cannot hear you.

Senator KEMP—Madam Deputy President, I draw your attention to the constant discourtesy to the chair shown by Senator Faulkner. We will be waiting to see what action you are able to take on that front.

The DEPUTY PRESIDENT—Please answer the question.

Senator KEMP—I have made the point that the Labor Party supports the GST and will be going to the next election on a GST. What we are seeing is the policy of deceit—spadefuls of it. The second point is that Senator Hogg is a great advocate of the roll-back in the bakery area. I urge my colleagues to press him, when he stands up after question time, to see what he will do in relation to the roll-back and whether he will give any assurances.

In relation to the specifics of the issue, GST-free bread includes plain bread, sesame seed or poppy seed rolls, cheese topped bread, pumpkin bread, plain focaccia, rye bread, tortillas, pita and a number of other items. Bread or bread rolls or buns that have sweet filling or coating will be taxable and bakery products other than bread will also be taxable. This is quite an interesting crunch

issue for the Labor Party. Now that Senator Hogg has made this a special cause, I would urge the people in the bakery industry to make sure that they contact Senator Hogg to ask whether this is official Labor Party policy or not. The last thing industry want is for the Labor Party to involve itself in a roll-back which continues to narrow the base and will cost a great deal of revenue.

If Senator Hogg has another question to ask me, I would appreciate it because there is a rather good point I would like to make. The issue is that, if Senator Hogg is going to support a roll-back, how is that going to be finalised? Perhaps in the second part of the question I may well deal with that issue. *(Time expired)*

Senator HOGG—Madam Deputy President, I ask a supplementary question. Senator Kemp failed to address the first part of my question. I hope that when he answers my supplementary question he will answer the first part as well. Will hot cross buns attract the GST as well?

Senator KEMP—Let make it clear that, if Senator Hogg is going to fund any roll-back of the GST, it is very important that he makes it very clear just where the money is coming from. In relation to hot cross buns, traditional hot cross buns will be GST free.

Rural Transaction Centres Program

Senator EGGLESTON (2.15 p.m.)—I have a question for the Minister for Regional Services, Territories and Local Government, Senator Ian Macdonald. The question is: will the minister inform the Senate of progress with the government's successful Rural Transaction Centres program?

Senator IAN MACDONALD—Senator Eggleston again demonstrates his great interest in rural and regional Australia and in getting services out to those parts of our nation. The Rural Transaction Centres program is another indication of the Howard government's role and policy of getting on with the job and actually doing things, having the policies to do things—so unlike our opponents. The Rural Transaction Centres program follows on from programs like those that Senator Alston just mentioned where we use the money from the sale of Telstra to do

things for rural and regional Australia. Although the Labor Party opposed it tooth and nail, we were able to partly sell Telstra, to get the money in and, having got the money in, we are doing real things with it in rural and regional Australia. The Rural Transaction Centres program is funded entirely from the proceeds of the sale of Telstra. I emphasise again that this was opposed by Labor. There would be no telecommunications in the bush—no rural transaction centres.

In Rockhampton yesterday, at Beef 2000, I was very pleased to announce the funding of another six rural transaction centres across Australia—at Gulgambone and Ganmain in New South Wales, at Kojonup and Halls Creek in Western Australia, at Blackbutt in Queensland and at Mataranka in the Northern Territory. In addition, 35 further applications for business planning assistance were announced. That brings to over 200 the communities in Australia that have been assisted by the Rural Transaction Centres program. The six new centres that were announced yesterday were approved following previous business planning assistance grants given to those communities. As a result of the business planning they have moved into the rural transaction centres. The large number of applications that we are receiving shows that there is a growing acceptance of the benefit these centres can give to rural and regional Australia, and of course the message is getting out there. Regrettably, no-one in the Labor Party has ever promoted these good ideas, these good services, for rural and regional Australia.

Senator Mackay—We want to save Australia Post.

Senator IAN MACDONALD—All we get is nitpicking and criticism by the likes of Senator Mackay. There is never a positive word. You should encourage them. We now have 22 rural transaction centres funded; we have 90 business plans funded. As I say, over 200 communities have now benefited from this program.

In Rockhampton yesterday I also announced a new simplified application form, an expression of interest form, to help communities to get into this program. We have also announced a new simplified business

planning process. Those business plan applications will come straight to me with advice from my department. The applications for full centres will still go through the independent assessment process by the independent panel but the business planning applications will now come to me, to speed up the process so that we can get more communities in the country the services that they desire. *(Time expired)*

Nursing Homes: Accreditation Committees

Senator FORSHAW (2.19 p.m.)—My question is directed to Senator Herron, representing the Minister for Aged Care. Can the minister confirm that the Howard government established eight expert committees in September 1998, these committees having the stated aim of providing expert analysis and advice on how to improve or penalise homes which habitually failed to meet standards? Is it the case that the Howard government has not sought the advice of these committees since their establishment, despite the appalling incidence of substandard care in nursing homes nationwide, including the application of sanctions on 16 homes since the start of 1999? Why is the Minister for Aged Care so reluctant to seek the experts' advice that she is obviously lacking and so desperately needs?

Senator HERRON—Obviously I do not accept the last part of the statement—not the question—that Senator Forshaw has put.

Senator Forshaw—It was a question.

Senator HERRON—He made comment on the minister in the other chamber. I am happy to answer the question. I am responding to the second part of the supposed question.

Opposition senators interjecting—

Senator HERRON—Senator Forshaw does not want to hear the answer because he is interjecting.

Senator Forshaw—Madam Deputy President, I rise on a point of order. I am sitting here and waiting for his answer. Obviously, if he cannot work out who is interjecting, he cannot answer the question.

The DEPUTY PRESIDENT—Order! There is no point of order. The level of noise this afternoon has been far too high. Senator Forshaw, you have made your contribution to interjections on other occasions.

Opposition senators interjecting—

The DEPUTY PRESIDENT—I ask the Senate to come to order and Senator Herron to answer the question.

Senator HERRON—Senator Forshaw has just called me a goat. I am like Senator Faulkner; I accept anything thrown at me. I am not going to ask him to withdraw. I will get on with answering the question.

A framework for residential care standards review committees was established by the aged care legislation as an option available to the department to examine specific references. The accreditation and review audit processes carried out by the Aged Care Standards and Accreditation Agency and set out in the accreditation grant principles provide a direct and comprehensive process for dealing with standards in aged care facilities. The department advises me that it has not found it necessary to issue any committee reference to date. The government is grateful to those committee appointees who have offered their services should they be required prior to the accreditation standards superseding the residential care standards. In view of the recent inaccurate press reports, the department has written to the committee chairpersons to confirm their understanding of the information they have been previously provided about the ad hoc nature of these committees.

Senator FORSHAW—Madam Deputy President, I ask a supplementary question. I ask the minister: what answer does the Howard government have when the chairman of the New South Wales expert committee, Mr Noel Howard, says:

There's something that seems to have gone really wrong, it seems only to have happened since Bronwyn Bishop took over the department.

Senator HERRON—As I said in the previous answer, I would suggest that that person contact the department to get a response from the minister, instead of using Senator Forshaw's expertise to do so. The Sinclair report, commissioned and released by the

New South Wales government, made a series of recommendations on health services in smaller New South Wales towns. It also makes considerable mention of aged care. Aged care already makes a strong contribution to rural and remote Australia, with 28 per cent of all our places nationally funded in rural and remote areas. This will increase as the 40 per cent of the 1999 allocation which went to rural Australia comes on stream. Aged care is planned very carefully on the basis of where older people actually live, and this means we can distribute aged care fairly across the country.

Telstra: Sale

Senator LEES (2.23 p.m.)—My question is to the Minister for Communications, Information Technology and the Arts, Senator Alston. I refer the minister to the Queensland National Party's State Council meeting last weekend. Is the minister aware that during this meeting one of the members of the minister's supposedly independent review of Telstra, Mr Ray Braithwaite, intervened in the debate on Telstra to try to ensure that the Queensland Nationals' opposition to the sale was not made binding on its Federal parliamentarians? Given that one member of the panel is an adviser to the merchant bank that made millions out of the first two floats, that another member has appeared in television commercials endorsing the government's tax policies and that now the third member sought to intervene politically in party policy matters regarding the sale of Telstra, isn't the credibility and independence of your inquiry in absolute tatters?

Senator ALSTON—The short answer to that is no. I suppose the extreme view that you would propound is that they should all be in a monastery and be locked up for six months while they conduct the inquiry. The fact is that all these people have to live in the real world.

Senator Robert Ray—Why don't you go there!

Senator ALSTON—Sorry, are you offering to go there first?

Senator Robert Ray interjecting—

Senator ALSTON—You do not look like a Carmelite from here.

The DEPUTY PRESIDENT—Order! Would you address the chair, please, Senator Alston, and ignore the interjections from Senator Ray and Senator Woodley.

Senator ALSTON—I am sure Senator Lees followed the newspaper reports of that conference with some degree of detail. If she did, she would have seen that Mr Braithwaite did not actually intervene in the debate as such on the merits; he simply intervened on a procedural point. Being there as an observer, as he was entitled to do as a lifelong member of the National Party and a formal federal director, presumably he had some understanding of the way in which the system ought to operate and was simply seeking to clarify the basis on which the debate was occurring. But he was at great pains to point out that it was not proper for him to express a view, and nor did he. In those circumstances, I cannot possibly see how it can be suggested that someone who is involved in an inquiry into the adequacy of telecommunication services—

Senator Mackay—You are not serious!

Senator ALSTON—Just because you are not serious does not mean that others cannot be. So I am serious, you are not. Quite clearly Mr Braithwaite's responsibilities are, as far as this inquiry is concerned, to look at the adequacy of telecommunication services. That does not for a moment stop him pursuing some procedural point on the basis of his longstanding knowledge of the way in which the party ought to operate. In many respects, it seems to me that it is a pretty important point to clarify because those participating in the discussions presumably did want to know where they stood on that issue, but that in no way means that they are likely to form a view one way or another. Mr Braithwaite, of course, was very careful to ensure that he did not. So, in those circumstances, we simply want people to get on with putting in their submissions.

There were advertisements in the press last weekend. Those submissions, hopefully, will throw a bit more light on the true facts—not simply the propaganda that those on the other side of the chamber wish to propagate—that, over the last couple of years, you have actually seen quality of service improving very

significantly—to the point where Mr Stephen Smith, the shadow minister, was out there last December saying that it was a big step forward and that this was a significant improvement. Of course, since he made that statement, we have had another quality of service report released only a week or two back, which showed a quantum increase in quality of service outcomes. So, will that mean that Mr Smith will come out and say that we are making progress? Of course it will not. As we know, the very cynical and opportunistic approach of the Labor Party on this issue is to try to foster all sorts of half-truths and propaganda. But those who are interested in the facts will take the opportunity to put submissions to the inquiry; they will address what it is that they expect from telecommunication services; and they will look at some of the options that are available. I was just reading today about Skybridge, which is another broadband access point servicing regional and rural Australia. There is a lot happening out there. Senator Lees, if you are seriously interested in these issues, then perhaps you could put in a submission as well.

Senator LEES—Madam Deputy President, I ask a supplementary question. Given that the procedural point was lost and now the Queensland Nationals will join the Democrats and Labor in opposing the sale, will the minister concede that the sale is dead in the water and, therefore, any further spending of public money on his mickey mouse inquiry is a monumental waste of taxpayers' money? Will you now abandon this process and instead ask the Australian Communications Authority to develop recommendations for improving telecommunication services in rural and regional Australia?

Senator ALSTON—That really just shows the cynical hypocrisy of the Democrats on this issue, because I would have thought they would be interested in knowing what the quality of service was out there. So even though this might be a condition precedent to further privatisation, it is also a classic opportunity to find out what the facts are on the ground. But all you can say is: because you do not have the numbers in the Senate, why bother about quality of service out-

comes; why worry about seeing whether services are adequate? Let me remind you, we did not have your vote or theirs for T1 or T2. If we had taken your advice, we would have thrown in the towel on day one.

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

Senator ALSTON—Madam Deputy President, we simply do not take that very cynical view. We do not simply say that, because you do not think you have got the numbers, you do not have any interest in adequacy of service. We do. We actually think it will throw some very important light on what is happening out in rural Australia. You ought to take that opportunity to put in a submission. You ought to look at some of those statistics. Instead of just playing games, you ought to face up to the real issues. (*Time expired*)

Mandatory Sentencing

Senator McKIERNAN (2.29 p.m.)—My question is directed to the Minister for Aboriginal and Torres Strait Islander Affairs, Senator Herron. Is it true that the 1999 social justice report of the Aboriginal Social Justice Commissioner, Dr Bill Jonas, which was tabled on Thursday last week, has been available for tabling since last December? If so, why did the government delay the tabling? Does the government support Dr Jonas's call for Commonwealth intervention to override the mandatory sentencing laws in the Northern Territory and Western Australia?

Senator HERRON—I thank Senator McKiernan for the question. It is true that the Social Justice Commissioner said that it was racially discriminatory. He said that the Wik amendments to the Native Title Act were discriminatory. The United Nations Committee on the Elimination of Racial Discrimination also found that they were discriminatory. I was fascinated yesterday when my counterpart, the opposition shadow minister for Aboriginal and Torres Strait Islander Affairs, Mr Melham, was asked this question on the *Sunday* program. He said:

I agree, Laurie. That's what our legal advice said.

REPORTER:

So ... so would ...

MELHAM:

The Prime Minister said ...

REPORTER:

... a Labor government then ...

MELHAM:

... look, Laurie.

REPORTER:

Would a Labor government move to repeal those amendments?

MELHAM:

No, Laurie. Not all ... look, Laurie ...

REPORTER:

No?

MELHAM:

The Labor ... Laurie ...

REPORTER:

No?

MELHAM:

Laurie ... no. Let me answer. All the amendments are not discriminatory. A lot of those amendments, in relation to the registration test - you see, again, this is a side issue.

REPORTER:

But would you repeal ...

MELHAM:

Our policy ...

REPORTER:

... the ones that are discriminatory?

MELHAM:

... our policy ...

REPORTER:

The ones that Bill Jonas and the UN Committee ruled as discriminatory ...

MELHAM:

Our ...

REPORTER:

... will you repeal those if you win government?

MELHAM:

Our policy, Laurie, is clear.

REPORTER:

Well, it's not clear ...

MELHAM:

That it's anti ...

REPORTER:

... at the moment. If you ...

MELHAM:

No, no. It's ... we're not in favour of discriminatory amendments. What happened was ...

REPORTER:

So, if you're not in favour of them, why can't you say yes, we'll repeal them?

MELHAM:

Laurie, we will sit down with all the stakeholders. Our policy is that what we will do is look at these things in the cold hard light of day and in my view ...

Senator Robert Ray—What's that got to do with this question?

Senator HERRON—It is relevant to the question because I think it is important to put on the record—

The DEPUTY PRESIDENT—Please address the Chair. The level of conversation in the chamber is far too high. Minister, some of your colleagues and some senators on the other side have been conducting conversations, which, I think, is making it difficult for everyone to hear.

Senator HERRON—As occurred under the opposition when they were in government, there is often considerable delay between the handing down of documents and their tabling. On the one hand, if you table them almost immediately you get criticised; on the other hand, if there is a delay in the tabling you get criticised. So I do not think there is any mandatory time in which documents are to be tabled. It just happens that this one was tabled at that time.

Senator McKIERNAN—Madam Deputy President, I ask a supplementary question. Minister, I also asked you whether the government supported Dr Jonas's call for the Commonwealth to override the mandatory sentencing laws in the Northern Territory and Western Australia. You failed to address that question. You fudged and rambled but did not address the question. I ask further: do you agree with Dr Jonas's findings that mandatory sentencing, as practised in the Northern Territory and Western Australia, discriminates against indigenous youth and breaches universal human rights standards that the Australian government has pledged to uphold?

Senator HERRON—I apologise if I did not answer that part of the previous question,

but I am happy to answer it now. The Prime Minister issued a joint statement with Mr Denis Burke today that they agree that their common objective is to prevent juveniles from entering the criminal justice system. I was the first minister to call a summit in relation to deaths in custody. What did the Labor Party do during that period? They never did it. I had that summit and it has produced mechanisms whereby this will be overcome. To get back to the joint statement, the Prime Minister and Mr Burke agreed on a number of initiatives designed to achieve their goal, which will address particular Commonwealth concerns while continuing to respect the role of the Northern Territory parliament. The Northern Territory legislation will be amended so that a person will be treated as an adult from 18 years of age rather than 17 years of age, as at present. Apart from this, the mandatory sentencing provisions of the existing law will remain unchanged. The Commonwealth will make \$5 million per annum available for a number of measures, including diversionary programs for juveniles in the Northern Territory. I will be happy to answer another question from the other side so that I can expand on this. (*Time expired*)

Kosovo: Birth Control

Senator HARRADINE (2.35 p.m.)—My question is directed to the Leader of the Government in the Senate, representing the Minister for Foreign Affairs. Is the minister aware that, two years ago, the Yugoslav minister for family concerns described Kosovar women as 'child-bearing machines' and declared that the state 'must find a way to limit or forbid the enormous birth rate in Kosovo'? Is it a fact that the United Nations Population Fund, the UNFPA, has since established a vigorous population program, euphemistically called a 'reproductive health' program, among Kosovar women, involving a program for sterilisations, abortions and outdated MVAs and IUDs at the request of the Milosevic government? Has the minister's attention been drawn to the article in the *New York Post* of 22 August 1999, headed 'UN opens Kosovo to anti-family zealots', in which UNFPA officials confirmed that Milosevic invited the agency into Kosovo

and, tellingly, nowhere else in Serbia? (*Time expired*)

Senator HILL—No, I am not aware of those matters. I will seek advice.

Senator HARRADINE—Madam Deputy President, I ask a supplementary question. Does the Leader of the Government in the Senate agree that that sort of activity would be complicit with the Milosevic genocidal bent? Would the minister independently investigate this matter? Could the minister tell the Senate—and this is important—whether the above material is, at this moment, in the country information service held by the Department of Immigration and Multicultural Affairs, the Refugee Review Tribunal and the Department of Foreign Affairs and Trade?

Senator HILL—I am certainly aware that the International Criminal Tribunal for the Former Yugoslavia has indicted Mr Milosevic as a war criminal, so if Senator Harradine asks me whether his expressions as to the attitude and approach of Mr Milosevic in these matters would surprise me, on the basis of the indictment perhaps they would not. But whether in fact there is such a risk to Kosovar women arising out of this matter that it should be taken into account in our immigration practices, which I presume is what Senator Harradine is referring to, I will refer that matter to Mr Ruddock as well. I will seek information from the foreign minister on the facts as asserted by Senator Harradine, and I will apply those facts to the circumstances and ask Mr Ruddock for the position that he takes in relation to the matter.

Aboriginals: Stolen Generation

Senator HUTCHINS (2.38 p.m.)—My question is directed to Senator Herron, the Minister for Aboriginal and Torres Strait Islander Affairs. Can the minister confirm that he or his office was responsible for giving a copy of his Senate submission relating to the stolen generation of Aboriginal children to the *Daily Telegraph*? Was the submission given only to the *Daily Telegraph*, or was it given to other media outlets as well? Did the minister consult the Prime Minister's office before making the submission public?

Senator HERRON—I will have to take that on notice because I do not know the an-

swer to a number of those questions. I am happy to take them on notice and report back to the Senate.

Zimbabwe: Government Policy

Senator MURRAY (2.39 p.m.)—My question is to Senator Hill, representing the Minister for Foreign Affairs. Will the minister outline the government's position regarding the Zimbabwean situation? Will the government agree to publicly support the position of the European Union, Great Britain and the United States of America on Zimbabwe? What political, diplomatic and financial pressure can Australia put on the Zimbabwean government to ensure that fair elections are held as soon as possible, that the rule of law is restored, and that the commercial agricultural sector is preserved in a viable state in Zimbabwe?

Senator HILL—The Australian government believes that the rule of law must be respected and applied in a non-discriminatory fashion. Accordingly, the government has made representations to the government of Zimbabwe. Our high commissioner in Harare has made numerous representations, including at ministerial level. Mr Downer made known, on 16 March, Australia's concerns to Simon Moyer, the Zimbabwean Minister for Mines, Environment and Tourism. We will continue to encourage resolution of the land issue peacefully, legally and with respect for the rights of all Zimbabweans.

As I understand it, the position I have just stated is the same as that of the European Union and the United States, so there are efforts being made around the globe to influence the Zimbabwean government to behave in this way. Obviously, the question is particularly sensitive in the lead-up to the election that is due to be held mid-year. We appreciate that the issue of land ownership is one that is sensitive for Zimbabweans, particularly to landless veterans of the independence struggle, but, while accepting that sensitivity, we do not in any way believe that that justifies the illegal occupation of farms. We believe the Zimbabwean government should be acting in such a way as to enforce the rule of law and to ensure that all of its citizens are treated with respect.

Senator MURRAY—Madam Deputy President, I ask a supplementary question. I thank the minister for his response. In the event that Zimbabweans are made refugees as a result of events in that country, does the Australian government have any contingency plans, or are you just holding a watching brief to see what transpires there?

Senator HILL—I do not know of any contingency plans in that regard, so I will refer that aspect of the question to Mr Rud-dock.

Aboriginals: Reconciliation

Senator ROBERT RAY (2.42 p.m.)—I direct my question to the Minister for Aboriginal and Torres Strait Islander Affairs, Senator Herron. Is it the case that a senior officer from the Office of Indigenous Policy in the Prime Minister's department persistently intervened to rewrite the questions to be asked in the Newspoll public opinion research on Aboriginal reconciliation? Was the minister's approval sought for the altered line of questioning? If so, was it granted?

Senator HERRON—I cannot answer that question because I am not aware of any senior officer in the Office of Indigenous Policy having access to the questions that were asked. My understanding is that the Council for Reconciliation put out the polling and then produced a report to the committee, which I have seen leaked in the press. As to the actual formulation of the questions, I am not aware of that, and I am happy to report back to Senator Ray when I get an answer from the Office of Indigenous Policy.

Senator ROBERT RAY—Madam Deputy President, I ask a supplementary question. I am encouraged by the fact that Senator Herron has no knowledge of the alteration of the questions. While he is making his investigations, could I ask him to confirm that documents obtained under freedom of information indicate that this officer was insisting on questions being designed to gauge public reaction to the concept of special rights for Aborigines, including special seats in Parliament?

Senator HERRON—I am happy to confirm the inference of Senator Senator Ray. Yes, I was unaware of that activity, and I will

get back to him with a response in due course.

Aboriginals: Native Title

Senator KNOWLES (2.45 p.m.)—My question is to the Minister for Justice and Customs. Given the abject failure of the shadow minister for Aboriginal affairs on the *Sunday* program yesterday, will the minister inform the Senate of the benefits of the government's 1998 amendments to the Native Title Act and also inform the Senate whether she is aware of any alternative policies for native title?

Senator VANSTONE—I thank Senator Knowles for the question. It is quite an appropriate question to be asking today because it was a quite unusual performance by Mr Melham on the *Sunday* program yesterday. It was something to behold. This government is committed to giving Australia a mechanism for dealing with native title that is fair, efficient and effective for everyone. The government's 1998 amendments to the Native Title Act allow for states and territories to develop alternative laws to deal with native title as a part of their day-to-day land management practices, and those arrangements are working well.

The amendments also created new processes that allow industry and indigenous groups to avoid the need to go to court to resolve issues. Negotiation can now occur in a spirit of cooperation. As a result of these amendments, there has been a growing use of indigenous land use agreements to resolve issues between the parties by negotiation and compromise. You might remember, Madam Deputy President, that, during this debate, Labor said we had it wrong. As Tony Wright points out in the *Age* today:

The ALP has been busily giving the impression it would reopen the Wik matter—one of the most divisive debates in modern Australian history—to repeal these allegedly discriminatory amendments ...

Senator Knowles quite rightly asked me whether, as a consequence of this policy, I am aware of any others. Had it not been for the *Sunday* program, I might have said, 'Well, Labor is opposed to all of this and they say they are going to chuck large portions of it

out.' But the bottom line is that, when Mr Melham was asked:

Would a Labor government move to repeal those amendments?

Mr Melham suddenly realised the spotlight was on him and panicked. He said:

No, Laurie. Not all ... look, Laurie ...

He was trying to tell Laurie Oakes what to do. 'No?' said Laurie Oakes, in some sort of amazement. Mr Melham said:

The Labor ... Laurie ...

Laurie Oakes again said, 'No?' Mr Melham said:

Laurie ... no. Let me answer. All the amendments are not discriminatory. A lot of those amendments—

are discriminatory. Laurie Oakes was not put off by a fobbing exercise like that, and he asked:

But would you repeal the ones that are discriminatory ... will you repeal those if you win government?

Daryl Melham said:

Our policy, Laurie, is clear.

To which, Mr Oakes, not fazed by Daryl Melham, said:

Well, it's not clear ... at the moment.

So Mr Melham had another go. He said:

No, no —

Imitating that man on the Vicar of Dibley, who says, 'No, no, no, no, no' Mr Melham said:

No, no. It's ... we're not in favour of discriminatory amendments.

So, 'We think we may have a policy.' He said:

What happened was ...

Laurie Oakes was fed up with all of this and asked:

So, if you're not in favour of them, why can't you say yes, we'll repeal them?

Mr Melham:

Laurie, we will sit down with all the stakeholders. Our policy is that what we will do is look at these things in the cold hard light of day ...

So there we have the Labor policy on native title and Wik—'We're going to sit down and

in the cold light of day we'll have a bit of a look at it.'

Honourable senators interjecting—

The DEPUTY PRESIDENT—Order! The level of noise is too high.

Senator VANSTONE—Laurie Oakes was not fazed by this, so he said, 'But you're saying some of them are. I'm only asking you about the ones that you regard as racially discriminatory. Will you repeal those laws?'

Honourable senators interjecting—

Senator VANSTONE—I am trying to find the Labor policy, Madam Deputy President. I am finding it very hard to define it from this interview.

The DEPUTY PRESIDENT—I am trying to have some order in the chamber, thank you!

Senator VANSTONE—I am doing my best to do them a favour and to outline a policy such as they might pretend that they have. (*Time expired*)

Senator KNOWLES—Madam Deputy President, I actually could not hear some of the answer that Senator Vanstone gave to the Senate. I would not mind her elaborating further on the benefits of the Native Title Act and that difference between the two policies.

Senator VANSTONE—Thank you very much, Senator Knowles. Mr Melham replied to Mr Oakes:

Laurie, in my view, we will sit down in government—

'We're going to have a sit down government. That's what we're going to do: we're going to get in there and when there's a problem, we're going to sit down'—

with all the stakeholders and they ... and we'll take advice—

And, wait for it; this is a pearler:

And, in my view, those things will be looked at.

And then he makes a very bold claim:

What I've done on this is produce proper advice ...

But apparently not enough advice to form a policy. He then came up with a coup d'état:

Laurie, we will fix it up. If there's a problem ... we will fix it.

That should show everyone in Australia that the opposition is not about decent policy, and it is not about long-term outcomes. They are about using indigenous issues as a political football. When put to the test, they have not got an answer; they have not got a policy. (*Time expired*)

Aboriginals: Stolen Generation

Senator FAULKNER (2.51 p.m.)—My question is directed to Senator Herron, the Minister for Aboriginal and Torres Strait Islander Affairs. Given that both the minister and the Prime Minister have belatedly apologised for the pain caused by the Senate committee's submission statements such as, 'There was never a generation of stolen children,' I ask: will the minister fully retract those historically wrong statements?

Senator HERRON—I have made it perfectly clear that I stand behind the submission that I put to the Senate legal and constitutional affairs committee. I think the onus is on them to investigate the truth because, ultimately, all of us in this chamber and the whole of the Australian public need to have the truth on the record. I think there is a great responsibility on that committee because, in terms of numbers, for example, nobody knows the exact numbers affected. All of us know the terrible effect that forcibly removing children from their mothers had on people and the ripple effect it has had through everybody who was affected. Nobody would resile from that, and I am sure everybody in this chamber supports that sentiment. But what I have done in that submission is produced, to the best of my ability, the material to go before the Senate legal and constitutional affairs committee. I would ask the Senate legal and constitutional affairs committee to take the politics out of it, because I think that is where the danger arises. There is a report today of what Mr Melham said yesterday. The Labor Party's attitude to all of this—

Senator Vanstone interjecting—

Senator HERRON—Senator Vanstone has done it much better than I could because she is better at these things than I, and I recognise that. The *Age* of today said: 'The ALP, for example, has been busily giving the im-

pression that it would reopen the Wik matter.' Then what do we get? They say that it is racially discriminatory and they say that they will not repeal it.

Senator Faulkner—What about the question?

Senator HERRON—They were asked about mandatory sentencing. They expect that we will override it. They were asked about a compensation fund, which directly comes to the question because the identification of numbers is important. The Labor Party have said that they will put up a compensation fund. I know what the Labor Party are going to do about it. They are going to have an open-ended compensation fund. Mr Beazley said last week: 'We'll have a compensation fund. We don't know how much money will go into it, but we will put a fund in.' So that is directly related to the question.

Senator Faulkner—What are you going to do about it?

Senator HERRON—I welcome Senator Faulkner's interjection. Mr Melham said, 'We'll have a compensation fund.' When Mr Oakes asked about it, Mr Melham said, 'We don't quite know how much money is going to go into it.' In other words, it is going to be open-ended. I noticed a report in the *Age* today, which said:

The ALP has been busily giving the impression that it would reopen the Wik matter—one of the most divisive debates in modern Australian history—to repeal these allegedly discriminatory amendments to the Native Title Bill. 'Will you repeal those if you win Government?' Melham was asked.

'Our policy, Laurie, is clear,' he responded. Well, it wasn't clear before Melham was asked, and it still isn't.

Senator Faulkner—What about the submission?

Senator HERRON—Senator Faulkner asked me about the submission, and I have already stated that I stand behind it. If there is anything in that submission that can be disputed to the extent that it can be proven, then I am happy to debate that before the Senate legal and constitutional affairs committee. I spent a considerable amount of time and there has been an enormous amount of research done on that statement. The Labor

Party to this day have not disputed any of the facts in that submission. They have not disputed the historical facts. I have not heard from the Labor Party one fact that has been disputed. They have been playing politics with this issue over an erroneous—and I blame some of the media for this—report that appeared last Saturday week, and we have been running on this issue ever since. It has been blown out of proportion. It is important that we get the facts before the Australian public, and I think that committee has a responsibility to get the facts laid on the table so that all of us can see what the facts are.

Senator FAULKNER—Madam Deputy President, I ask a supplementary question. Again I ask the minister: in light of the minister's and the Prime Minister's apologies for the pain caused by the submission to the Senate committee and with the Prime Minister saying that the reaction was understandable, will the minister take any action as a result? Would the minister seek to withdraw the submission and perhaps rewrite it to remove the offending and mistaken statements as some sort of tangible gesture of goodwill to put the reconciliation process back on track? What substantive action will you take?

Senator HERRON—In the gallery today are members of the stolen generation organisations whom I met with for an hour and a half today. I would suggest that the Labor Party should give time to those people to listen to their stories. If we had enough time I would read into the Senate a poem that was given to me this morning, which I think encapsulates—

Opposition senators interjecting—

The DEPUTY PRESIDENT—Order! Address the chair, please, Senator Herron.

Senator HERRON—Madam Deputy President, I hope those organisations hear the groans from the other side. That poem encapsulates what the feelings of those people are. They do not want politics in this. They do not want it used as a political football—they really do not. I would like to get that through to the Labor Party: take the politics out of it. Listen to what those good people in the gallery are trying to tell you. Listen to what they are saying instead of playing political foot-

ball with an issue which is far too important for Senator Faulkner to point score on.

Tax Reform: Families

Senator COONAN (2.57 p.m.)—My question is to the Assistant Treasurer, Senator Kemp. Will the minister outline why tax reform is an essential element of increasing the prosperity of Australian families? Is he aware of any alternatives to the government's policies on taxation?

Senator KEMP—I thank Senator Coonan for that really very important question. I think this is of great interest to the Australian people—maybe not to the Labor Party. Tax reform is an essential element of continuing to ensure the ongoing prosperity of the Australian economy. As I have pointed out in this chamber many times, tax reform will reward Australian workers who have endured high rates of personal income tax for too long. It will provide, among other things, more choice for families about how they raise their children. The big feature of the tax reform package, as Senator Coonan knows, is the additional assistance which will be given to Australian families.

From 1 July Australia will have a modern and fairer tax system. The government has put in place tax changes which will reform the indirect tax system, the personal income tax system, the family allowance system and the business tax system. These changes mean that Australian families will be better off. In fact, many families will be better off to the tune of \$40 to \$50 per week. On one side of politics, you have a government which is clear in its policies, which is prepared to get up and defend its policies and is prepared to explain its policies and, on the other side, you have what I could only describe as the politics of deceit.

It is very clear that the Labor Party have now signed on to the goods and services tax. They have signed on, despite all the debate in this chamber and despite, even today, people getting up and complaining about the GST. I wonder if the public know the Labor Party will be going to the next election with a GST policy. You would not believe it if you listened to them, and this is why I say this is the politics of deceit in spades. They will be

going quietly in this chamber in the hope that no-one will listen, but what they have indicated is that the GST will form a critical part of their tax policy. Sure, they have indicated that there will be some roll-back. Senator Hogg says he is going to roll back bakery products. Let him get up and confirm that. Senator Hogg is on record lock, stock and barrel on this issue and no doubt those in the bakery industry will be listening very carefully. Senator Sherry, in a debate last week, indicated there were a number of areas that Senator Sherry wants to roll back. Let them get up and confirm that they will be doing this.

There is, I regret to say, one thing that the Australian people should be particularly aware of. The Labor Party refuses to guarantee the very substantial tax cuts that we are giving to incomes. As I said, many taxpayers, many Australian families, will be better off to the tune of \$40 to \$50 a week and when Labor Party members are asked to guarantee these tax cuts—not once, not twice but 20, 30 or maybe 40 times the Labor Party has been asked to guarantee these tax cuts—not one of them will guarantee them. So after question time today I hope that the Labor Party senators will stand up, will be honest with the Australian people and will confirm that they are indeed going to go to the next election with the GST and will indicate where the roll-back is. You raise these issues day after day. Let us see whether you have a policy or are like Daryl Melham. Finally, we really want to know the attitude of the Labor Party on income tax cuts. (*Time expired*)

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

ANSWERS TO QUESTIONS WITHOUT NOTICE

Solar Energy: Photovoltaic Rebate Program

Senator HILL (South Australia—Minister for the Environment and Heritage) (3.02 p.m.)—I have some further information in response to a question that Senator Ray asked me on 6 April regarding photovoltaic systems. To save time, I seek leave to have it incorporated in *Hansard*.

Leave granted.

The answer read as follows—

1. The Australian Greenhouse Office is aware of the PV concentrator technology in Solar Systems' equipment.
2. These systems may be eligible for support under the Photovoltaic Rebate Program (PVRP), subject to the rebate application meeting the PVRP Guidelines. The date of the development of the technology used in a PV system is not relevant to the assessment for the Commonwealth rebate.
3. A person may be eligible for support under the PVRP Guidelines where the system is owned by the applicant and installed at their principle place of residence. Rebates of up to \$8,250 are available for a system of 1.5 kW in size. I understand that Solar Systems' main product, its SS20, is a 20kW system costing in the order of \$175,000 per unit for a minimum order of 100 units.
4. From 1 July 2000 the PVRP will be extended to include community-use buildings such as schools, where educational and interpretative benefits of the PV installation are available. The guidelines to apply to this component of the PVRP are currently being developed.
5. The PVRP is not designed to support commercial applications of PV systems.
6. However, Solar Systems may benefit from sales brought about by the Commonwealth's innovative PV Rebate Program. This is more likely to be the case in an off-grid situation, or for a community-use building, where a system to meet an electricity load much larger than a normal residential load, is required.

Solar Systems will also benefit from the 9,500 GWh new renewables target which will provide the 'market pull' for emerging technologies such as PV concentrator systems, and from the \$264m Renewable Remote Power Generation Program, which will provide the 'market push'.

Goods and Services Tax: Australian Business Number

Senator KEMP (Victoria—Assistant Treasurer) (3.03 p.m.)—Last Wednesday Senator Murphy asked me a number of questions in relation to ABNs and the recruitment program of the tax office. I seek leave of the Senate to incorporate the answer in *Hansard*.

Leave granted.

The answer read as follows—

On Wednesday, 5 April 2000 (*Hansard* page: 12948) Senator Murphy asked:

I would ask the Minister to take on notice my request for the number of interim ABNs which have been issued.

The answer is:

As at 4 April 2000, 146,774 interim advices containing ABNs have been issued. The Commissioner announced the streamlined process, where non-essential information had been omitted by the applicants to eliminate red tape, to speed up the access to ABNs for the business community.

After an ABN has been issued with an interim advice, the ATO will follow up on the errors or omissions from the application form. In the meantime, that ABN will be able to be used just like any other ABN. In all but exceptional cases, it is expected that the ABN issued on the interim advice will be confirmed on receipt of the missing or corrected information.

Senator Murphy further asked:

Can the Minister inform the Senate how the Tax Office is going to fill the 2,000 vacancies in eight weeks and what sort of advice the public can expect from people recruited and trained in that period of time?

The answer is:

The Commissioner advised me that the ATO is on track with a campaign to recruit approximately 4,700 staff to administer the GST. So far, in excess of 3,800 people have been recruited and a large number of these (more than 2,800) have already commenced in new GST positions and undergone appropriate training.

Further recruitment action is well advanced to have staff operational to meet planned workloads associated with GST implementation.

The selection process for new GST recruits is designed to ensure they have the necessary skills to work effectively with the business community and the flexibility to adapt to continued improved work practices within the ATO. Comprehensive training and skilling programs have been developed to cover GST and other Tax Reform matters. The major training programs are around five weeks duration with intensive technical skilling components to ensure that businesses are provided with accurate information that will help them prepare for the new tax system.

Advice provided by client contact staff is based on a reference system which is continually updated to incorporate policy refinements. Staff continue to receive update training as new issues develop. To ensure accurate and consistent advice, quality assurance processes are also being introduced across all GST activities.

Tax Reform: Families

Senator SHERRY (Tasmania) (3.03 p.m.)—I move:

That the Senate take note of the answer given by the Assistant Treasurer (Senator Kemp), to a question without notice asked by Senator Coonan today, relating to the goods and services tax.

The question from Senator Coonan dealt with the alleged modernity and fairness of the Australian tax system, particularly the goods and services tax. It certainly took Senator Coonan some time to identify whom she was asking the question of. That does not surprise the Labor Party because, when you pose questions to Senator Kemp about the GST, he is very strong on evasion.

Senator Kemp—Don't get personal.

Senator SHERRY—Well, sit in on the debate, Senator Kemp, and answer some of the questions that you have consistently refused to answer over many, many months. In fact, I think Senator Hogg got it right last week when he described Senator Kemp as the Sergeant Schultz of the Liberal Party. 'I know nothing; I know nothing'—that is the continual position that Senator Kemp takes in respect of GST matters. We saw that well illustrated again today. Senator Hogg referred to yet another complexity and inefficiency of the GST which on this occasion was in respect of bakery products. For example, why does an uniced bun, a bun with raisins or a bun with sesame seeds or poppyseeds not attract a GST? Why does an iced bun, a bun with raisins and apple, or a bun with cracked wheat attract a GST? This particular example that has been raised highlights the dreadful inefficiency of the GST that has been delivered to this country by the Lees-Howard, Liberal-Democrats deal on the GST package. It is a horrible mess that has been delivered by Senator Kemp and his colleagues in respect of the GST.

Senator Ferguson—You could have made it more simple. You could have voted for it.

Senator SHERRY—Senator Ferguson, I am going to quote some particular words that you should have taken some notice of:

The proposal by the Australian Democrats yesterday to introduce enormous compliance costs

for all supermarkets, all bakeries, all milk bars is a proposal for a nightmare on main street.

Of course, this 'nightmare on main street' was a reference to excluding various categories of food. That description was given by none other than Senator Kemp's superior, the Treasurer of this country, Mr Costello.

Of course, as Senator Kemp went on, he was asked about Easter and hot cross buns. Senator Kemp has categorically stated in the Senate that hot cross buns will not attract a GST. That is an interesting view that Senator Kemp has given us. I would pose the question to you, Mr Acting Deputy President Hogg: what is the tax ruling on which this is based? I am aware that traditional hot cross buns do have fruit in them—there are raisins in traditional hot cross buns—so how on earth is Senator Kemp able to tell us that hot cross buns will definitely not attract a GST?

Senator George Campbell—And their glaze.

Senator SHERRY—That is right. There are many hot cross buns that are glazed. I do not recall hot cross buns being in the regulations for the GST as a food product which has been excluded from the GST. We would like to know the tax ruling on which this is based.

In terms of the alleged modernity, simplicity and fairness of the new tax system, we have illustrated on many occasions that this is the government's and the Democrats' tax system. It is their GST, it is their set of problems and it is their responsibility. They are the ones who have foisted this complex, costly new system on the Australian public and in particular small business, who will have to pay many thousands of dollars in additional compliance costs. This is certainly not a simpler, fairer or more efficient tax system that the government and the Democrats have delivered, and we certainly do not get any clear answers from Senator Kemp. When he attempts to give us an answer, it appears that answer is incorrect. (*Time expired*)

Senator CHAPMAN (South Australia) (3.08 p.m.)—Yet again we see that the Labor Party in opposition continues to be a policy free zone. Having been tripped up today on

their issue of the last couple of weeks, the stolen generation and issues surrounding indigenous matters, by their spokesman, Mr Melham, they have had to resort to their scare campaign on the goods and services tax. We have had some remarks today from Senator Sherry regarding hot cross buns and confusion with regard to how the GST applies. Let me say just one thing to Senator Sherry: the proposed roll-back by his leader, Mr Beazley, will magnify the degree of complexity with the goods and services tax. At this stage we have a relatively simple new tax system with the implementation of the goods and services tax. It is a relatively simple system but certainly not as simple as it might have been.

Senator Sherry—Why did you accept it?

Senator CHAPMAN—We accepted it because of the absolutely urgent need for tax reform. The GST that we have introduced, notwithstanding the changes that were made to it to win the support of the Democrats, is a much simpler and less complex system and a much more efficient system than the wholesale sales tax which it replaces from 1 July. Not only that, it delivers the benefit of some \$12 billion worth of income tax cuts as well to supplement the simplification.

Those two key issues—the income tax cuts we are delivering and a simpler, more efficient tax system—will be destroyed by the Labor Party, if this country ever has the unfortunate experience of another Labor government, because of their proposed roll-back of the goods and services tax. That proposed roll-back means only two things. The first thing it means is an increase in income tax, because Mr Beazley has ruled out any diminution of the revenue that the state governments will obtain through the goods and services tax. He has also ruled out reduction of the budget surplus or moving the budget into deficit. Therefore, to retain the revenue required to meet those two obligations, there is only one further initiative, and that is increased income taxes. And that is what the Labor GST roll-back means: increased income taxes.

The second thing it means is much greater complexity in the tax system. When you start to roll back the goods and services tax, as we have found to the limited degree that it was

rolled back to meet the Democrat demands, you do increase complexity. But the degree of complexity that we have now is nothing compared with the complexity that we will have under a Labor government that rolls back the GST much further. Those are the two significant points that need to be made in response to your remarks today, Senator Sherry: there will be increased income taxes and much greater complexity under Mr Beazley's proposed GST roll-back. Of course, that means an increase in compliance costs on the part of business and small business in particular.

Senator Sherry—They have got that in spades.

Senator CHAPMAN—No, they have not got that in spades because of the averaging provisions that this government and the tax office have sensibly introduced to overcome the degree of complexity caused by those Democrat amendments. We have acted to remove the complexity, to keep the system simple for small business, by introducing those averaging provisions. But you cannot extend those provisions across the sort of roll-back that you are going to propose.

Even within the Labor Party, these difficulties are recognised. Members of your own party, Senator Sherry, cannot agree on how this roll-back is going to occur. The member for Werriwa, Mark Latham, put forward the view that certain geographical areas ought to be exempt from the GST. He is not talking about rolling it back across certain items; he is talking about rolling it back in relation to certain geographical areas. What did your colleague the Labor member for Griffith, Kevin Rudd, say about that? He said:

Latham has written much that is innovative in each of these areas. His most recent proposal, however, is just plain loopy.

That is what Kevin Rudd says about Mark Latham. Then Mark Latham responded to Mr Rudd, saying:

As expected, Rudd has no suggestions of his own to assist the poor. As ever, rhetoric is easy in politics; change is hard.

That is the disagreement we see within the Labor Party. The fact is, whether you analyse it yourself or look at what industry represen-

tatives or independent commentators have said, they clearly confirmed that any proposed roll-back of the goods and services tax would cause huge administrative complexity and erode the economic benefits of tax reform which are clear, which are needed and which are demonstrated. (*Time expired*)

Senator GEORGE CAMPBELL (New South Wales) (3.13 p.m.)—I also want to take note of the answers given by Senator Kemp to a number of questions today in question time relating to the GST and the tax cuts. I want to deal first of all with this question of the roll-back. It has been mentioned so often by senators on the other side that I was starting to wonder whether they wanted the roll-back to check out whether it had raisins in it, whether it was glazed and whether it had icing, and whether it was or was not GSTable. That is the amount of confusion there is in the industry that deals with these products in terms of this GST.

However, one of the things which is true that Senator Kemp said today in response to a question is that the ALP were opposed to food being GST free. That is true; we were opposed to food being GST free. But what he did not say is that the ALP were opposed to the economy being GSTable. Our position was that the economy should not be subjected to GST, and we consistently opposed, in this chamber and in the other chamber, anything at all to do with the introduction of a goods and services tax. So, in that respect, Senator Kemp was being honest when he made that point in response to one of the questions.

In response to the question about the MTAA's position, he talked about the ALP practising the politics of deceit. What he did not say in response to that question was that Mr John Gallagher, a tax adviser to Senator Kemp, recently wrote back to the MTAA rejecting its concerns and claiming the motor vehicle industry would be a major winner from tax reform due to cheaper vehicles and cheaper petrol—a response rejected by the lobby group as obtuse. If that is not practising the politics of deceit, I do not know what is.

Senator Sherry—Who said 'never ever'?

Senator McKIERNAN—Who was it? That bloke who used to be the Treasurer for the Liberal Party. I think he is Prime Minister now. Didn't he say 'never ever' before the election campaign in 1996? Wasn't that one of those famous core promises, which got reduced to a non-core promise and then got reduced to not a promise at all? Yes, I remember him saying that. I also remember him sitting in a four-wheel drive in Cairns in 1996 saying that cars would be cheaper by eight per cent when the GST was introduced—motor vehicles would drop in price by eight per cent. I also recall the minister responsible for that industry saying at Senate estimates only a few weeks ago that, while the GST would force down the tax on cars, cars could be dearer after 1 July. It is a pretty strange calculation but it is, nevertheless, one of those rare moments of honesty you get from ministers when they are answering questions. I admit he was a bit flustered that morning: he was running late for estimates, he had just got off a plane. He probably did not get an opportunity to sit down and think about the spin he was going to put on questions that morning. It was an honest answer, because the industry has been saying that the price of cars will increase considerably after 1 July. In fact, you have been seeing in the current environment that many motor traders, car dealers and car companies are selling vehicles at a loss in order to maintain their market share until 1 July, when the new tax system is introduced.

Senator Kemp also talked about tax reform for Australian workers, and Senator Chapman went on about the income tax cuts and how great they would be. Here is an amazing article that appeared in the *Australian* on 8 April. The headline reads 'Rate rise just ate your tax cuts'. I do not know if the writer was talking about them being glazed or whether they were GSTable or non-GSTable, but the point was true when he said:

Remember the tax cuts you were going to get when the GST came in? Well, you've just lost them. The Reserve Bank's decision to tickle up interest rates this week amounts to more like a poke in the ribs because, over the past year, home loan interest rates charged by banks have risen a full percentage point.

When we were listening to Senator Kemp's answers to the questions today, it was interesting that not once did he mention interest rates. (*Time expired*)

Senator CRANE (Western Australia) (3.18 p.m.)—I rise to speak on this issue and to try to put some context around the position that the Labor Party have taken on this. The truth of the matter is that it did not matter what the reform of the tax system was, they were going to oppose the lot. And they continue to oppose the lot.

Senator Sherry—We opposed the GST.

Senator CRANE—You opposed all the tax reform packages other than the business tax reform. But anything to do with—

Senator Sherry interjecting—

Senator CRANE—You can chatter away all the time—it seems to be your form. You chattered the whole time through Senator Chapman's contribution, and now you are going to start doing it through mine. We are talking about the GST reform proposals at that time, which included changes to the unfair position which wage earners found themselves in, the unfair taxes that tied down our exporters, the unfair taxes on our manufacturers and the unfair taxes on families. The fallacious argument we have just heard that the tax cuts will not be there because interest rates have gone up is an absolute nonsense. In the first pay after 1 July, the various people on different tax scales will get their tax cuts off the tax that they pay. That is the simple fact. Whoever wrote that article obviously did not know what they were talking about.

Senator Conroy—He's onto you.

Senator CRANE—They did not know what they were talking about, as I am sure Senator Conroy would acknowledge over a quiet, cool beer. Senator Conroy has joined us—at that time, he will get his tax cuts and he will take every cent saved from the tax cuts that are on the table. He will put the savings in his pocket, as everyone on that side of the chamber will.

But the interesting aspect of the GST and the Labor Party is that the ALP have now adopted it as their policy—you cannot come to any other conclusion than that. They have adopted it. They have said that they are going

to roll back a few bits and pieces of it—maybe so. But when I look at the l-a-w law tax cuts of Mr Keating not so long ago, I doubt very much whether Labor have really changed their spots. We do not really know on this side of the chamber, nor do the Australian people, precisely what you will do. I guess we can be forgiven for that, because you do not know what you will do either. That is a very precise position as far as the Labor Party are concerned not only on tax but also on virtually every policy position there is. I want to quote a few comments which I think are instructive from some of the more sensible people in the Labor Party. Bob McMullan on exports said:

The GST overall should be good for exporters.

Let me tell you how good it will be: it will take approximately \$4.5 billion off the cost of our exporters doing business from this country. That will be of enormous benefit and will give us extensive market penetration when competing against our international competitors, and that is incredibly important. Even Senator Peter Cook, who often has a bit to say across this chamber, said:

There is a quantifiable—subject to your advice to us—advantage to your industry, I suspect, from the ANTS package—

that is, from the whole package. What was he talking about? He was talking about the mining industry. Senator Cook is one of those people who do have some knowledge of the mining industry in Western Australia, unlike most of you people sitting over there at this particular time. He recognised the point that the mining industry will be a winner.

The New South Wales Treasurer, Michael Egan, said:

In addition to the above gains, local government also stand to be a major beneficiary in funding arrangements following the introduction of the proposed goods and services tax.

I have sat through a number of estimates committee hearings in which I have heard Senator Mackay questioning that. I would suggest she has a little chat with the New South Wales Treasurer, Michael Egan. Premier Bracks in Victoria makes reference to the fact that, although he welcomes it, he doubts whether there will be sufficient funds raised with the changes that have been made

to the GST in terms of providing funding to the states. If you people roll it back, you are going to make it even worse for Premier Bracks and for all the premiers around the country in dealing with their state commitments and responsibilities. I say to the people on the other side of this chamber that it is about time they looked at this on its merits. It is time they looked at what it is going to do for the Australian economy and for the states in giving them independence in their funding and where they spend their money. (*Time expired*)

Senator CONROY (Victoria) (3.23 p.m.)—I am glad that Senator Crane has spoken. I was going to come to the heart of a number of the issues he raised. Senator Kemp, the Assistant Treasurer, talked earlier about the politics of deceit. This government would know about the politics of deceit because in 1998, when it unveiled the tax package, it produced a glossy booklet to sell it. Then it produced a \$20 million advertising campaign to sell it. Then it called an election, all within the period of five or six weeks, just to make sure that ordinary Australians did not get to have a good hard look at what they were being offered. If they had had a chance, as was unfolded last year during the Senate GST inquiry, they would have seen the balance of payments problems that are going to be caused, and are currently being caused, by wantonly throwing money into the economy, just as they are through these tax cuts.

The government champions the tax cuts, but what does Mr Macfarlane say about the inflationary impact of the ANTS package? Nothing, because Mr Macfarlane knows that he cannot afford to utter these words: the GST and the package which this government is proposing are inflationary. Interest rates are going up in this country because, even though this government will not admit it, even though the Governor of the Reserve Bank will not admit it, the markets know that the GST-ANTS package is inflationary. Why won't this government reveal to us its inflation forecasts? It is really a simple question. If the Labor Party or any other political party—the Democrats—tried to produce a document that refused to give a detailed inflationary forecast, the markets would tear

them to shreds, and that is what is happening to this government. Interest rates are on the rise. Don't think they have ended yet. The markets know that this government is conning ordinary Australians and that interest rates are going to go up again because of the GST and the inflationary impact that that will have. We have seen retail sales start to go down. We have seen small businesses talking about closing up and getting out because of the GST. But currently in this country we have, once again, an outrageous abuse of taxpayers' funds with all of the advertising you see on the telly every night about the government's tax package. It is a big, glossy, 'It's good for the country,' but don't mention the GST. Whatever you do in the \$50 million-worth of ads this time, don't mention the GST. Don't tell the truth about what it is doing.

Last week, the *Daily Telegraph* made it absolutely clear on the front page. My colleague Senator George Campbell has just detailed it. The purported—and I repeat and stress 'purported'—savings that were to come from this package to ordinary, battling Australians have already vanished—that is, if you believed it in the first place. So when Senator Crane comes into this chamber and says, 'Treat this package on its merits; over a quiet beer, you know you really support it,' I have news for Senator Crane: I have never supported it and I am not going to start now. This government has deceived the Australian public. It is bad for this country. It is bad for economic growth. It is bad for inflation. It is bad for unemployment. It is bad for interest rates. It is bad for small business. That is the truth of this tax package, and no amount of glossy advertising is going to hide that. More and more Australians are finding it out each day.

Senator Hill—So practically every industrialised country in the world has got it wrong!

Senator CONROY—You can keep from beating up on guide-dogs, which is where you were last week, Senator Hill—making guide-dog owners pay the GST when they had a wholesale sales tax exemption—

Senator Hill—I rise on a point of order, Mr Acting Deputy President. It is ludicrous

to suggest that an honourable senator would beat up on guide-dogs. I ask that that be withdrawn.

The ACTING DEPUTY PRESIDENT (Senator Hogg)—There is no point of order.

Senator CONROY—Truth is a defence in this chamber—that is right. When this government is making the cost of dog food for guide-dogs and veterinary services go up by 10 per cent because of the GST, things which previously have been wholesale sales tax exempt or have had no GST on them, that is when you see this government beating up on guide-dogs. We have had guide-dog owners say they are concerned that they will not be able to feed their dogs as well and that they will not be able to care for them as well because of this government. And what has this mean-spirited government done? It has said, 'No, sorry, that's it. Pay more for food for guide-dogs, pay more for their vet visits.' That is what this government is about. As each and every horror story comes to light—and there are plenty more to come—(*Time expired*)

Question resolved in the affirmative.

Telstra: Sale

Senator ALLISON (Victoria) (3.30 p.m.)—I move:

That the Senate take note of the answer given by the Minister for Communications, Information Technology and the Arts (Senator Alston), to a question without notice asked by the Leader of the Australian Democrats (Senator Lees) today, relating to Telstra.

I find it extraordinary that the government is still pinning its hopes on the outcome of its three-person inquiry into the performance of Telstra. Even more extraordinary is its claim that this inquiry will be Senate-like. That is what Mr Anderson said a few days ago. As my colleague Senator Lees showed today, the government cannot demonstrate that this is at all like a Senate inquiry or that it is in any way independent. I want to dwell on some of the comments by Senator Alston about getting the facts. He says that he wants people to get on with their submissions so that the government can look at the true facts and that they will see very significantly improving

services—in fact, a quantum increase in services.

I want to draw the Senate's attention to the last ACA performance indicators report, which showed anything but that. In the provision of new services against the CSG standard in urban areas with infrastructure, the total nationally is still only 90 per cent, and that has actually gone up in most areas. But, for instance, in the Northern Territory that has dropped from 84 per cent to 67 per cent, a 17 per cent drop. In South Australia, the drop in new services against the CSG in major rural areas is from over 80 per cent to 72 per cent. In the Northern Territory there has been an astounding drop from 65 per cent to 33 per cent. That is a 32 per cent drop.

Looking at the restoration of service and fault reporting, the figure nationally is still only 83 per cent. It is a marginal increase on the previous quarter but is still grossly inadequate. In my state, Victoria, it has dropped from 85 per cent to 82 per cent, in South Australia from 79 per cent to 78 per cent, in WA from 86 per cent to 79 per cent, and in the Northern Territory from 82 per cent to 65 per cent—a massive 18 per cent drop. In rural areas we see another drop—in Victoria, from 86 per cent to 85 per cent and in the Northern Territory a massive drop from 84 per cent to 72 per cent. In remote areas, again, the Northern Territory still only has a 61 per cent performance against the CSG, in Victoria it is down to 86 per cent from 92 per cent, and so it goes. Whilst there have been some increases, you certainly could not say there has been an improvement across the board.

It is a classic case of the government hoping that this inquiry will cover up those poor performance standards so that it can persuade the Senate that it should sell Telstra. At the weekend we saw Mr Braithwaite, who has very close connections to the National Party. Senator Alston says that we expect people to all live in a monastery. We do not expect that, but we do expect persons on this panel to be at least some distance away from the coalition. Of course, Mr Braithwaite could never be described as being at a distance from the coalition; he is a former member of parliament for the National Party. At the weekend we saw him try desperately to stop the

Queensland National Party from instructing its parliamentarians to vote against the sale of Telstra. Senator Boswell, being a Queensland senator, is the person he was most trying to protect. But he did fail, and we look forward to Senator Boswell crossing the floor.

Telstra's performance is still inadequate, and neither this inquiry nor any other will show otherwise, in my view. If it does show otherwise, I think we have a reason to suspect it. This inquiry will not be independent; it will not be open to scrutiny; there is no obligation to make the submissions public; there is no obligation to conduct hearings in public. Instead, we are being offered field trips and consultation, and we have no idea what that means. There is not even any obligation on the part of this panel to report publicly. It might deliver its reports straight to the minister, and they might find their way into the bin, never to be aired publicly. (*Time expired*)

Question resolved in the affirmative.

PETITIONS

The Clerk—A petition has been lodged for presentation as follows:

Goods and Services Tax: Dockets

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

This petition of the undersigned draws to the attention of the Senate that under current legislation the GST will not be included on dockets and that consumers will not know how much GST they are being charged, or whether they are being charged correctly.

Your petitioners therefore request the Senate that when a business provides a consumer with a receipt or docket issued in respect of a taxable supply the receipt or docket must separately include:

- (a) the price of the goods or services excluding the GST;
- (b) the amount of the GST; and
- (c) the total price including the GST.

by **Senator Campbell** (from 700 citizens)

Petition received.

NOTICES

Presentation

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

That the time for the presentation of the report of the Economics References Committee on the

provisions of the Fair Prices and Better Access for All (Petroleum) Bill 1999 and the practice of multi-site franchising by oil companies be extended to 22 June 2000.

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

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

Senator Faulkner to move, 11 sitting days after today:

That the Public Service Regulations, as contained in Statutory Rules 1999 No. 300 and made under the *Public Service Act 1999*, be disallowed.

Senator Faulkner to move, 11 sitting days after today:

That the Parliamentary Service Determination 1999/2, made under the *Parliamentary Service Act 1999*, be disallowed.

Senator Ian Campbell to move, on the next day of sitting:

That the order of the Senate of 26 November 1998 relating to the committee groupings for estimates hearings be modified as follows in respect of the budget estimates hearings for 2000-2001:

Group A

Omit: 'Legal and Constitutional'

Substitute: 'Environment, Communications, Information Technology and the Arts'.

Group B

Omit: 'Environment, Communications, Information Technology and the Arts'

Substitute: 'Legal and Constitutional'.

Transfer

Senator HARRIS (Queensland) (3.30 p.m.)—Pursuant to standing order 78 (3), I object to the withdrawal of the notice of motion for the disallowance of the Great Barrier Reef Marine Park Amendment Regulations 1999 (No. 1) as contained in Statutory Rules 1999 No. 252 and made under the Great Barrier Reef Marine Park Act 1975 and ask that the notice stand in my name.

Presentation

Senator IAN CAMPBELL (Western Australia—Manager of Government Business in the Senate) (3.30 p.m.)—I give notice that, on the next day of sitting, I shall move:

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

Corporations Law Amendment (Employee Entitlements) Bill 2000

Australian Wool Research and Promotion Organisation Amendment (Funding and Wool Tax) Bill 2000.

I also table statements of reasons justifying the need for these bills to be considered during this sitting and seek leave to have the statement incorporated into *Hansard*.

Leave granted.

The statements read as follows—

CORPORATIONS LAW AMENDMENT (EMPLOYEE ENTITLEMENTS) BILL 2000

The Bill amends the Corporations Law to increase the protection for the entitlements of employees of corporate employers, by:

(a) providing for a new offence to penalise persons who enter into agreements or actions for the purpose of avoiding payment of employee entitlements, or of significantly reducing the amount of entitlements that employees can recover;

(b) deeming that a company incurs a debt for the purposes of the insolvent trading provisions when it enters into an uncommercial action, thereby extending the current duty on directors not to engage in insolvent trading; and

(c) enabling Court-ordered compensation payments to employees who have suffered loss or damage as a result of a breach of the new offence provision under (a).

In accordance with the Corporations Agreement, the Corporations Law amendments were put to the Ministerial Council for Corporations by the

Commonwealth last year for agreement by State and Territory governments. The Council voted in favour of the amendments in January 2000, allowing introduction of the amendments into the Commonwealth Parliament.

There is considerable public concern surrounding the protection of employee entitlements. It would be highly desirable for the Parliament to enact the proposed amendments to the Corporations Law as soon as possible, so that they will be available to assist in any future corporate insolvencies affecting entitlements of employees.

(Circulated by authority of the Treasurer)

AUSTRALIAN WOOL RESEARCH AND PROMOTION ORGANISATION AMENDMENT (FUNDING AND WOOL TAX) BILL 2000

Purpose

The bill would implement amendments to the Australian Wool Research and Promotion Organisation Act 1993 (AWRAP Act) to allow AWRAP to facilitate the implementation of the Government response to WoolPoll 2000 (which closed on 3 March 2000). WoolPoll (or Stage One of the AWRAP reforms) enabled woolgrowers to vote on the future industry services they require and the level of wool tax they are prepared to invest in those services. WoolPoll 2000 preliminary results in a preferential ballot showed support (61 per cent) for a 2 per cent levy (currently 4 per cent) to fund mainly R&D and innovation with no money for retail consumer marketing. Wool industry services are currently provided by AWRAP and its subsidiary The Woolmark Company. The poll outcome will assist the Government in identifying and developing the most appropriate structure to provide the services to Australian woolgrowers. This process will form an integral element of implementing the wool industry Future Directions Taskforce recommendations.

The bill would also amend the AWRAP Act to allow the Minister to vary the rate of wool tax having had regard for the views of woolgrowers in WoolPoll 2000. This would avoid the need for AWRAP having to duplicate the process with a formal wool tax ballot to set a rate for 2000-2001. Such an AWRAP ballot would be limited in the questions which can be put to growers, time consuming, expensive and confusing to growers following WoolPoll 2000. This amendment will also allow the Government to phase down the rate of wool levy, as appropriate given the WoolPoll outcome, in order to meet the costs of transition to a new entity or entities.

Reasons for Urgency

The proposed bill would allow the smooth transition into the second stage of wool industry reform resulting from the wool industry Future Directions Taskforce report; that is, the investigation of the most appropriate structure to provide the industry services identified by woolgrowers in WoolPoll 2000. The bill would also allow the Government to vary the rate of wool tax commencing as soon as 1 July 2000, which would not otherwise be readily done ahead of substantive legislative changes to implement any new structure from 1 January 2001.

While there is uncertainty over the future of the existing authority (AWRAP) which provides research and development and promotion services to the wool industry, it has an unsettling effect on the wool market at a time of continued low wool prices, despite a recent firming in the market.

Removing impediments to funding the process will allow a more timely response to the grower poll and help to provide certainty to the market more quickly than would otherwise be the case. Similarly, early reduction in the levy rate will provide confidence that reform will be implemented, and provide some earlier relief for woolgrowers.

(Circulated by authority of the Minister for Agriculture, Fisheries and Forestry)

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

That the Senate notes that:

- (a) it is 61 days since former Senator Parer resigned as a senator for the State of Queensland;
- (b) the Queensland Liberal Party has said that it will not select a replacement for Senator Parer until 30 April 2000, another 20 days (a total of 81 days since Senator Parer's resignation);
- (c) at the Queensland Liberal Party's request, the Queensland State Parliament will not be asked to appoint a replacement for Senator Parer until 16 May 2000 (a total of 97 days since Senator Parer's resignation);
- (d) the day of swearing-in of the successor to Senator Parer would be 5 June 2000 at the earliest (a total of 117 days since Senator Parer's resignation); and
- (e) the people of the State of Queensland have been denied their full Senate representation by the lethargy of the Queensland Liberal Party in appointing a successor to Senator Parer.

Withdrawal

Senator COONAN (New South Wales) (3.38 p.m.)—Pursuant to notice given at the last day of sitting, on behalf of the Regula-

tions and Ordinances Committee I now withdraw business of the Senate notice of motion No. 1, standing in my name for six sitting days after today, for disallowance of the Export Control (Fees) Amendment Orders 1999 No. 4.

Presentation

Senator COONAN (New South Wales) (3.38 p.m.)—On behalf the Regulations and Ordinances Committee, I give notice that, 15 sitting days after today, I shall move that the following delegated legislation be disallowed:

1. Declaration PB 2 of 2000 made under subsection 85(2AA) of the *National Health Act 1953*
2. Declaration of Persons Taken to be Employed by the Commonwealth under subsection 9(5) of the *Occupational Health and Safety (Commonwealth Employment) Act 1991*
3. Direction No. NPF 30 made under subsection 17(5A) of the *Fisheries Management Act 1991*
4. Exemption Order made under section 8G of the *Christmas Island Act 1958*
5. Great Barrier Reef Region (Prohibition on Mining) Regulations 1999, as contained in Statutory Rules 1999 No.339 and made under the *Great Barrier Reef Marine Park Act 1975*
6. Health Insurance Amendment Regulations 1999 (No.6), as contained in Statutory Rules 1999 No.343 and made under the *Health Insurance Act 1973*
7. Health Insurance (1999-2000 Diagnostic Imaging Services Table) Amendment Regulations 1999 (No.1), as contained in Statutory Rules 1999 No.345 and made under the *Health Insurance Act 1973*
8. Health Insurance Determination HS/6/1999 made under subsection 3C(1) of the *Health Insurance Act 1973*
9. Instrument No. CASA 04/00 made under subregulation 207(2) of the Civil Aviation Regulations 1988
10. Marine Orders Part 61 - Safe Working on Board Ships - Issue 1, Marine Order No.20 of 1999 made under section 425(1AA) of the *Navigation Act 1912*
11. Marine Orders Part 9 - Health - Medical Fitness - Issue 5, Marine Order No.22 of 1999 made under section 425(1AA) of the *Navigation Act 1912*
12. Quarantine (General) Amendment Regulations 1999 (No.1), as contained in Statutory Rules 1999 No.308 and made under the *Quarantine Act 1908*

13. Therapeutic Goods Amendment Regulations 1999 (No.3), as contained in Statutory Rules 1999 No.324 and made under the *Therapeutic Goods Act 1989*

14. Workplace Relations Amendment Regulations 1999 (No.9), as contained in Statutory Rules 1999 No.337 and made under the *Workplace Relations Act 1996*

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

Leave granted.

The summary read as follows—

Declaration PB 2 of 2000 made under subsection 85(2AA) of the *National Health Act 1953*

The Declaration consolidates existing provisions relating to the provision of drugs and medicinal preparations, which are available as pharmaceutical benefits.

Three of the drugs or medicinal preparations listed in the Schedule to this Declaration are also listed in Schedule 1 to Declaration No. PB 1 of 2000. The relevant items are Omeprazole, Metronidazole and Amoxicillin Trihydrate. Since both Declarations were made on 31 December 1999, and both are expressed to come into effect on 1 February 2000, Declaration No. 2 of 2000 appears to create unnecessary duplication. The above three drugs or preparations are included by Declaration No. PB 1 of 2000 and then, at the same time, excluded by Declaration No. PB 2 of 2000.

Declaration No. PB 1 of 2000 appears to be a consolidation of previous Declarations made under subsection 85(2) of the *National Health Act 1953*. However, the remaining three drugs or medicinal preparations listed in the Schedule to Declaration No. PB 2 of 2000 other than those referred to above – Grepafloxacin Hydrochloride Sesquihydrate, RVHB Maxamaid and Vidarabine – do not appear in any of the Schedules to Declaration No. PB 1 of 2000. If that Declaration is a consolidation of previous Declarations, these three items appear not to be drugs or medicinal preparations to which Part VII of the *National Health Act 1953* applied, even before Declaration No. PB 2 of 2000 came into force.

Declaration of Persons Taken to be Employed by the Commonwealth under subsection 9(5) of the *Occupational Health and Safety (Commonwealth Employment) Act 1991*

The Declaration ensures that the provisions of the Act apply to members of the Australian Services Cadet Scheme when they perform acts in connection with the Corps or Cadets to which they be-

long. The Explanatory Statement notes that worker's compensation benefits have been available to participants in the Australian Services Cadet Scheme, but that it is only with this Declaration that those participants also have the protection of the *Occupational Health and Safety (Commonwealth Employment) Act 1991*. There is no indication why this protection has not been provided earlier, and whether any person has been disadvantaged by the lack of such protection.

The Committee has received a response to these concerns from the Minister but wishes to seek clarification of specific issues. This notice will allow the Committee to do so.

Direction No.NPFD 30 made under subsection 17(5A) of the *Fisheries Management Act 1991*

This Direction imposes requirements on the gear used by licensees in the fishery as a means of seeking to reduce the incidental catch of species other than prawns and those ecologically related to prawns.

Clause 2 of this Direction provides that it commences on 15 April 2000. Unfortunately, neither the Explanatory Statement nor the Regulation Impact Statement indicates the reason for this choice of date. The Explanatory Statement notes that there are two fishing seasons in the Northern Prawn Fishery, and the Regulation Impact Statement observes that the fishery is subject to various closures, both temporal and spatial, but neither Statement indicates how the date of commencement of this Direction correlates with any such closure.

The Regulation Impact Statement notes, on page 8, that compliance with this Direction is likely to cost 'between \$400 and \$2,000 per boat depending on the type, construction, accessories and any spares decided on by the owner.' There is no indication whether the five months between the making of this Direction and its commencement is sufficient to allow an opportunity for the operators affected by this Direction to comply with it.

Exemption Order made under section 8G of the *Christmas Island Act 1958*

The Order exempts Skyfern Pty Ltd and Christmas Island Tour & Travel from becoming participants in the Travel Compensation Fund.

There is no unique identifying number by which this Order may be referred to.

It appears that clause (2), which provides that "this exemption order has effect until revoked", is unnecessary as the exemption order would have that effect, whether clause (2) were included or not.

Paragraph 5(a) requires the Minister to notify an applicant of the decision to refuse to approve a policy of insurance, but the paragraph does not indicate the period within which this notification must take place.

The Explanatory Statement notes, at the conclusion of the fourth paragraph, that this order "is a temporary measure to enable the applicants to operate lawfully until permanent compensation arrangements are made." There is no indication of how long the "temporary" arrangement made in the current Order is likely to last.

Great Barrier Reef Region (Prohibition on Mining) Regulations 1999, as contained in Statutory Rules 1999 No.339

These Regulations prohibit operations for the recovery of minerals in that part of the Great Barrier Reef Region, which is not for the time being part of the Great Barrier Reef Marine Park.

Subregulation 4(2) imposes strict liability for a contravention of subregulation 4(1), which prohibits a person from 'carrying on a mining operation or research for a mining operation in the relevant area'. This provision departs from the general rule of criminal liability being imposed only if the alleged offender acted intentionally, recklessly or negligently. The Explanatory Statement offers no reason for this departure.

Health Insurance Amendment Regulations 1999 (No.6), as contained in Statutory Rules 1999 No.343

These Statutory Rules extend for a further year the period within which Medicare benefits may be payable for certain R-type diagnostic imaging services. As the Explanatory Statement points out, item 2 of Schedule 1 extends for one year a sunset provision originally specified in paragraph 16B(11)(d) of the *Health Insurance Act 1973*. But the Statement also notes that the sunset date was originally 1 January 1997, and that it has now been extended to 1 January 2001. The Statement further observes that the sunset period has been extended 'until new arrangements can be implemented'.

Health Insurance (1999-2000 Diagnostic Imaging Services Table) Amendment Regulations 1999 (No.1), as contained in Statutory Rules 1999 No.345

Regulation 2 provides, among other things, that the amendments made by Schedule 1 to these Regulations commenced, retrospectively, on 1 November 1999. The Explanatory Statement notes that the reason for this retrospectivity is to correct a 'drafting error' in the Principal Regulations. However, the Statement does not specify

that no person (other than the Commonwealth) will be adversely affected by this retrospectivity.

Health Insurance Determination HS/6/1999 made under subsection 3C(1) of the *Health Insurance Act 1973*

The Determination makes minor changes to the arrangements for the payment of Medicare benefits for a specific service.

The Explanatory Statement to this Determination asserts that "Medicare funding for the procedure [listed in the Schedule] will be provided on an interim basis, and its continuation will be subject to a 95 per cent compliance rate with quality assurance activities implemented by the [Royal Australasian] College [of Surgeons]. The outcomes of these activities will be reviewed in 12 months to determine whether interim funding for the procedure is still appropriate." However, there is no provision to this effect in the Determination itself. The closest that the Determination appears to get to such an outcome is in clause 3, under which "This determination will cease to have effect on 1 November 2004."

The Committee has received a response to these concerns from the Minister but wishes to seek clarification of specific issues. This notice will allow the Committee to do so.

Instrument No. CASA 04/00 made under subregulation 207(2) of the Civil Aviation Regulations 1988

The Instrument approves the operation of aircraft VH-JSH while carrying life-rafts which do not meet the design requirements of paragraph 2.4 of section 103.40 of the Civil Aviation Orders.

The Explanatory Statement to this instrument observes that the life rafts fitted on aircraft VH-JSH do not meet the relevant design standards in relation to self-activation in water. The Statement goes on to state that the Civil Aviation Safety Authority 'does not consider that this [failure] affects the safety of air navigation.' There is no indication of the basis for this assessment or the extent to which personal safety might be jeopardised.

Marine Orders Part 61 - Safe Working on Board Ships - Issue 1, Marine Order No.20 of 1999 made under section 425(1AA) of the *Navigation Act 1912*

The Orders seek to give legislative effect to a Code of Safe Working Practice for the Australian Seafarer.

Provision 5.1.1 imposes various obligations on the owner of a ship relating to safety aboard the vessel. The terms of provision 5.1.1 are very broad in their scope. The provision commences by re-

quiring the owner of a ship to provide 'such arrangements, equipment, instructions and training as are necessary to ensure that work on board the ship is carried out in a safe manner.' The failure to comply with this obligation is a criminal offence, but the scope of this provision appears to make it difficult for a shipowner to know whether he or she was complying with the law.

Provision 5.1.2 imposes a limited range of obligations on the master thereof. A Note at the end of provision 5.1.2 states that 'Arrangements, equipment, instruction and training that comply with the *Code of Safe Working Practice for the Australian Seafarer*, published by AMSA and available at any AMSA office, will be regarded as meeting the requirements of 5.1.' This Note appears to be an attempt to give some legislative force to the *Code of Safe Working Practice*. But such an attempt is impossible, since provision 1(b) states that 'a note included in the text and printed in italics is not part of the Part.' Furthermore, the *Code* is a document, which no member of the Parliament has seen, and which (presumably) is capable of being amended from time to time without any oversight from the Parliament. The Note also does not indicate by whom that compliance will be so regarded.

Marine Orders Part 9 - Health - Medical Fitness - Issue 5, Marine Order No.22 of 1999 made under section 425(1AA) of the *Navigation Act 1912*

The Orders give effect to the International Labour Organisation *Medical Examination (Seafarers) Convention 1946*.

Provision 7.3.2 allows a person who has been declared unfit for duty at sea by a Medical Inspector of Seamen to apply for a further examination by 'an independent panel of medical practitioners'. However, nowhere in the Order is there provision for such matters as the minimum (or maximum) number of medical practitioners who will constitute this panel, or what is to happen if the panel finds the seafarer fit for duty.

Quarantine (General) Amendment Regulations 1999 (No.1), as contained in Statutory Rules 1999 No.308

These Regulations seek to clarify and improve the provisions in the Principal Regulations relating to Quarantine Infringement Notices.

New subregulation 84(2) of the Principal Regulations, to be inserted by item 2 of the Schedule to these Regulations, provides that the offence created by subregulation 84(1) is one of strict liability. That is, it may be committed even in the absence of intention, recklessness or carelessness on the part of the alleged offender. While this is contrary to the normal practice of requiring a

mental element in the imposition of criminal liability, new regulation 85 provides that a contravention of subregulation 84(1) is an 'infringement notice offence', that is, it is one which is generally dealt with by an 'on-the-spot-fine'. The Committee understands that in such circumstances, it is standard practice to impose strict liability, and to limit the level of the maximum penalty to a modest amount, as a *quid pro quo* for the alleged offender not having the matter dealt with by a court. However, in this instance, subregulation 84(1) creates the offence of giving a false or misleading answer to quarantine questions on an Incoming Passenger Card not only in respect of an answer given by an arriving passenger about him or herself, but also in respect of an answer given in relation to other persons. This would appear to place an unfair burden on a passenger who may unknowingly give false information about another person.

Therapeutic Goods Amendment Regulations 1999 (No.3), as contained in Statutory Rules 1999 No.324

Item 35 of Schedule 1 to these Regulations increases the fees charged for an application for approval of an advertisement under regulation 5F. However, the Explanatory Statement does not indicate the reason for that increase, and does not point out that for the matters listed in paragraph (a) of that item, the increase is 150 per cent over the fees charged when regulation 5F was inserted into the Principal Regulations (Statutory Rules 1997 No. 400, with effect from 24 December 1997).

Workplace Relations Amendment Regulations 1999 (No.9), as contained in Statutory Rules 1999 No.337

These Regulations establish a new sunset clause of 31 December 2000 for regulation 30BD that provides for a fee for lodgment of an application under section 170CE of the Act in respect of the termination of employment. The Explanatory Statement does not give the reason for this extension, nor advise if further extensions are expected or whether the application fee will be made a permanent provision of these Regulations.

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

That the Senate—

- (a) condemns the forced removal and arrest of the Kosovar refugees in Australia; and
- (b) calls on the Minister for Immigration and Multicultural Affairs (Mr Ruddock) to allow the Kosovar refugees to remain in Australia on humanitarian grounds.

Senator O'Brien to move, on the next day of sitting:

That the following matter be referred to the Rural and Regional Affairs and Transport Legislation Committee for inquiry and report by 7 June 2000:

The provisions of the Customs (Prohibited Imports) Amendment Regulations 1999 (No. 9), made under the *Customs Act 1901* and tabled in the Senate on 15 February 2000.

Postponement

Items of business were postponed as follows:

General business notice of motion no. 489 standing in the name of Senator Murray for today, proposing an order for the production of documents by each minister in the Senate relating to indexed lists of contracts, postponed till 12 April 2000.

Business of the Senate notice of motion no. 1 standing in the name of the Leader of the Opposition in the Senate (Senator Faulkner) for 11 April 2000, relating to the reference of matters to the Finance and Public Administration References Committee, postponed till 6 June 2000.

Business of the Senate order of the day no. 1 for today, relating to the presentation of a report by the Parliamentary Joint Committee on Corporations and Securities, postponed till a later hour.

Business of the Senate notice of motion no. 1 standing in the name of Senator Evans for today, relating to the reference of matters to the Community Affairs References Committee, postponed till 12 April 2000.

MANDATORY SENTENCING LEGISLATION

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

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

MEDICARE: MRI REBATES

Motion (by **Senator Chris Evans**) agreed to:

That the Senate—

(a) notes the failure of the Minister representing the Minister for Health and Aged Care (Senator Herron) to comply in full with the order of the Senate of 21 October 1999 for the production of documents relating to magnetic resonance imaging;

(b) orders the Minister to comply in full with the order by 6.30 pm on Monday, 10 April 2000;

(c) in the event that the Minister fails to comply in full with the order by the time specified, instructs the Community Affairs Legislation Committee to reconvene for the consideration of additional estimates on 11 April 2000, from 8 pm until no later than midnight, to hear further evidence from the Minister representing the Minister for Health and Aged Care and relevant officers concerning the investigations into magnetic resonance imaging scanner installations and to report to the Senate on the results of that hearing; and

(d) directs the Minister to ensure that the relevant officers appear before the committee at that hearing for that purpose.

NATIONAL YOUTH WEEK

Motion (by **Senator Murray**) put:

That the Senate—

(a) notes that:

- (i) the week beginning 2 April 2000 is the inaugural National Youth Week, which aims to highlight the achievements and concerns of Australia's young people,
- (ii) one particular area of concern for many young people is youth wage rates for young workers,
- (iii) youth unemployment continues to rise across Australia despite the retention of lower wage rates for young workers, and
- (iv) the Australian Democrats support adult rates for workers over the age of 18; and

(b) calls on the Government to put a ceiling on youth rates applying beyond workers' 21st birthdays.

The Senate divided. [3.47 p.m.]

(The Deputy President—Senator S.M. West)

Ayes.....	12
Noes.....	43
Majority.....	31

AYES

Allison, L.F.	Bartlett, A.J.J.
Bourne, V.W *	Brown, B.J.
Greig, B.	Harradine, B.
Harris, L.	Lees, M.H.
Murrav, A.J.M.	Ridgewav, A.D.
Stott Despoja, N.	Woodley, J.

NOES

Bishop, T.M.	Brownhill, D.G.
Calvert, P.H.	Campbell, G.

Campbell, I.G.	Carr, K.J.
Chapman, H.G.P.	Collins, J.M.A.
Conroy, S.M.	Cooney, B.C.
Crane, A.W.	Crossin, P.M.
Crowley, R.A.	Denman, K.J.
Eggleston, A.	Evans, C.V.
Ferguson, A.B.	Ferris, J.M.
Forshaw, M.G.	Gibbs, B.
Gibson, B.F.	Herron, J.J.
Hogg, J.J.	Hutchins, S.P.
Kemp, C.R.	Knowles, S.C.
Ludwig, J.W.	Lundy, K.A.
Mackav, S.M.	Mason, B.J.
McGauran, J.J.J.	McKiernan, J.P.
McLucas, J.E.	Murphy, S.M.
O'Brien, K.W.K *	Patterson, K.C.
Payne, M.A.	Ray, R.F.
Tchen, T.	Tierney, J.W.
Troeth, J.M.	Watson, J.O.W.
West, S.M.	

Question so resolved in the negative.

MANDATORY SENTENCING LEGISLATION

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

That the Senate—

(a) notes the decision of the Prime Minister (Mr Howard) to meet with the Chief Minister of the Northern Territory (Mr Burke) to discuss alleviating the harsh impacts of mandatory sentencing laws; and

(b) calls on the Prime Minister to also seek talks with the Western Australian Premier (Mr Court) to discuss the equally urgent needs to alleviate the harsh impacts of that State's mandatory sentencing laws.

COMMITTEES

Community Affairs References Committee

Meeting

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

That the Community Affairs References Committee be authorised to hold a public meeting during the sitting of the Senate on 11 April 2000, from 4 pm, to take evidence for the committee's inquiry into how, within the legislated principles of Medicare, hospital services may be improved.

MINISTER FOR ABORIGINAL AND TORRES STRAIT ISLANDER AFFAIRS

Senator FAULKNER (New South Wales—Leader of the Opposition in the Senate) (3.51 p.m.)—I ask that general business notice of motion No. 530 standing in my name and that of Senator Lees and Senator Brown for today, to censure the Minister for

Aboriginal and Torres Strait Islander Affairs, Senator Herron, be taken as a formal motion.

The DEPUTY PRESIDENT—Is there any objection to this motion being taken as formal? There is an objection.

Suspension of Standing Orders

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

That so much of standing orders be suspended as would prevent Senator Faulkner moving a motion relating to the conduct of business of the Senate, namely, a motion to give precedence to general business notice of motion No. 530.

Procedural Motion

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

That general business notice of motion No. 530 may be moved immediately and have precedence over all other business this today until determined.

Motion

Senator FAULKNER (New South Wales—Leader of the Opposition in the Senate) (3.52 p.m.)—I move:

That the Senate censures the Minister for Aboriginal and Torres Strait Islander Affairs (Senator Herron) for his failure to fulfil his ministerial responsibilities and provide leadership in indigenous affairs.

Let me say at the outset of this debate that the opposition has been extremely sparing in its resort to censure motions. We have been very careful not to devalue their importance by abusing them. In fact, we have moved only one motion of censure since losing office in March 1996, and it is quite significant that that censure motion was also directed at Senator Herron for his insensitivity in appointing a special auditor of ATSIC without proper prior consultation and for jeopardising funding for community development employment projects. That censure motion was successful, so I think it can be said in relation to censure by the Senate that Senator Herron already has form. And there is no difficulty in opening the case against Senator Herron. The difficulty, of course, will be in bringing the case to an end.

Senator Herron is not just a failure as minister for Aboriginal affairs; he is not just an embarrassment to the government. His words and actions over the past week have taken him to a higher level of disgrace. He now shares with the Prime Minister the re-

sponsibility for killing off any chance of reconciliation while the Howard government is in office. He has effectively shamed the Australian nation. And the government stance on the stolen generation has, in the words of the government's own handpicked Aboriginal and Torres Strait Islander Social Justice Commissioner, Bill Jonas, brought reconciliation to a dead end.

The issues and challenges we face in rectifying the wrongs of the past and in allowing our nation to come to terms with its history require leadership and they require focus from the government. This has been sadly lacking. Even with the limited portfolio and ministerial responsibilities that have been left with Senator Herron, he has been an abject failure. Sadly, Senator Herron's failures have become failures of our nation. And we as a nation suffer because the issues that he as minister is dealing with are critical to all of us. The importance of the reconciliation process cannot be overstated. Most Australians understand what the government fails to comprehend. Most Australians understand because they have a heart; they want to deal honestly with Australia's history. And it is a fact that generations of Aboriginal children were forcibly removed from their families and placed in care for the sole purpose of assimilation. Credible researchers have estimated that between 45,000 and 55,000 children were removed from their families. And it is a fact that these practices were going on for many years, right up to the 1970s. It is a fact that it was government policy to Europeanise the indigenous people of this nation. It is a fact that these policies have had a disastrous effect on the lives and culture of many Aborigines, their families and communities. It is a painful chapter of our history, and it is one that we must come to terms with.

But both Senator Herron and Mr Howard have had the hide to deny the existence of the stolen generation. Senator Herron's submission to the Senate inquiry into the government's response to the *Bringing them home* report attacks the term 'stolen generation', and it attacks it relentlessly. According to his submission, 'stolen generation' is 'a simplistic concept', page 2; 'simplistic terminology', page 4; 'so called', page 4; 'a falsely con-

structed past', page 5; 'a rhetorical' phrase, page 18—amongst many other attempts at semantic denial. All through the submission Senator Herron tries to get away with the logic that because, as he alleges, the numbers are neither certain nor large enough, then it cannot be called a generation. And what a small-minded, pedantic, insensitive and insulting argument it is. What an insult to those people who suffered and continued to suffer as a consequence of the policies of forced assimilation.

Since then, of course, Senator Herron has tried to weasel his way out of this David Irving-like rewriting of history. He has the gall to say, 'The HREOC report does not employ the term "stolen generation".' And I quote him again: "'Stolen generation" does not appear in the HREOC report.' Indeed, Senator Herron's own submission baldly states, 'Although not used in the *Bringing them home* report, the term "stolen" is now used interchangeably with the term "forcibly removed" as used in the HREOC inquiry.' Senator Herron also says that the term 'stolen generation' has been brought up after the report by the media and others. You are wrong about that, Senator Herron. You are just plain wrong about that. It was used in the report. You trivialise this important debate by trying to score such pathetic points. In fact, the term 'stolen generation' appears 19 times in the HREOC report, and that is a fact. Senator Herron tried to weasel his way out of that one earlier, as you know, by saying on Thursday last, in answer to a question I asked:

The words 'stolen generation' appear many times in the report ... in relation to organisations that were formed called the 'stolen generation ...' whatever the organisation might be.

They are Senator Herron's words and, again, he is wrong. Anyone who cares to read the report will find that he is plain wrong on that point. There are at least seven references to the stolen generation in the *Bringing them home* report that are not linked to any organisations. On this matter, Senator Herron, again you are wrong and again you have misled the Senate and the Australian public. Senator Herron has so much egg on his face nowadays that it is pretty hard to distinguish the bloke from the yolk. But, Senator Herron,

again you have misled. I just cannot fathom the motives for producing this submission. Why did the minister and the government do it? During question time today and throughout the last few days of media interviews the minister produced no reason. There was no reason at all to explain why in one fell swoop the government has insulted the stolen generations and comprehensively undermined the reconciliation process in this country.

The submission canvasses past practices of assimilation as being 'benign in intent', but at the same time it points the finger squarely at state governments and churches, all of whom have taken the *Bringing them home* report on board and all of whom have apologised to Aborigines for these allegedly 'benign' past practices. But Senator Herron's submission is not benign. It is poisonous. It poisons the goodwill needed to make progress in this country on reconciliation. The Labor Party makes no bones about our view that reconciliation is a threshold issue for our nation. As Tim Colebatch wrote in the *Age* last Thursday:

Achieving reconciliation between white and black Australia is one of the few first-order issues in Australian politics. It matters because Australia's self-respect and international standing depend on it righting the wrongs of the past. And it matters because, until there is reconciliation, we cannot leave that past behind us and move on into the better future that white and black Australians want.

I agree wholeheartedly with that. It is a first order issue. It requires leadership and focus from Senator Herron and the government, but they give it neither. If any issue or any policy required mutual obligation, this one does. There is no question that the Aboriginal community and their leaders have shown sincerity, goodwill, and I think patience, with the reconciliation process. Yet, this is always thrown back in their faces by Senator Herron and Mr Howard. It has been thrown back in their faces with the disgraceful government submission to the Senate committee. The submission really shows Senator Herron's true colours on this issue. The government has embarked on a deliberate strategy: the government, and Senator Herron in particular, uses Aboriginal issues as a way to divide us rather than bring us together as a nation.

It is inconceivable that Senator Herron and the Prime Minister's office, who were involved in the drafting process for the submission, could have been unaware of the impact the submission would have on the Aboriginal community and the reconciliation process in this country. They are guilty of playing the basest form of wedge politics, and they are deserving of censure in the Senate. The wedge politics theory is, of course, supported by Mr Howard's record on Aboriginal affairs, reconciliation, states rights and race issues. John Howard has been prepared to override states rights on anything from the importation of Canadian salmon to euthanasia, but he will not lift a finger to stop black children being put in jail for trivial offences. This is the same John Howard who consistently opposed sanctions against the racist South African regime. It is the same John Howard who used to brush away concerns about the people of East Timor as being 'an obsession of the political left'.

But John Howard's piece de resistance was his advocacy of race as a criterion of Australia's immigration policy. Who can forget that? Over that issue, you had the wets in the Liberal Party choosing to split ranks. In the 1980s, I suppose, the wets were actually small 'l' Liberals. Now they are really just wimps—nothing more than a crumbling edge of a conservative government in this country. But you have a Prime Minister with a shameful record on these issues, and the role played by the Prime Minister's department in drafting Senator Herron's submission should, I think, come as no surprise to anybody in this chamber. Written by overzealous officials, the submission faithfully encapsulates the insensitive and pedantic views of the Prime Minister and his trusty lieutenant, Senator Herron, who happily signed off on a poisonous submission that he should have ordered to be shredded from the very start. He should have said, 'Have another go; start again.'

Senator Herron so often likes to remind us that he visited 80 Aboriginal communities in his first two years as minister. That is good going—80 remote and rural Aboriginal communities. He says that he has sat down in the dirt and chewed the fat with those communities. I tell you now: he could not have

listened when he went there. If he did, it went in one ear and out the other. Otherwise he would have known better than to put his name to that submission. He would have been aware of the pain and hurt that the submission would cause.

John Howard is the engineer who has designed the collapse of the reconciliation process. But Senator Herron has been his willing accomplice in the Senate as minister for Aboriginal affairs. I suppose he will probably say, 'I was just following the orders of Mr Howard.' But that will not excuse Senator Herron's shameful approach on this issue, particularly his shameful approach to the stolen generation and the broader question of reconciliation, to which it is inextricably linked. Senator Herron's shortcomings as minister for Aboriginal affairs have, of course, been recognised by the Prime Minister. He relieved Senator Herron of the responsibility for native title. That was passed on to the Prime Minister's soul mate, Senator Minchin. Subsequently, Senator Herron was relieved of responsibility for reconciliation. That was passed on to Mr Ruddock, even though he has managed to torpedo the reconciliation problem with his own submission. Aboriginal education is, of course, a shared responsibility with the Minister for Education, Training and Youth Affairs. Aboriginal housing is a shared responsibility with Senator Newman, and so it goes on.

Even though Senator Herron might be an eminent doctor, the Prime Minister will not give him responsibility for Aboriginal health. That is the responsibility of the Minister for Health and Aged Care. It makes you wonder what the minister for Aboriginal affairs in this government actually does. At the very least, you would expect him to provide leadership on indigenous affairs. You would expect him to provide impetus and drive to indigenous programs—but no, there is no leadership from Senator Herron. There is just a vacuum.

Where is Senator Herron on the issue of mandatory sentencing? Invisible. Where is he on the issue of an apology? To the extent that he does have anything to say, it is on the other side of the argument. Even when he is given the opportunity to show some leader-

ship in repudiating the appalling comments of the Chief Minister of the Northern Territory about Aboriginal interpreter services, he squibs that as well. As for driving indigenous programs, forget it. What a sorry record he has been responsible for.

In December 1997, the Commonwealth committed \$63 million to deal with the recommendations of the *Bringing them home* report. Senator Herron's submission to the Senate inquiry states that this \$63 million 'reflected the overriding priority identified in the HREOC report itself for facilitating family reunion and addressing the enduring effects on the people concerned'. Let us have a look at what the government has done—what Senator Herron has delivered in this area. A paper that was tabled in this chamber last Monday, titled *Progress on Commonwealth initiatives in response to the Bringing them home report*, gives an insight into how utterly hopeless Senator Herron has been in the discharge of his responsibilities as minister. The paper shows that a paltry proportion of the \$63 million has been spent. I will give four examples of how miserly the government has been. Of \$11.25 million committed to family reunions, only \$3.738 million has been spent. Of the \$17 million committed to training and support for counselling services, a pathetic \$0.865 million has been spent—less than seven per cent of the total. Of the \$16 million committed to providing the all-important counselling services, a miserly \$1.712 million, or 10 per cent, has been spent. Of the \$5.9 million committed to enhance indigenous family support and parenting programs, only \$188,000 has been spent—less than three per cent. It is not surprising that you have got individuals who have been denied parental and family love and support, who have been denied education in their first language, who have been separated from their own culture, and who suffer social and psychological problems in later life. That is where that \$63 million should have been directed. They needed that as a matter of urgency. They are not getting it, and the minister, Senator Herron, has got to accept absolute responsibility for that.

Despite such a pathetic record, Senator Herron seems to take to this task with relish;

so much so that he has decided to enlighten us in question time with quotes from that dour and pessimistic 19th century philosopher, Schopenhauer. Senator Herron piously quoted from Schopenhauer—didn't you?—about truth passing through three stages and ultimately being accepted as self-evident. It is the second time, I note, that Schopenhauer has made it into the Senate *Hansard* in the last 12 months. As recently as 11 August last year, Senator Len Harris used the exact same quote as Senator Herron in his maiden speech. That is where you found it, isn't it, Senator Herron? The One Nation senator used the same quote to describe his personal journey and other aspects of his life. There is no doubt, Senator Herron, that you could have knocked the One Nation senator down with a feather when he found that you, the minister for Aboriginal affairs in this government, were drawing on the same well-spring of inspiration as he had.

Senator Abetz—Madam Deputy President, I rise on a point of order. If Senator Faulkner wants to engage in a most offensive diatribe, could I least invite you to direct him to make his comments less personal by directing them through the chair.

The DEPUTY PRESIDENT—I would ask Senator Faulkner to address the chair.

Senator FAULKNER—Schopenhauer might well have had Senator Herron's interpretation of the *Bringing them home* report in mind when he wrote, memorably—one for you, Senator Herron—'Books are like a mirror. If an ass looks in, you can't expect an angel to look out'. You are, Senator Herron, not fit to serve as a minister in this government.

Senator Abetz—Madam Deputy President, I rise on a point of order. You have got the humiliating situation where the Leader of the Opposition in the Senate is reading from a prepared speech and therefore is not able to direct his comments via the requirements of the standing orders. I understand it is difficult for Senator Faulkner to comply, because he has got to think on his feet. But I would invite you, Madam Deputy President, to remind Senator Faulkner on each and every occasion to direct his comments through the chair.

Senator FAULKNER—On the point of order, that is absolutely true, Madam Deputy President. I am reading those quotes. They are prepared in front of me. I think they are very worthwhile ones, and I commend them to the Senate. I think there will be a lot of interest in them.

The DEPUTY PRESIDENT—I would ask Senator Faulkner to address the chair. It is quite appropriate for him to read from notes to quote.

Senator FAULKNER—Of course it is. Senator Herron is not fit to serve as a minister in any government. He stands condemned for his incompetence as minister for Aboriginal affairs. He stands condemned for his lack of sincerity as minister for Aboriginal affairs, and he stands condemned for his failure of leadership as minister for Aboriginal affairs. He deserves to be censured and I commend this motion to the Senate. (*Time expired*)

Senator HERRON (Queensland—Minister for Aboriginal and Torres Strait Islander Affairs) (4.14 p.m.)—The motion reads:

That the Senate censures the Minister for Aboriginal and Torres Strait Islander Affairs (Senator Herron) for his failure to fulfil his ministerial responsibilities and provide leadership in indigenous affairs.

Madam Acting President, I know the motion will be passed, because Senator Lees and the Democrats have indicated their position, the Labor Party has moved it and Senator Brown is supporting it, so it is a bit pointless listening to the diatribe which will be forthcoming. Paradoxically, it gives me the opportunity to respond to the motion, and I am happy to do so.

I reject absolutely the terms of the motion. I can point to very significant achievements in this portfolio over the last four years. I was very gratified when the Prime Minister asked me to take on this most challenging portfolio. There is no doubt that it is a difficult one, but I have found the experience very rewarding. I have provided decisive and effective leadership that has set a new direction in indigenous affairs—a direction that is taking Aboriginal and Torres Strait Islander people away from crippling dependence on welfare to economic self-sufficiency and self-empowerment. I have been doing this con-

sistently. In my first speech as minister, I set out the policy direction in my Lyons Forum speech. On that occasion, I said:

Our aim ... is to promote and encourage indigenous progress away from handouts and welfare, towards general self-empowerment.

It is about looking at what can be achieved ... it is about setting realistic goals and working towards them ... it is about better understanding indigenous Australians and it is about involving indigenous Australians more fully in planning and developing their future.

I do not believe in creating policy in a vacuum. I have been to hundreds of indigenous communities all over Australia, and I have listened to what it is that indigenous people want for themselves and for their children. And what they want, this government is delivering. They want decent housing, good education, meaningful work, adequate health facilities and a measure of control over their lives. They do not want handouts, and they do not want to be dependent on welfare.

In 1998 I issued the discussion paper 'Removing the welfare shackles'. This paper looked at ways that indigenous business and investment programs could be used to generate further investment and greater wealth distribution to indigenous communities. I am also looking at how indigenous people can have more influence over their day-to-day lives. I want to see substantial devolution of decision making power away from central offices and out to the regions, and this is happening. This in no way diminishes the role of ATSIC, but makes it an even more effective advocate for indigenous people. I am pleased to confirm that I have a positive working relationship with the newly elected chair of ATSIC, and I look forward to a continuing productive partnership.

Last year I released, jointly with ATSIC, a discussion paper on regional autonomy which foreshadowed a process of consultation and the development of models relevant to regional and local needs. This approach has been endorsed by the ATSIC board. Currently a restructure is under way which will provide much more influence at the local level. This will result in more responsive and effective program delivery. This approach will be supported by the work that the Com-

monwealth Grants Commission is undertaking on a relative needs basis in indigenous communities. It is consistent with my determination that resources go to areas of greatest need—where they will make the most significant and sustained differences. In terms of making a real difference to indigenous people's lives, I have worked closely with ministerial colleagues who have responsibility for indigenous specific programs.

The Commonwealth government since 1996 have demonstrated a steadfast and practical commitment to improving the lives and prospects of indigenous Australians. We are fully aware that Australians of indigenous background as a whole represent the most disadvantaged group in our society, and we have been addressing the elements of that disadvantage. The government's approach has been to tackle the fundamentals of disadvantage—the key priorities of health, education, employment and housing—and to encourage the active participation of indigenous Australians, in partnership with us, in building a better future for themselves. Not only do indigenous Australians have access to all mainstream Commonwealth government programs and services—as is their right—but the government have in addition committed the highest amount of funding on record, amounting in the current financial year to \$2.2 billion, to targeted indigenous specific programs.

It is important to understand that such programs, which are aimed at the root causes of disadvantage, cannot be expected to produce instant improvements. The government's critics fail to recognise the complexity of the circumstances and needs of indigenous Australians, who, like all Australians, want a decent quality of life, reasonable access to government services, a fair go and support to build a better future for themselves and their children as fully participating members of our society. The Labor Party had 13 years of lost opportunity to make an impact, but it fundamentally failed to make any significant improvements. I am saddened that the Democrats are supporting Labor in this motion, because they obviously know more than the Labor Party on this. The Democrats were around when the Labor Party was in power,

and it did nothing to support what I am proposing now.

I am pleased to be able to report that, in those fundamental areas which really make a difference to people, progress is being made. Despite the historically high unemployment rate for indigenous people, there have been signs of improvement in recent years. For example, the proportion of indigenous Australians employed in professional occupations has increased from 14 per cent in 1986 to 22 per cent in 1996; the number of indigenous students in vocational education and training has increased from 15,000 in 1990 to 45,000 in 1998, and the number enrolled in higher education tripled between 1988 and 1998.

The government is pursuing three broad strategies to improve employment prospects and outcomes for indigenous people: it is increasing the job skills and employment opportunities of indigenous Australians through a special indigenous employment policy announced in the last budget; it is promoting employment and business opportunities in remote area, for example tourism and mining; and it is encouraging the unemployed to undertake community work in return for income support through Community Development Employment Projects and for facilitating their move to mainstream employment. The new indigenous employment policy, worth about \$115 million per year, incorporates three major elements: firstly, a new indigenous employment program of \$50 million per year that includes flexible wage assistance for employers who provide full-time employment to disadvantaged indigenous job seekers and support for new apprenticeships and cadetships; secondly, an indigenous small business fund with funding of \$11 million over three years to undertake programs in skills development, mentoring, networking and advisory services; and, thirdly, additional measures and funding to improve indigenous job-seekers' access to Job Network Services.

In relation to housing, there is evidence that, notwithstanding a 140 per cent increase in the recorded Aboriginal population since the 1976 census, there have been improvements in housing conditions. In the early 1970s, up to 20 per cent of indigenous fami-

lies lived in improvised dwellings—that number is now less than three per cent. The 12,000 new housing units provided over the last decade is equivalent to 15 per cent of total indigenous dwellings—this is a significant outcome. The proportion of indigenous families who own or who are purchasing their own homes has increased from 24 per cent in 1976 to 33 per cent today—indigenous housing now accounts for 20 per cent of total Commonwealth spending on public and community housing.

The Community Housing Infrastructure Program is the government's largest indigenous specific housing program. ATSIC manages this program, with funding for 1999-2000 reaching \$261 million. In 1997-98 over 600 housing units were purchased or constructed, over 1,100 were renovated and a number of infrastructure projects, including sewerage, water, power and roads, were funded. CHIP includes the very successful Army-ATSIC-Health community assistance construction initiative, introduced by this government in 1996-97, with funding of \$40 million over four years. So far, seven projects, spanning Western Australia, Northern Territory, South Australia and Queensland, have been completed and the Army has provided new housing, upgrades of water services and reticulation systems, waste management and sewerage systems and transport infrastructure upgrades to some of our most needy communities in rural and remote Australia. Another major Commonwealth program is the Aboriginal rental housing program which is a tied component of the Commonwealth-state housing agreements. This program has funding of \$91 million annually, and in 1997-98 an estimated 500 houses were acquired with these funds. Around 60 per cent of the ARHP funded housing is managed by community organisations. In addition, the Commonwealth provides concessional home loan support through ATSIC—about \$40 million per year—and up to 400 loans are provided annually, and short-term accommodation for homeless indigenous people through the Supported Accommodation Assistance Program and through Aboriginal Hostels Ltd. The Torres Strait Regional Authority also has housing and infrastructure

programs, totalling about \$12 million in 1998-99.

I turn now to education. There is evidence of significant improvements in education for indigenous Australians over the past decade. The proportion of indigenous students who stay on at school through to final year has almost quadrupled in the last 20 years—from 8.6 per cent in 1976 to over 32 per cent in 1998. The proportion of indigenous people with post secondary school qualifications has increased from six per cent in 1976 to 13.6 per cent in 1996. The number of indigenous higher education students has gone from around 100 in the 1970s to over 8,000 today. The importance the government places on ensuring indigenous children get as good an education as possible can be seen in the government's National Indigenous English Literacy and Numeracy Strategy which was launched by the Prime Minister on 29 March this year. It will do this through working with parents and communities, enhancing performance and outcomes monitoring, addressing poor hearing and other health issues, lifting school attendance rates, training teachers and using flexible teaching methods. The strategy is an example of practical reconciliation amongst all Australians. The strategy is supported by a number of prominent indigenous identities, including Evelyn Scott, singer Jimmy Little, and footballers, Nicky Winmar, Byron Pickett, Cliff Lyons and Nathan Blacklock.

The strategy is consistent with Australia's top level education policy agreement, the 1999 National Goals for Schooling in Australia in the Twenty-First Century. This agreement has committed all ministers of education to the achievement of educational equality for indigenous Australians as an urgent national priority. The commitment of federal, state and territory governments to addressing disadvantage in indigenous education is also supported by the national Aboriginal and Torres Strait Islander education policy. The goals of the policy are the improvement of indigenous people in decision making, equality of access to education, equity in participation and equitable and appropriate education outcomes. These goals are enshrined in legislation and supported by a

range of programs, including a special Aboriginal study grants scheme to assist individual students, and special admission policies in tertiary institutions. The government has increased spending for improved educational outcomes for indigenous students by around \$16.3 million in 1999-2000. All states and territories have agreed to identify performance improvement targets for reporting in 2004. This will facilitate the development of national reports in areas such as attendance, literacy, retention rates and indigenous employment.

I turn to health. Although Aboriginal health standards remain unsatisfactory, they have been improving. Indigenous infant mortality rates have been reduced since the 1970s from 20 times the non-indigenous rate to three to five times that rate. It is not perfect, but we are getting there. The prevalence of trachoma has been substantially reduced overall. Death rates from infectious and parasitic diseases are declining. Male death rates from cardiovascular disease, lung cancer, injury and homicide have been declining since the mid 1980s. The government has made indigenous health a priority focus since coming to office. The expenditure has increased 51 per cent in real terms since March 1996 and, by 2002-03, it will have increased by 62 per cent over that period. There are four broad components to the government's strategy: developing primary health care and infrastructure and resources; targeting risk factors and specific causes of disability, morbidity and mortality; improving the evidence base for health interventions; and improving communication with primary health care services, indigenous peoples and the general population.

There have been some key initiatives in the Commonwealth's practical efforts to improve indigenous health. The government has agreed Aboriginal and Torres Strait Islander health framework agreements to improve planning and provision of health services with ATSIC, the Aboriginal community controlled health sector and the governments in each state and territory. In 1997 ministers for health agreed on a set of national performance indicators and targets for indigenous health, and now every government reports on

progress made in Aboriginal health and provides data enabling national monitoring to occur. Under the auspices of the Aboriginal and Torres Strait Islander health framework agreements, state and federal governments are also addressing socioeconomic issues underlying the poor health status of indigenous people—for example, through a new national framework that provides guidelines for the design, construction and maintenance of safe, healthy and sustainable housing.

I turn now to the apology and reconciliation, which Senator Faulkner spoke about. Both the Prime Minister and I, as Minister for Aboriginal and Torres Strait Islander Affairs, have expressed our personal sorrow over the distress that past practices of family separation have caused to indigenous people. The government in August last year sponsored a historic motion of reconciliation in both houses of parliament which expressed deep and sincere regret that indigenous Australians suffered injustices due to the practices of past generations, which recognised that many indigenous people continue to suffer trauma and hurt as a result of those practices and which reaffirmed a wholehearted commitment to the cause of reconciliation between indigenous and non-indigenous Australians.

Regarding the separated children inquiry, I have come in for concerted criticism in the last week because of my submission to the Senate inquiry into stolen children. I can only repeat that I am very sorry if people have been hurt and distressed by the reopening of these issues. It was certainly not of my doing, in that the Senate legal and constitutional affairs committee asked for a report and I addressed the terms of reference of that inquiry. The government had nothing to do with composing those terms of reference. To sensibly and responsibly address the terms of reference requires an analysis of all aspects of the issue, including the question of the numbers. We developed our response to *Bringing them home* in 1997 in line with HREOC's finding that family reunion was the most urgent need of separate people. We issued a major, dedicated package of initiatives, totalling \$63 million, to address the consequences of past indigenous child separa-

ration practices, focussing on helping people to re-establish family links, supporting individuals and families through counselling and parenting programs and providing an avenue for those affected to record their experiences.

In relation to law and justice, I have always been very concerned about the disproportionate rate of incarceration of indigenous people. This concern resulted in my convening in 1997, of my own volition, a summit of state and territory ministers—those responsible for justice, policing, correctional services and indigenous affairs—and indigenous representatives. Initiatives arising out of the summit included the development of indigenous justice strategies by the states and territories to reduce this over-representation. The Ministerial Council for Aboriginal and Torres Strait Islander Affairs, which I am chairing this year, is committed to progressing these initiatives in cooperation with indigenous organisations. In the 1997-98 budget, \$1.9 million was provided for pilot initiatives designed to improve long-term outcomes for young offenders, including half a million dollars specifically for indigenous young offenders. An evaluation of indigenous pilot projects found that the projects had a measurable impact on young offenders and at-risk young people and in the 1999-2000 budget the government committed a further \$1 million over two years to fund similar young offenders diversionary programs.

I turn now to family violence, which is something that is so fundamental but seems to be totally unrecognised. There is a state of denial in the Australian community—and particularly in the Labor Party—about family violence. As anybody who has visited the communities—as you have, Mr Acting Deputy President Lightfoot, and as I certainly have, and it has been a great privilege to do so over the last four years—would know, the level of family violence in the communities is almost overwhelming. The Democrats in particular have taken no cognisance of this, although I can understand the Labor Party taking no cognisance of this.

Senator Lees—That is not true.

Senator HERRON—You have the right of reply.

Senator Lees—But it is not true.

Senator HERRON—The Democrats were there for the 13 years that the Labor Party was there, and when did they take the initiative on family violence? Serious levels of violence and abuse are becoming the norm in many indigenous communities and many women and children live in constant danger. I have been very concerned that we address this in an urgent and effective way. I therefore sought advice from indigenous community representatives and, with their assistance, developed a national strategy on indigenous family violence, which has since been endorsed by the Ministerial Council on Aboriginal and Torres Strait Islander Affairs. I did that. I have regard for that, as a badge of honour, but not for some political motion that will occur today. We will be trialing a coordinated whole-of-government approach in a number of communities around the country and, under my chairmanship, MCATSIA will be monitoring progress. I am very pleased to have the support of Senator Newman in addressing this issue—in my view, the most pressing issue in indigenous Australia. The most pressing issue in indigenous Australia today is family violence—no question—and I get emotional about it when I see those 13 years of wasted opportunity and that this has been going on for many, many years.

Senator Bolkus—That is a lot of bunkum.

Senator HERRON—Mr Acting Deputy President, I want it recorded in *Hansard* that Senator Bolkus says it is a lot of bunkum.

Senator Bolkus—Mr Acting Deputy President, what I said was that the minister's claim—

The ACTING DEPUTY PRESIDENT (Senator Lightfoot)—Senator Bolkus, are you rising on a point of order?

Senator Bolkus—I rise on a point of order. I rise on a point of order so that this minister does not distort the facts again. I said that what he was asserting about 13 years was a lot of bunkum. He knows full well what I said. He is trying to weasel his way out of this.

The ACTING DEPUTY PRESIDENT—There is no point of order. You will resume your seat.

Senator HERRON—As I mentioned, Senator Newman is addressing this issue—in my view, the most pressing issue in indigenous Australia—and through Partnerships on Domestic Violence an amount of \$6 million is being provided specifically for indigenous projects through her portfolio.

The opposition—and the Democrats and Senator Brown—claim I have failed to show leadership in indigenous affairs and failed to fulfil my ministerial responsibilities; that is the motion today. Over the last four years there have been demonstrable improvements in indigenous outcomes; improvements that will continue because they are soundly based, because they reflect the aspirations of the majority of indigenous people and because they are adequately and appropriately resourced. Those issues are based on what community people tell me as I go around communities. That is what they tell me and I have listened to community people. I have not listened to the rhetoric of the Labor Party, because I can guarantee you, Mr Acting Deputy President, that I would be very interested to know how many communities the Labor Party have actually visited in Australia. I have been going for four years.

Senator Bolkus—I've been to a few.

Senator HERRON—Senator Bolkus says he has been to a few, and I have been to a few. I am happy to stand on my record and on the record of the government.

Senator LEES (South Australia—Leader of the Australian Democrats) (4.34 p.m.)—It is not something that we enjoy doing and certainly it gives me no personal pleasure to cosponsor this motion today. I note that, as Senator Herron was speaking, on a number of occasions he attacked us specifically, and I will respond to that as I move through the few notes that I have in front of me. I have worked with Senator Herron on a number of occasions, particularly in the community affairs committee on health issues, and I have found him to have a very thorough understanding of how the Australian health system works—indeed, I respect his knowledge of that system. So on a number of points that I want to make I am even more disturbed about some of the answers that he has given to Senator Ridgeway over the last week or so.

When we look at this portfolio, I simply cannot think of any other minister that is so constantly surrounded in controversy. There is no other minister in this government like that. While he says that everything, as he just described, has been done and while he believes he is working with the best of intentions towards what Aboriginal people are actually looking for, he is constantly surrounded by controversy. It is a difficult portfolio area, and one from which we often see much heated debate arising. When we go back to Mabo, I think most of us who were here in 1993 will remember the debates that went through to Christmas, and we remember the Wik debates. But here we have—on issue after issue, time after time, from the beginning of this minister's responsibility for this portfolio and from his treatment of ATSIC onwards—constant controversy. I do not think, by any stretch of the imagination, he could say that the Aboriginal people of Australia believe anything like the glossy report that he just gave that went back, in many cases, 10 and more years into the Aboriginal affairs portfolio. It is very unusual for us to censure a minister in this place, and I remind Senator Herron that it was indeed he who was censured in this place the last time the Labor Party moved to do so. I think all of us—certainly all of us on this side of the chamber and towards this end of the chamber—read with disbelief that executive summary in the government's submission to the inquiry into the stolen generation. I quote, and these are his words:

There was never a generation of stolen children.

Obviously the minister has said very clearly again today that he not just approved of the submission but in fact signed it off, so we can presume that this was no accident. These are specifically chosen words, and I think the key words come back to 'generation' and 'stolen'. So all we can put it down to is a major lack of understanding of the very people that he has stood up here again in this chamber today and said that he is actually representing. In fact, I think I would go even further and say that it is worse than that, because to have this statement leaping out at us from the executive summary demonstrates a complete lack of empathy and very poor judgment on the

part of the minister. Perhaps there is a grain of truth in what some are saying, that this is indeed a calculated move by the government to set them apart, for particular political purposes of their own, from those in the community who are actually moving towards reconciliation.

Given all that has happened since the first white settlers arrived some 200-plus years ago, since the first Europeans set foot permanently in this country, surely we owe it to indigenous Australians to listen to and to actually take note of what their priorities are and what their real concerns are. Surely we have a moral duty at least to support the process of reconciliation and to help all of us come to terms with our history. In particular, looking at the motion before us today, Aboriginal Australians deserve a minister who will present their case clearly and vigorously and actually stand up and represent them and their priorities. To suggest that this is all just a political stunt of some sort, that we should take politics out of this issue, is again not listening to what Aboriginal people are saying about what they see this minister's role as being. I think that primarily the hope for reconciliation now, if not dead altogether, is certainly moving in the wrong direction. If there is one person in this community who should be working actively for reconciliation, apart from Mr Ruddock, who has primary responsibility for that, it is the Minister for Aboriginal and Torres Strait Islander Affairs. I want to stress here that I do not believe that Aboriginal people deserve a minister who effectively denies the existence of generation after generation of Aboriginal people who were stolen systematically and separated systematically from their families.

It is not uncommon for people to simply switch off and try to ignore something that they are finding rather difficult and disturbing and which they wish would all go away. But it is a bit too easy to take comfort in these comments that we are hearing that this all happened in another era, it was all done generations ago by people who had no involvement with any of us, it was somebody else; that this whole issue now and the term itself are pretty simplistic; that the whole thing was really benign; and that people in

those days did not really understand what they were doing and did not understand the ramifications. On that point in particular I want to pause for a moment, in the brief time I have, to quote from a report written in 1949 by Patrol Officer Evans, dated 23 December. It was written after his patrol took him to the Wave Hill and Timber Creek areas. I will read just one paragraph:

The removal of the children from Wave Hill by MacRobertson Miller aircraft was accompanied by distressing scenes the like of which I wish never to experience again. The engines of the plane are not stopped at Wave Hill and the noise combined with the strangeness of an aircraft only accentuated the grief and fear of the children, resulting in near-hysteria in two of them. I am quite convinced that news of my action at Wave Hill preceded me to other stations, resulting in the children being taken away prior to my arrival.

So for anyone to suggest that this was not done with full knowledge of the impact on the children and on their families is mistaken.

For those interested, that report goes on to recommend things like: children under four should not be taken, mothers should be permitted to accompany them so that they can actually see that their children are being looked after, et cetera. People understood the impact of this on Aboriginal people and Aboriginal families. This is within Senator Heron's time and I think the time of all of us in this place. This is not something that happened way back before any of us were here. Is it any wonder that Aboriginal people and those concerned with reconciliation are outraged about this minister's comments and his lack of understanding of the impact of what has happened generation after generation and, indeed, was still happening in the 1970s? He stands up here today and lists some of the government's spending in the area of Aboriginal affairs, about which we are very pleased. But it is not balanced by the full picture of spending on all Australians and it is not balanced with a look at many of the outcomes and indices that we should be using to see how successful we have been. And it is not balanced with many of this government's actions in areas such as Abstudy, which it has largely gutted.

I want to now turn to the questions relating to health, which disturb me, considering

Senator Herron's knowledge of the health portfolio. Senator Ridgeway asked a very specific question of the minister last week on Commonwealth spending on primary health care. This is not a question that has come from nowhere. If you look at a statement from the AMA where they talk about the facts, you can see that they say:

While our health system delivers world class health care in increasingly difficult circumstances, we should also consider the plight of indigenous Australians. While the health of the broader community goes from strength to strength, the health of Aboriginal and Torres Strait Islanders remains at Third World standards.

It goes on to look at the fact that we are so far behind nations such as New Zealand, Canada and the United States, where they have been able to reverse the trend and improve health outcomes for their communities and actually spend some real money on primary health care. After all, this was specifically what Senator Ridgeway's question was about. Again I quote from the AMA World Health Day release:

We are not spending what is needed on primary health care for indigenous Australians.

This is the Commonwealth's area of responsibility. Senator Ridgeway asked:

Is it not the case that for every Medicare dollar spent on non-indigenous Australians only 27c is spent on indigenous people?

What Senator Herron did is to refer to Dr Deeble and to really misconstrue his report and his comments about the level of health spending. He rolled everything in, Commonwealth and state expenditure, ignoring the primary care issue, and read selectively from page 13 of his Bancroft Oration. But, if you read on, in his own oration it says on page 13:

Indigenous Australians received very little from the two largest Commonwealth programmes of Medicare and the Pharmaceutical Benefits Scheme. Per person their benefits under Medicare were only 27 per cent of the average for non-indigenous people and only 22 per cent for prescribed drugs. Per capita levels of direct Commonwealth expenditure on indigenous people were 63 per cent of the per capita expenditure on all Australians.

In other words, while Senator Herron stands up and gives us the good news, he does not

balance it with what was in his own oration, which states clearly that, when you roll in everything that the Commonwealth spends on Aboriginal health—all the Aboriginal medical services and all the specific programs designed for rural and remote Aboriginal people—you still do not come up with the same level of spending that is being spent on average on all other Australians. So I say to Senator Herron: I am sure you have detailed knowledge of this issue, yet you are still not standing up for Aboriginal Australians and saying, 'Yes, we know we're still a long way behind.' The figures show very clearly that we are a long way behind. Yes, the states are spending money on Aboriginal Australians, but that is the hospital end; that is the acute care end where people are seriously ill. What we should be doing—and we should learn from experiences in Canada, New Zealand and other countries—is putting the money into primary health care. Again, I go back to the comments from the AMA:

The current policy of incremental change brings incremental results.

In other words, we need a Minister for Aboriginal and Torres Strait Islander Affairs who will stand up and say, 'All the evidence in Australia and all the evidence overseas shows that we must really put some money into primary preventative health care for Aboriginal Australians.'

I will finish soon because I want to leave some time for two of my colleagues, Senator Woodley and Senator Ridgeway, on this particular issue. I am going to deal with one other matter, and that is the comments Senator Herron has made about his visits to Aboriginal communities, about what is being achieved there and about what their priorities are. I acknowledge that, and I think it is a very positive step for a minister for Aboriginal affairs to visit rural and remote communities. But I also have visited rural Aboriginal communities and I find a very different picture. I find people who do not believe that they are being adequately represented—people with a range of other priorities. The racism and lack of understanding that exist in the 1990s in places where those communities are part of a larger settlement are absolutely appalling. While the minister talks about the

positives, I think he needs to step back when he goes to Aboriginal communities and to really listen to what is actually happening out there on the ground.

I will give you an example, which is a visit to Brewarrina in January 1995. I visited that town about a day after the Pastoral Protection Board decided, because a couple of sheep had been attacked, to kill all the dogs of the Aboriginal people—to simply poison them with 1080 poison. They went ahead and did that, including dogs that were on chains in the Aboriginal community. From memory, at least two children had to receive medical attention because of their contact with dogs who had been vomiting and also with baits. I was joined on that visit by a number of people from the AMA. We witnessed a very distressing scene at the local dump, because the bodies of the dogs had been taken out there and the children wanted to find their dogs. They had someone on the gate of the dump trying to stop the kids from going and looking for their dogs.

We then went out to talk to the local community, which is out to one side of the town, to find that the community at that point in time was being sprayed by raw sewage that the local farmer was distributing over his paddock. It just happened that the wind was drifting that way and that the community was being sprayed with a mix of raw sewage. To give the impression, as Senator Herron has done today, that all is well, that everything is going swimmingly and that, if we just tackle this specific problem and that specific problem, it will be fine is not good enough. We have to listen to the people. We have to listen to their immediate concerns. We have to be aware and have some understanding of the enormous pressures many of these communities are still under.

I do not understand how Senator Herron can think he is consulting and listening. There are so many instances where communities are literally coming apart at the seams. Of course domestic violence is an issue. But there are so many broader problems, so many issues, that go to the very heart of our relationship with Aboriginal people—issues such as the stolen generations. So I say to the minister: on whatever issue we look at,

whether it is mandatory sentencing, the state native title regimes that are coming through with virtually no word from the minister at all or specific issues relating to community after community, we need a minister who is going to stand up and be an advocate on behalf of Aboriginal people. We need a minister who is going to give them the sense that somebody is listening and that a person in charge is going to make a difference to their lives, not someone who is going to put a few dollars here and there or put in another army project to try to convince everybody that all is well. Hopefully, in the weeks and months to come, if this minister is to stay in this portfolio area, we will see a change of heart, a change of priorities and a real move towards listening to and working with Aboriginal people.

Senator BOLKUS (South Australia) (4.51 p.m.)—I also rise to support this motion before the Senate. It is the view of many Australians that this minister's actions have failed this nation and that for this he should be sacked. It is their view that his actions have failed indigenous Australians and that for this also he should be sacked. It is their view that this minister's actions have failed the test of competence and that for this failure also he should be sacked. At the end of some four years in office, the record of this minister is one of neglect, incompetence and national embarrassment. At the end of the last 10 days, we find the vital reconciliation process shipwrecked or at a 'dead end', to quote the government's own Social Justice Commissioner, and we find our First Australians suffering a hurt to which they should never have been subjected—a hurt directly emanating from a cynical rejection of their real history and of their suffering, a hurt directly caused by the government of this country.

This minister's portfolio is a sensitive one. He has responsibility for the most dispossessed in our society. The issues facing this portfolio go to the most fundamental of issues facing this nation: its definition. They are issues which affect how the rest of the world sees us and they are issues which dictate whether we are divided or united. In all these responsibilities, the minister has failed.

We should take on board the fact that the damage he has caused will take years, if not decades, to correct. Remember, we still have not shrugged off, some 20 to 30 years later, the impact of the white Australia policy on our international image. Let us not be naïve as to what has been going on here when we approach this resolution. At all times in his missions, this minister's co-conspirator has been the Prime Minister—a Prime Minister who lends encouragement to this minister's agenda, a Prime Minister whose tolerance of the voices of racism and hate has long been chronicled, a Prime Minister whose rejection of the validity of the claims of the stolen generation is well known, a Prime Minister who cares not if the rest of the world sees Australia as a country which discriminates racially, a Prime Minister whose international profile develops daily in the image of Ian Smith and whose image continues to damage how the rest of the world sees Australia, and a Prime Minister who says that saying sorry is a human response but cannot find it in his heart to be human to the stolen generations.

This is a censure which, in many ways, we were always going to have, for the minister's record in this portfolio has made it inevitable. The Howard government was hardly sworn in and the ink on the oaths of allegiance was hardly dry when Senator Herron took his first swipe at indigenous Australians. Right from the start he used that old dog whistle. Its pitch was heard very clearly by those to whom he was really trying to appeal: the Hanson voters. On 10 April 1996, the minister confirmed what every Hanson voter wanted to hear: indigenous grantees of public money were not 'fit and proper persons'. He announced the appointment of a special auditor to—as he might have said at the time—weed them out. Right from the start, he bungled it. The audit was found to be invalid by the Federal Court and ultimately the auditor found that over 95 per cent of recipients were cleared for further funding. Most of their mistakes were technical in nature. The establishment of the audit was well publicised by this minister because that was what Hanson voters wanted to hear, but the results were not, for they told those very same voters something that their prejudices could not accept. So much for care for this constituency.

Then it went from bad to worse. In 1996, we saw some \$470 million budget cuts to ATSIC over some four years—employment, training, youth affairs and housing were hardest hit. In 1998, we saw ATSIC expressing a no-confidence motion in their minister, a view which they held for some 12 months, if not more. In 1998, we also saw the minister introducing the Aboriginal and Torres Strait Islander Heritage Protection Bill, a bill which turned out to be beyond the pale even for this government and had to be radically reviewed. And 1998 also saw this minister in a full-frontal attack on the Kimberly Land Council, and then embarrassed because his facts were wrong, and a later attack on Australia's Aboriginal leadership, a leadership which is rightly respected worldwide but is vilified at home by this minister and this government. But it is not only non-government members who have been concerned with the minister's competence. The big issues in indigenous affairs for this nation have been social policy, native title and reconciliation. It is with these issues that the Prime Minister's real assessment of this minister has been made clear for, in giving responsibility for these issues to other ministers, the Prime Minister has said very loudly and unequivocally that this minister is not up to the job; that he is not competent enough to handle the main issues affecting indigenous Australians; and that housing, education, employment, as well as native title and the reconciliation process are better handled by other ministers. That view is something, obviously, with which I concur and with which the opposition concurs.

However, nowhere is the cynicism, incompetence and offensiveness of Senator Herron and of this government more evident than in the handling of the stolen generations report and in the submission the minister produced to the Senate committee just over a week ago. The government was handed this HREOC report in early 1997. In March 1998, one year later, when Sir Ronald Wilson, the Chairman of HREOC at the time, wanted to meet the minister to discuss the implementation of what was a crucial report, and the monitoring of that implementation, the minister refused to meet with Sir Ronald Wilson. In fact, the chief of staff of the minister's

office wrote to Sir Ronald's office stating that 'there was no reason to meet to discuss', that 'arrangements are already in place' to monitor implementation, that it was 'too early to say if the existing process required supplementation' and that 'the ministerial council will be providing intergovernmental coordination mechanisms as required'. That was the response that Sir Ronald got.

Some 12 months later, in the estimates process, we asked the minister what the state of play was. We asked the minister what measures were in place to ensure the monitoring of the implementation of the response to this national issue. It is fair to say that the minister had absolutely no idea. Some 12 months later, the evidence of the estimates committee shows that the minister could not remember whether Sir Ronald's project group requested a meeting with him. He could not remember whether he had in fact met with Sir Ronald to discuss the preparation of a follow-up report. The minister also made it very clear that he was not involved in the decision as to who would monitor the implementation response, whether it would be the Commonwealth or the state. He had no idea, and the record shows that he did not care that he had no idea. What was even more worrying for those interested in the issue was that Mr Vaughan, Senator Herron's most trusted senior bureaucrat in the Department of the Prime Minister and Cabinet, a person whose responsibility, as it appeared in that Senate transcript, was to do the thinking for the minister, also had no idea as to some critical factors in terms of monitoring and implementation of this HREOC report. Mr Vaughan had no idea who chaired the monitoring committee or whether the committee had met. He indicated that the Commonwealth expressed no interest in chairing such a vital response committee. He said that the minister was not even consulted as to whether the Commonwealth should share it and that, as we saw from the evidence, the minister did not care to be involved. He told us that ATSIC was not consulted and the record also shows that Mr Vaughan and the minister had no idea as to not only who chaired the committee but who composed it.

The committee was set up in August 1998, and the estimates of which I speak were on 2 June 1999. Some 10 months later, this committee, charged with the most critical implementational response to the plight of the stolen generations, had not met. Not only had it not met; the federal minister with responsibility for the area did not know whether it had met and did not care to know. We have further established that, even though the monitoring committee had not met, there had been no action by the Commonwealth to force a meeting. We discovered that no resources were allocated to the committee and that the Commonwealth did not know how many people—if any—were involved in preparing a critical response and monitoring it. There was no interest, no concern and no compassion. His portfolio was in autodrive, and the minister did not even care if it had left the parking bay or not. Little wonder we got the report that the minister released last week.

Some in the gallery say that the government's response was not an attempt to play wedge politics, because of the fall-out since its release. Some in the gallery say that wedge politics are more a US tactic and not one that would work in Australia. What nonsense, what naivety, what a cop-out. Why is it that, all too often in this country, we do not want to face the facts, especially when those facts can be uncomfortable? What sort of excuse is it for this government to say, 'We could not have done it—just look at the fall-out, look at the way this has panned out. How could we have left it to someone so incompetent to play wedge politics'? It is almost like you are hearing Senator Herron saying, 'Don't hold me guilty of trying to kill somebody across the road, because all I did was shoot myself in the foot.'

At law, incompetence is no defence; in this situation, incompetence is no defence. Let us look at some of the relevant facts. This report was released by the minister's office after days of frustration with the Senate committee, which would not release it. This report was cleared by the Prime Minister's office. Despite the Prime Minister's evasiveness about the basic elements of the report—he said he had not seen it before it was leaked to

the press—the fact is that the fundamental elements of this report were put to the Federal Court by the Commonwealth in the Cubillo and Gunner case. There was nothing new to the Prime Minister. All these elements had been cleared by the Department of the Prime Minister and Cabinet and the Prime Minister's personal staff. This was also established in the estimates process. The Prime Minister knew what this minister's position was months earlier, and it is quite evasive of him to say that he had not seen the report when he knew what was in it.

To those who say that this government would not play wedge politics on race, let us remember the number of campaigns in the Northern Territory, let us remember the federal by-election campaign in Adelaide where a candidate had a spouse of Asian background, let us remember the 1996 election, and let us remember that all the Prime Minister's men—Mr Textor, Mr Morris and Mr Minchin—have all been playing this game for quite some years now. Australia is all the poorer for it. Let us also remember that this is the latest instalment of wedge politics, and let us also remember that it was the Prime Minister and Senator Minchin who, in the middle of the Wik debate, went public on television with dishonest maps of Australia trying to terrorise Australians into feeling that Aborigines were about to take over the huge landmass of this country.

We have in this report a shabby, selective and offensive rewrite of history. The minister claims, for instance, that the term 'stolen generation' does not appear in the report. It appears 19 times. He claims, on page 30, that children were removed for welfare considerations or where a parent consented but not otherwise. What a lie. The minister's greatest offence is his attempt to dismiss the practices of the past as being benign. In my speech when moving for the establishment of the Senate inquiry, I cited extracts from the minutes of the 1937 conference of Commonwealth and state Aboriginal authorities. I said of that conference that it met in April 1937 and that the Senate, in considering a resolution that goes to the exercise of Commonwealth responsibilities, should take time to consider some of what was said at that con-

ference. Let us go back to that. These are motivating views which are quite critical to assessing what was driving policy at the time, but they are views that do not appear in the minister's submission to the Senate committee. Professor Cleland, the Chairman of the Advisory Council on Aborigines in South Australia, said:

The number of half-castes in certain parts of Australia is increasing. ... This may be the start of a possible problem of the future. A very unfortunate situation would arise if a large half-caste population breeding within themselves, eventually arose in any of the Australian states.

Mr Neville from Western Australia said:

In order that the existing state of affairs in Western Australia shall continue, and in order to prevent those half-castes who are nearly white from returning to the black, the state parliament has enacted legislation including giving control over the marriage of half-castes.

Dr Cook, Chief Protector of Aborigines in the Northern Territory, took matters even further. Quite explicit in the fear he wished to share, he said:

If Aborigines are protected physically and morally, before long there will be in the Northern Territory, a black race, already numbering about 19,000 and multiplying at a rate far in excess of that of the whites.

If we leave them alone, they will die, and we will have no problem, apart from the pangs of conscience that must attend the passing of a neglected race.

If, on the other hand, we protect them ... we shall raise another problem which may become a serious one from a national viewpoint, for we shall have in the Northern Territory, and possibly in north-western Australia also, a large black population which may drive out the white.

He went on to say:

The white population of the Northern Territory will be absorbed into the black. I suggest that we first decide what our ultimate objective should be, and then discuss means to that end.

There were some other comments, and he stirred some of his colleagues. Mr Harkness, from the Aborigines Protection Board of New South Wales, said he was appalled by what Dr Cook had to say in the course of his very lucid speech. He went on to say:

It is awful to think that the white race in the Northern Territory is liable to be submerged. ...

There is an historic appeal in preserving a vanishing race, but I think we should seek to assimilate these people.

On it went. These views from the policy planners of 1937 at a critical meeting at which the Commonwealth decided to fund the ensuing policy were not reflected in the minister's submission. They were whited out; they were written out. There is no one true recounting of history. I have tried to capture, by going through the statements, the very clear and unequivocal evidence that the fathers of the stolen generation policies and the supporting ideology and deliberate public deception that followed were not inspired by what Senator Herron calls lofty or misguided motives. They were driven, at least in part, by notions of racial superiority feeding racist fears. They consciously, or unconsciously, mirrored the same attitudes that were pervading the world through Nazism.

I could go on to quote more and more. Other people have done that. But the question has to be asked: why do these statements not appear in the government submission? They do not appear because the government submission essentially attempts to whitewash history. It is selective. It is biased. It is discriminatory. It is a despicable document of denial. This inaction, denial and historic revisionism of the Howard government provide the impetus for the resolution that we have before us today. This minister has sneered at the stories, disparaged the reports and punished the victims by his denial last week in the submission. Is it a blind refusal to accept the validity of these stories in that report or is it a refusal to read the informed research and enlightened works of contemporary historians? What is it that drives this minister? What is it that drives this Prime Minister? This minister's sins are manifold. It needs to be repeated that he has been incompetent in the conduct of his responsibilities. He has lacked real interest in the major issues of his portfolio. He has used his constituency for political purposes and by ineptness and malintent he has bungled a most critical area of public policy for reconciliation of this nation—all this at a most sensitive time in our history, at a time when the world's media are knocking on our doorstep to get an insight into this country.

We need to start again. One good way to start again would be to remove this minister. Another good way to start again would be to take the advice from one great Australian, one who may be vilified by this government but who is of international stature, Pat Dodson. His article in the *Weekend Age* I think presented an honest appraisal of the past, where he said:

This was a place of power through guns and whips.

He presented an honest appraisal of the effects of the past, when he said:

There is not a single Aboriginal person who has not been affected by the consequences of these policies.

He went on to say:

It's a ripple effect, and it's not something that just happened in another time in the past. ... It has an impact right through us today ...

He showed quite vividly in that article that these effects currently haunt people's lives. He said:

You can see the problems in the children of members of the 'stolen generation'. Parents can't answer their questions. Who am I? Who is my grandmother, my grandfather, my aunt or uncle? Generations of Aboriginal people have lost their identity, their sense of security. They're confused. They have no sense of where they belong.

Pat Dodson also said:

This is about people's lives. It is about families. To debate how many were literally affected at the time is not important. This has touched all of us, and it continues to do so. This is about restoring dignity to people's lives.

This minister cannot understand that. He cannot understand that by not having that security, not having that context of belonging, not having that family history these people will be burdened and handicapped forever. This minister cannot understand that saying to them, 'Sorry, you don't exist,' aggravates the hurting even more. Unless we understand this, we will not get it right. Unless we get it right as a nation, this nation will not be united in the way it should be. We cannot do this under this minister. He has to go.

Senator HILL (South Australia—Minister for the Environment and Heritage) (5.10 p.m.)—I am pleased to have the opportunity

to defend Senator Herron. Rarely have I heard such nonsense as I just have heard from Senator Bolkus, talking about the 'objective' of Senator Herron being 'to punish the victims'. There are very few ministers that I can recall in the 20 years that I have been in parliament who have been more decent, more genuine and more committed to their portfolio responsibilities than Senator Herron.

Anyone looking fairly at the issue of indigenous affairs would understand that it is one of the most difficult areas of public policy and public administration. Being so difficult, it is often easy for it to be used for political purposes, as is apparently the objective of the Labor Party in this exercise. I think it would have come as a surprise to some Australians to have learned at the weekend that on many of these issues the Labor Party, while sounding so precious, does not even as yet have policy positions but simply says that if it comes to government it will then sit down and determine these positions. That demonstrates the opportunism of the Labor Party in this instance.

It is possible to debate aspects of history. I listened to Senator Bolkus talking about issues and attitudes of public policy in 1937. In my understanding of the history, there is no doubt that there were a range of motivations on the part of people who determined such policy and implemented such policy, whether on behalf of governments, the churches, communities or whatever. There is nothing illegitimate in having that debate. But if there is a contribution to it by the Aboriginal affairs minister, then that minister runs the risk of being made a target, as Senator Herron has been, by the Labor Party for its short-term political gains. I think that is a matter of some regret.

On this side of the chamber we have said on many occasions that we seek to understand the sense of loss of those who feel that they have in fact lost family, that they have lost culture, that they have lost language. We have acknowledged that it would never really be possible for us to fully understand the ramifications of that, not having been personally put in the situation. But it is easy to appreciate that there are those who feel a great

sense of agony and loss as a result of that life experience. The constructive debate in this country is really about what we as policy makers and policy administrators can do in the future to provide a better opportunity for those who have suffered in this way.

We do that to a background where our record as parliaments and as public administrators in relation to indigenous people in this country has not been a particularly happy one. We inherited the legacy of 13 years of the Australian Labor Party that now lectures us in the way that we hear from Senator Bolkus today. Senator Bolkus does not start his debate by acknowledging that, after 13 years of Labor administration, life expectancy for Aboriginal people was 15 to 20 years less than for the general population. He does not acknowledge that infectious diseases were still 12 times higher than the Australian average. He does not acknowledge that indigenous infant mortality was more than three to five times higher than for other Australian children. He does not acknowledge that only 33 per cent of Aboriginal and Torres Strait Islander children completed schooling, compared with a national average of 77 per cent. He does not acknowledge that 120 remote Aboriginal communities did not have an adequate water supply system; 134 communities lacked appropriate sewerage systems; 250 communities were without electricity; and 176 communities had unsealed roads. So despite all the glorious rhetoric of previous Labor ministers over the years—their claims and their boasts—in so many ways they have failed indigenous Australians. They have failed not only in relation to the statistics that I have just put before the chamber but also in perpetuating a handout mentality and welfare dependency that many indigenous people themselves wanted to change.

That is the background to which the Howard government came to office and to which the responsibility was given to Senator Herron, as minister, to lead in a different direction so that Aboriginal people could be given better hope for the future. We make no apologies for the fact that, as a government, we sought to concentrate on the areas of indigenous health, housing, employment, edu-

cation and economic development as areas in which we could provide better outcomes for indigenous people, provide the framework within which indigenous people could achieve better outcomes in relation to their own aspirations. We make no apology for that at all. That is the direction that we took, which was different from the past, and we were prepared to be judged on outcomes in that regard. We have committed large sums of money to help us implement those programs—programs that have been led by Senator Herron. I simply refer, again, to a record \$2.2 billion being spent on indigenous specific programs during 1999-2000. Senator Herron, as minister, has had the responsibility for leading on these programs, for guiding the policy change and for presiding over the public administration. When you look at the areas such as I have just mentioned, already in a very short period—this is worth emphasising—you can see changes occurring and changes that will be for the benefit of indigenous people.

Expenditure on indigenous education programs under Senator Herron has increased by \$16.3 million in the 1999-2000 year—over \$388 million in program funding. We recall the establishment of the National Indigenous Literacy and Numeracy Strategy launched by the Prime Minister on 29 March this year, only a few days ago. That is another example of practical reconciliation among all Australians. We recall the establishment of the National Indigenous Students School and also significant improvements in education for indigenous Australians. I give the example that in 1990 there were just 1,600 indigenous Australians attending university. Now there are almost 8,000. So something, I would have thought, is going right. It is just a matter of regret that Senator Bolkus is not prepared to acknowledge it.

Looking at the critically important area of education, there is a new \$115 million Indigenous Employment Program which has an emphasis on private sector opportunities and support for indigenous small business—a good initiative under the leadership of Senator Herron. Major features of the scheme include a strategy to encourage chief executive officers to recruit and train indigenous staff,

private sector structured training and a national cadetship program for cadetships in the private sector. This is a practical solution and these are outcome based policies that the Labor Party would not understand but which Senator Herron, as Aboriginal affairs minister, has been prepared to lead upon to find new directions that can achieve better outcomes. There is an emphasis on apprenticeships and traineeships. I remind you, Madam Acting Deputy President, that when we came to office there were just 800 indigenous apprentices and trainees Australia-wide. Three years later this number had grown to 4,800. Something is being done right. But does Senator Herron get any credit for it? Certainly not from the Australian Labor Party. I also remind you of efforts in encouraging the unemployed to undertake community work in return for income support through the Community Development Employment Project scheme, facilitating their move to mainstream employment. In the area of employment there is hope for the future. Programs have been put in place that can give greater confidence to Aboriginal people that they are not necessarily going to have to suffer the disadvantage that they have suffered in that area in the past.

In relation to health, where Senator Herron has taken a particular interest, in 1999-2000 the government allocated \$78.8 million over four years for improved access to primary health care through the Primary Health Care Access program. By 1999-2000, funding of \$185.8 million annually will be allocated to indigenous specific health programs—a real increase of 20 per cent since 1998-99 and a real increase of 51 per cent since March 1996 when Senator Herron became the minister. By the year 2002-03 it will have increased 62 per cent. This is an enormous increase in real terms for which Senator Herron deserves credit. Madam Acting Deputy President, I also remind you of the landmark achievement in August 1997 when a set of 58 national performance indicators and key targets for indigenous health were agreed by Commonwealth, state and territory health ministers. Targets included a 20 per cent reduction over 10 years in both the overall death rate and the rate of comparison with non-indigenous deaths.

Extra funding provided in the 1996-97 budget over three years for the establishment of 35—now 36—new and expanded indigenous health services in rural and remote Australia deserves particular mention. In March 1997, the government committed \$12 million over two years to programs to prevent the spread of HIV-AIDS in the Aboriginal and Torres Strait Islander population. In the 1998-99 budget, \$12.9 million over four years was announced for a new national indigenous pneumonia and influenza immunisation program. These are practical benefits for Aboriginal people brought about because of the leadership of Senator Herron, whom this Senate, through the ALP in particular, is attempting to censure today on his ministerial performance.

Moving on to the area of housing, in 1999-2000, \$360 million will be spent on indigenous specific housing and infrastructure programs, comprising \$260 million from ATSI's community housing and infrastructure program, \$91 million from the Aboriginal rental housing program and \$8 million from the Torres Strait Regional Authority. Some might say 'overdue'. That might be the case, but, at least under the leadership of Senator Herron, it is now actually being delivered. These programs provide for new housing and infrastructure, as well as ongoing management and maintenance of existing housing. They provide over 1,000 new homes annually. In 1997-98, over 600 housing units were purchased or constructed; over 1,100 renovated; and a number of infrastructure projects, including sewerage, water, power and roads, were funded. For that at least I am prepared to congratulate Senator Herron.

An extension of the very successful ATSI Army community assistance program—of course lampooned by the ALP—will provide \$41.2 million over four years, thereby fulfilling the government's 1998 election commitment in *Beyond welfare*. This program provides basic infrastructure to remote communities, including fresh water, sewerage and housing, and provides training for indigenous people in the provision of such infrastructure and service. Our defence forces deserve particular recognition for the contribution that they have made in this regard, which I know

has been appreciated by many indigenous Australians. So, in the area of housing, significant improvements are being made. There is still a lot of work yet to be done, but under the leadership of Senator Herron—on the basis of his record in such a short period of time—one can have confidence that better outcomes will in fact be achieved.

In the area of law and justice there has been the formulation of a national strategy to combat indigenous family violence—something that the Labor Party turned away from when they were in government because it was in the too-hard basket. Under the strategy, indigenous communities will propose locally based responses to be run at community and regional levels. The strategy will lead to the development of support services for victims of family violence and preventative programs for children and young people, as well as treatment programs for offenders. It will also examine ways of better regulating the supply and distribution of alcohol. Extra funding of \$25 million in the 1999-2000 budget to Partnerships Against Domestic Violence initiatives brings total funding to \$50 million. Indigenous family violence is a priority area under Senator Herron for new funding.

Continuing reform of the Aboriginal legal services includes ensuring that indigenous women have full access to legal representation. There is an additional \$2 million, with a further \$1 million in the 1999-2000 budget, for initiatives which specifically address violence, requiring greater performance reporting and monitoring, regular reviews, contestability and outsourcing in relation to the provision of legal services. Yes, it is a difficult area for reform; nonetheless, it is one that had to be tackled, and it is being tackled by Senator Herron. The development of measures of relative disadvantage by the Commonwealth Grants Commission to target resources more effectively to the areas of greatest need—\$3.2 million in the 1999-2000 budget—also fulfils a 1998 election commitment delivered under Senator Herron.

In moving on to employment and economic development—something also shunned by the Australian Labor Party—hand-out was the formula and not to provide a framework within which indigenous Austra-

framework within which indigenous Australians could build for their own economic future. Under Senator Herron, increased funding to the Aboriginal and Torres Strait Islander Commercial Development Corporation has been possible. This facilitates and promotes joint ventures between industry and the CDC and indigenous people. The release of the discussion paper 'Removing the welfare shackles' which outlines proposals for a new indigenous organisation, Indigenous Business Australia, to promote and participate in joint ventures with the private sector, to encourage job creation, to act as a conduit in accessing other government assistance, and to provide housing and business loans, grants and guarantees is another initiative in that regard.

If we look to the future—a future under the able leadership of Senator Herron—we see a government that will continue to address the health, housing, education and employment needs of indigenous Australians. We believe that there must be an equality of opportunity for all Australians, and it is a motivation strongly held by Senator Herron. The coalition, as I have indicated, is providing practical and responsible solutions to the urgent problems experienced by many indigenous Australians, particularly in remote areas. For the future, programs being implemented by Senator Herron will concentrate on greater involvement of indigenous communities at a local level in setting the priorities and needs of their area, aggressively pursuing improved health and housing outcomes, seeking solutions for the domestic violence problems that plague many communities, and encouraging self-sufficiency and employment through education and business opportunities. In a short period of time, Senator Herron has established a record that deserves credit. He has in place a program that is providing a new direction and a leadership that can give all Australians greater confidence that indigenous Australians are going to get a fair go in the future. He matches that with a plan that demonstrates exactly where he wants to take these programs in the future.

His record is one that I am certainly prepared to say I am proud of, and I very much

regret the negative and carping attack that has been made by the ALP on him today. If the ALP, instead of promoting this new concept of wedge politics, put a bit more effort into a cooperative approach to indigenous affairs and for a first time indicated a willingness to work constructively with Senator Herron towards better outcomes, then all Australians, but in particular indigenous Australians, would gain by that. But to expect such a constructive approach from the ALP, a party that has, unfortunately, demonstrated that, through a lack of policies, it has no real or genuine interest in this issue other than to try to win a few short-term political points is, I regret to say, too much to expect. To that background, and the difficulty proposed by the carping and negative ALP, I commend Senator Herron for his leadership in this area and for his record to date as a very able and capable minister.

Senator RIDGEWAY (New South Wales) (5.30 p.m.)—For the record of the Senate, the Democrats want to say that we treat the censure of a senator as a measure of last resort, when all other procedural options have failed. I have sat here and listened to the comments made by Senator Herron and by many others about why he ought to be commended for various things. I take exception to the fact that many things are portrayed in the context of how much money is being spent and, perhaps, that the social decay that exists in indigenous communities and the moral evil that that presents for the entire nation is one for which indigenous people have themselves to blame. I think it also renders the whole idea of being able to say sorry or to apologise for comments in recent days as being most difficult.

The Australian Democrats have asked numerous questions regarding the minister's insensitive treatment of the stolen generations. I thought that it was necessary to move an urgency motion calling on the minister to acknowledge the existence of the stolen generations. That motion was successfully moved in the Senate. Yet since that day the minister has continued to show further insensitivity towards the stolen generations, and indeed towards all indigenous people. You cannot give an apology or inspire a particular

outcome if that is always qualified. I think that, in defiance of the urgency motion, Minister Herron has in fact done nothing to ease the hurt and the trauma that indigenous peoples continue to feel as a consequence of past policies of separation.

Many indigenous and non-indigenous Australians have told me that what he has done is exactly the opposite—that is, to add insult to existing injury. One message sent to me recently by a constituent, which was sent to all senators in this place, is relevant to demonstrate the damage that the minister's recent comments in relation to the stolen generations has done to all Australians. My constituent wrote:

To my elected representatives,

I am finding it increasingly hard to hold my head up with pride and call myself Australian. I migrated here because I loved the freedom and tolerance of this multicultural country. Now I find myself in a country that no longer upholds these ideals, that is no longer a model to the world but becoming increasingly a pariah state.

She went on to say many other things, but the most important point that she made was that 'the government now refutes the notion of the stolen generation, the continuing pain felt by members of the stolen generation and the poverty and health and other problems of dislocation within indigenous communities across the country', all a result of the consequences of past practices of forcibly removing children from their parents and their subsequent mistreatment. She made the point that this all 'defies belief', that somehow our minister and the government cannot accept what is plain to see.

The Australian Democrats have only ever sought to move two censure motions in the recent past, despite what was said by Senator Herron and others earlier. I ask that our support for this censure motion be seen in that light, despite the minister's comments. I also note that the minister is keeping par with the Australian Democrats on this issue. On two occasions the minister was up against two other censure motions: one in 1996, which passed the Senate. But these motions also questioned the minister's ability to represent indigenous Australians and were initiated because of the minister's attacks on the peak

national organisation delivering services to indigenous communities, the Aboriginal and Torres Strait Islander Commission.

Does this sound familiar? I think this is not the first time that we are visiting the minister with this type of censure motion. His ability to represent indigenous people is again being questioned by the Senate. Again the minister has sought to blame ATSIC for his own failure to implement the recommendations of the *Bringing them home* report. Over the last week, the minister has repeatedly demonstrated that he is not representative of indigenous Australians or their interests. It has also become self-evident that the term 'stolen generations' is a mere phrase to the minister. He has been unmoved by the pleas for recognition and basic respect that were heard in this chamber on Thursday last week, when members of the stolen generations directly addressed the minister seeking for their identity to be affirmed by this government.

I do not believe that the minister appreciates that the label 'stolen generations' is really a euphemism for the scarring and suffering still experienced by people who were forcibly removed, usually at a very young age, from their families and their country. What we need to understand most of all is that they lost everything that was familiar and reassuring to them, only to be thrust into utterly foreign surroundings. They were denied the love and the nurturing of families that many of us take for granted, and they were denied their culture, their language and their identity as indigenous people.

I cannot explain what it means to be a member of the stolen generations because I am not a member, but there are many hundreds of personal accounts contained in the *Bringing them home* report, and every single one of them is a poignant story of the human suffering that was so unnecessary and so damaging. They are the stories that need to be listened to, because they are about untold suffering, they are about lost opportunities for these people, and they are about emotional scarring and trauma. They provide a window into the depths of racism that indigenous people in this country have suffered generation after generation. Yet the minister

seems to think that these primary accounts from those who were stolen, or those who saw their children being taken away, fail to demonstrate that entire generations of indigenous Australians have been affected and that several generations of indigenous children were stolen to disrupt, to sever indigenous cultures and languages, and to sever connections with families. Most of them were stolen because of the simple fact that they were either Aboriginal or part Aboriginal. No doubt you would have read in the papers on the weekend that a welfare officer made the point that children were taken even where there was no neglect.

Until the *Bringing them home* report in 1997, indigenous people in this country had borne the weight of their suffering in virtual silence, and the term 'stolen children' was virtually unheard of in the community. But the *Bringing them home* report provided some great things. It provided a vehicle by which people could tell their stories, it helped to change much of the silence of the past, and it helped to promote awareness and to bring about some compassion, not only from the people of Australia but from this government, where there had been ignorance and denial about the forced removal of children. I believe that there is no greater insult to indigenous Australians than to suggest that the existence of not just one but many generations of stolen children is factually incorrect.

I want to put a few things on the record. One person who has invested a great deal of effort into research of the stolen generations and their personal experiences is Dr Peter Read of the Australian National University. In response to the minister's assertions that the term 'stolen generation' is a misnomer, Dr Read had the following to say:

Generations? Yes, 'Generations' because the first Aboriginal children were brought to the Native Institution at Parramatta in 1814. They did not come voluntarily. The numbers at the school were so low that in 1816 the Governor of the time sent out an expedition to capture 12 more children (and they only caught two).

Nearly two hundred years later, in the 1980s, children of failed mixed marriages were still being placed with the white parent by magistrates who believed that Aboriginal parents were somehow

inferior to any other Australian. That's not one generation, that's eight.

In New South Wales in the 1950s the figure for child separation was about one in three. In the 'problem' rural towns it was one in five. Along the Stuart Highway in the Northern Territory from the 1920s to the 1960s the removal rate was close to *ten out of ten*.

In response to the minister's refusal to use the term 'stolen generation', Dr Read made the following comments:

Stolen generations? Yes, 'stolen' because of the more than 1,000 separated children whom I have been privileged to know and work with since the early 1980s, not one mother could be said to have given up her child voluntarily. Yes, many signed some kind of consent form—but they signed under duress. To be told by the hospital matron, 'You're a wicked, selfish girl, now sign this paper to give your baby to a white couple who will care for your baby much better than you—that's not free choice!

To be told, 'If you sign this paper we'll only take your eldest child, otherwise we'll take the lot'—that's not free choice either!

To be told, 'If you don't sign this form you'll be committed as a delinquent minor and the father of your baby will be charged with carnal knowledge'—that's not free choice either!

The children were taken, signed paper or not.

Many of the parents asked to have their children back.

I don't know one who had their child returned to them.

He went on to say many other things. What strikes me as perplexing about this issue—and I am appalled to say it—is that Australia now finds itself in the midst of a national debate about race relations in this country and under the microscope of the United Nations for the way we treat our indigenous people. I find it incredibly disheartening to see Australia unable to make a judgment between what is right and what is wrong and then to act on that conviction. It seems that every time we think that we're about to say something right, we must qualify that in some form. Disappointingly but predictably, the government's primary defence to the Australian community is the very tired justification of the amount of government spending on indigenous communities across the country.

I have to say one thing: that is prostituting figures for the very worst purposes, and I think Australians are increasingly suspicious and fed up when they hear the government suggest that everything is all right because money is being spent. So what? It really comes back to making the rhetoric match the action, and so far the minister's actions have failed. So too with this magical figure of \$2 billion. When you look closely at that figure, it really comes down to understanding that it is about meeting specific indigenous programs that are substitute mainstream programs and trying to bridge the gap where services are not provided. Indigenous programs, not like others, are comparatively expensive, and you must take into account the fact that many people live in rural and remote communities.

I think the fact needs to be mentioned that the minister's comments about the stolen generations were unnecessary. The government continues to say that its response in its submission to the Senate inquiry has been a factual one in response to the *Bringing them home* report. But the *Bringing them home* report never mentioned the stolen generations. There was no reason for the submission to deliberately mention the stolen generations and somehow provoke a fight with indigenous people and the nation about what was right and wrong and what was decent behaviour. This unnecessary reopening of the wounds of the stolen generations, and the suggestion by the minister that somehow semantics rule out their right to refer to themselves as stolen generations, is simply not acceptable behaviour for the federal representative of indigenous people in this country. The stolen generations, let alone anyone else, should not be forced to once again relive their experiences in an effort to justify their identity to the minister who supposedly represents them.

I remind the minister of a letter that I believe he received last week from Dr Archie Barton. Dr Archie Barton was a foundation member of the Council for Aboriginal Reconciliation. He himself is a member of the stolen generations and also is someone who has been recognised for his contribution to national life by the award of an Order of

Australia Medal. His words summed up the message that I think most indigenous Australians would like to hear the minister say and to act upon. As the Minister for Aboriginal and Torres Strait Islander Affairs, this is the minimum that indigenous Australians should expect from their government representative. Anything less is just not good enough. Dr Barton made the following comment:

Any attempt to quibble with the term 'stolen generation' diminishes your government—not those who were taken from their parents against their will. There is no doubt that some officials who took Aboriginal children from their families genuinely believed that they were acting in their best interests. However, time and the *Bringing Them Home Report* have not demonstrated forcefully that this was not the case.

Clearly, the important thing is for your government to show courage and leadership and have the decency to admit on behalf of previous Australian governments that these policies were wrong and caused much damage. Until your government does so and finds constructive ways to address the enormous grief and harm caused by previous governments, this issue will continue to fester.

I have previously indicated to the Prime Minister, Mr Howard, that this is an issue on which Aboriginal people expect resolute and courageous leadership. This means that he must have the courage and generosity of spirit to admit that he has been wrong so far and to make an unqualified apology on behalf of the Australian Government.

In my view, the most important thing you could do for those many generations of Aboriginal people since colonisation who saw many of their children stolen, would be to induce your Prime Minister to show that leadership, and thus commence the healing process.

I have to say that this comes down to a question of the authority being exercised by the minister, Senator John Herron. It seems to me, in the attempts to manipulate information to suit a particular outcome, that this is authority abused. Authority abused in this way does justify contempt, and it does incite in people the need to condemn the minister's comments. It is not good enough to continue to say to the nation that the moral evil within indigenous communities is the blame of Aboriginal people themselves. This is absolute abuse and manipulation of authority by a minister of this government.

It would be far simpler to acknowledge the stolen generations, but it must be done without saying one thing and thinking another. This just adds injury to hurt, and this is what has happened in the past few days. How can a minister or a government acknowledge the past and then somehow seek to acquit history? How can the minister try to acquit himself of recent comments? He cannot qualify what has been said. Such comments leave an indelible stain on national character as this nation undergoes further examination not just by the conscience of all Australians but by the United Nations.

I have always believed that much of the strength of any government relies upon good people within government, and it seems to me that this minister has failed his responsibilities. On three occasions he has been censured as the Minister for Aboriginal and Torres Strait Islander Affairs for having failed indigenous people and for having failed in his position. It is his responsibility to represent the interests of indigenous people to the government of the day. The minister has acted irresponsibly as the minister who is the representative of indigenous Australians. It seems to me that not too soon it might be time for the minister to consider bringing forward his retirement, because quite frankly indigenous Australians need someone that will represent them, not someone that will reprimand them for standing up for rights that are just and for rights about overcoming disadvantage, without feeling blame and without feeling that they are being told to be the victims of their own circumstances.

Senator BROWN (Tasmania) (5.50 p.m.)—It is a great pity that the minister was not here to hear Senator Ridgeway's contribution. When I look at this matter, I am troubled not just because of the indigenous point of view but that the apparent reality is that the minister believes in what he is doing and believes that it is the right course of action. Moreover, he believes that it has come about as a result of his consultations with the indigenous people of this country. While I do not see that as a neurosis, or a behaviour of that sort, there is certainly sublimation involved in that—an inability to look at the reality that is in front of the minister. When

he says to the chamber that the indigenous people that he has spoken to do not want handouts from welfare—that they want power and a measure of control over their laws—I say, 'Well, who would not say that?' What does he mean by 'a measure of control over their lives'? I ask the minister how he would feel if he were represented by somebody who said to him, 'You can have a measure of control over your life.' It is way short of the mark. But that is what the minister said. He believes that indigenous people should have a certain amount of say in what they do and how they come and go, but on top of that need to have this paternalistic interference in their rights. I say to the minister: it is not until you recognise indigenous people as, firstly, equal and, secondly, as the first Australians—which is beyond equality—that you will understand that your words are way short of the mark.

Indeed, the comment about the most pressing issue in indigenous affairs these days being family violence was a come-on to say, 'Who is going to challenge that?' Well, I do. The most pressing issue in indigenous affairs these days is empowerment: the return of pride, the return of culture, the return of land—the things which will mean that indigenous people are returned their day in the sun. When they get that, you will start to see a turnaround of the internalisation of violence, despair and, indeed, jailings which are coming out of this government's policy and failure to understand that we have to meet our historic challenge to return real power, real rights and real control over affairs to the first Australians if we are going to see an amelioration, a rectification, of the at times harrowing outcomes of policies which fall short of that mark.

Finally, I measure the minister by the words of South Australian Governor Hindmarsh who, according to the book *With the White People* by Henry Reynolds, addressed the clans of indigenous people around Adelaide 150 years ago. Here is what Governor Hindmarsh had to say:

Black Men,

We wish to make you happy. But you cannot be happy unless you imitate white men. Build huts, wear clothes, work and be useful.

Above all things you cannot be happy unless you love God who made heaven and earth and men and all things.

Love white men. Love other tribes of black men. Learn to speak English.

Those words could come from the mouth of this minister in the year 2000. In fact, I would ask the minister whether there is any word, phrase or sentence in that invocation from Governor Hindmarsh with which he would not concur. Written into that exercise is why this minister is failing: he has not come to the recognition that Australians in general have come to which is that we need to change attitudes of 150 years ago.

Senator WOODLEY (Queensland) (5.54 p.m.)—The policies which saw indigenous children taken from their parents in past generations were wrong. I want primarily to address two issues tonight: firstly, that the policies of the past were wrong and whether this government has really changed direction and repudiated those policies or whether it continues them. Secondly, I want to address the way in which those policies have fed the prejudice and racism in the general Australian population in the past and are feeding them now.

What needs to be made very clear is that the majority of children who were taken from their parents were not taken because they were being mistreated or neglected, but as a direct consequence of the assimilative policies of the governments of the time. While the details of these policies differed between each of the states and territories to some extent, the assimilation of indigenous children was the aim in all Australian jurisdictions. As the *Bringing them home* report notes from the very beginning:

Government and missionaries targeted indigenous children for removal from their families. Their motives were to 'inculcate European values and work habits in children.' Government officials theorised that by forcibly removing indigenous children from their families and sending them away from their communities to work for non-Indigenous people, this mixed descent population would over time 'merge' with the non-Indigenous population.

This was not a benign policy. This policy not only damaged Aboriginal families but also

fed racist attitudes in the years before World War II and ever since.

One of the stolen children in her own research came across some resolutions of the Metropolitan Branch of the Women's Section of the United Country Party dated August 1934. I want to read into the record some of those resolutions to show you the attitude that people had to this very policy and the fact that there were white political parties that objected to the policy not because they had any concern for the Aboriginal people who were affected but because they had concern for themselves. I will read only some of the resolutions. They read:

That, statements in the Press have been noted to the effect that the Federal Government is bringing to Melbourne from the Northern Territory, a number of Octoroon girls, with the avowed object of mingling them in marriage with the White Community.

That, further it is stated that these girls will be secretly domiciled in Melbourne, in order to preclude any knowledge of their ancestry being disclosed.

That, it is greatly to be deplored that the Federal Government is so far lost to the knowledge of our deep rooted sentiments and pride of race, as to attempt to infuse a strain of aboriginal blood into our coming generations.

That, the Women's Organisations of Australia be urged, that for the race heritage that is held in trust for the generations to come, for the sanctity of our age old traditions, and the protection of our growing boys, to combat with all their power this insidious attempt to mingle with the community, women of illegitimate birth, tainted with aboriginal blood

I stop there because it gets worse, not better. These were resolutions of a political party in 1934. They were referred to one of the members for Melbourne and he referred them to the minister for the interior as serious resolutions. I do not know what the minister for the interior replied because I do not have the record any further than what I have told you.

These policies, designed towards assimilating indigenous Australians, were not confined to removing children from their parents. They included removing people from their land, putting them on welfare and resettling them in communities, which reinforced their dependency. The use of indigenous languages

was discouraged and the practice of cultural activities was prevented; therefore, the preservation of culture became impossible. Senator Herron made reference to domestic violence and made a lot out of that whole issue. Let me tell him: it was the policies of governments in the past which created the problems that he was so careful to detail for us this afternoon.

What needs to be stressed and recognised by all Australians is that the indigenous children who were removed from their parents because they were mistreated were in the minority. Likewise, it is important to acknowledge that, while some indigenous children taken from their parents under previous policies may believe they were better off as a result—such as we saw on the *Sunday* program this week—these too are the exception rather than the rule. Past policies were at fault, and I note the minister's reference to the churches in one of the answers he gave last week. Sure, the churches were involved in this policy but let me say to the minister that it was 20 or 30 years ago that they abandoned these policies. What I want to know is whether or not this present government has abandoned those policies.

Senator McGauran—Did you see the *Sunday* program?

Senator WOODLEY—Yes, I did. I just made reference to it.

Senator McGauran—It was excellent.

Senator WOODLEY—You were a bit late coming in, Senator McGauran. In the early 1970s the Methodist Church produced a document called *Free to decide*, which showed that self-determination was really the way to go and that past policies had created many of the problems that Senator Herron detailed here this afternoon—and I could go on. Let me recognise Dr John Brown and the Reverend Jim Sweet of the Presbyterian Church. It was in the 1970s that the policy which they initiated, to return people to homelands, was opposed so vehemently by the Bjelke-Petersen government. I am amazed that this government has been unable to recognise what those policies have created or to recognise the link between those poli-

cies and what Senator Herron was telling us about domestic violence.

I was really offended by his reference to the 'fact' that the Democrats did nothing. I do not know to whom he is referring but let this Democrat say that I have had almost 40 years of involvement, along with my wife, in these very issues. For 40 years we have been battling to try to enable Aboriginal people to have the kind of self-empowerment which would make the difference for them. In 1962 my first contact with the Aboriginal community in Mitchell turned my life around. In another answer last week Senator Herron referred to the actions of the Catholic Church. He spoke of the Catholic Church having made a statement of repentance and he had a go at Senator Faulkner when he said, 'Perhaps Senator Faulkner doesn't understand what repentance is.' I have a feeling he does, but let me put on the record what repentance means. It means saying sorry and asking forgiveness. It means making restitution. It means changing direction because the way you have been going is wrong. If Senator Herron wanted to substitute 'I repent' for 'I am sorry' I would welcome that. I would suggest that he is the one who needs to do the repenting.

The ACTING DEPUTY PRESIDENT (Senator Crowley)—I call Senator Faulkner.

Senator FAULKNER (New South Wales—Leader of the Opposition in the Senate) (6.03 p.m.)—Thank you, Madam Acting Deputy President. I was expecting Senator Harradine, so there is a slight interregnum here. Before I reply I will cede the call to Senator Harradine, who has just made a very impressive quick entrance.

The ACTING DEPUTY PRESIDENT—I call Senator Harradine.

Senator HARRADINE (Tasmania) (6.04 p.m.)—I thank the Senate, and I will reciprocate by being brief. I wish to enter the debate of this very, very serious matter indeed. I do not think we should take lightly any motion that seeks to censure a minister. I certainly do not take this lightly and, from what I gather around the chamber, others have not taken this matter lightly either. Perception is a very important part of public policy. One could

pass this whole debate off as a complete foul-up, and in a way it has been a foul-up, but it has hurt a lot of people. To deny that there was a stolen generation, as was the case in the submission by the government—not, by the way, prepared in the minister's office—to one of our Senate committees, is a serious matter. As Senator Aden Ridgeway said, the taking away of children from their parents was not referred to at the time as the 'stolen generation'. It was still an action that caused a lot of trauma, heartache and suffering. When the submission was made public and there was a denial that there was a stolen generation, it sparked a justified response which involved the outpouring of the hurt and the trauma felt by the children who were actually taken away from their parents. Those children had realised that they were being stolen. They knew inherently, deep within themselves, that their mother and/or father were the ones who were there to care for them and that under those circumstances they should not be taken away from them.

As we know, much of this occurred in the Northern Territory and Western Australia. And, as we know, some of the policy makers at that particular time had quite overtly racist reasons for acting as they did. So we had a tremendous outpouring, of recent times, over this particular era. Of course, it came on top of the whole mandatory sentencing debate. I personally am very concerned that this issue be resolved as quickly as possible. I felt that, if the amendments that I moved to the legislation were adopted, isolating the matter at this particular time to the Northern Territory, and with the use of the territory powers to do that, not only would it have covered those persons who were not covered by the bill, namely the 18-year-olds, 19-year-olds and 20-year-olds, who I am informed were very much vulnerable to the mandatory sentencing policies of the Northern Territory, but it would also have been effective. Nobody can argue with the Commonwealth parliament's power on Aboriginal affairs. That matter certainly needs to be resolved. I also believe that the government should apologise and express sorrow for the practices of those who took young Aboriginal children away from their parents as a matter of course. I am not referring necessarily to those who were in

danger. But, as we know, as a matter of course most of these children were not in danger, and therefore there was absolutely no right for the state to interfere in the rights of parents, no matter what colour the parents' skin was.

We have heard from the minister his expression of sorrow. I have listened very carefully to what the minister has said about this matter since it blew up a week or two ago. I believe that he has been expressing sorrow to those who have been affected. I wonder whether future governments will express sorrow for what is occurring at the present moment—the stolen generations that are being taken at the moment. I hope they will. I refer to those young people who are so despondent as to commit suicide. I refer to the report of the Queensland Aboriginal and Torres Strait Islander Women's Task Force on Violence, which shows the dreadful number of suicides amongst the Aboriginal population of Queensland. I will quote from the report:

In Queensland, a recent study of suicides over six years from 1990 to 1995 shows Aboriginal and Torres Strait Islander males aged 15 to 24 have an extremely high suicide rate: 112.5 per 100,000 compared with 30.8 per 100,000 for Queensland youth generally.

I can confirm what this report goes on to say because I know the concerns expressed by Aboriginal mothers at the effect that modern culture, if you like, is having on the family and particularly on the young people. There is a culture of absolute independence, that I owe nothing to anybody, not even my existence, and an attitude of materialism and acquisitiveness that is developing amongst Aboriginal young people. Of course, that is not only Aboriginal young people but young people generally throughout Australia. These are matters which we should take into account. I refer to the exploitation that takes place in Aboriginal communities by those who supply them with grog, with drugs and with videos. I read from page 100 of the report:

Sexual abuse is an inadequate term for the incidence of horrific sexual offences committed against young boys and girls in a number of Community locations in Queensland over the last few years. Sexual violence offences are increasing, and may be related to negative male sociali-

sation associated with the misuse of alcohol and other substances. Informants thought the accessibility of pornographic videos in some Communities was associated with some violent crimes. COD orders of \$4,000-\$5,000 worth of videos were reportedly coming into the Cape Communities. One Community with a history of pornographic video usage coincidentally has the highest rates of men imprisoned for sexual offences in Queensland. Factors such as family breakdown, child protection needs, juvenile offending patterns, early school dropout, youth suicide and misuse of alcohol and other substances were all linked to violence by informants.

Are we responsible for a current stolen generation? I believe the time has come for us to stop accusing each other. Let us unite in a recommitment to the course of reconciliation. Let us also have the courage to express our deep sorrow for what has happened in the past.

Senator FAULKNER (New South Wales—Leader of the Opposition in the Senate) (6.16 p.m.)—I commence my contribution in reply by thanking the Australian Democrats and Senator Brown for their joint sponsorship of this motion of censure of the Minister for Aboriginal and Torres Strait Islander Affairs, Senator Herron. I believe that the need to censure Senator Herron has been clear since the publication of his submission to the Senate legislation committee inquiry into the stolen generation. He, as a failed minister, should be brought to account. As minister for Aboriginal affairs, Senator Herron has been involved in a long-term strategy of driving a wedge of racism through the community. His government was caught out attempting to smother the United Nations report on mandatory sentencing that was requested by the opposition leader, Mr Beazley. Now, Senator Herron's own division within the Department of the Prime Minister and Cabinet has been caught out corrupting the reconciliation polling process. Just today in question time, the minister, Senator Herron, had no answer for the fact that the bureaucrat in charge of the Office of Indigenous Policy demanded to insert his own questions on 'special rights for Aborigines' into the phone-poll questionnaire carried out by Newspoll for the Council for Aboriginal Reconciliation. Let me make this clear: this has occurred within Senator Herron's own division

of the Department of the Prime Minister and Cabinet.

I lodged a freedom of information application on the poll that was conducted for the reconciliation council and turned up a grubby thread through the paper trail which led to the inclusion in the polling of the question on special rights for Aborigines. The first assistant secretary of the Office of Indigenous Policy and the Prime Minister's own office knew full well that the public is susceptible to questions on special rights, be it on treaties, compensation or, in this case, special seats for Aborigines in parliament. It was a gratuitous question on an issue that has not really featured in the whole reconciliation debate. It is the old Mark Texter trick—a technique imported from the Northern Territory and the CLP in the Northern Territory. It is divisive and, frankly, it borders on push polling.

People who have been giving Prime Minister John Howard the benefit of the doubt as to whether he has embarked on a second term of racist wedge politics can no longer doubt it. Newspoll know how divisive these issues are—that is why their report is careful to note that the 'special rights for Aborigines' question was 'included at the client's request'. They were obviously embarrassed about it. But it was more than a request; it was a demand. One draft questionnaire has the handwritten note on it, 'The question on special rights MUST go in.' In the end, the Prime Minister's office got its own way despite the protest of the unit which serves the reconciliation council. The question on special rights was inserted into the quantitative polling, and it was asked of 1,300 Australians. A dirty great wedge has been driven into the results. If Senator Herron were a minister worth his salt, he would have put the kybosh on that polling and he would have reprimanded the bureaucrat involved—but, of course, he did not. He was in on the fix and, on that matter alone, the Senate is correct to censure Senator Herron.

Senators who have listened carefully to the government's defence of this censure motion would have heard a lengthy recitation from Senator Herron and Senator Hill of the government's programs in the area of indigenous

affairs and expenditure under each of these programs. I heard a lot of reference to the term 'practical reconciliation', a term I have no doubt we will hear much more about in the coming weeks as the government draws further and further away from the reconciliation proposals of the Council for Aboriginal Reconciliation. To my mind, 'practical reconciliation', a rhetorical term, is simply code for delivering to Aboriginal Australians the support and assistance to which they are entitled as Australian citizens. It is core business for any government. If reconciliation is to become a reality, much more than practical reconciliation will be needed. Sensitivity will be needed. The views of indigenous leaders will have to be heard and taken on board. Leadership will be required on issues that are of concern to the indigenous community. Leadership will be required to ensure that government programs actually deliver benefits on the ground to Aboriginal people. All of these ingredients are lacking under Senator Herron's administration of his ministerial responsibilities. He has displayed gross insensitivity on the most painful and sensitive issue for Aboriginal people—that of the stolen generations. He has questioned, formally on behalf of the government, the very existence of the stolen generations. He has ignored the views of indigenous leaders. The government does not want to hear the Council for Aboriginal Reconciliation's prescriptions for reconciliation. It wants nothing of a deadline. It wants nothing of an apology. It is all too hard for the government and all too hard for Senator Herron.

What do we hear from Senator Herron on the issues of concern to the indigenous community? On mandatory sentencing, for example, silence; on an apology from the Prime Minister on behalf of the nation, nothing—and, in fact, he is being an apologist for John Howard's refusal to even contemplate this vital and necessary step. I do not really think he understands the significance of an apology to the Aboriginal people. I do not think he gets it. And as for driving indigenous programs, the facts speak for themselves. This minister has been asleep at the wheel. As I indicated in my earlier speech on this censure motion, he has managed to spend only \$13 million of the \$63 million which was allo-

cated to programs to support the government's response to the stolen generations report back in December 1997. On every criteria, the Minister for Aboriginal and Torres Strait Islander Affairs, Senator Herron, has been an abject failure. He deserves to be censured. I commend this censure motion to the Senate.

Question put:

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

The Senate divided. [6.29 p.m.]

(The Deputy President—Senator S.M. West)

Ayes.....	34
Noes.....	<u>31</u>
Majority.....	3

AYES

Allison, L.F.	Bartlett, A.J.J.
Bishop, T.M.	Bolkus, N.
Bourne, V.W.	Brown, B.J.
Campbell, G.	Carr, K.J.
Cooney, B.C.	Crossin, P.M.
Crowley, R.A.	Denman, K.J.
Evans, C.V.	Faulkner, J.P.
Forshaw, M.G.	Gibbs, B.
Greig, B.	Hogg, J.J.
Hutchins, S.P.	Lees, M.H.
Lundy, K.A.	Mackay, S.M.
McKiernan, J.P.	McLucas, J.E.
Murphy, S.M.	Murray, A.J.M.
O'Brien, K.W.K.	Quirke, J.A. *
Ray, R.F.	Ridgeway, A.D.
Sherry, N.J.	Stott Despoja, N.
West, S.M.	Woodlev, J.

NOES

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

PAIRS

Collins, J.M.A.	Campbell, I.G.
Conroy, S.M.	Calvert, P.H.

Ludwig, J.W. Reid, M.E.
Schacht, C.C. Brownhill, D.G.
* denotes teller

Question so resolved in the affirmative.

(Senator Cook did not vote, to compensate for the vacancy caused by the resignation of Senator Parer.)

**Sitting suspended from 6.33 p.m.
to 7.30 p.m.**

MEDICARE: MRI REBATES

The DEPUTY PRESIDENT—I present a letter dated 10 April 2000 from the Minister representing the Minister for Health and Aged Care, Senator Herron, relating to the order of the Senate passed earlier today concerning the production of documents relating to magnetic resonance imaging machines.

COMMITTEES

Privileges Committee

Report

Senator ROBERT RAY (Victoria) (7.30 p.m.)—I present the 88th report of the Committee of Privileges relating to a person referred to in the Senate.

Ordered that the report be printed.

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

Leave granted.

Senator ROBERT RAY—I move:

That the report be adopted.

This report is the 33rd in a series of reports recommending that a right of reply be accorded to persons who claim to be adversely affected by being referred to either by name or in such a way to be readily identified in the Senate. On 30 March 2000, the President referred a letter from Mr N. Crichton-Browne to the Committee of Privileges as a submission under privilege resolution 5. The letter responded to comments made by Senator Knowles in the Senate in December last year. The committee considered the letter at its meeting on 6 April 2000 and recommends that the response be incorporated in *Hansard*.

The committee reminds the Senate, as it did most recently when I presented the 87th report, that it does not judge the truth or otherwise of statements made by honourable senators or persons who seek redress. Its sole

duty is to recommend that a relevant response be incorporated in *Hansard* and it neither judges the merits nor endorses the content of any such response. I commend the report to the Senate.

The response read as follows—

APPENDIX ONE

RESPONSE BY MR N. CRICHTON-BROWNE AGREED TO BY MR CRICHTON-BROWNE AND THE COMMITTEE OF PRIVILEGES PURSUANT TO RESOLUTION 5(7)(B) OF THE SENATE OF 28 FEBRUARY 1988

Pursuant to Resolution 5 (7) (b) of the Senate of 28 February 1988, I wish to raise with you the matter of Senator Knowles' speech in the Senate on 8 December 1999.

Senator Knowles speech is an untruthful, vicious and personal attack upon me. Senator Knowles allegations against me are in part a repetition of allegations for which she has previously unreservedly retracted and apologised in the Western Australian Supreme Court. Senator Knowles' speech repudiates her previous admissions in the Supreme Court.

Senator Knowles states in her speech:

I wish to set the record straight on the many statements and allegations contained in the article. It, like so many other articles written by Burns, claims that I have apologised for alleging that Crichton-Browne has made death threats against me. I have not.

That statement is untrue. The following statement was read by Senator Knowles' lawyer in the Western Australian Supreme Court on 21 October 1998:

"Statements that I made to various individuals and on the radio during 1995 have been construed by some as meaning that Mr Noel Crichton-Browne has made threats upon my physical safety by telephone. It was not my intention to convey that meaning. I unreservedly withdraw and retract the allegation that Mr Crichton-Browne threatened me on the telephone and unreservedly apologise to him for any damage, distress or embarrassment caused thereby."

Senator Knowles states:

There is no person I have spoken to or interview I have done that says anything other than the fact that I sought police advice on security matters following two unidentified phone calls in the middle of the night that contained threats."

"The article claims that I told Mincherton that I "had received death threats from Crichton-Browne at her homes in Perth and Canberra

and was under police protection. All I can say to that is that Mincherton is totally dishonest and manipulative and well known for it in the party in Western Australia."

My Counsel made the following statement in the Supreme Court in presenting the minute consenting to orders being made:

"Prior to the reading of that apology, it is important that the causes of action identified in the apology are identified in court, for two reasons: firstly, to ensure that the plaintiff has proper vindication for the apology ... and of course that is also an important consideration for the defendant that the apologies granted are identified in open court, because it is to those publications that the apology relates."

"The first publication, your Honour, appears at page 2 and the publication is an allegation of slander and it is a publication made to a Richard Mincherton and it was made in or about May of 1995 at the defendant's West Perth office. I won't read it all out, but the essence of the publication was. "Noel Crichton-Browne made life threatening threats to me by phone, and as a result of that I have sought police protection."

Senator Knowles states that:

"The article claims, "she did not lodge a defence," referring of course to me. This suggests that I did not prepare one. Wrong again. My defence was presented to Crichton-Browne and he immediately sought to have the matter settled because he did not wish to have it made public."

Senator Knowles did not lodge a Defence and she never intended to. After her unsuccessful application to extend the time for lodging her Defence, was rejected by the Master of the Supreme Court, Counsel for Senator Knowles handed a document to my Counsel less than 24 hours before the deadline. Her Counsel stated that it had been prepared as Senator Knowles Defence but that Senator Knowles wanted to settle.

My Counsel responded that I would not accept a further delaying tactic. Senator Knowles Counsel informed my Counsel that the settlement could be completed within 24 hours because he had written an apology for Senator Knowles some weeks previously.

Senator Knowles states:

"That leads me to another question: why is it that Crichton-Browne is running the case against me by instructing the prosecuting solicitor instead of the complainants? I believe that to be a very serious abuse of due process by him exercising complete influence over the deliberations and direction of the Committee.

The Appeals and Disciplinary Committee of the Liberal Party of Western Australia is chaired by the State President. The members are, the President of the Legislative Council, a previous senior Minister and Leader of the Legislative Council, the Hon George Cash; a member of the Legislative Assembly, Mr Chris Baker B.A.,LL.B.(Hons), Ms Julie Reay, a member of State Executive and Chairman of the Selection Committee; Dr David Honey, Immediate Past president of the Western Australian Liberal Party; Mr Richard Mincherton, a member of State Executive and Mr Brian Pontiflex LL.B.

I am not a member of the Liberal Party. As with Senator Knowles other claims, this one is as absurd as it is untrue.

"Many supporters have asked why I paid \$20,000 to Crichton-Browne and have made the observation that doing so gave the appearance of guilt. To that I would say two things. Firstly, given my time again, I would do no such thing. Secondly, I wish to make it crystal clear that I have not pleaded guilty to anything; a casual observation of the events will illustrate that ... I wish I had my time over again, because I would never make such a judgment."

Senator Knowles not only again denies the apology, retraction and admissions she made in the Western Australian Supreme Court, but she claims the facts of the case will illustrate that. Senator Knowles statement in the Senate is totally untrue. Further, my lawyers have written to Senator Knowles asking her to contact them for the purpose of refunding her \$20,000 and recommencing proceedings. Senator Knowles has not responded.

Senator Knowles states;

"Once he [Mr Crichton-Browne] saw my defence he did not wish to have it made public. He knew it was true. As a consequence he did not wish the matter to proceed to court, where witnesses to his behaviour and attitude towards me would be called to give evidence"

Senator Knowles so called unfiled "defence" is a litany of untruths. In light of Senator Knowles behaviour since I agreed to her request to settle my action against her, I enthusiastically look forward to having the matter fully litigated in the Supreme Court. I made no approaches, no requests and no suggestions that I had the slightest interest in settling the matter with Senator Knowles and none were made either directly or indirectly on my behalf.

Senator Knowles states:

"The next question I am asked is: why did I apologise? I already covered that earlier when I mentioned the exact words of the apology."

Senator Knowles did not mention the exact words in her speech in the Senate. What she said was “statements that I had made to various individuals and on radio during 1995 that have been construed by some et cetera.” That is a part of the first sentence of her apology. Senator Knowles neglects to read out the relevant words of her apology which are that:

“I unreservedly withdraw and retract the allegation that Mr Crichton-Browne threatened me on the telephone and unreservedly apologise to him for any damage, distress or embarrassment caused thereby.”

Senator Knowles states:

The other question is: why were the terms of the settlement not made public until after the 3 October election last year? The answer is that that is what Crichton-Browne agreed to.”

The response to this remarkable explanation for deceiving the public is that Senator Knowles demanded that her apology and retraction not be disclosed prior to election day so as to conceal her admissions of untruthfulness in the Supreme Court from the voters. Senator Knowles knew the voters would vote against her if they were aware that she had admitted in the Supreme Court to dishonesty.

Senator Knowles’ Counsel advised my lawyer that her apology and retraction were conditional upon her admissions not being made public prior to the election day. My Counsel responded that I would not consider such a condition under any circumstances, however I was subsequently advised that the settlement would not be completed prior to election day. With that advice I was happy to have that demand publicly disclosed.

Noel Crichton-Browne

Senator KNOWLES (Western Australia) (7.32 p.m.)—Yet again this is a further attempt by Crichton-Browne to abuse me. I am now entering my 13th year of abuse, vilification and harassment from this man, and, as I said in this place on a previous occasion, many thought when the party made its third decision in support of me and against his malicious, deceitful and dishonest claims that it would be the end of the matter. Unfortunately, I know him better than a lot of other people who make that claim but, clearly, it is not the case; and I have to resign myself to the fact that I will have this dishonest convicted criminal harass me until the day he dies. But at least the party and the public rec-

ognised long ago what he was attempting to do to me.

Quite frankly, as the standing orders go, I do not see this material until it is tabled. Just a cursory glance at it now shows me that he is just rehashing everything that he has rehashed before, time and time again. Quite frankly, I cannot even be bothered responding in detail to this last truckload of abuse. No doubt he feels better, having done what he has done, and I am sure it will not be his last contribution. He is a particularly vicious, bitter and nasty man whose sole motivation in life is to harass and intimidate anyone who disagrees with him, his modus operandi, his conduct and his behaviour, and I am proud to be one of those people—one of a very large group.

I advise the Senate that no amount of continual harassment will make me think otherwise or behave differently to this criminal, who just keeps on assaulting me in every way he possibly can. I just make those comments; I cannot even be bothered reading the letter because I can just see from a very brief look at it that it is all the same stuff trotted out over and over again—the same lies, the same dishonesty. If he wants to respond to that little lot, he can do so because I am fully expecting it and it will go on for years.

Question resolved in the affirmative.

Treaties Committee

Report

Senator COONEY (Victoria) (7.35 a.m.)—I present report 31 of the Joint Standing Committee on Treaties entitled *Three treaties tabled on 7 March 2000* together with the *Hansard* record of the committee’s proceedings, minutes of the proceedings and submissions. I seek leave to move a motion in relation to the report.

Leave granted.

Senator COONEY—I move:

That the Senate take note of the report.

The report I have just presented contains the results of the review by the Treaties Committee of three of the treaties tabled on 7 March 2000, these being: the Convention on the Safety of United Nations and Associated Personnel; the partial withdrawal of Austra-

lia's reservation regarding women's employment in combat and combat related duties to the United Nations Convention on the Elimination of all Forms of Discrimination against Women, known as CEDAW; and amendments to the International Convention on the Simplification and Harmonisation of Customs Procedures. The committee supported all three of these proposed treaty actions. A number of other proposed treaty actions were tabled on 7 March 2000, but the committee has not been able to complete the review of these treaties. The Chairman of the Committee has advised the relevant ministers that we intend to complete our reviews and report on these treaties as soon as possible.

I would like to talk this evening about two of the treaty actions described in our report: the partial withdrawal of Australia's reservation to CEDAW and the Convention on the Safety of United Nations and Associated Personnel. When Australia originally ratified the United Nations Convention on the Elimination of All Forms of Discrimination Against Women in 1983, the government of the day lodged a reservation which allowed the Australian Defence Force to exclude women from combat and combat related duties. This reservation reflected Australian policy and law at the time. By Australian law, 'combat duties' are declared to be duties 'requiring a person to commit, or to participate directly in the commission of, an act of violence against an adversary in time of war'. In effect, combat duties involve direct face-to-face fighting.

However, in 1992 Defence Force policy was changed to allow women to perform combat related duties. Women can now be employed in 85 per cent of all Defence Force jobs. Women can be employed as pilots and air crew in the Air Force, as helicopter pilots and field intelligence officers in the Army, and as marine engineers and all positions at sea in the Navy. The Navy now has its first female commanding officer of a ship, and women have been serving on warships for some time. All three of Australia's services have women pilots. It is only a matter of time before Australian women pilots emulate their American counterparts being in hostile combat. During the Gulf War, American women fighter pilots flew bombing missions over

Iraq. Indeed, the first missile fired in anger from that American FA18 during Operation Desert Fox was launched by a woman pilot. Like the US armed forces, Australian defence policy still excludes women from situations which might involve face-to-face combat such as in armour, artillery, combat engineer and infantry units, as airfield defence guards in the RAAF and as clearance divers in the Navy.

It is interesting to note that even these barriers may be broken soon. The Defence Force is developing a competency based employment policy, as part of which employment decisions will be based on ability, not gender. This policy will be considered by the government over the next 12 months and if adopted will allow women to be employed in combat units if they have the necessary skills and ability. The Treaties Committee did not express a view on these broader employment questions as they were beyond our mandate. We did, however, support the withdrawal of that part of Australia's CEDAW reservation dealing with combat related duties. This action will ensure that Australia's treaty obligations are aligned with our current law and policy.

In this report, we also recommend that Australia accede to the Convention on the Safety of United Nations and Associated Personnel. In recent years there has been an increasing number of attacks on United Nations and associated personnel deployed in United Nations operations. The aim of this convention is to deter violent acts against United Nations personnel by ensuring that those people who commit such crimes are brought to justice. As a nation, we have a proud record of supporting United Nations operations around the world. Australia's recent leadership of the international force in East Timor is a notable example of our commitment to United Nations objectives. People who work with or in association with the United Nations deserve as much protection as the organisation and the international community can provide. Although the convention will not guarantee protection for United Nations and associated personnel, it will help to deter violent acts. We believe that Australian support for this convention is a logical extension

of Australia's commitment to United Nations operations.

We are also keen to see the protection afforded by this convention extended to include personnel working for non-government organisations providing humanitarian and development assistance outside the charter of the United Nations. There are many international humanitarian and aid projects which do not directly involve the United Nations. At present, the convention only covers those working for the United Nations or in support of United Nations sanctioned operations. We believe that the Australian government should take the lead in developing proposals to increase the protection available to non-United Nations humanitarian and aid workers.

For the 31st time in four years and for the 14th time in the last 13 months, I commend a report from the Treaties Committee to the Senate.

Question resolved in the affirmative.

**CORPORATIONS LAW AMENDMENT
(EMPLOYEE ENTITLEMENTS) BILL
2000**

**Report of the Corporations and Securities
Committee**

Senator CHAPMAN (South Australia) (7.41 p.m.)—I present the report of the parliamentary Joint Statutory Committee on Corporations and Securities on the provisions of the *Corporations Law Amendment (Employee Entitlements) Bill 2000* together with the *Hansard* record of proceedings and submissions.

Ordered that the report be printed.

Senator CHAPMAN—by leave—I move:

That the Senate take note of the report.

In accordance with the reference from the Senate, the committee's inquiry was limited to the actual provisions of the bill itself. The bill, of course, is only one element in the package of government responses to the employee entitlements question, and the committee itself may have initiated a wider ranging inquiry. Indeed, on the same day as the Senate referred the provisions of the bill to the committee, I circulated to members a much broader number of questions into

which the committee could inquire. Nevertheless, the committee's inquiry produced a wide range of opinions, which are reflected in its report. The committee advertised for submissions immediately it received its reference and, despite a very short time span in which it was required to report, received 14 submissions from a variety of individual organisations. Because of the short time available, the committee could only hold one public hearing on the bill. However, our hearing was lengthy, with eight members questioning the witnesses. Two of the groups of witnesses each appeared for more than an hour, with all of the participants being given the fullest opportunity to express their different views.

In summary, the committee believes that it received the broadest possible variety of opinion on the bill and is grateful for the detailed and comprehensive submissions and evidence. The committee is confident that the report reflects fully the extent and diversity of those views. I thank the committee secretary, Mr David Creed, and his staff for their work on this inquiry and the report, particularly given the very short time frame that the committee had to deal with the matter of this bill. They worked assiduously, efficiently and competently in assisting me to conduct the inquiry and put the report together. I commend the report to the Senate.

Question resolved in the affirmative.

**CLASSIFICATION (PUBLICATIONS,
FILMS AND COMPUTER GAMES)
AMENDMENT BILL (No. 2) 1999**

**Report of the Legal and Constitutional
Legislation Committee**

Senator McGAURAN (Victoria) (7.44 p.m.)—On behalf of Senator Payne, I present an erratum to the report of the Legal and Constitutional Legislation Committee on the provisions of the *Classification (Publications, Films and Computer Games) Amendment Bill (No. 2) 1999*.

Ordered that the erratum be printed.

COMMITTEES

Membership

The DEPUTY PRESIDENT—The President has received a letter from a party leader

seeking a variation to the membership of a committee.

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

That senators be discharged from and appointed to committees as follows:

Finance and Public Administration References Committee—

Substitute member: Senator Faulkner to replace Senate Hutchins for the committee's inquiry into Australian Public Service employment matters on 14 April 2000

Environment, Communications, Information Technology and the Arts Legislation and References Committees—

Participating member: Senator Mackay.

ASSENT TO LAWS

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

Dairy Adjustment Levy (Customs) Bill 2000

Dairy Adjustment Levy (Excise) Bill 2000

Dairy Adjustment Levy (General) Bill 2000

Dairy Industry Adjustment Bill 2000

Customs Legislation Amendment (Criminal Sanctions and Other Measures) Bill 2000

Financial Sector Reform (Amendments and Transitional Provisions) Bill (No. 1) 1999

Timor Gap Treaty (Transitional Arrangements) Bill 2000

Gladstone Power Station Agreement (Repeal) Bill 1999

Aboriginal Land Rights (Northern Territory) Amendment Bill (No. 2) 2000

Migration Legislation Amendment Bill (No. 1) 1999

A NEW TAX SYSTEM (TRADE PRACTICES AMENDMENT) BILL 2000

First Reading

Bill received from the House of Representatives.

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

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

Bill read a first time.

Second Reading

Senator NEWMAN (Tasmania—Minister for Family and Community Services and Minister Assisting the Prime Minister for the Status of Women) (7.46 p.m.)—I move:

That this bill be now read a second time.

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

Leave granted.

The speech read as follows—

Madam President, I am introducing a Bill to amend the Trade Practices Act 1974. This Bill will amend the Price Exploitation Code by inserting a new provision prohibiting misrepresentations as to the effect of the New Tax System changes.

Last year, the Government inserted Part VB into the Trade Practices Act 1974 to provide the ACCC with powers to monitor prices, in order to prevent the possibility of consumer exploitation and excessive profit taking in the transition to the New Tax System. The States have adopted the Schedule version of Part VB to establish the National Price Exploitation Code.

The provision contained in this Bill extends the operation of the Price Exploitation Code. The primary aim of this new provision is to enable the ACCC to take enforcement action against misrepresentations by suppliers in relation to the effect of the New Tax System changes.

Specifically, the Bill will prohibit, in the course of supplying goods and services, conduct that falsely represents the effect of the New Tax System changes, or misleads or deceives a person about the effect of the New Tax System changes. A contravention of this prohibition will attract the same penalties as price exploitation generally – a fine of up to \$10 million for a body corporate, or up to \$500 000 for a person other than a body corporate.

Madam President, these penalties are substantial and demonstrate the Government's commitment to address legitimate community concerns regarding the possibility of consumer exploitation in the transition to the New Tax System.

This provision will apply from when the Bill commences until two years after the implementation of the GST.

To achieve economy-wide coverage of the Bill over incorporated and unincorporated suppliers, the new provision has also been inserted into the Schedule version of Part VB. The amendment to the Schedule may apply as legislation across Australia with little or no action required by the

States and Territories, with effect in most jurisdictions from 2 months after date of commencement of this amendment. Each jurisdiction retains the discretion to declare that the amendment takes effect at an earlier date, or does not take effect at all.

The Government will consider, in the context of the 2000-01 Budget process, the resourcing implications to enable the ACCC to carry out the functions and exercise the powers it is given under the amendments to Part VB contained in the Bill.

The Bill also amends the Trade Practices Act 1974 to clarify the ACCC's legal basis for performing certain access undertaking functions. The amendments will apply to existing undertakings accepted by the ACCC, but do not extend the existing powers of the ACCC and are consistent with the original intention of the legislation.

I commend the Bill to the Senate and present the Explanatory Memorandum.

Debate (on motion by **Senator Denman**) adjourned.

CHILD SUPPORT LEGISLATION AMENDMENT BILL 2000

In Committee

Consideration resumed.

Senator HARRIS (Queensland) (7.48 p.m.)—by leave—I move:

- (4) Schedule 1, item 2, page 3 (line 30) to page 4 (line 3), omit subsection (3).
- (11) Schedule 1, item 4, page 5 (lines 7 to 11), omit subsection (3).
- (17) Schedule 1, item 5, page 6 (lines 11 to 15), omit subsection (3).

I advise the chamber that I will not be moving the fourth group of amendments as they relate to the first two groups that were defeated. In speaking to the third group of amendments, which I have just moved, I refer to what are normally described as the Henry VIII clauses. The government's proposed amendments, as they stand, will allow for the regulations to have a greater head of power than the bill from which they derive their head of power. I will be asking a series of questions of Senator Newman towards the latter part of my remarks. The regulations will result from a departmental order to implement the act. When that is done, the regulations will come into the chamber and be laid on the table for a period within which any senator can move a disallowance motion.

But the problem is that we cannot make any amendments to the regulations. The regulations may contain beneficial provisions, but if there is one section that we find unacceptable the only recourse that we have is the ability to disallow them. The regulations will be prepared by the department and it is this department that causes me great concern. We have not seen the details of the proposed regulations. How can this chamber, in all good conscience, pass a bill which directly impacts on the content of legislation with little or no ability to dispute it?

I refer to Senator Faulkner's earlier comments which included a pretence to not understand some of the points that I was making. Whether this represents an inability to grasp them or whether it is simply a lack of interest is not easy to determine. However, I am grateful—as I am sure the Australian people are—to the senators who are highly informed for their input into the subject. Senators wax lyrical about deaths in custody and stolen generations and pour inappropriate scorn on Senator Herron, but they are indifferent to the deaths that are the result of decisions by the CSA—a suicide rate that is more than five times greater than that of indigenous Australians. It is a very serious problem that comes before the chamber, and senators should take a proper and reasonable interest in it.

I would now like to turn to the Henry VIII clauses and bring to the Senate's attention that the CSA is currently not bound by the rules of evidence. Indeed, CSA officers can, at their complete and unilateral discretion, create a case file which, once created, records information on a payee and a payer party without proof of evidence or corroboration. It cannot be that the government now wishes a domestic system such as this to now be exposed to the international arena. The Senate Standing Committee for the Scrutiny of Bills *Alert Digest* says:

Since its establishment, the committee has consistently drawn attention to Henry VIII clauses. While the explanation put forward in this case for this bill may provide a justification for including these particular provisions, the committee nevertheless remains concerned wherever subordinate legislation takes precedence over the primary legislation that creates it.

So the Standing Committee for the Scrutiny of Bills also has concerns about this section of the regulation.

I would also like to quote from a section of the *Australian Family Law Child Support Handbook* in which it says in section PD97/1:

The purpose of a conference is to allow each party to fairly and properly present the case to the senior case officer in an informal manner so that the senior case officer gains maximum relevant information.

It goes on to say under 4:

The proceedings are not officially tape recorded and there is no statutory requirement that an official record be taken by the decision maker.

I have concerns in relation to a communication from the Child Support Agency in which it states:

The taping of changes of assessment hearings are not officially recorded, and private tape recording is specifically not permitted under practice direction PD97/1. CCU Australian Family Law Child Support Handbook.

Due to copyright restrictions, extracts from the CCU handbook are not able to be supplied. It goes on to say:

However, you may make your own inquiries through avenues such as local libraries.

The point I am raising is that Senator Newman, through the bill that she is introducing, is going to give to this same agency far greater powers, I believe, than they have at the present moment.

I would also like to raise a couple of cases and, in doing so, put on the record that a good deal of the information and content on the issues that I have brought forward today were also raised by John Stapleton in the focus section of one of the newspapers yesterday. Let me briefly relate to the chamber some of the decisions that this agency, which is going to be charged with the responsibility of writing these regulations, made. These are some case examples that relate to its other decisions. This case was filed with the CSA by a mother who nominated a payer father—and in this case it was her husband—who was at the time living at home with the family and paying all the bills. The mother de-

clared that separation had actually taken place some nine months prior to lodging the claim.

With this information, which included only the mother's say-so and nothing else, the CSA Deputy Registrar took a position which deemed that not only did the father owe the relevant amount of child support but also he was already in default. To add to this deceit, the mother declared that her living-at-home husband was 'whereabouts unknown'. So we have a situation in which the mother files the action and then lists the husband, who is residing in the same home, as 'whereabouts unknown'. As a result, the CSA quietly accrued the debt against the father, who at no time had any knowledge that this was occurring. The CSA made no effort to investigate or verify the mother's claims and nor did it, in this instance, seek any proof. In addition to this important point, the CSA made no effort to contact the father.

I would like to put some questions to Senator Newman: is it responsible of the government to allow this agency to be involved to such a large degree in the development of regulations we have not even seen yet? I ask also whether, in the preparation of this bill, the department have made any provision for, or have they even assessed, the impacts on currency that may occur in relation to these regulations, because of changes in the exchange rate, when we have a payer who is a non-resident? Have the department assessed in any way the impacts of that? I would bring to the attention of the chamber some of the problems that the pastoral industry got into recently when applying for loans, et cetera, where they were caught not by the changes in interest rates but by the changes in the exchange rate. Senator Newman, how many times have these Henry VIII clauses, as we refer to them, been implemented previously in relation to legislation?

Senator NEWMAN (Tasmania—Minister for Family and Community Services and Minister Assisting the Prime Minister for the Status of Women) (8.01 p.m.)—I will start and then get some more information for Senator Harris as I go on. I will just put on record what the history of this issue is. This bill we are debating tonight was intended to

include the measures that are now going to be tabled as regulations. But, as most senators would recognise, there has been huge demands on the Office of Parliamentary Counsel over the last few months with the pressure of legislation, and they were unable to complete the work in time for a 1 July start-up for these measures. The problem was caused by an agreement between our Prime Minister and the New Zealand Prime Minister. They had agreed that the new arrangements would start up on 1 July.

In order to honour that commitment, Australia is bringing forward some of the details by way of regulation. However, we have made it clear that these measures will be tabled, and Senator Harris will be able to scrutinise them. But they will also be brought into the legislation later in the year. If he does not like them then, Senator Harris will have the opportunity when they come forward later in the year in amending legislation to debate the issue and to move amendments if he chooses. I think that is not an unreasonable way of proceeding in what is a very tight timeframe not for the government but for the legislative draftsmen and also for Australia's reputation in making agreements with heads of other governments.

I think it is a practical solution. Having been a member of the Scrutiny of Bills Committee for a few years when I first came into the Senate, I am very familiar with the Henry VIII clause that Senator Harris read out. I can assure him that it is by no means unusual for the Scrutiny of Bills Committee to make that statement. The Scrutiny of Bills Committee has quite regularly said just what you read out tonight, Senator Harris, but it does not mean to say that there is something dreadfully devious about taking the action we are proposing. These are special circumstances, it will be for a very short period, until the legislative draftsmen can get what will come forward as regulations into an amending bill later on this year. I would have thought that was not unreasonable at all. You will certainly have that opportunity later in the year to deal with them when they come forward as amendments. I would suggest that by that stage, if they have been introduced as regulations, you will have had an opportunity

to see how they actually work as well. Once again, I think that is eminently reasonable, and I hope you would agree. In addition, I am advised that where an overseas order—this is in relation to a specific query you made—is registered in Australia, the exchange rates at the time of registration apply. That is the existing law, and it will not change.

Senator HARRIS (Queensland) (8.05 p.m.)—I would just ask Senator Newman for clarification on that last point—that, when the order is initiated, there will be, I understand, a fixed rate of exchange. But my question went very specifically to the effects at a later date if that exchange rate changes. Does the order stay in relation to the initial exchange rate, or is it subject to variation?

Senator NEWMAN (Tasmania—Minister for Family and Community Services and Minister Assisting the Prime Minister for the Status of Women) (8.06 p.m.)—The existing law is that the exchange rate is as it is when the order is registered in Australia. The existing law will not change and the existing arrangements do not change. They will stay at the exchange rate at the time of the registration of the order.

Senator HARRIS (Queensland) (8.06 p.m.)—I would like to ask Senator Newman to bear with me, because I would like to have some assurance from her about provisions of the bill. I refer to section 163B of the Child Support (Assessment) Act 1989, and the Henry VIII section of that bill; the Child Support (Registration and Collection) Act 1988 and the government's proposal under section 124A in relation to the Henry VIII clause; and section 124A of the Family Law Act 1975, and again the section referring to the Henry VIII clause in that act. Can Senator Newman assure the committee that the Child Support Agency will not be able to use those sections that carry the Henry VIII clause and implement them in respect of any other section of any of those three acts?

Senator NEWMAN (Tasmania—Minister for Family and Community Services and Minister Assisting the Prime Minister for the Status of Women) (8.08 p.m.)—As you heard, Mr Temporary Chairman, this was a very long question and it was difficult to take it all in. Senator Harris had the benefit of having it

in front of him; we were listening. Nevertheless, I am advised to draw his attention to regulation 21, conversion of currency, under the Family Law Regulations, part 2, General, where it says:

21(1) Deemed reference to Australian currency rate of exchange. For the purposes of these regulations, an overseas order, including a provisional order or a certificate or notice originating in an overseas jurisdiction that refers to an amount of money expressed in the currency of the overseas country in which that jurisdiction is located, shall be deemed to refer to the equivalent amount in Australian currency on the date on which the order, whether by registration, confirmation or otherwise, becomes an enforceable order in Australia on the basis of the telegraphic transfer rate of exchange prevailing on that date.

All I can add to that, Senator—and that would be as difficult for you to take in as your question was for me to take in—is that I am advised that I can certainly assure you that there is no intention to change those arrangements.

Senator HARRIS (Queensland) (8.10 p.m.)—It is possibly that the complexity of what I was asking of Senator Newman may have caused her not to clearly understand, so I will try to articulate again. The question was not about currency. I was asking whether the minister can assure the committee and the Australian people that the Child Support Agency will not be able to use subsection (3) in relation to the Henry VIII clause in the government's proposed amendments in the three acts that I have read out. My understanding is that that pertains only to that section of the regulation. What I am seeking from Senator Newman is clarification that the Child Support Agency cannot use that ability to override the head of power of the act in any other section of the act.

Senator NEWMAN (Tasmania—Minister for Family and Community Services and Minister Assisting the Prime Minister for the Status of Women) (8.11 p.m.)—I would try to answer Senator Harris to this effect: on page 3 of the Child Support Legislation Bill 2000, Schedule 1—Amendments, clause 2, subsection (3), it is proposed that:

Regulations made for the purposes of this section:
(a) may be inconsistent with this Act;

It is in the circumstances which we have just been talking about. I was explaining the reasons for it. I can give you an assurance that it applies in relation to the heading, '163B Regulations in relation to overseas-related maintenance obligations etc'. Is that the answer you are seeking?

Senator Harris—Yes.

Senator NEWMAN—Right. I think we have come to finality. Thank you.

Senator HARRIS (Queensland) (8.12 p.m.)—Thank you, Senator Newman. That does clarify that very clearly for me. I would also like to seek clarification from Senator Newman in relation to the Acts Interpretation Act 1901. Under section 49A, it says:

... except as provided by this subsection, make provision for or in relation to a matter by applying, adopting or incorporating any matter contained in an instrument or other writing as in force or existing from time to time.

I cannot see any reference to section 49A of the Acts Interpretation Act in Senator Newman's bill. My question is: do the Henry VIII clauses in those three acts require in any way that they refer to section 49A of the Acts Interpretation Act? If they do, is there a requirement for an amendment to acknowledge that that is where it attains its head of power from?

Senator NEWMAN (Tasmania—Minister for Family and Community Services and Minister Assisting the Prime Minister for the Status of Women) (8.14 p.m.)—I thought that the Clerk might have understood these matters better. Essentially, Senator Harris is asking for me to give him a legal opinion. Of course, that is not my role and nor should I attempt to do so. If he has any concerns about the legalities of these measures, then that is a matter for another forum and not for the Senate today.

Senator HARRIS (Queensland) (8.15 p.m.)—Just for clarity, I was in no way asking Senator Newman for a legal opinion. It is obvious that the senator is not aware of that section of the Acts Interpretation Act. I was merely asking whether she understood, or whether her advisers knew, whether that section of the bill complies with that sanction. I am not asking for an answer. I am clearly

stating that I was not asking for a legal opinion but whether the government's proposed amendments are in compliance with 49A.

Senator NEWMAN (Tasmania—Minister for Family and Community Services and Minister Assisting the Prime Minister for the Status of Women) (8.16 p.m.)—Out of courtesy to Senator Harris, I will say once more—this is surely for the last time—that this is not a matter for determination and advice. You essentially are asking for a legal opinion in the chamber, but I must rely, as would any minister, on the expertise of the Office of Parliamentary Counsel. Their job is to take such matters into account and not bring forward legislation which contravenes the Acts Interpretation Act. Beyond that, I cannot advance your discussion. Perhaps we have taken a lot of time on this issue that cannot be taken further in this forum.

Amendments not agreed to.

Senator Harris—Mr Temporary Chairman, please let the *Hansard* record show that mine was the only affirmative vote.

Bill agreed to.

Bill reported without amendment; report adopted

Third Reading

Bill (on motion by **Senator Newman**) read a third time.

A NEW TAX SYSTEM (FAMILY ASSISTANCE AND RELATED MEASURES) BILL 2000

Second Reading

Debate resumed from 5 April 2000, on motion by **Senator Ellison**:

That this bill be now read a second time.

Senator DENMAN (Tasmania) (8.19 p.m.)—I rise to speak on the A New Tax System (Family Assistance and Related Measures) Bill 2000, which is part of the government's package to change the tax system and to do away with the profound effects on many families. The families in my area of the north-west coast of Tasmania represent a disproportionately large section of lower income recipients. There are many factors influencing this. Economic restructuring has often unintentionally resulted in what could be called a geographical void of economic

activity and thus opportunity. Therefore, we have many families reliant on social security—unskilled workers, low paid workers and seasonal and temporary workers. This often means that their incomes vary from week to week. As this does not fit nicely into the bureaucratically arrived at demands, they will be disadvantaged.

These families are not in the position to assess their incomes in advance. At present, fee relief is based on income in the last completed tax year, but from 1 July this will have to be done for the year ahead, with no margin for error. How can those on the north-west coast who are low income earners or casual or part-time workers do this? On the north-west coast of Tasmania, a large proportion of the work is seasonal. This is directly related to a rural based economic structure, thus for those people with jobs such as picking and grading brussels sprouts, potatoes, onions, apples and pears, it is difficult to assess their incomes because there is no set hour. Many things can interfere with it. Often the amounts they earn are calculated by the amount picked or graded. Inclement weather can stop work, and so can the breakdown of machinery. All this can affect the income not only from week to week but from day to day, thus forward projections of income are impossible.

As their incomes are so variable, one could reasonably assume that, when the forward estimates of incomes starts, seasonal and casual workers are highly likely to be exposed to bureaucratic errors that could cause undue and unreasonable stress on them and their families. Currently 32 per cent of all family payments received have been found to be in error. This figure has arisen because something is wrong with the system. It has nothing to do with the honesty of Australian families. These numbers are most likely to increase because the workers concerned have no way of knowing how long their hours will be. Thus the most likely scenario for the many of the workers on the north-west coast of Tasmania will be a debt to Centrelink—a present at tax time. Remember that this debt will be incurred due to ill-conceived bureaucratic demands that are unable or unwilling to take into account the needs of many of the work-

ers in rural communities—so much for client centred services.

The government have, time and time again, campaigned on a family values platform. Surely one of the principal foundations of stability in an essentially capitalised based economy is a guaranteed access to capital. Many of us have heard accounts of families under real stress due to what amounts to a few dollars a week. Many of these families that I am speaking of in the area where I live really do live from week to week. They do have very basic incomes, they do not have permanent employment, and this causes a lot of concern for them. Will this mother be one of these mentioned on the *7.30 Report* by Pam Cahir from the Early Childhood Association? Pam Cahir said:

Some parents are being forced out of the workforce. We do know that. They don't want to be out of the workforce, they want to be in the workforce, but it costs too much and it's cheaper for them to cut back days and to stay at home.

Some of the families in my area have cut back days and some of them have given up work because, firstly, they do not want to use backyard care—care that is not accredited—for their children, nor do they want to make too many demands on grandparents. They do not mind leaving their children with a grandparent maybe one day a week, but they really do not want to leave them. They feel that it is unfair, and I have had many people in the office who have told me this. The government's voice of mutual obligation is extremely feeble. They do not want welfare dependent people but they are unwilling to adequately fund the structures and supports needed to maintain independence with dignity.

Child Care Australia reports closure of 280 centres since 1996 and a Productivity Commission report shows a reduction of just over 10 per cent in spending on child care per hour between 1995-96 and 1997-98. The implications of the government's response to child care are further supported by Roberta Ryan from the University of New South Wales who said on the *7.30 Report*:

We became very aware that the changes that the Government made for funding arrangements for child care were having significantly negative ef-

fects ... Average income earners are increasingly finding child care unaffordable.

Why are numerous parents, industry representatives and academics complaining when, according to the minister, there has been a growth in places and centres? Are all these people simply making it up to annoy the minister? Remember the minister's response:

Well, they should believe me, because I'm from the Government.

If we are to believe the minister, why were the figures showing a drop in numbers of child-care services and places from June to December 1998 not mentioned?

The opposition is not convinced that the GST compensation provided in the family assistance legislation will be sufficient to compensate families for the increased costs they will face from 1 July. For that matter, families are already paying GST on services, such as insurance policies which extend beyond 1 July. Having heard and read evidence from the community groups, consumer advocates, academics and expert witnesses, I do not believe that the government's compensation measures are based on realistic assumptions about how families spend their meagre amounts. As a tax on consumption, the GST will hit families particularly hard. A whole range of goods and services has never been taxed before, including school uniforms and bus fares. These will be taxed at 10 per cent. The tax will also apply to utility bills. Families on ordinary incomes already find gas, electricity and phone bills are major items in their budget. Having 10 per cent added to these bills will not be eased much by an additional \$350 a year.

One of the inherent problems with the ideologically driven economic agenda is the inability to allow for the specific needs of distinct economic regions. Tasmania has individual economic needs, largely through no fault of its own. Small economies are disadvantaged by efficiency drives as the scope for savings is not as great due to the laws pertaining to the economic scales. Community based not for profit providers largely serve our child-care industry. They actually account for the needs of 80 per cent of those requiring child-care services in my state. Thus the claims of 20 per cent fee increases

are not dishonest in the Tasmanian context, as the minister, Senator Newman, would have us believe. The minister rightly stated that the 20 per cent increases are based on only one of the small and more expensive community sectors. Minister, in Tasmania, they represent 80 per cent of the providers.

Since the removal of the operational subsidy, many centres in Tasmania have had to increase fees. The first increase was \$20 a week in 1996, followed by increases of \$5 a week every year after that. Thus fees in Tasmania have increased by as much as \$40 a week since the government came to power. One parent on the north-west coast said, 'We have two children in full-time care which costs us twice what we would pay if we sent them to a private school. I cannot understand the logic of the proposed increased funding for private schools when the cost of child care is not addressed.' The family tax benefit and the child-care benefit, which are the central focus of this bill, will simply not compensate families for their GST losses and fail yet again to give back what the government has taken away.

Senator BARTLETT (Queensland) (8.29 p.m.)—I rise to speak at the second reading stage of the **A New Tax System (Family Assistance and Related Measures) Bill 2000**, which is a piece of legislation that predominantly builds on the family assistance act that was passed last year around the end of June and is obviously built into and related to the new tax system. At that time the Democrats supported that legislation as part of a positive component of the new tax system that the government was putting forward. It was positive for a range of measures, not least of which was the simplification that was involved in its bringing together, into a smaller number of payments, a large number of existing payments. It pulled them together into just two or three payments.

The purposes or aims of this bill, according to the explanatory memorandum put out by the government, are to provide the administrative infrastructure to support the payment of child-care benefit, to clarify the operation of various aspects of the family assistance law, to replace regulation making powers with substantive provisions, to insert

relevant savings and transitional provisions, and to make other miscellaneous technical amendments. That is a very general way of describing what is a very large piece of legislation, going to a little bit over 300 pages. Virtually all of those aims or purposes the Democrats would support as building on the initial legislation, the purpose of which the party also supported.

There is one issue relating to the new family tax benefit and how it will be applied in shared caring arrangements. That is an issue of particular interest and concern to the Democrats that will be explored further, I am sure, in the committee stage of the debate. I know that some amendments have been circulated by the opposition in relation to that. I think the other issues raised as part of that are significant ones. They are ones that I will not comment on at the moment because they are more appropriate for in-depth exploration at the committee stage, where aspects of them could do with further elaboration, exploration and clarification. I expect the overall aspect of the legislation comes under the description of 'clarifying the operation' of various aspects of the family assistance law. That is a nice general phrase but what it means in practice, in terms of its impact on people, is something that it is important to make clear before such measures are passed. Certainly, the committee stage of the debate is more appropriate for that aspect of this bill.

Given the enormity of the change—and it is a very significant change, shifting such a large number of payments into a smaller number and in many ways increasing the interface between the social security system and the tax system—it is not surprising that we do get, and have to deal with, a large piece of legislation. Indeed, this bill, which is meant to be—or purported to be—and was put forward as a predominantly administrative bill, has nonetheless about 300 pages. When we look back at the predominant act that it is relating to and the very significant and wide-ranging changes that were made in that, it is not surprising that attempts to try to assess all the various ramifications of such changes can prove very difficult. From the Democrats' perspective, as often is the case with bills amending social security law, we

have received a number of representations, some of which relate to quite minor matters in the grand scheme of things. Nonetheless, any issue that may negatively impact on a small number of people still needs proper clarification and examination.

In relation to this bill, the Democrats have chosen to take an approach where, while we recognise most of those issues as areas of potential concern, we also recognise the potential urgency of this matter and also the complexity of the overall primary legislation and so have chosen not to pursue a lot of those through amendments or indeed even through extensive questioning in the committee stage of this debate. With virtually every piece of legislation, let alone social security legislation, governments tend to suggest that every bill is urgent, every bill is immediate, every bill would be facing impending peril if it were not passed forthwith and that they really cannot afford to have things mucked around by the parliament putting forward proposed amendments to improve it or to address potential negative consequences or anomalies. Normally, I look on such claims very sceptically. But with this particular bill, because of the need to ensure that the new family assistance regime does operate as smoothly as possible and is in place and ready to go on 1 July, I will give that a bit more credence than I normally would.

Obviously, the enhanced family assistance regime is integral to the overall package of measures that is meant to ensure positive outcomes overall for people when we move to the new tax system. Whilst it is probably not correct to describe some aspects of the family assistance regime as compensation measures, nonetheless, when we look at the whole tax package and all the various modellings that were done by a range of people—at the time and subsequently—about the impacts of the new tax package, the effect of the GST and related measures, we see that one central component of modelling the overall, final outcome of winners and losers relates to the family assistance package and particularly the new family tax benefit. That being the case, it is appropriate on this particular occasion not to impede the progress of that over

some of the areas of concern. Some of them relate to such issues as residency, access by people in particular circumstances under particular visas to be able to get certain payments, and some of the changes in approach that may occur in dealing with a payment that is now, in effect, being deemed to be a payment through social security.

Even though people can claim it through the tax system at the end of the year, there will undoubtedly be circumstances where some anomalies and changes of circumstance will apply to people. That is inevitable when you are collapsing 12 payments down to three. But I think some of those are ones that can be considered in an ongoing way, whether through further amending legislation or through other processes internally within the government. In that context, hopefully the government will recognise that the Democrats have chosen not to raise a range of amendments to areas that are linked to concerns that have been raised. However, the particular issue of shared care arrangements is one that seems to us to be quite a significant change that at this stage we cannot ascertain as being present in the primary legislation or as being flagged in any way at the time through second reading speeches or any other clear mechanism of the government that made people aware of the significance of the change.

The initial act was put through at a time when obviously very major changes were being made to the overall tax system and the ability to scrutinise all its potential impacts was somewhat more limited. Nonetheless, as I said, if there are potential negative impacts to small areas, they are ones that can be assessed once the scheme comes into operation. But it does seem, on examination of the issue by the Democrats to date, that the proposed changes affecting shared care arrangements specifically contained in this bill that, as far as I can ascertain, were not contained in the original bill are ones that do deserve significant examination and they are ones that we would be keen to see elaborated on further and scrutinised further during the committee stage of this particular debate, that being one of the primary purposes of having a committee stage of a debate: to examine a bill and its

impacts in detail on any area of concern. So I certainly flag that as an area that we are strongly interested in. I also re-emphasise that, whilst other areas may be of concern to us, we have chosen not to pursue them at this time because of the nature of the bill and the time lines. I recognise the inevitable complexity of making a change of this nature, so they are changes we will pursue at a more leisurely pace, if you like, without in any way suggesting that we are ignoring them or not prepared to continue to follow them through.

We do flag an interest and a particular concern in relation to the impact of the carer arrangements for the family tax benefits and what effect that may have on the overall entitlements of quite a significant number of people in the Australian community. In all the modelling that was done before, during and after the agreement on the tax package, as far as I am aware there was no modelling done that took into account the impact of a reduction in overall family tax benefit payments for primary care givers in shared care arrangements. That is something that I think needs to be examined further, because obviously those people that agreed with the tax package did so after having paid very close attention to the modelling that was done at that time and ensuring that people—particularly in some of the more disadvantaged groups, and sole parents are clearly amongst those—were not going to be in a position where they were worse off. The potential impact on sole parents of a change in the entitlement to shared care arrangements does link specifically to whether or not those people would be worse off overall, and that is something that does need appropriate scrutiny before the change is agreed to. Clearly in this bill that change is proposed, and that is something that does need scrutiny. I look forward to being able to do so further in the committee stage of the debate.

Senator CHRIS EVANS (Western Australia) (8.42 p.m.)—This bill, the *A New Tax System (Family Assistance and Related Measures) Bill 2000*, is the last in the package of family assistance bills. The main legislation passed last year established the new family tax benefits A and B and the child-care benefit. This final bill has no real central

theme but makes a large number of amendments to existing legislation, particularly the family assistance and family assistance administration acts, to specify administrative arrangements particularly for the child-care benefit and to correct anomalies that have been discovered since the 1999 legislation was enacted. I noticed as I sat here that there were some extra amendments to be moved by the government along the way as well.

While there may not be a dominant central theme to the bill, Labor's view of the family assistance package is that it fails to counter-balance the increased costs that the GST will impose on family budgets or to compensate for the higher child-care costs that have resulted from four years of funding cuts to that program by this government. The bill must be seen in the context of the GST and of the government's record on family services since 1996. Viewed in that perspective, the gains for families look much less generous than the government would have people believe. When examined in detail, a number of particular problems with the payment systems become apparent. I note Senator Bartlett's comments, because I think there is a problem in trying to deal with some of those issues in this bill. The complexity of the package and the fact that a lot of the legislation has already passed make it very hard to try and pull out particular measures.

Labor will not oppose the bill, but we are convinced, on the evidence that has already been considered by the Senate in the GST inquiry and elsewhere, that the compensation that the bill provides is grossly inadequate. The GST will impose a major new tax burden on family necessities such as clothing, many foods, public transport fares and utilities—things that have never been taxed before. The compensation is based on assumptions about price increases that the Treasury has already been forced to revise upwards. The real impact of the GST will be known in three months time.

We have opposed this tax from the beginning, and we put on record again our belief that this massive tax mix switch to consumption taxes will have a serious impact on low- and middle-income families who have to spend most of their income. Compared to the

scale of the GST, which will tax necessities of life that have never been taxed before, the benefits introduced by the family assistance legislation package are inadequate. Labor supports the simplification of child-care benefits but is not convinced that the small increase in benefits will be enough to restore the child-care fee relief that has been ripped off parents in the last four years. The government's tax package brings a massive tax mix switch from low- and middle-income earners to higher income earners in Australia.

The government has channelled all its energies into the delivery of a package which makes life tougher for Australian families. Make no mistake: the insidious GST is a tax on families. At the same time, this government hands out its tax relief disproportionately to the well off. It puts a new tax on gas and electricity bills, on school lunches and uniforms, on baby bottles and breast pumps, on haircuts and public transport. The tax will also apply to utility bills. Families on ordinary incomes already find gas, electricity and phone bills a major item in their budget. Having 10 per cent added to these bills will be a major burden which will not be eased much by the sort of money that the governments is offering in compensation. The GST reaches into every corner of Australian family life. The poorer the family, the more income they devote to life's bare necessities, and the more that is clawed away from them.

Before the Democrats say that their deal improves the lot of low-income families, they should check the numbers. The Democrats' deal with the government improved the lot of the poorest family with two kids by 99c per week. The deal makers and the Democrats were prepared to settle for an extra dollar per week, and then claimed that the gain of \$1 made the original ANTS package fairer for families. We think the government have frittered away a surplus on tax cuts to the wealthy. It is important to ask whose surplus they have grandly thrown away. This was a surplus generated by families. It was built from harsh cuts to child care, health, education and community services. They took services away from the families in greatest need of support and handed the proceeds to

the rich—a straight redistribution of funds from the poor to the rich.

Senator Newman—Why do you mislead the Senate? You constantly repeat that lie.

Senator CHRIS EVANS—Minister, would you like to have a go?

Senator Newman—Yes.

Senator CHRIS EVANS—At the end of my speech, please join the debate. You are not proud of your record on child care because you have been rolled in cabinet time and time again. You take away from the poor and you redistribute to the rich. All of the tax cuts, all of the benefits, go to the top end of town. We have found out in the last few weeks—as shown by all those ads you are putting on TV—that the benefits are not being delivered as you promised and that a lot of assumptions have been proved to be false. I shall come to that soon and, Minister, you will have your turn later. It is the low- and middle-income families, working families, who have made sacrifices for years, who have borne the burden and have suffered the government cutbacks. On 1 July, they will be thumped again. Australians on low and middle incomes have been asked to take on trust the assertion that the government's compensation measures will not be rapidly eroded by inflation over time. Yet Treasury officials have, effectively, confirmed that compensation to pensioners will disappear over time. Australian families have been asked to take on trust that the GST will stay at 10 per cent forever. The commitment denies the international experience. Wherever the GST has gone, its rate has risen. Moreover, the idea that the need for a unanimous agreement between the states and the Commonwealth will protect families from a creeping GST is dishonest in the extreme. A Commonwealth law can be changed by the Commonwealth parliament, and the states' opinions will, of course, be irrelevant.

The opposition do not believe the government's claim that the GST will, on average, increase prices by less than two per cent. We are not alone in that view. The host of expert witnesses who gave evidence to the tax inquiry do not believe it. Leading economists have dismissed this assumption and have

shown that, by underestimating the price increase, the government has overstated the gains and understated the losses arising from the tax package. In their evidence to the Senate hearings, Professors Ann Harding and Neil Warren, charged by the committee to examine the distributional implications of the package, showed that there would be hidden losers from the tax package. The opposition were not surprised to hear that chief among the hidden losers would be those on low incomes. Nor does the Australian public believe that prices will rise by only 1.9 per cent. As 1 July draws closer, the government is losing the faith. The Prime Minister promised before the last election that the price of the average new car would fall by eight per cent, but his industry minister, Senator Minchin, told the Senate estimates on 7 February this year:

We do not dictate prices. It is a matter for the manufacturers and the dealers and everybody else in terms of their pricing as to what the ultimate price will be.

The Prime Minister also promised that there would be no more than a 1.9 per cent rise in ordinary beer, but Treasury officials have admitted that beer prices over the bar will rise by more than seven per cent. Australians cannot afford to take this government and its assumptions and claims on trust.

The benefits that this legislation introduces are feeble compensation for such a far-reaching tax. Family tax benefit A, which replaces family allowance and family tax payments, provides up to \$140 a year more for each dependent child. The government also claims that family tax benefit B, which replaces assistance for parents who are caring for children, provides approximately \$300 extra per annum for single income families with dependent children aged under five. But, having heard the evidence given by community groups, consumer advocates, academics and other expert witnesses, I do not believe that the government's compensation measures are based on realistic assumptions about how families spend their income. The noted Australian National University demographer Professor Peter McDonald calculated that the GST compensation was based on the premise that a child will cost a family only an extra

30c a week in GST costs. As a tax on consumption, the GST will hit families particularly hard. Behind the pro-family rhetoric of the government are distinctly anti-family policies such as this new tax on the necessities of life. Labor will pass the compensation measures contained in this bill, but we continue our opposition to the introduction of the GST.

While Labor is not convinced that the government is providing adequate compensation for the price effects of the GST, there are also some quite specific problems with the GST compensation mechanisms, particularly for family tax benefit part B. Three months before the introduction of the GST, the measures which are supposed to provide compensation for price effects are being exposed as inadequate. Only last week it was revealed that family tax benefit B, which will replace the parenting payment for single income families, contains what one newspaper called with considerable understatement 'an unintended consequence of the new simplified system'. In fact, tens of thousands of women on maternity leave will not receive family tax benefit part B because of the design of the income testing system. The payment is worth a maximum of \$101 per fortnight and is available to both two- and one-parent families. The upper income threshold for the payment is \$10,416 per annum.

The problem arises because family tax benefit B will be based on an estimation of income in the current financial year rather than the fortnightly assessments which apply to parenting payment. In a case study prepared by the opposition, the effects of this relative inflexibility are illustrated. If a woman takes a year's maternity leave from December 1999 and returns to work in January 2001, she notifies Centrelink that she expects to earn more than \$10,416 in the 2000-01 financial year. Because of her earnings in the first half of 2001, when she will be back at work, she will be denied family tax benefit part B throughout the 2000-01 financial year, even though she will not be receiving any wages in the first half of it—that is, in the period July to December 2000. Under the current system her income would be assessed fortnightly, so she would not be

penalised in the second half of 2000 for income she has not yet received. The inequity of this measure is illustrated by the fact that a woman whose maternity leave coincides with the financial year avoids the income test altogether. Labor see this measure as unfair and ill designed. Given the complexity of the family assistance package, however, it seems impossible to be able to amend this provision. We urge the government to have another look at this issue to see how it might be solved.

Labor also has some serious concerns about the bill's impact on the family tax benefit entitlements of custodial parents whose care of a child is shared with the estranged partner. These measures are not connected with the GST so much as with policy on the interaction of the child support and social security systems. Senator Bartlett alluded to them earlier in his contribution. Previously, family payments could be divided only once the non-custodial parent had a share of at least 30 per cent of the care. As I understand it, this was not enshrined in legislation but in regulation. A successful Federal Court challenge to these regulations has meant that, in practice, sharing of payments has occurred once any sharing of care takes place. This bill seeks to legislate for a minimum 10 per cent threshold.

The most critical issue raised by this measure is the level of care at which sharing of payments should commence. There is a number of precedents and arguments for standardising the threshold at 30 per cent. Child support payments are not reduced until the non-resident parent is providing care for the child or children for 30 per cent of the time. The current family tax initiative also operates with a 30 per cent threshold test. Labor believe that family payments should be brought into line with these standards. We are yet to see a justification for putting the rules for family tax benefit part B out of line with the other family payment systems. This measure represents a decision on the part of the government to set the threshold at 10 per cent as opposed to 30 per cent.

Labor remain opposed to this change on several grounds. Firstly, we recognise that the overwhelming burden of costs in raising a

child will be borne by the custodial parent in most cases unless care is shared to a significant extent. Where children spend less than 30 per cent of their time being cared for by the non-custodial parent, it can reasonably be expected that the custodial parent will provide a room, clothes and all the other supports. This will extend to the provision of support for a travelling child—that is, when the child visits the non-custodial parent, clothes and other items will be supplied by the custodial parent and cleaned by the custodial parent. Therefore, we are concerned that the government's lowering of the threshold for shared care will reduce the financial means of custodial parents despite their having to meet the great majority of the costs of raising that child.

A second issue arises from reducing the threshold. The government claims this measure will give effect to 1996 family law reforms. Labor's view, however, is that far from encouraging a non-custodial parent to take a significant caring role—that is, 30 per cent or greater—the measures will financially reward those who undertake a minimum level of care. Practically, sharing of care will often be less disruptive where the non-custodial parent is able to provide a greater, rather than a lesser level of care. This measure does not encourage non-custodial parents to take on a greater level of care.

In the committee stage, Labor will move to amend the bill to set the threshold for shared care at 30 per cent. Senator Bartlett has flagged the interest of the Democrats in the proposition, so it will be interesting to hear a fuller explanation from the minister as to justification of the government's proposal for a 10 per cent threshold. Our amendment would establish 30 per cent as the normal threshold for shared care, but we would allow the department to split family tax benefit entitlements for care burdens of less than 30 per cent, provided that a number of conditions were met. The secretary would have to determine that the child was eligible for family tax benefit, that a claim had been made by the non-custodial parent, that the claim was justified and that both parents agreed to the claim. The requirement for agreement is in line with current administrative practice,

where the department does recognise care burdens of less than 30 per cent, but only if both parents agree that this is a fair division of responsibility. Agreement is obviously a key element that is missing from the government's bill. It is unlikely that a financial inducement to share care is the basis for more effective parenting where partners are separated. These matters need to be negotiated in good faith.

Another of the provisions in this bill concerns the social security appeal rights. The government is making yet another attempt to hamper the appeal rights of Centrelink clients. The opposition and the Democrats have successfully defeated such attempts in the A New Tax System (Family Assistance) (Administration) Bill 1999 and the Social Security (Administration) Bill 1999 in respect of time limits on internal appeals and appeals to the SSAT. This bill would require any new evidence that came before the Social Security Appeals Tribunal to be referred back to the original decision maker. We think that adding this extra step will only make appeals more time consuming and complicated. Nor are we convinced that referring evidence back to the original decision maker is necessary in order that the evidence be properly examined. If the tribunal is qualified to examine the appeal case, then it is capable of examining any new evidence on that case. In committee we will move an amendment to preserve the current arrangements whereby the tribunal would consider any new evidence on its merits.

In addition to the specific problems with the family tax benefit part B and maternity allowance, and with the appeal rights issue, Labor has serious concerns about the requirement for families to estimate their annual income when applying for family tax benefit. Technically, no-one will be forced to make an estimate; people can opt to receive the FTB in a lump sum at the end of the year. But in reality all but high-income families will need to receive the benefit fortnightly, and that will require them to estimate their future income. Increasingly, workers' hours are becoming more unpredictable and estimating income has become much harder.

The government seems to have learned nothing from the debt problem caused by

income estimation for other family benefits. An audit of DSS debts in the December quarter of 1998 found that more debts were raised for family payments than for any other payment type. Thirty-two per cent of family payments were found to be in error, and the average debt for each family was \$1,000. The government has been criticised in reports by the Ombudsman and the Auditor-General for placing an unfair burden of compliance on families in respect of the extremely complex rules which govern their payments.

Furthermore, current Centrelink rules allow a 10 per cent margin of error. Labor is particularly concerned that this bill would allow no margin of error whatsoever. I place on record that the estimation provisions of the legislation are likely to increase the problems of families facing debts to Centrelink. This is not our idea of tax and welfare reform. We think we will need to monitor it closely, but I think the government ought to have a rethink about that issue as well.

If I had more time, I would address some comments to the child-care benefit changes that the government is introducing. They are an important part of the legislation in this package. Because I am running out of time, I would like to say that, while we support the general thrust of the changes regarding the amalgamation of child-care assistance and the child-care cash rebate, I have a number of concerns about some of the claims made by the government on behalf of those measures. I suppose the best thing for me to do is raise those in the committee stage to get an explanation from the minister, but my central point is that these changes have to be taken in the context of the government's overall policy in relation to child care and its record over the last few years, particularly in relation to indexation. Effectively, three years indexation has not been passed on to families and will be wrapped up as an increase in funding in this measure but, in fact, we are only compensating them for indexation denied previously.

In conclusion, Labor will be supporting the thrust of the bill, but we have a range of concerns, some of which are not able to be addressed by amendments, but those which can will be addressed by amendment in the committee stage.

Senator McLUCAS (Queensland) (9.01 p.m.)—In rising also to speak on *A New Tax System (Family Assistance and Related Measures) Bill 2000*, I wish to focus my comments this evening on the implications of the bill for child-care services for Australian families. The bill makes a number of changes to the way families receive support for child-care services. The bill changes the current child-care assistance and child-care cash rebate structures, which will be rolled into one payment—the child-care benefit. Labor supports the amalgamation of the two payment structures into one. The other simplifications in the bill, including the elimination of the fee ceiling and the minimum fee, will simplify payment arrangements. We will also support the institution of the 10 per cent increase in support for part-time care, acknowledging the impact that reduction to 50 hours work related care had, especially on the long day care sector. I am aware of many day care centres which stopped providing part-time care after 1996 because of the costs associated with staffing for that care, even though the reality is that more and more families are requiring and demanding part-time care.

The bill changes the rate at which child-care benefit will be paid. Through this bill, the government has raised the level of payment for child-care benefit. The result of the amendments has been assessed by Don Siemon and Greg Ford in their article 'Improving child care subsidies', published in *Brotherhood Comment* in 1999. They say the net benefit for lower income families using long day care centres will be \$1—yes, only \$1—per week. Since the election of the Howard government, the average weekly cost of child care has risen by at least \$20. This bill realigns the support for families to the level that was provided in 1995. Unfortunately, it does not recognise or redress the erosion of support in the intervening four years. Unfortunately, the bill does not take the opportunity to redress the problems in the child-care sector originating from this government's introduction of the 50-hour cap on work related care. This measure has effectively resulted in families not having support for one-fifth of the care they have to pay for. Consequently there have been many cases where families have had to remove children

from formal care arrangements or move children to care arrangements that they would prefer not to use.

This brings me to the issues around the funding of child care over the past few years. Senator Newman regularly stands up in this chamber and tells us that child-care funding has not been cut over the last four years. This is patently untrue, as her own annual reports attest. Actual spending has fallen from \$1,066 million in the government's first budget in 1996-97 to \$999.4 million in the second 1997-98 budget and fell again in the most recently completed budget to \$935.7 million. In answer to a question on notice in Senate estimates in 1997, the Howard government confirmed that it intended to cut funding to child care over the period from 1996 to 2001 by a total of \$851 million. It is wrong and it is unfair to the sector and to its user families that Senator Newman continually and incorrectly fudges the figures. It is time the government faces up to the fact that it always had the agenda of decreasing funding to child care with impacts on families, on the small businesses supplying child care—both those operated by the community sector and those operated by private providers—and to the workers in the child-care sector.

Through the implementation of this bill, families will decide how they will receive their child-care benefit—either paid directly to an approved child-care service or paid annually in arrears directly to the parents. It is our view that almost all families will opt for having their child-care benefit paid directly to the child-care service. Most families using child care are strictly managing budgets on a week-to-week basis. They are not able to wait until the end of the financial year to receive one payment for their child-care support.

The bill will require families to predict their annual income for the purposes of claiming their child-care benefit. This provision requires families to estimate their annual income in advance with no margin for error. The government is well aware of the difficulties this structure provides, especially for families on low and middle incomes. It is very clear that only families on high incomes—that is, some of the families who

currently receive only the child-care cash rebate—will claim support for the year past. They can afford to pay their child care on a weekly basis without the support measures included. They will be able to avoid the errors in their claims, but those who are required to predict their income will unfortunately make mistakes in estimating their incomes with the result that they may end up with a debt to the government. The government knows the dangers that estimating income in advance brings to families. Existing income estimation rules have resulted in tens of thousands of debts being incurred by low and middle income families who have not intended to deceive the government but have made errors in the assessment of their income.

Senator Newman—They were your rules. They are different rules now. They are quite different. You haven't done your homework.

Senator McLUCAS—It is quite different. It is the family support measures. The government is not accommodating the reality that many people's incomes change and the fact that people who are on low incomes often move in and out of the work force and have a high rate of casualisation in their work patterns. They have varied patterns of income, which makes income estimation difficult, if not impossible. These families will be disadvantaged at the end of the year when they file their return and find out that their estimation of income was incorrect. Of those families who were reviewed for the financial year 1998-99, the rate of error for families receiving family payment who had to estimate income in advance was 35 per cent. These are not families who are misleading the government about their level of income. They are simply making inaccurate estimations of their income with the result that they will have to find those resources in a lump sum in order to clear the debt. These are families who do not have access to large amounts of cash sitting in a bank account to pay off a potential debt to government. I am yet to be convinced that moving from the current system, where the last financial year is used as a basis for assessing the child-care benefit, will be simpler for families.

The bill corrects the anomaly where families using outside school hours care will not be disadvantaged when they have a child at a long day care centre and at outside school hours care. The anomaly has affected the viability of many outside school hours care services and caused many long day care centres to take up the option of providing care to school age children. There have been some instances where school age children have been cared for alongside toddlers in child-care centres. This is not a good situation. It can now be avoided, and families will not be disadvantaged. Most of the measures in the bill are responding to calls from families, the child-care sector and the Labor Party to redress the impacts of changes that the government has introduced over the past few years, but it is unfortunate that they do not go far enough. In November last year, Senator Chris Evans, Labor's shadow minister, introduced a private senator's bill. The intent of the [Child Care Legislation Amendment \(High Need Regions\) Bill 1999](#) was to reintroduce needs based planning for long day care. It was well received by child-care providers and the sector across the nations. This bill has not been defeated and is still before the Senate.

The government's actions in abandoning needs based planning will call into question the viability of up to 100 child-care centres. It will allow new child-care centres access to child-care assistance in competition with existing child-care services. Competition in human services is fraught with danger. It will unnecessarily reduce the quality of care as centres have to cut costs in order to stay open. I call on the government to reintroduce needs based planning for long day care. At least 390 centres have closed since the Howard government was elected in 1996. The total number of centres has fallen from 4,170 in June 1998 to 4,013 in June 1999, a drop of 157 centres. The actual number of places in long day care has declined from 194,600 in June 1998 to 190,300 in June 1999, a loss of 4,300 places. These are the government's own figures. They clearly show that families have either had to change their access to work in order to care for children or have taken up unregulated options that provide reduced safeguards and monitoring of quality

of care for their children. Further, it is evident that the number of low income families using child care has fallen. In 1999, there were 8,500 fewer children from lower income families using child care for preschool purposes than in 1996-97. Where are these children going to preschool? Are they receiving a preschool education? We all know that it is the preschool years that provide the sound basis for a successful education. If they are not receiving that essential preschool education, we are disadvantaging them in their future.

Research undertaken by the office of the shadow minister, Senator Evans, has revealed that it is in the areas of lower income where most of the child-care centres have closed. This further supports Labor's view that it is the removal of access to child care through such measures as the introduction of the 50-hour cap on supported care and the growth in the gap between child-care assistance and fees—a gap currently about \$20 more per week than in 1996—that have impacted more seriously on centres in lower income areas. The government needs to seriously address the problems that are being experienced in these areas and to act. Labor supports most of the intent of the bill but recognises that it does not go far enough in addressing the broader concerns of Australian families and the child-care sector.

Senator CROWLEY (South Australia) (9.13 p.m.)—I rise to speak on this bill, *A New Tax System (Family Assistance and Related Measures) Bill 2000*. I want to speak to a couple of the areas covered by the bill. I would be interested, in particular, if in her comments Minister Newman could give flesh to the interjections that she was putting across the chamber, because there are some points of major concern.

Before I come to the child-care area, which is what I would like to principally concentrate on, I have to say that this is yet another bill that deals with matters of tax in the so-called new, simplified tax system. I cannot but expect that most citizens are becoming exhausted at the changes in this area. Indeed, figures given to me over the weekend—they were anecdotal and I have no guarantee or assurance that they were accu-

rate, so I am not going to cite them—suggest that there is a very significant retreat from the accountancy profession by accountants who are exhausted by, if not overloaded with, the number of changes. I think this is a matter of significant concern. If the accountants are giving up exhausted, or at least finding it a bit overwhelming, it is nothing to what it is doing to Mr and Mrs Average Citizen who are having to cope with significant changes affecting the funding of their lives. They are, in many cases, extremely apprehensive.

Senator Hogg interjecting—

Senator CROWLEY—Thank you, Senator; that is true. The accountants are suffering stress. The citizens have not quite got to the point of being totally stressed; they are just in a state of great anxiety about what it all means for them. I remind the Senate that what it all means for them are significant changes and many people will be enormously out of pocket as a result.

The area that I particularly want to address is that of child care. I recall just what a savage attack child care has been under by this government. It is interesting that the government has now come around to a number of the points that it argued savagely against in the past and certainly argued vehemently against when it was in opposition. I, probably more than most, remember the colour of the accreditation debate with a certain wry smile. For a lot of us who campaigned so hard to have child-care provisions available for the community, it is a matter of great disappointment—and that is the kindest way I can put it—that there has been such a closing down of child care. Fewer families are now accessing child care in the way they were in the past.

Senator Newman interjecting—

Senator CROWLEY—I cannot hear those interjections, Minister. Perhaps you can put them on the record later. I wonder whether you might—through you, Madam Acting Deputy President—address the contradiction, it seems to me, of a government culture or inclination to help families rear children by having at least one parent stay at home. There has not been a campaign overtly to suggest parents give away child care, but

there has been a lot of inducement to assist families to understand the virtues of rearing children at home. There is assistance for parents who do that. Indeed, it has been argued as an emphasis to assist families to have one parent at home providing care for their children, as against the kind of care that is provided in child-care centres. If that is not your policy, Minister, I would be very pleased to hear a clear statement of that not being the case. Anybody looking in from the outside would have to say that child care has been seen as something second-class compared with a parent at home.

There has been an interesting contradiction between the policy for two-parent families and the recent welfare document which suggests that single parents will be encouraged to get into the work force as soon as possible. I would have to ask the minister why it is that single parents are not being encouraged to have the same right of staying at home and caring for their children as two-parent families. That is a clear contradiction in policy and I would be very pleased if the minister would care to explain it. The whole point is that over the time of this government there have been major cuts, as figures from the estimates would tell us, in the child-care area. If I say that \$851 million has been removed from child care between 1996 and 2001, I might hear oppositional groans. There is a silence which is interesting. It probably means: yes, we admit at last that these were the figures provided in estimates.

The clear implication and the clear understanding is that there were cuts made to child care. To put these reductions in perspective, the total cuts to current and planned spending amounted to some \$850 million over five years, at about 85 per cent of the current annual budget. The 1996-97 budget included a cut as a result of the changes to the child-care assistance income tests. The abolition of additional income allowed for additional children saved \$77.7 million. With the abolition of the operational subsidy to community based long day care centres, effective from 1 July 1997, there was an estimated saving by government of \$108.8 million. The reduction of child-care assistance income cut-offs for second and subsequent children saved \$13.2

million. Capping access to child-care assistance for work related care at 50 hours a week saved \$106 million. Freezing child-care assistance and rebate ceilings for 1997 and 1998 saved \$84.8 million. Reducing the rebate from 30 per cent to 20 per cent for families above the family tax initiative income threshold saved \$34.7 million. The abolition of the new growth strategy for community and employer provided care saved \$79.5 million. In the 1997-98 budget there was a move to pay child-care assistance fortnightly in arrears with a saving of \$38.8 million. Broadbanding other family and children's services saved—if not a cut—\$22.8 million. Capping non-work related care at 20 hours per week saved \$80.7 million. I will not remind the minister of the arguments used in this place by herself and her colleagues in opposition about any caps on work related care. The number of new places was to be limited to 7,000 in 1998-99 to save \$206.9 million. In 1998-99, the only budget measure was an additional \$600,000 for an information campaign. In the 1999-2000 budget there were no new measures for child care. The family assistance bill increases for child-care assistance will not commence until the next financial year.

That brings me to another point I wish to raise and that is the underspend of child-care assistance. Those figures are fairly significant from year to year, and \$180 million is underspent in the 1999-2000 budget.

Senator Newman—It is about a billion a year.

Senator CROWLEY—About how much, Minister?

Senator Newman—About a billion a year.

Senator CROWLEY—One million.

Senator Newman—About a billion a year of expenditure and you are talking about a shortfall—

Senator CROWLEY—Of \$180 million. That is nearly \$200 million. I do not know the figures, but that is a fairly significant percentage.

Senator Quirke—About 20 per cent.

Senator CROWLEY—Yes, thanks very much. But what is interesting is that it means

that families are not claiming child-care assistance to the extent that even this government anticipated they would. That is because other significant arrangements are happening for families using child care. The first and most important thing is that changes in funding arrangements by the government have meant that the gap on average has expanded by—depending on which bit of paper you read—\$20 to \$30 a week. This means that for most people child care is no longer affordable; it is just no longer affordable. It means that thousands of families are making the decision to not use child care. They are retreating from child care or they are using it two or three days a week—not the full time that they have done previously. Hence, one of the significant reasons that the child-care assistance is less than has been budgeted for.

I think it is very important to realise what this means: for a very low income family, paying \$20 or \$30 a week for child care might have been manageable, but paying \$50 is completely outside their range. So they have trimmed their child care to what they can afford. They are retreating from the child care, and if they are lucky they will get informal care. But what often happens is that they have to cut down their hours of work too. That, plus the change that has seen a very significant move to the casualisation of the work force, means that many families are not provided with the hours of work, and that has had a secondary spin-off in cutting back further the usage of child care, particularly long day care child care. So the cost pressures have seen a very significant pressure on families.

The second thing that has happened is that there have been closures of a significant number of child-care centres. As reported to me, many of those have been community based centres, and they have closed in the lower income areas. So one of the very important requirements or policy preferences of the previous Labor government for child care was that it was not solely concentrated on providing care for people in the work force; that it was also about providing a community facility; and that it was also about an opportunity for parents who had very little chance to get out of home and leave their kids to

have a bit of time for themselves. Those opportunities are now significantly reduced in those communities that have a significantly high need or demand for such child care. I would be surprised if it were your intention for that to happen, Minister, but I am certainly clear on the figures that it is happening and I certainly think that it is a policy difference between us.

We were very concerned to make sure that child care was provided for working parents and for non-working parents. And we were also very concerned that child care was affordable, particularly for those lower income families. Both of those things are significantly altered under this government. I know the reasons, because I have read out the litany of cuts and changes in the financial arrangements in child care that have meant that there have been some very significant changes to the funding and affordability of child care. It is just not the same. I do not know how you cannot agree with it. These are official figures. These are not things that I have made up. These are official figures of what have been the changing cut-backs in the child-care area, and the consequences are exactly as I have described.

I note my colleague Senator McLucas's concerns about the assessment of income for families based on current year income. As I understood it, the minister was interjecting at that time on Senator McLucas. I could not understand what she was saying, but I hope the minister might explain in a way that makes it clear. We can pursue in the committee stage of this legislation why she is sure that this is a better way to go. Certainly, those of us who have watched the way family income has been assessed for eligibility for payments over the last number of years have seen how wrong it has been and how we have had to change it. The Labor government appreciated that it had got it less than optimal and introduced its own changes in that area. I suppose we are raising a big concern about the current arrangements, which are, as we read it, on an annual assessment of income and not on a fortnightly assessment. That is maybe not the only factor but it is certainly one that means people have to come up with their best guess of what their income will be

over the year. If they get it wrong—and the evidence shows already that many do—then they finish up with a debt. Most of these families are not flush. They do not have much money to play around with to pay back any overpayment based on their wrong assessment of their income.

Certainly, Minister, if you can, either in your comments or in the committee stage, take us through that process and try to convince us that we are not wrong on this, I think that would be of use. But I certainly have to say that, so far, there is a very big caution from not only me but also others that this way of doing it has already been tried and has been found extremely wanting. These families are not at the top end of the scale. They are the families who, if they have a mortgage, according to the *Daily Telegraph* the other day, have just lost all the so-called benefits of the tax cuts that will be coming to them on 1 July. There will not be any savings for them because their money is already eaten up by the increased interest rates and the increased payments on their mortgages.

In child care and in a lot of areas related to it there is also a very significant increase in outlays because of the introduction of the GST. Families are right to be concerned. Most of the families that we are talking about—particularly those using child care and very finely balancing their income to make it stretch to cover the child-care costs that enable them to study, to work or to have some occasional care—are already, on the evidence, cutting back their hours significantly—witness the cut in the child-care assistance payments. Those families do not have spare money to adjust to the increased costs that will occur with the GST. One of the things that the government is trying to convince families of is that they do not need to worry because they will get this whacking great tax cut that will come with the introduction of the GST. According to all sorts of evidence, those families that have a mortgage have lost most of those tax cuts, if not all of them, with the interest rate rises.

So for families who are concerned, all I can say is that this piece of legislation is yet another bill in a very complex series on the tax package and the adjustments that go with

it. These are very complex changes to child care. I think one should be very cautious about the changes in legislation. We have seen the costs of child care significantly increase. We have seen the usage of child care significantly decrease. We have seen the closure of a large number of centres, particularly community based centres and particularly in the lower income areas.

There is a major concern about the way the so-called family payment assessment will be made, which I have already alluded to, and I certainly think that we should advance very cautiously on barracking for these changes. They have been tried and found wanting in previous arenas and times. Certainly the Labor Party remains to be convinced that this is the way to go. If we are wrong, then perhaps you can spell that out for us, Minister. At the moment, I would be saying to families that there is very little comfort from the government, either in this piece of legislation or in the tax package altogether. I have argued at other times in this place and in other places that the tax changes this government is introducing will divide Australia into the haves and the have nots. The people I am talking about who are the users of the sorts of child-care centres we are talking about are those who are going to be hurt by the GST, not rolling in wealth and riches. They will struggle to continue to afford their child care.

Senator NEWMAN (Tasmania—Minister for Family and Community Services and Minister Assisting the Prime Minister for the Status of Women) (9.33 p.m.)—Well, that was a nice, vigorous debate, Senator Crowley. Thank you for your contribution—as always, plenty of vigour, not too much fact. But I would be very happy during the course of the time I have available to me this evening to set you straight if I can. First of all, I will respond to Senator Bartlett. There are two or three things that I thought would be useful to respond to quickly now. He referred to the 10 per cent shared care and suggested that there was no advance information about that. I think I am precisising him accurately. That 10 per cent shared care measure was, of course, in the 1999 legislation. It was available for all senators to study and to debate. The measure was not disputed in the Senate. I acknowl-

edge that that could be for a number of reasons, but it was in no way hidden from the Senate. I will obviously be ready to respond to some of the other comments on the shared care measure during the committee stage.

Senator Bartlett also referred to the volume of amendments in this bill. He understood that there is a great deal of material coming through that is administrative and that goes to building on the material in the 1999 legislation. One of the things that is perhaps worth putting on the record is that there are something like 200 pages, out of the total 303 pages in this bill, that replace the child-care benefit regulation making powers with the substantive provisions—in other words, what we are trying to do now with this legislation, to the extent we possibly can, is to put regulations into the legislation instead of leaving them as regulations. I would think that most senators would find that a valuable exercise in itself, although that is what makes the bill we are debating today such a large one. Senator Denman was talking about child care and Senator Evans was talking about child care.

Senator Hogg—I hope so.

Senator NEWMAN—Yes. He was, but you would not quite recognise the child-care issues from your colleagues' contributions. They really related more to the land of fiction than fact, and it is hard to know quite where to start.

Senator Chris Evans—Spending still up, is it, Minister? Child-care places still up, are they?

Senator NEWMAN—I just thought I had better take you through some of those things, Senator Evans, as you clearly want to get the facts, and you do obviously need the facts.

Senator Chris Evans interjecting—

Senator NEWMAN—Let me just tell you that, over the last three years, this government has spent more than \$3 billion on child care.

Senator Chris Evans interjecting—

Senator NEWMAN—Spent, not allocated.

Senator Chris Evans—How much did you underspend the budget?

Senator NEWMAN—No. We have spent, not allocated, \$3 billion over the last three years. That is 20 per cent more than Labor spent in its last three years in government.

Senator Chris Evans—How does it compare to your budget?

Senator NEWMAN—Just let us get that clear.

Senator Chris Evans—How does it compare to your budget? Come clean!

Senator NEWMAN—It is my turn to hold the floor, now. You held the floor before.

The ACTING DEPUTY PRESIDENT (Senator Sherry)—Senator Evans, please; the minister is responding.

Senator Chris Evans interjecting—

The ACTING DEPUTY PRESIDENT—Senator Evans, you have made a contribution. It is the minister's turn to contribute.

Senator Chris Evans—I will be interested in her answer.

Senator NEWMAN—I had better repeat that in case he was not registering, because he was doing a lot of talking. The government over the last three years has spent more than \$3 billion on child care, which is 20 per cent more than Labor's last three years in office. That is something you must take on board and think about, because it does not accord with what you have been claiming for a long time. You make much of the allocation issue. You allocated money that you did not spend. We have allocated money that we have not spent as well.

Senator Chris Evans—That is the first time you have admitted that on the record.

Senator NEWMAN—I have not walked away from that. I have given you reasons why this is so, and they are similar reasons to why it was so under your government. Let me take you through some of them. There is a declining population of nought to four-year-olds in this country—there is a declining birthrate so there are declining numbers of nought to four-year olds. In Tasmania, the population of preschools has gone down by 2,000 children since 1996, just in our tiny state. That is what child-care centres, private or publicly owned, are contending with: a

declining population of nought to four-year-olds and a stable labour force of women with young children. More flexible family-friendly working environments have allowed women to choose to work, for example, three long days and not five short days, if that be their choice for their particular family needs. That has made a difference to how they use child care. For example, there is an increase in part-time work, and of course there has been a huge increase in women's full-time jobs as well. There has also been an increase in casual work. Women have been great winners out of the improvement in the economy. There has been a lowering of the preschool entry age in several states, and that has a very significant impact on child care.

Senator Chris Evans—You are right on that one.

Senator NEWMAN—Thank you. I am right on all of these, I assure you. I am not misleading the Senate, you understand. I am telling you the facts here and now so you will understand once and for all. There is better targeting of assistance to rein in the unsustainable, unplanned growth encouraged under Labor.

And here we come to the former minister, Senator Crowley. What did she preside over? She presided over a rot that meant that the taxpayers of Australia were being asked to fund child care that was not being used by Australia's families. That is the crummy system we inherited. What a stupid arrangement that was. Of course we stopped that. But we allowed families who actually use and need more than 50 hours for work related purposes to be able to access child-care assistance for it—but it was not open slather for child care they were not using. That is what it was under Senator Crowley and her colleagues. That was a desirable effort to be made in any well managed arrangements.

Senator Chris Evans—But you abandoned planning.

Senator NEWMAN—I am talking about your 50 hours cap.

Senator Chris Evans interjecting—

Senator NEWMAN—I will get onto that in a minute too, if you would like to sit and listen a little longer. There is now a much

better match of service charging practices with family usage. That is good news for both families and taxpayers. Of course, the rate of growth of child-care fees under Labor was considerably in excess of the rate of growth of child-care fees since we have been in government. It is amazing, isn't it? Child-care centres were like the families that were using them: subject to enormous interest rates. Those families were using child care so they could work in order to pay the mortgage, and interest rates were up to 17 per cent under Labor. Plenty of families were working at that stage, out of sheer compulsion to keep a roof over their heads. Some of them do not feel the need to work as much now as they did then. So that is another element in this whole thing, and one I would have hoped that you would have taken into account in your thinking.

One of the things we keep hearing is that there have been fee increases of 20 per cent since 1995. That is untrue. It is based only on the small and more expensive community sector, and it is why you need competition in child care, like in other areas. There are other suppliers who are accredited and who charge lower fees than the more expensive community sector. One of the problems in my home state is that there was little competition for the community based sectors. In other states there were more suppliers. We all know that the fees are set by the child-care operators, not by the government. During the Labor years, the rate of fee increases was 8½ per cent per annum. Since we have been in government, fee increases have continued, but it is at four per cent per annum.

I have tried to get through to the ALP that a taxpayer on a low income with two children in full-time care has a subsidy from the taxpayer of \$12,500. A pensioner earns \$9,500. So that is what the taxpayer is paying to a family to use child care. And yet opposition members come in here and have the hide to say this government has not supported child-care assistance for Australia's families. That is the magnitude of the assistance that we ask of Australia's taxpayers.

I do not know how much more you need of this, but mothers are not dropping out of work due to rising child-care costs. Since

June 1996 the participation rate of mothers with children under five has shown little change—from 47.2 per cent to 47.1 per cent in June 1999. There is no evidence for media claims that mothers are reducing their hours of work. The average weekly hours worked by mothers has been steady since 1996.

Senator Chris Evans—I am talking about hours of care.

Senator NEWMAN—They are changing their arrangements.

Senator Chris Evans—No, they aren't.

Senator NEWMAN—Yes, they are. They are not working some of the long hours they did in the past, that is for sure, when they were desperate to keep the mortgage going.

Senator Chris Evans—You may not have noticed that interest rates have gone up.

Senator NEWMAN—To 17 per cent? Get real. Don't try that tack. You claim that children are being pulled out of formal child care, and there is no evidence for that. Child-care rebate figures, which of course will reflect children in informal care, show that the proportion of families claiming for informal care has fallen from eight per cent to five per cent since its introduction in 1994. That is where you would see if there were more children going into the informal sector.

Senator Chris Evans interjecting—

Senator NEWMAN—Yes it would, because that is where they would be getting their assistance from. They do not get child-care assistance there; they get child-care rebate.

Senator Chris Evans—You're not the first to tell us that the claiming rates are different.

Senator NEWMAN—I assure you that that is the case. I tried to tell you that before, and you obviously did not take it in. That is not the first time I have told you.

Senator Chris Evans interjecting—

Senator NEWMAN—Just listen to this. Take this in properly; you obviously do not listen: the number of children using child care has increased significantly from 460,300 in 1994-95 to 544,700 in 1996-97 and 590,000 in 1999, which are preliminary data.

Senator Chris Evans—Bodging up the out-of-school-hours figures.

Senator NEWMAN—You do not like these facts but the number of child-care services and places since we have come to government has increased. There has been a net increase in long day-care centres of 190, and an increase in out-of-school-hours-care places of 1,260. Between June 1996 and June 1999, the government has funded more than 115,000 extra places. The closures have been evenly spread between advantaged and disadvantaged areas, based on the ABS's index of relative socioeconomic disadvantage. You can say that these are not facts; I can assure you they are.

Senator Chris Evans—You won't publish the latest figures. You've been hiding them for years.

Senator NEWMAN—I gave you the latest figures that I have: 590,000 children in care in 1999, based on preliminary data. As far as the national planning system is concerned, we are still focused on areas of need. The previous government neglected shift-workers. It is quite interesting to have so many people from the trade unions on the benches opposite, yet while in government they completely ignored the needs of shift-workers. This government is determined to do better by shiftworkers than was done previously. In addition, rural workers had been totally ignored by the previous government.

Senator Crowley—Cut it out!

Senator NEWMAN—You did. We are already implementing measures to redress that problem as well. So a number of improvements have been introduced since we came into government. I am not walking away from what we have done, and what we have had to do; those are the facts about child care.

Senator Chris Evans—Selective old stats.

Senator NEWMAN—I know that Senator Evans does not like it because it does not fit in with the misinformation that he goes around Australia telling people.

Senator Chris Evans—Publish the recent information. Publish the latest stuff. Come on: come clean with the latest stuff—1996 to 1999 comparisons!

Senator NEWMAN—Those are the latest figures that are available, and they are preliminary figures.

Senator Chris Evans interjecting—

Senator NEWMAN—Because those are the preliminary figures from the latest census, so that is the best that can be done so far. It is a hard job trying to knock some of this information into the senators opposite. I would be delighted if I thought they were educable, but I am trying to get through to them that this government has been assisting families in the child-care area just as we have been assisting families ever since we came into government. I once again remind the Senate about the interest rates of 17 per cent. Did the Labor government give families any compensation whatsoever for 17 per cent interest rates and the effect that had on their marriages, the effect it had on their homes? Not a cracker of compensation for those families.

When the ALP introduced tax increases—most of it by stealth, of course, with a wholesale sales tax that just went up and went up—was there any compensation given to Australia's families? Not a cent. In addition, the Labor Party ripped off the l-a-w tax cuts. Obviously that is what they would do now if they had half a chance—if they were in government.

Senator Crowley—Who dropped the 60 per cent rate of tax?

Senator NEWMAN—We know what your record is, and you are in no position to cast stones. Madam Deputy President, I do not know that there is a great deal more that would be useful to add tonight because we will get into some of these matters later in the committee stage. There is one thing I would like to mention, though, because the matter of estimating income has been discussed several times tonight. When I first became minister for social security, a consistent theme of letters to me was about the system we inherited from the previous government. The consistent theme was from people who had to estimate their income, and they were people who were self-employed: farmers and small business people.

Senator Chris Evans—You'll be calling them tax bludgers this time next year.

Senator NEWMAN—I beg your pardon?

Senator Chris Evans interjecting—

Senator NEWMAN—I will come to that another time.

Debate interrupted.

ADJOURNMENT

The DEPUTY PRESIDENT—Order! It being 9.50 p.m., I propose the question:

That the Senate do now adjourn.

Employment, Workplace Relations, Small Business and Education References Committee

Senator TIERNEY (New South Wales) (9.50 p.m.)—As Deputy Chair of the Employment, Workplace Relations, Small Business and Education References Committee of the Senate, I would like to take the opportunity to bring to the attention of the Senate a very serious incident involving the intimidation of a witness. I raise this topic firstly because I see the intimidation of a witness appearing before a Senate committee and its inquiry as an extremely serious matter. Secondly, given the importance of submissions to the inquiry into indigenous education, I believe that it is paramount that any witness to a Senate committee be able to provide any and all information that they wish to so that the best outcome can be achieved. The aim of public hearings of such committees is to find out why such problems exist and what has contributed to those problems and to lead to recommendations on the issue. Without the comments and submissions from people on the ground facing problems in indigenous education, the government cannot determine the best possible solution.

Let me start by telling the story behind the intimidation of a witness that appeared before a Senate committee. On 26 July 1999 the employment committee held a public hearing in Brewarrina in New South Wales. The hearing was part of the committee's inquiry into indigenous education. On that day we heard from a number of witnesses, but this particular incident involved two people: Mr Peter Felsch, the general manager of the Brewarrina Shire Council and Tony Wiltshire, a youth and community development officer from the council. At the end of the

hearing, Mr Wiltshire told the committee he wanted to give more evidence in camera. After discussing the request, the committee suggested that Mr Wiltshire present a written submission because of the time constraints the committee was under at that stage, having held the hearing in Brewarrina in the morning and needing to move on to the town of Bourke in the afternoon.

At the time the committee did not see any difficulties with the day's proceedings, and this is reflected in the *Hansard* record. It turns out, though, that Mr Wiltshire later raised with the employment committee the matter he had found concerning about that day, and that matter was then brought to the attention of the President of the Senate. The day after the Brewarrina public hearing, Mr Wiltshire told the committee that he had been subject to intimidation following his giving of evidence and his plan to write a submission. It turns out that there was a disagreement between Mr Wiltshire and the Council General Manager, Mr Felsch, over the written submission. A debate erupted between the two over the status of the document: would it be written as a public representation of the council's view or would it be a private view? The committee notified Mr Wiltshire that he could write a private submission if he wanted. In a letter from Mr Felsch to Mr Wiltshire, the general manager said that any representation of the council had to be approved, given that Mr Wiltshire was an employee of the council. So Mr Wiltshire's submission would have to be checked over by Mr Felsch. He also informed Mr Wiltshire that he would be placed on probation for six months and would not be allowed to undertake certain roles that he had undertaken in the past. He urged Mr Wiltshire not to make a private submission because *Hansard* had already recorded his concerns for the public record. He warned Mr Wiltshire that his position with the council was under review following an attempt to put a submission to the committee based on what Mr Felsch called 'opinion and not fact'.

After receiving correspondence between the two men, the committee decided to take the matter to the President of the Senate and then later to the Committee of Privileges. The

committee wrote to Mr Felsch on 2 August saying, and I quote from the Committee of Privileges report:

It appears to the Committee, from reports given to it by Mr Wiltshire, that its public hearing in Brewarrina and the aftermath have occasioned behaviour by you that may be considered an intimidation of a witness.

The employment committee informed both men of its decision to take the matter of possible intimidation of witnesses to the Committee of Privileges. After investigating the matter, the Committee of Privileges found that:

... Mr Felsch, General Manager, Brewarrina Shire Council, improperly interfered with, and penalised, Mr Tony Wiltshire, then Youth and Community Development Officer, Brewarrina Shire Council, as a consequence of Mr Wiltshire's participation in the proceedings of the Workplace Relations, Small Business and Education References Committee before, during and after hearings held at Brewarrina ...

That Mr Felsch, as General Manager of the Brewarrina Shire Council, had therefore committed a contempt of the Senate.

The Committee of Privileges decided that no penalty be imposed because the matter had already cost the council financially and through the inquiry. Mr Felsch was found guilty of improperly interfering with and penalising Mr Wiltshire. Mr Wiltshire, the witness behind the intimidation by his superior, was also without a job not long after this incident. It is ironic that so much fuss was made by the general manager towards Mr Wiltshire's comments. If Mr Felsch had left Mr Wiltshire go about his submission, I seriously doubt it would have attracted so much attention.

My main concern here is with the intimidation of a witness and its effects. The whole system of public hearings within committees would fail if it were not for evidence given by public citizens. Witnesses must feel that they can speak frankly and honestly to a committee without the fear of persecution. All witnesses must have the right to express their views to such committees or an important element of our democratic process will be at risk. It was pointed out quite clearly to Mr Felsch that, if he did not want comments made by Mr Wiltshire to be considered those

from the shire council, all that was needed was a statement by him on the record saying that Mr Wiltshire's views were his own and did not represent the council's. Mr Felsch acted irresponsibly towards a council employee who, being a youth development officer in the region, could have provided valuable information to the committee that was inquiring into indigenous education. In the area of indigenous education, it is vital that people working with young students report to the committee on the type of problems their region is facing. How can we improve the situation unless we know all the facts?

In the case of Brewarrina in western New South Wales, black and white relations are not good. There are many social problems in the town. Local schools can almost be described as de facto apartheid schools, where a local primary school's indigenous population is, for example, 97 per cent. A large majority of non-Aboriginal students tend to go to the Catholic school outside the town. Problems faced by these towns include: attendance levels—and this relates often to cultural factors; poor health, leading to ineffective learning; mainstream curriculums, without proper acknowledgment of indigenous culture; lack of indigenous teachers; and low levels of literacy and numeracy.

I do not know why Mr Felsch acted in the way he did, but it is not in the best interests of improving the standards of indigenous education if information is repressed. Such repression can result in the committee overlooking certain perspectives. I see this offence by Mr Felsch as being most serious. Mr Wiltshire was treated unfairly by a superior of the shire council, and I see threats against this man as being inexcusable. In no circumstances should a witness's employment be threatened by their giving evidence to a Senate inquiry. I find it intolerable that, even though the Committee of Privileges found Mr Felsch guilty and did not impose a penalty, Mr Felsch did not feel that he should make any reparations for his actions. I want to put on the record my total lack of respect for this general manager of a council who, despite being given a warning by the Committee of Privileges, found it necessary to pursue his

own vindictive agenda against a witness who did the right thing in the public interest.

I welcome the findings by the Committee of Privileges, but this is a matter which should be taken further by the New South Wales Minister for Local Government. I will be writing to the minister to request that he take this matter further. No minister should feel comfortable with the fact that within his department there are people who intimidate, harass and force onto the dole people who are whistleblowers before a parliamentary inquiry. I call on the New South Wales local government minister to act on this matter.

Refugees: Kosovo

Senator BARTLETT (Queensland) (9.59 p.m.)—I would like to speak this evening on an issue that is of immediate importance to many people in the Australian community, and that is the plight faced by those refugees who were brought here from Kosovo by the Australian government last year whilst armed conflict was occurring in that country. As I have said many times during and since that occasion, it was a marvellous example and demonstration of the enormous degree of compassion within the Australian community and a perfect counter to those who might suggest that Australians are antagonistic towards refugees or people overseas who are in desperate need. It has been interesting to contrast the attitude and the flavour of the coverage of people in desperate need that was portrayed at the time of the Kosovo conflict with the attitude that was portrayed in relation to boat arrivals in Australia towards the end of last year. I think it highlights the immense influence that the portrayal of images and issues through the media can have on public opinion. That is not a way of trying to blame the media by any means. I think it highlights how important the leadership role of government is in issues such as this.

In relation to the situation with the Kosovo refugees, I do not think it is to unreasonable at all to suggest that the Australian government and the Prime Minister in particular felt compelled to act and to offer refuge to some people from Kosovo at the time of the conflict last year because of the immense strength of concern expressed by the Australian community through the demand that we

do more to assist these people. It is a shame that some within the Australian government have sought to reshape public opinion towards refugees and people in need since that time by distorting the reality of the desperate situation faced by the many people who arrived here on boats towards the end of last year. But, focusing specifically on the immediate difficulties faced by those people from Kosovo who are remaining in Australia, we have an amazing situation where the Bandiana safe haven—as it was until yesterday—has overnight been relabelled and reclassified as the Bandiana detention centre. There is no better illustration of both the absurdity of this situation and the gross inhumanity of the situation than Australia, having brought these people to this country, offered them assistance and removed them from a situation of great peril, now relabelling the safe haven we offered them as a detention centre, as a place where illegal immigrants or unauthorised non-citizens, to use the legal jargon, are being detained until they can be forcibly removed from Australia at the first possible opportunity.

The legislation that was introduced by this government before it would allow people from Kosovo to be offered a haven in Australia was quite different in a few specific respects from the mechanisms that were used by other countries that offered safe haven outside of Europe. In particular, the US, Canada and New Zealand all offered havens to people from Kosovo without preventing them from exercising their rights to seek protection visas—to seek protection in those countries on a permanent basis using the mechanism for determining their refugees status in those countries. Yet Australia felt it necessary to pass unprecedented special legislation to apply to these people that removed all those rights from them. It removed their right to apply to have their status as refugees tested through the processes that we have established in Australia.

As senators would know, I have occasionally raised concerns about the adequacy of the process that we have in Australia for determining refugee status within the immigration department, through the Refugee Review Tribunal and through the very limited right of

appeal that people currently have to the Federal Court and the High Court—a limited right that the federal government is trying to curtail even further as we speak—plus the minister's discretion to review, a power that he is not compelled to use, which cannot be appealed against and is completely at his whim. Despite the potential inadequacies of that system, it has been completely denied to the people from Kosovo. It was a condition for them being allowed to come here in the first place that they would not have that right available to them.

To supposedly compensate for that, there was an aspect of the legislation where the minister had the power to restore that right for them to test their status as refugees or to apply for other visas in Australia, such as partner visas. That is better than nothing but unfortunately it leaves those people's futures completely at the whim of the minister, with no mechanism for appealing his decision on any of those issues and indeed no guidelines at all put in place—not even internal, private, non-public guidelines—that the minister has to follow in making a decision in that regard. Indeed, in the legislation itself there is even an exemption for the minister from the requirement to follow natural justice in coming to any decision in relation to the fate of the people from Kosovo.

The obvious potential for decisions like that to be tainted by political considerations should be clear to all. That is why we have had an independent system of assessment through the Refugee Review Tribunal. Whether one wants to be critical of it or not, it is at least somewhat more independent than a decision made in the back room of the minister's office or somewhere where there is no public scrutiny, which is what we have for the people from Kosovo. The government—or the minister, more specifically—have said that they are following the recommendations from the UNHCR. That is obviously welcome. One could make comments about the desire of the government to use the United Nations committee in this regard, the UN High Commissioner for Refugees, as a cloak for justifying their actions while at the same time criticising a UN committee on human rights anytime it says something that the

government disagree with. But that is perhaps a separate issue.

But it is worth while, given that the government has put so much store in the fact that it has taken account of the recommendations of the UNHCR, to highlight what they have actually provided to the government less than one month ago about the situation for Kosovo Albanians and their recommendations in regard to return. They specifically identified a number of individuals with ongoing protection needs, including persons or families of mixed ethnic origins, people associated with or perceived to have been associated with the Serbian regime after 1990 and people who refused to join or deserted from the Kosovo Liberation Army. Despite narrow perceptions in many parts of the world, there certainly was not universal support for the tactics or approach of the Kosovo Liberation Army, both before the war and certainly since. The list also included people who had been known to be outspokenly critical of the former KLA or people who had been known to refuse to follow laws and decrees of the former KLA. On top of that, the UNHCR specifically advised against the return of Kosovo Albanians to Serb dominated areas as it is neither safe nor sustainable. They set in place recommendations and factors that should be taken into account in deciding when to return Kosovo Albanians. These should include: the availability of adequate shelter for returnees; the accessibility of health, education and social services; access to income producing employment; and the security situation in the locale of return.

If the minister can guarantee that every one of those factors has been taken into account and not just ignored, and that every one of those factors has been assessed and recognised as to whether it has been met in relation to all the people the government is now trying to force to return to Kosovo against their will, then that would be a welcome guarantee. But the minister has certainly not come anywhere near making any guarantee along those lines. I think that highlights the inadequacies of the legislation the government insisted would be put in place before it would offer haven to people from Kosovo last year. It highlights the lack of accountability of the

process and the fact that the whole future direction of the lives of these people who have been through so much trauma is completely out of their control and is totally in the hands of the minister, without any opportunity for appeal and without any opportunity for independent scrutiny of whether or not he has properly followed the recommendations from the UNHCR. Underpinning all that is whether or not Australia has indeed breached the fundamental human rights component of any piece of international law, which is not to return somebody to a place where they face a real possibility of persecution, torture or death. (*Time expired*)

Anzac Day

Senator COONAN (New South Wales) (10.09 p.m.)—As 25 April approaches, the thoughts of many of us turn once again to the commemoration of Anzac Day. Tonight I want to say just a few words about the Anzac tradition, with particular reference to the contribution of women. In commemorating Anzac Day we traditionally remember those men who fought and died on the shores of Gallipoli 85 years ago. We remember their extreme bravery, their heroic struggle and their eight long months of combat. We also remember their remarkable withdrawal, which allowed over 90,000 men to retreat to safety. But the great contribution that Australian women made during the First World War is also something that should be remembered. Whilst our men were fighting on the shores of Gallipoli, Australian nurses worked in Egypt and Lemnos. At least 2,139 served abroad during the war, with 29 dying in active service.

However, when we speak about the Anzacs today it is not just the specific battle of Gallipoli we refer to but something much larger, and that is, I believe, the spirit and legend of all the men and women who have fought in Australia's name for our security and the protection of democracy. The Anzac spirit is about mateship, courage and strength in the face of adversity. It is about fighting for what you believe in side by side with your mates. It is about upholding ideals that we as Australians continue to embrace. The Anzac tradition grew out of the bravery and dedication of Australians in the face of open

battle where trench warfare was the norm. However, since the end of the Second World War there has been a change in the nature of warfare. With the threat of nuclear weapons and advanced chemical weapons, the potential and often realised devastation of war is even greater than before. In the hope of avoiding another major world conflict, the emphasis has shifted to the need for collective security. The United Nations was created in 1945 partly for this purpose. Since then, we have seen an emphasis on peacekeeping, peacemaking and global security. The emphasis on peacekeeping has allowed women to take on a much greater role in securing peace around the world. The Secretary-General of the United Nations, Kofi Annan, spoke just last month about the contribution of women, saying that when ethnic tension and conflicts occur it is women who 'build bridges and not walls'.

Considering that women are equally affected by war, it is appropriate that more become involved in the peacemaking process, both at a local level and by increasing the numbers of women being sent by participating states. The involvement of Australian women is ever increasing, with hundreds going off to East Timor last year. In fact, in the period 1998-99 Australia had the highest number of women in its armed forces as a percentage of the total, with 15.5 per cent of the Australian armed forces comprising women. This exceeds the involvement by women in the armed forces anywhere else in the Western world. Australian women have contributed to Australia's war effort since the Boer War. Their contribution has touched the lives of many Australian families in roles as varied as nursing, driving transports, being on the frontline and helping the war effort at home. In fact, in putting together a few notes for my words tonight, a young woman on my staff told me that her grandmother had served in the WAAF during the Second World War, with her aunt more recently serving in Australia's peacekeeping role in Cambodia. Australia now has a proud history of involvement in peacekeeping. We have participated in 18 United Nations and six other multinational operations. As a nation we are dedicated to the concepts of collective security, democracy, the rule of law, human rights and inter-

national peace. Of these missions, many have been in our own Asia-Pacific region—from Indonesia to Korea and Cambodia.

In particular, in the year marking the 50th anniversary of Australia's commitment in Korea, it is interesting to reflect upon the significant role that Australian women played during that conflict. From working in support roles at home in the women's Air Force, Army and Navy corps to being posted to Korea or Japan, where they worked on trains, treating wounded soldiers who were on often long and painful journeys back to the medical base, Australian women were there. Their contribution was a significant one and we commend them, for their dedication was as great as the dedication of those who fought in battle.

Most recently, Australians, including a large number of women, became involved in Australia's troop commitment in East Timor. The coalition was pleased to respond to the request by the United Nations and our strategic allies to lead the combined peacekeeping force known as INTERFET. Under the inspired leadership of Major General Peter Cosgrove, 4,000 soldiers, including 863 women, were involved in the East Timor mission, assisting on the ground, in the air and in ships monitoring the surrounding seas. Women of the modern Australian armed forces work as truck drivers, intelligence officers, Black Hawk pilots and military police. In the role of military police, they have the task of investigating war crimes, running the militia detention centre and being bodyguards. This reflects a growing movement in our armed forces to encourage and promote the role of women. Not only are we seeing women taking up commanding positions but we have seen, on the initiative of Senator Jocelyn Newman, a removal of the restrictions which have barred women from taking on combat related duties. Despite the very serious nature of their mission in Timor and being potentially at risk from the militia on a number of occasions, Australian soldiers, both men and women, were often able to pacify the situation with the displays of friendship which were shown to the East Timorese during their mission. We all remember seeing Australian soldiers organising

singalongs and games for those children who had to wait for hours in camps. It is moments such as these which show us that the Anzac spirit is still very much alive.

In the last 50 years, we have seen Australia's defence and leadership role in the region expand. This is occurring outside of our involvement with the United Nations as we set up regional security dialogues with China, Thailand, the Philippines, Vietnam and Japan. As an economically prosperous country with strong democratic traditions and a united and harmonious society, we should not be afraid to take on these responsibilities. As the remaining soldiers who fought at Gallipoli now number only two, our direct link with that battle is disappearing. But, even so, the spirit of those soldiers shall live on. Our Anzac forefathers and those who have fought Australian battles over the past century helped to create and protect our nation, as did the many women who have served in Australia's armed forces. We are proud of them, as we are proud of our present-day army. On Anzac Day, let us never forget the high price paid by so many in the quest for peace, and let us be thankful for the subsequent freedoms and liberties that we, as Australians, now enjoy as a result of their sacrifices.

Refugees: Kosovo

Senator STOTT DESPOJA (South Australia—Deputy Leader of the Australian Democrats) (10.18 p.m.)—I begin by commending Senator Coonan on that speech. 'Lest we forget' is an oft-repeated phrase, but it is one that reminds us that if we ignore history we are often doomed to repeat it. It is probably an appropriate thing to remember, given the events of the last couple of weeks in particular. We have been talking about various injustices affecting people and generations, and Senator Coonan has referred to an issue that we often associate with a 'lost generation'. We talk about people who gave their lives in the First World War, the Second World War and other wars as lost generations. It is a timely reminder of this issue, as we move to Anzac Day.

I wish to speak very briefly tonight to reiterate some of the comments of my colleague Senator Bartlett and, more importantly, to get a couple of matters on record. It was impor-

tant to the Democrats that, as members of parliament, we bore witness to the events of this weekend, specifically the deportation of the Kosovar refugees. I was in my home town of Adelaide. I went to the airport, along with a number of interested observers, friends and Red Cross officials—indeed, there were also two DIMA officials, who were obviously there in their official capacity in relation to the deportation of these refugees. Obviously, there were many people who just happened to be at the airport but who came along to watch these people leave. I say 'watch' for a number of reasons. We were interested to see how these people were treated, and we wanted to bear witness to the fact that they were leaving against their will. These refugees did not want to leave, nor should they have been made to leave.

On Sunday afternoon, we saw very moving scenes as three families departed South Australia. People were very upset—clearly devastated. Some genuinely feared for their safety and, in a couple of circumstances, their lives. But, overall, I think some of them were exhausted. To understand why, you need to understand the events of the last 48 hours leading up to the departure for Sydney. On Saturday afternoon, those families were expecting to leave. They were expecting officials from the department to collect them from their homes to take them to the airport. They were expecting to catch a Qantas flight to Melbourne around 4 o'clock in the afternoon. About twenty minutes prior to the planned time of departure, the families were informed that they would not be going due to technical difficulties such as the plane not working or the charter not being organised. I am not quite sure exactly what the technical difficulties referred to were. But, nonetheless, it was difficult for these people, who were already traumatised at the thought of leaving.

They were told that they would have to pack up and be ready to leave first thing Sunday morning—by 'first thing', people were anticipating a 6.05 a.m. flight out of Adelaide to Melbourne. They were informed around 2 a.m. that morning that they would not be going on that flight and that they would be informed later as to when they would depart Adelaide for, at that stage, Melbourne. Later

on that morning, they were informed that indeed they would be going that afternoon. Instead of a Qantas flight, they went on an Ansett flight, in this case to Sydney—and the rest people know about. The chartered flight obviously fell through—that is an inappropriate use of language in relation to aviation, I suspect. I believe a Sri Lankan flight was organised in order to take these people to, in some cases, quite unknown destinations in Kosovo.

It was a traumatic weekend. The process needs to be put on record because I think it added further to the suffering and the burdens that these people were experiencing—and not just the families but the people who had worked with them. The scenes at the airport were devastating. Not only were passers-by, media and a departmental official in tears, but also the families themselves were in tears—families who, in at least one or two circumstances, had been offered jobs, families whose stay was supported by the Premier of our state, families who were touted as great examples of this government's compassion and tolerance a year ago, families whose lives we have watched through our daily paper for many months as we have seen how they contributed to our community by paying taxes and working. In fact, in one case a man worked shifts which he knew he would not be paid for because he could not disrupt the maximum amount of hours he was allowed to work. These families became part of the state of South Australia and almost daily news. For that reason, it was understandable that people stood around quite upset. There were people in tears at the airport who had never met these people. When Sef Marino turned around to say goodbye after putting his ticket through the ticket machine and said, 'Thank you, Australia,' despite the fact that he was leaving against his will and in fear for his family and his life, I don't think there was a dry eye in the house; nor should there have been. One lone protestor stood with a poster saying that she was ashamed of our government on that day. Many people, including one New Zealand woman who was passing by, could not believe it. She said, 'Our country's not doing this. We're not sending them back. How could you?'

I ask why we have instigated the almost unprecedented immigration laws to which Senator Bartlett has referred. He has outlined the processes. On many occasions, dating back almost a year, he has outlined the Democrat position in relation to safe havens. He has outlined the farcical nature of changing a safe haven camp into a detention centre almost overnight. Those processes are clearly on record. Tonight I wish to put on record just how devastating those scenes were at the airport yesterday and how many lives were affected—not just those families and the brave and clever officials from the Red Cross, from Legal Aid and the translators who helped out, but even the media, who had become good friends with many of these people. These people left against their will, and that is certainly something that should remain on the conscience of this government. I am saddened that there has been no reprieve offered to those people. Let us face it: there are exceptions. There is a small number of people who wish to stay and have good reason to stay, as Senator Bartlett outlined in relation to reports in the last two weeks which suggested that these people are not necessarily going back to a safe environment. I wish to place that on record, with great regret and shame at our government's actions.

Hazelhurst Regional Gallery and Arts Centre

Senator FORSHAW (New South Wales) (10.26 p.m.)—Tonight I want to place on the record the wonderful achievement of the Sutherland Shire Council and many of its citizens with the establishment of the Hazelhurst Regional Gallery and Arts Centre. This is a story of great significance for the shire because, over a number of years, many people have worked to establish what today is a unique arts and cultural centre for the people of southern Sydney.

The story begins during World War II when a property in Gymea, a suburb of the shire, was purchased by Mr Ben Broadhurst. In 1946, Mr Broadhurst constructed a cottage on that property, together with some wonderful gardens. In 1976, Mr Ben Broadhurst and Hazel Broadhurst transferred their property to the Sutherland Shire Council as a gift, and a trust was established. A condition of that trust

was that the property should be used for community facilities and that it be referred to in future as the Hazelhurst Retreat. In September 1994, the Sutherland Shire Council, under the wise guidance of the then Labor councillors, set up a subcommittee to manage the development of the site. It was proposed that a community arts centre and regional gallery be constructed on the site. Over a number of years, many people throughout the community—members of the council, people who joined an organisation called Friends of Hazelhurst—as well as representatives of business in the shire worked towards establishing an arts centre and regional gallery. Support was forthcoming from the New South Wales government and the first stage of the project involved restoration of the cottage, which was opened in August 1997. That building on the site is used for a number of activities. In particular, very recently it was used for an exhibition of artworks that had been painted or produced by HSC students within the shire.

On 26 February this year, the regional gallery and arts centre on the property was officially opened by the mayor of the Sutherland shire. In attendance was the director of the Art Gallery of New South Wales, Mr Edmund Capon. In adding his comments to the opening, he reflected upon the fact that this is a unique facility—that this is not just an art gallery where people could come to see works of art but also a thriving arts centre. Edmund Capon referred to the fact that there are facilities there such as lecture theatres and workshops for budding and established artists throughout southern Sydney and the shire to come and not only display their works but also be involved in lecturing students and providing facilities and guidance for the various community arts groups within the shire.

I have to be a little bit political here. It was interesting that the representative of the Prime Minister on the occasion of the opening was Mr Bruce Baird, the member for Cook. Mr Baird reflected upon the support that the federal government and local Liberal members in the shire had given to this project. That was very interesting because those who know the real history of the development of this facility—which runs into many

millions of dollars raised over the years by the state government, by the council, by the local community and belatedly by the federal government—know that at just about every stage along the way the whole proposition was opposed by the Liberal members of the Sutherland Shire Council and, indeed, by some of the local Liberal members themselves. We have learned in this place that it is not unusual for members of the coalition—the Liberal Party particularly—to rewrite history, and this was another occasion. In any event, the fact that this facility has now been provided to the Sutherland Shire and the broader area of southern Sydney is a great achievement. It is unique; it is the only regional gallery in Australia that comprises both an art gallery and facilities for art students and members of community groups, et cetera, to utilise on those premises.

Within the shire we have some notable artists, and one of those is Mr George Gittoes. George Gittoes is a renowned Australian artist. Indeed, he was involved in the founding of The Yellow House with Martin Sharp back in the 1970s. In his illustrious career he has won the Wynne Prize and the Blake Prize and has achieved great fame both nationally and internationally for his work, particularly depicting industrial scenes and also for work with our overseas armed forces in peacekeeping missions. For a number of years, he was commissioned by the Australian Army to produce paintings and other works of art such as photography in areas where the Australian armed forces have operated in peacekeeping missions, such as in Somalia, Cambodia, Mozambique, the Middle East and Bosnia. George has a huge reputation and continues to make a major contribution to art within Australia—so much so that this Friday an exhibition of his work, particularly reflecting the work he performed during his visits and assignments in Bosnia, Rwanda, Cambodia, South Africa, Northern Ireland and Somalia, will be opened at the Hazelhurst Regional Gallery in the Sutherland Shire. It is called *World Diary* by George Gittoes. Following that opening, it will be on tour throughout Australia.

Some may ask what all this has to do with the Senate. The important thing is that it is an

example of where a community has struggled over many years not to build a nuclear reactor, not to build an airport, not to build or argue about a freeway but to build a unique cultural centre that will be of lasting benefit to hundreds of thousands of people in the Sutherland Shire in southern Sydney for many years. It will particularly be of benefit when it brings to a wider audience the great work of artists such as George Gittoes who, as I have said, has contributed much to reflecting our involvement in peacekeeping missions overseas and the great work done by our armed forces in that regard.

Anzacs and the Unknown Soldier

Senator MASON (Queensland) (10.36 p.m.)—On a farm out past Rosewood in the Lockyer Valley west of Brisbane, there is a small grove of poplar trees and nestled nearby is a bunch of wattle trees. Their golden brush stands out a mile—though they look a little bit out of place among the dairy cattle that wander by. The grove of poplars was planted in 1915 by my mother's great-uncle Bill Barrett. Volunteering for the First World War, he told everyone that he wanted to leave something behind just in case he did not come back. But he did come back, and he died only a few years ago, one of the last diggers left from the Great War. The last thing he would ever have wanted to be described as was a hero. Like so many of his mates, he never expected much and, perhaps, by today's standards he did not get very much. In his diary he said, 'No person is ever truly honoured for what they receive in life. Honour is the reward for what people give.' And Bill Barrett gave his all. I use this story as a backdrop to what I want to say this evening because I think we all need heroes and heroines in our lives. Heroes are very important because they show us what we are capable of. They stand for us. They represent our capacity to prevail. They defend us against our own tendency to be sucked down into despair, depression or even boredom. They raise our hopes and they raise our spirits. They open up new frontiers, even if only within our imagination. They inspire us.

I remember recently watching Peter Luck's series on television called *This Fabulous Century*. He had an episode on he-

roses. While conceding that traditionally heroism is about war, he asked, 'Who really remembers military heroes?' 'In fact,' said Peter Luck, 'our truly unforgettable heroes come from a variety of unsoldierly vocations, particularly sport and'—sorry, everyone!—'never politics.' First in Peter Luck's list was a horse, Phar Lap, an opera singer, Dame Nellie Melba, the great cricketer Sir Donald Bradman, the legendary aviator Sir Charles Kingsford Smith and the famed Antarctic explorer Sir Donald Mawson. Peter Luck's list at least acknowledged that a worthwhile life and excellence can be achieved outside the sporting field. But even Peter Luck's list painfully lacked what I consider to be the essence of heroism and of a heroic contribution to society: the ideas of civic achievement, and inspiration born of personal sacrifice and courage in the face of even overwhelming odds. I believe that there is somebody who deserves the laurels of Australia's national hero. I believe this somebody is the Unknown Soldier. The Unknown Soldier embodies all those things we Australians see as being best about us: selflessness, sacrifice, courage in the face of adversity, loyalty, be it to his mates or his country, and a stoic attitude to life and its hardships. The Unknown Soldier did not play rugby or cricket for Australia. He was not a rock star. His importance lies in the fact that anyone might have been the Unknown Soldier. He is one of us.

His story is sad but it inspires us. Let me briefly share it with you. Some time after the armistice of 11 November 1918, bits of a body identifiable as Australian by his equipment—maybe boots, badges or shreds of uniform—were put into a grave near Villers-Brettoneux in France in one of the many cemeteries created by the Imperial War Graves Commission, with a headstone inscribed 'An Australian soldier of the Great War known to God'. In November 1993, whatever remained of the man's body was dug up, sealed into a Tasmanian blackwood coffin, flown by Qantas to Sydney and the RAAF to Canberra, exhibited in the Kings Hall of the Old Parliament House, then drawn on a gun carriage across Kings Avenue bridge and up Anzac Parade in a ceremony modelled on the funeral of a field marshal, and then carried to the cloisters to be buried

at the centre of the Australian War Memorial's Hall of Memory. Seventy-five years to the day after the guns of the Great War went silent, a firing party on the parapet signalled that the coffin was being lowered into the Tomb of the Unknown Australian Soldier. A Great War veteran helped by a young soldier dropped into the tomb pieces of soil from Pozieres, France. Fifty thousand people filed through the hall in the next three days, depositing their own flowers and messages before the tomb was sealed by marble slabs.

Of course, all great traditions look back, but they must also show the way forward. The great achievement of the Unknown Soldier and the Anzacs is that the sentiment that emerged from Gallipoli, the Western Front and the Middle East in the First World War does live on. Our nation has not forgotten. I am quite certain that the tradition of Anzac will inspire and unite us through our new century no less than it has in the past. Celebrations every year testify to the strength of the Gallipoli legend as the building block of our Australian nationhood. They also testify that, in the world of '15 seconds of fame', there is still hope that something more lasting and worth while can capture our hearts and stimulate our minds. The true beauty of 'hero' is that it is an equal opportunity calling. Heroes have generally been regarded as remarkable people who do remarkable things. Not so with the Anzacs and not so with the Unknown Soldier. Their true greatness lies in their message that ordinary people can make the rest of us all feel more remarkable, to encourage us to share in their achievements, their challenges and their triumphs.

The Anzacs teach us other important lessons. In today's outcome oriented world, the status of a hero more often than not is dependent on winning, be it a trophy, a number one or a high ranking. What the Anzacs show us is that heroism lies not so much in the outcome as in the performance. You can lose but you can still be a hero. This is what the Anzacs showed to us and to the world. I think it was only when I read the great historian Bill Gammage's work on the Anzacs that I started to understand the meaning of 'hero' and the meaning of sacrifice—that I started to understand my great-uncle Bill Barrett. As Bill

Gammage says, the Anzac legacy can teach us that how we live truly matters. Men and women may be frail, but their example can inspire their fellows and set standards and ideals for them to follow. For while individuals must suffer doubt and trouble all their days, those who conduct themselves well pass on a torch to all generations showing the human spirit shining and unquenchable, forever.

Nursing Homes: Young Disabled People

Senator ALLISON (Victoria) (10.45 p.m.)—Tonight I rise to speak, once again, about the failure of the federal and state governments to address the serious problem of accommodating young people with disabilities, particularly with acquired brain impairment, or ABI, in nursing homes. A week ago a rally was organised in Melbourne by Headway, a group which is campaigning to have young people who are affected by ABI taken out of nursing homes and provided with care that better suits their needs—housed, I might say, with people much closer to their own age.

It was disappointing that the message to the rally from the state minister was that the state government recognised the problem but had not yet developed a plan to address it and that state ministers for disabilities would soon be getting together and this issue would be on the agenda. The message from Minister Bishop was that the issue of young people in nursing homes was essentially a state responsibility and that the recent increase in aged care funding and the Commonwealth's \$150 million offer in disability services ought to assist in developing a solution. I hope it does, but we have seen very little progress so far. I think that the families of these young people in nursing homes who were at the rally last week had every reason to be disappointed by those responses. The figures supplied by the federal government suggest that there are some 1,100 people under 65 in nursing homes, many of whom have ABI. However, according to the study undertaken by the Australian Institute of Welfare Studies in June 1998, that figure is closer to 6,000. They say there are 160,000 people with a disability related to acquired brain injury in this country.

The vast majority of nursing homes are quite unsuitable for younger people. They are often places where very frail people live out their last few months of life or where dementia is a common condition. One speaker described his experience of living for four years in nursing homes where the screaming at night and the smell of faeces and urine made the experience almost unbearable. He was highly critical of this nursing home. He was refused analgesics, dressings for burns were not changed regularly, he was often kept waiting for assistance with toileting, staff were rude and abrupt and drugs were incorrectly administered. He said that rough and careless treatment caused him much physical pain. He said, 'I couldn't even begin to describe the horror of living at close quarters with people who have lost control of their minds and bodies whilst at the same time suffering the disinterest of administration and cruelty of staff.' His cognitive ability slowly returned, despite the conditions in which he was living. He recovered to a point where, although now in a wheelchair and with only a very limited capacity to use one arm, he has been able to return to teaching mathematics and science. I might add that he is not being paid for his work even though the school that he works in acknowledges that his work with individual students is very valuable.

In some ways this man is fortunate. Many others with ABI linger on in nursing homes with very little hope of progress. In Victoria, my home state, the Melbourne City Mission northern case management service for people with ABI has been going for the past six years. It estimates that only around five per cent of people with ABI are receiving case management support. It says that cognitive impairment is generally overlooked. Children generally miss out altogether on case management support unless they have a physical disability or are referred by hospital staff. The state government funds a Making the Difference program, but in one area only six children are involved and none are on the list in another area. Brain injured children are not even allocated disability criteria when applying for teacher aid assistance in Victorian schools.

For traffic related injury, the Traffic Accident Commission provides all of life support, from the time of the road accident or as the person needs it. But there is little support available for others. Other than what is provided through linkages and alcohol and drug programs, the Melbourne City Mission is the only organisation providing case management for people with ABI that is not traffic related. Some limited services are provided through Health and Community Care, but it should be noted that there is an average 18-month wait to access this service.

Twenty-five of the current 84 clients within the Melbourne City Mission's ABI service are under the age of 65 and living in nursing homes. Late last year the Melbourne City Mission group conducted a study into the accommodation needs and options for young people with high support needs and the appropriateness of accommodating them in nursing homes. Some of the things this study established as important when caring for young people with ABI were access to acute care, a team approach and provision of qualified and experienced nursing staff. Access to funding for rehabilitation and ongoing support through the Victorian Department of Human Services' Slow to Recover/Long-term Maintenance program was also said to be necessary because many people with ABI continue to heal slowly over many years. The involvement of family and friends in service reviews is also very important. Of course, very few aged care facilities can offer these services. For some reason many residents with ABI do not have social workers or case managers.

The Melbourne City Mission study also revealed that, regardless of the standard of care received in nursing homes, young people with significant cognitive impairment and associated physical disabilities have relatively few opportunities to participate in or be integrated into the community. They have limited choices about how they live their daily lives and many suffer loss of privacy and dignity. They are isolated by age from the predominate group of residents with very little opportunity to access necessary ongoing rehabilitation or recreational activities suitable for their age group.

Melbourne City Mission did identify some models within nursing homes that are better at meeting the needs of young people. One of those was accommodation in a separate wing of a nursing home and others were based on smaller units integrated into the community. They suggest that four pilot accommodation projects for people needing different levels of care be developed using a combination of Commonwealth, state and private funding. The first would be a group home or accommodation facility in an inner urban region housing up to five young people with very high nursing needs. The second would be a hostel, based in the southern suburbs, accommodating 12 young people with lower level nursing needs. The third would be a specialist unit for 10 people with challenging behaviours based in the eastern suburbs. The fourth option was for 20 individualised packages as a state-wide initiative allowing young people to continue to live in community settings or in their own homes. Each of the four service delivery models would give equal emphasis to the three identified key service model components, which are provision of care, living arrangements and support systems.

All service models developed would include research and education and be rigorously evaluated with a view to expansion and replication. The Traffic Accident Commission and Victorian Workcover could be expected to provide funding to supplement state and federal money. I would urge federal and state governments to look seriously at providing funding for these pilot projects.

In 1995 the Western Australian government commenced its Young People in Nursing Homes Project. However, this project will cease later this year. The project was achieved via the Commonwealth-State Disability Agreement by closing 95 nursing home beds and transferring the funding to community based accommodation for young people with ABI or lower motor neurone disease. Capital funding was made available through Homewest and the health department to provide buildings and therapeutic equipment. A number of interagency committees coordinated the project, which has developed a range of accommodation options.

There are three purpose-built houses in different sites for people with cerebral palsy, and a series of small units accommodating people with Huntington's disease. The Western Australian project has managed to move 95 people out of nursing homes. Some clients will actually go back into the wider community with support services. This will of course free up places for the frail aged entering nursing homes. The whole notion of this project is to move people through the system. They are rehabilitation based as opposed to maintenance based typical of nursing home care. The people involved in this project will continue living in the accommodation provided, which will be supported by continued funding. I was not able to find out what will happen to the 20 young people a year who enter Western Australian nursing homes when the funding for this project ceases. Like so many good initiatives, governments like to close them down so that they can announce a brand new scheme down the track.

The Western Australian project and the Melbourne City Mission are offering alternatives to nursing home accommodation for young people with acquired brain injury. I urge the government to note these alternatives and to make sure that they are included when next drawing up the Commonwealth-State Disability Agreement. The Department of Health and Aged Care's policy says that nursing homes for young people should only be used if, and only if, they need the intensity, type and model of care provided in such facilities and no other more appropriate service is available. The policy acknowledges that nursing homes rarely, if ever, enhance the quality—(*Time expired*)

Water

Senator McGAURAN (Victoria) (10.55 p.m.)—I rise to speak on the new 'gold' of the twenty-first century: water—the basic source of life, settlement and civilisation. World history will bear out this grandiose statement. Last month in my state of Victoria, the importance of this natural resource was elevated to international concern at the World Water Congress held in Melbourne by the International Water Resources Association. The association was founded as an international forum to promote communication and

cooperation in water related areas. Two of the principal objectives of the IWRA are (1) advancement of water resources planning, management, development, technology, research and education at international, regional and national levels and (2) establishment of a multidisciplinary forum for engineers, planners, administrators, managers, scientists, educators and others who are interested in water resources.

Awareness of global water concerns has been discussed and debated in several forums around the world. At the intergovernmental level it is being promoted internationally through the United Nations. International awareness has reached a high level of importance, particularly towards water security in Africa. In Australia the same is so. While it can be said that we have always been aware of the need for water conservation and security—look at the Snowy Mountain scheme built in the fifties—the difference now is that, after centuries of land use with ever increasing intensive farming, along with an increasing population, we have today reached a point where our water resources are under stress, which is further exacerbated by frequent droughts.

As a whole, our infrastructure has not kept up with demand for water. For example, in Victoria, we are only now completing the final stages of the Mallee pipeline. It is worth while to reflect upon the Wimmera-Mallee water supply system as a case in point. The Wimmera-Mallee water supply system is almost a century old and the largest of its type in the world. Essentially, the system provides water for farms and towns through 16,000 kilometres of open channels. But here is the point: there are water losses as high as 80 per cent in some areas. Replacing the open channels in stages with pipes has created a dramatic water saving; however, the work is expensive and yet to be completed. Another case in point is the Great Artesian Basin in Queensland, which covers 20 per cent of Australia. A great deal of the water extracted from the basin has been wasted over the past century because of uncapped bores that have been allowed to flow endlessly. In some cases, bores have been left flowing when the area or the cattle station is no longer inhab-

ited. Current water extraction rates are in excess of recharge rates. It has been only in the past few years that action has been taken to cap the unused bores and to replace open drains with pipe systems. However, again because of the cost, this is being undertaken in stages.

The main focus of the nation's present and future water conservation concerns is the Murray Darling Basin. The reason is self-evident: it is amongst the world's biggest basins. It is in fact an area the size of France. It has 23 river systems and 65 dams. It receives four per cent of the continent's run-off but provides about 75 per cent of all the water consumed by Australians. On average, 81 per cent of the basin's water is diverted, and more than 95 per cent of that is used for irrigation. It supports agriculture worth \$8.5 billion, including irrigated agriculture worth \$3 billion, such as the water hungry crops of cotton and rice.

Adelaide gets half of its drinking water and significant tourism revenue from the Murray River. The Murray Darling Basin has become so seriously degraded that future production is under threat, not least to say that the Adelaide drinking water is certainly not up to standard. More than half of the river is suffering rising salinity levels. Salt levels in the lower reaches have at times exceeded acceptable levels. Water tables in the intensively irrigated areas are rising. Eventually, all the irrigation areas in the southern basin will have high water tables. A recently concluded freshwater fish survey, the most comprehensive undertaken, did not find a single Murray cod in the Murray River system. The researchers found that the system was overrun with introduced carp, which are killing off other species and muddying and polluting the Murray River. The importance of this study is that fish are an excellent indicator of river health. Poor quality water or reliability is bad business for thousands of farmers relying on the Murray Darling River system. The only way to ensure good quality water and reliability in the future is to ensure quality environmental outcomes.

The difficulty lies in bringing a balance between productive use of the resource and environmental use. History shows that there

has been a greater weight placed on the productive sector use of the water system over the environmental use. That balance needs to be constantly adjusted according to the circumstances, which, in short, means that some hard-nosed reform is ahead of us. However, the difficulties of reform pale into insignificance when compared with the environmental and economic collapse affecting all of us, unless change is implemented soon. With regard to the Murray Darling Basin, the Murray Darling Basin Commission is the organisation delegated to plan, reform and implement it. The action that needs to be taken is well known and has been well researched. In short, they know what they must do. The difficulties are the competing interests, given that there are no less than four states involved in the basin—reforms such as water restrictions, controlled use, tree planting, closing of drains, piping water and storage, and even land grading.

Generally speaking, the strategies to tackle salinity problems and blue-green algae are in place, but they are not keeping pace with the problems. The state and federal governments are well aware of the mounting problems and have introduced water reforms to meet the future challenge. For example, in Victoria the previous state government amalgamated and increased commercial management of the myriad state water authorities. The benefits were almost immediate, with improved efficiency and service of the boards as well the achievement of target water and effluent quality standards. This has been possible through economies of scale created by the amalgamations.

In the federal sphere, the government has dedicated extra funds to salinity projects such as wetland management and to blue-green algae through the Murray Darling Basin Commission, and of course through the Natural Heritage Trust. Nevertheless, the solution relies not only upon a dedicated strategy accepted by all and implemented over the next decade. Above all, it requires an enormous

amount of funds. The key to it all is possibly an amount of up \$5 billion, plus. This is an enormous strain on the federal budget. To be able to source this money without going further into debt or erasing the surplus, the only available funds seem to be through the further sale of Telstra, estimated to be worth some \$50 billion. The sale of Telstra will have the advantage of maintaining the government's budget surplus, reducing the government debt to zero and turning the \$7 billion worth of interest payments back into the budget. Most importantly, the sale will provide a once in a lifetime fund to resolve Australia's grave water concerns. Australia cannot just continue to work at the edges in resolving its growing water resources problems. The challenge is to deal with our environment of droughts, floods and a population concentration around our two major river systems. I am convinced that we have the plan to put in place, but we now need to back it up with popular support and acceptance and to divert large sums of government funds towards resolving the issue. I accept that there are strong and genuine views held in relation to the sale of Telstra, but the question has to be answered: where is the money going to come from?

Senate adjourned at 11.05 p.m.

DOCUMENTS

Tabling

The following documents were tabled by the Clerk:

Australian Meat and Live-stock Industry Act—Australian Meat and Live-stock Corporation Repeal Order 2000 (No. 1).

Civil Aviation Act—Civil Aviation Regulations—Civil Aviation Orders—Instruments Nos CASA 113/00 and CASA 119/00.

Higher Education Funding Act—Determination under section 15—Determination No. T21 of 1999.

Sydney Airport Curfew Act—Dispensation granted under section 20—Dispensation No. 5/000.

QUESTIONS ON NOTICE

The following answers to questions were circulated:

Norfolk Island: Aerodrome**(Question No. 1262)**

Senator O'Brien asked the Minister representing the Minister for Transport and Regional Services, upon notice, on 18 August 1999:

- (1) Does Norfolk Island have only one aerodrome.
- (2) Are the nearest alternative aerodromes to Norfolk Island 431 nautical miles and 591 nautical miles from the island.
- (3) Could a Fokker F28MK4000 or a Fokker F28MK0100 safely reach either of the above alternative aerodromes within 75 minutes at single engine cruising speed.
- (4) Have the Fokker F28MK4000 and the Fokker F28MK0100 been assessed as unsafe for extended range operations greater than 75 minutes at single engine cruising speed; if so: (a) who made that assessment; and (b) has that assessment been endorsed by the Civil Aviation Safety Authority (CASA); if not: (a) what is the maximum extended range operations of the above aircraft at single engine cruising speed; (b) how was the safe range determined; (c) who determined the safe range at single engine cruising speed; and (d) has that assessment been endorsed by CASA.

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

The Civil Aviation Safety Authority has provided the following information:

- (1) Norfolk Island has one licensed aerodrome.
- (2) The nearest alternative aerodromes that can be used are Tontouta (431nm) and Auckland (590nm). By arrangement, Whenuapai (574nm) and Hamilton (645nm) could be used.
- (3) As the manufacturer's declared one-engine inoperative cruising speed is 335 knots for the F28 and 315 knots for the F100, the aircraft cannot fly from Norfolk Island to the alternate airports at those speeds within 75 minutes. However, the routes to both alternates meet the planning requirements for 75 minute Extended Range Twin Engine Operations (ETOPS), ie to be always within 75 minutes of either Norfolk or the alternate.

Under ETOPS, when planning the flight the aircraft must always be within 75 minutes of an adequate airport (assuming still air conditions). Once airborne, and within the 75 minute radius of Norfolk Island, should the aircraft commander become aware that Norfolk Island is no longer available, the commander is required to re-position the aircraft to within 75 minutes from an alternative suitable airport by the most direct routing.

Both aircraft types meet the systems reliability conditions necessary to have been awarded 75 minute ETOPS type design approval.

- (4) No, as no assessment was required.
 - (a) At the manufacturer's nominated one-engine inoperative speed for 75 minute ETOPS, the maximum planning distance is based on speeds of 335 knots for the F28 and 315 knots for the F100.
 - (b) The manufacturer has determined this speed based on analysis of the known performance of each type of aircraft under the conditions in question.
 - (c) The maximum planning range is determined by multiplying the manufacturer's one-engine operative speed by 75 minutes. It should be noted that the range so determined is a figure used for planning purposes and is used to constrain the mission planning to the permissible area of operations. However, on an operational basis, the aircraft commander would determine the safe range of the aircraft, taking into account the conditions of the day, the operational status of the aircraft and the airport operationally available.
 - (d) CASA accepts the data provided by the manufacturer.

**Rural and Regional Australia: Program Funding
(Question No. 1863)**

Senator Mackay asked the Minister representing the Minister for Education, Training and Youth Affairs, upon notice, on 19 January 2000:

With reference to the following programmes:

Country Areas Programme

Education Centres

Higher Education Equity Program

Distance Education

Assistance for Isolated Children Scheme

Rural Youth Information Service

Regional and Rural New Apprenticeships Initiative

Open Learning Australia.

(1) What was the total amount of funding provided for each program, the period over which it was paid and disbursement to date.

(2) What was the purpose of each program.

(3) Can details be provided of all projects implemented and funding assistance provided to community organisations/groups/the private sector under the above programs since 1996 to date.

(4) What are the names of the community organisations/groups/private sector groups that have received funding under these programs, their addresses, and the electorates they are located in.

(5) Can details be provided of the person/organisation/group that announced each project/funding assistance given under these programs, and the date of the announcement.

(6) Can details be provided of the approval process for each project/funding assistance given under these programs, the number of applications, the names of the applicants, the names of the successful applicants and the name of the person/committee/group who selected the successful applicants.

Senator Ellison—The Minister for Education, Training and Youth Affairs has provided the following answer to the honourable senator's question:

COUNTRY AREAS PROGRAMME (CAP)

(1) The CAP commenced in 1977 as a pilot programme to complement the Disadvantaged Schools Programme and, since 1982, it has been maintained as a separate programme. In 2000, the Commonwealth will provide an additional \$18.7 million annually to State and Territory government and non-government education authorities to help schools and students in rural and geographically isolated areas of Australia. These education authorities have the flexibility to allocate CAP funds according to the priorities identified by them, utilizing their knowledge of local need, provided they comply with CAP guidelines.

(2) CAP aims to ensure that primary and secondary students in rural and geographically isolated areas continue to have access to education which will assist them to achieve outcomes at least equal to students in urban or less isolated areas. CAP provides funding to students to assist parents, administrators, teachers and members of the community to encourage them to work cooperatively to improve the delivery of primary and secondary educational services to students in rural and geographically isolated areas.

Funding is provided for projects which:

- . focus on pooling and sharing activities involving school communities and clusters of schools;
- . support educational participation including integrated assistance to individuals and other agencies and groups;
- . foster curriculum appropriate for the experiences and interests of isolated students;
- . support secondary students in making the transition to work;
- . focus on using technology to overcome distance barriers to education; and
- . support the documentation, evaluation and dissemination of programme activities.

(3) CAP funding is provided only to schools through their State and Territory education authority. The education authorities have the flexibility to allocate CAP funds to schools according to the priorities identified by them, utilising their knowledge of local need.

(4) CAP funding is provided to education authorities which allocate the funds to schools according to priorities identified by them, utilising their knowledge of local need.

(5) The Commonwealth provides CAP funds to State and Territory education authorities to assist schools and students in rural and geographically isolated areas of Australia. These education authorities have the flexibility to allocate CAP funds according to the priorities identified by them, utilising their knowledge of local need, provided they comply with CAP guidelines. Schools are advised of their funding allocation by their education authority.

(6) CAP funds are allocated to education authorities based on the utilisation of an allocative mechanism which includes student numbers in small settlements (population centres of less than 1000 and less than 5000) and student remoteness distances of 100 km to 150 km and 150 km from a larger centre of 10000 people). This allocative mechanism was updated to include the most recent ABS Census data in 1997 and in 1999. It will be updated further following the release of the next ABS Census data. The education authorities have the flexibility to allocate CAP funds according to the priorities identified by them, utilizing their knowledge of local need, provided they comply with CAP guidelines. The method of allocating funds to schools may vary, some education authorities require schools to present submissions and other authorities allocate funds according to a distance index enabling individual schools to decide how funds are to be distributed. The Commonwealth does not require advice of schools receiving funding under CAP.

EDUCATION CENTRES

(1) Funding under the grant for the Australian Council of Education Centres (ACEC) is provided from the Quality Outcomes Programme and the Literacy and Numeracy Programme. The total amount of funding to be provided to the ACEC, for distribution to the twenty three individual education centres, since the commencement of the 1997-98 financial year, to the end of the 2000-2001 financial year, is \$7.555 million.

Disbursement to date (2 February 2000) is \$5.661 million.

(2) The ACEC grant is part of a national programme of initiatives to support the Commonwealth's policies and priorities for schools, especially in the areas of improving the quality of student learning outcomes from schooling, literacy and numeracy, school to work initiatives, teacher professional development, parent involvement in school education and technology across the curriculum.

Literacy and Numeracy Programme funds to the ACEC are to develop, implement and evaluate a national programme of education, training and development initiatives to support the National Literacy and Numeracy Plan. The ACEC will coordinate a range of teacher and principal professional development projects, training parents and volunteers to work with schools and individuals to enhance literacy and numeracy skills, develop literacy and numeracy skills of students with special needs and develop and promote national literacy and numeracy networks.

Quality Outcomes Programme funds to the ACEC support initiatives to improve the quality of teaching and learning, enhance the professional roles of principals and teachers, promote good practice in school organisation and leadership, and support the Commonwealth's initiatives in a range of areas, including those mentioned above, plus Enterprise Education, Civics and Citizenship, student participation, retention and completion, Science education and Outcomes Based Assessment and Reporting across key areas.

(3) Funding under this grant is provided to the Australian Council of Education Centres, to coordinate the achievement of the outcomes listed above. The ACEC is responsible for distributing funds to individual centres.

(4) Please find below a list of the Education Centres and the electorates they are located in:

Education Centre	Electorate
ACEC Learning Sydney Centre	Parramatta
Alice Springs Education Centre	Northern Territory
Ballarat Community Education Centre	Ballarat
Barkly Education Centre	Northern Territory

Education Centre	Electorate
Brisbane Education Centre	Lilley
Cairns Education Centre	Leichhardt
Castlemaine Education Centre	Bendigo
Education Centre for the Western Area	Grey
Education Centre Gippsland	McMillan
Fremantle Education Centre	Fremantle
Frog Hollow Education Centre	Northern Territory
Geraldton Education Centre	O'Connor
Hellyer Education Centre	Braddon
Innisfail and District Education Centre	Kennedy
Mackay & District Education Centre	Dawson
O'Connell Education Centre	Canberra
Orana Education Centre	Parkes
South Australian Training & Education Centre	Bonython
Southern Tablelands Ed. Centre Co-op Ltd	Hume
Toowoomba Education Centre	Groom
Townsville & District Education Centre	Herbert
Wagga Wagga Education Centre	Riverina
West Education Centre	Gellibrand

(5) The funding was announced in the 1997 Budget, by the Hon Dr David Kemp MP, Minister for Education, Training and Youth Affairs. The announcement to support the nationwide network of 23 Education Centres was made through a media release on 13 May 1997.

(6) On 23 April 1997, the Minister for Education, Training and Youth Affairs approved funding over four years to the Australian Council of Education Centres.

The ACEC programme is negotiated on an annual basis, prior to the commencement of each funding year.

HIGHER EDUCATION EQUITY PROGRAMME (HEEP)

(1) The total amount of funding, the period it was provided over and the disbursement to date is shown below.

Year	HEEP Equity funding	HEEP DIP funding (by submission)
1999	\$4,970,000	\$575,000
1998	\$4,885,000	\$575,000
1997	\$4,799,000	\$575,000
1996	\$4,818,000	\$462,000

(2) The Higher Education Equity Programme provides seed funding for equity to publicly funded higher education institutions, it is not intended to cover the full costs of institutions' equity initiatives.

Institutions are expected to use their equity grants to improve access and participation for the following disadvantaged groups:

- (1) people with a disability;
- (2) people from socio-economically disadvantaged backgrounds;
- (3) women (in postgraduate courses and non-traditional areas of study);
- (4) people from non-English speaking backgrounds; and
- (5) people from rural and isolated areas.

As part of the Higher Education Equity Programme, funds are provided on a submission basis under the Disability Initiatives Programme (DIP) for projects that will enhance opportunities for students with

disabilities in higher education. DIP replaced the Cooperative Projects for Higher Education Students with Disabilities Programme (CPHESD).

(3) HEEP funding is provided to publicly funded higher education institutions.

HEEP funding provided as part of a university's operation grant consists of a base payment of \$80,000 plus additional funds based on the numbers of students from each equity target group enrolled at the university adjusted by a performance factor based on the success and retention of these students. The operational grant is paid in instalments at intervals throughout the year.

DIP funding is provided to universities on the basis of submissions.

(4) Higher Education Institutions receiving funding Under Higher Education Equity Programme and disability Initiatives Programme:

Dr N Otway Principal Australian Maritime College PO Box 986 LAUNCESTON TAS 7250 Electorate: Bass	Prof R D Terrell Vice-Chancellor Australian National University ACT 0200 Electorates: Lowe, Fraser, Canberra	Professor P Sheehan Vice-Chancellor Australian Catholic University PO Box 968 NORTH SYDNEY NSW 2059 Electorates: Lowe, Mitchell, Ballarat, Dickson, Canberra
Ms V Arbon Director Batchelor Institute Post Office BATCHELOR NT 0845 Electorate: Northern Territory	Prof J L C Chipman Vice-Chancellor & President Central Queensland University CQ Mail Centre ROCKHAMPTON QLD 4702 Electorate: Capricornia, Dawson, Hinkler, Maranoa	Prof C D Blake AM Vice-Chancellor Charles Sturt University Private Bag 99 BATHURST NSW 2795 Electorates: Calare, Farrer, Hume, Parkes, Riverina, Waringah
Prof L Twomey AM Vice-Chancellor & President Curtin Uni of Technology GPO Box U1987 PERTH WA 6845 Electorate: Kalgoorlie, O'Connor, Moore, Pearce, Perth, Swan	Prof G V H Wilson AM Vice-Chancellor & President Deakin University Pigdons Rd GEELONG VIC 3217 Electorate: Bruce, Corangamite, Corio, Higgins, Wannon	Prof M E Poole Vice-Chancellor Edith Cowan University Pearson Street CHURCHLANDS WA 6018 Electorate: Curtin, Forrest, Moore, Perth
Prof L R Webb Vice-Chancellor Griffith University Kessels Rd NATHAN QLD 4111 Electorate: Brisbane, Forde, Griffith, Moncrieff, Moreton	Prof B P Moulden Vice-Chancellor James Cook University TOWNSVILLE QLD 4811 Electorate: Herbert, Leichhardt	Prof M J Osborne Vice-Chancellor & President La Trobe University Plenty Road BUNDOORA VIC 3083 Electorate: Bendigo, Indi, Jagarra, Melbourne, Murray
Prof S Schwartz Vice-Chancellor Murdoch University MURDOCH WA 6150 Electorate: Brand, Tangney	Prof R McKay Vice-Chancellor Northern Territory University DARWIN NT 0909 Electorate: Northern Territory	Prof R D Gibson Vice-Chancellor QUT GPO Box 2434 BRISBANE QLD 4001 Electorate: Brisbane, Fairfax, Lillie, Petrie

Monday, 10 April 2000

SENATE

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Prof D G Beanland Vice-Chancellor RMIT University GPO Box 2476V MELBOURNE VIC 3001 Electorate: Gippsland, Melbourne, Scullin, Wills	Prof B E Conyngham AM Vice-Chancellor Southern Cross University PO Box 157 LISMORE NSW 2480 Electorate: Cowper, Lyne, Page, Richmond	Prof P Thomas Vice-Chancellor Sunshine Coast Uni Locked Bag No. 4 MAROOCHYDORE QLD 4558 Electorate: Fisher
Prof J G Wallace Vice-Chancellor Swinburne Uni of Tech PO Box 218 HAWTHORN VIC 3122 Electorate: Casey, Higgins, Koo-yong	Dr P Tannock Vice-Chancellor Uni of Notre Dame, Aust. PO Box 1225 FREMANTLE WA 6160 Electorate: Fremantle	Prof P Swannell Vice-Chancellor Uni of Southern Queensland TOOWOOMBA QLD 4350 Electorate: Groom, Wide Bay
Prof A D Gilbert Vice-Chancellor University of Melbourne PARKVILLE VIC 3052 Electorate: Kooyong, Lalor, Mallee, McMillan, Melbourne, Melbourne Ports, Murray, Wannon	Prof M J O'Kane Vice-Chancellor University of Adelaide GPO Box 498 ADELAIDE SA 5005 Electorate: Adelaide, Sturt, Wakefield	Prof D W James Vice-Chancellor University of Ballarat PO Box 663 BALLARAT VIC 3353 Electorate: Ballarat
Prof D A Aitkin Vice-Chancellor & President UNIVERSITY OF CANBERRA ACT2601 Electorate: Fraser	Prof I Moses Vice-Chancellor University of New England ARMIDALE NSW 2351 Electorate: New England	Prof J R Niland AO Vice-Chancellor & Principal University of New South Wales SYDNEY NSW 2052 Electorate: Barton, Kingsford-Smith, Sydney
Prof R S Holmes Vice-Chancellor & President University of Newcastle CALLAGHAN NSW 2308 Electorates: Dobell, Newcastle	Prof J A Hay Vice-Chancellor University of Queensland BRISBANE QLD 4072 Electorate: Blair, Oxley, Ryan	Prof D Bradley AO Vice-Chancellor & President University of South Australia GPO Box 2471 ADELAIDE SA 5001 Electorate: Adelaide, Bonython, Grey, Hindmarsh, Sturt
Prof G Brown Vice-Chancellor & Principal UNIVERSITY OF SYDNEY NSW 2006 Electorates: Calare, Reid, Sydney	Prof D McNicol Vice-Chancellor University of Tasmania GPO Box 252-51 HOBART TAS 7001 Electorate: Bass, Braddon, Denison	Prof J Reid AM Vice-Chancellor & Uni Pres. University of Western Sydney PO Box 1000 ST MARYS NSW 1790 Electorate: Banks, Greenway, Lindsay, Macquarie, Parramatta, Werriwa
Prof G R Sutton Vice-Chancellor & Principal	Prof A J D Blake Vice-Chancellor	Prof D Schreuder AO Vice-Chancellor & Principal

University of Wollongong Northfields Ave WOLLONGONG NSW 2522 Electorates: Cunningham, Gilmore	University of Technology Sydney PO Box 123 BROADWAY NSW 2007 Electorate: Bradfield, North Sydney	University of Western Australia Stirling Highway NEDLANDS WA 6907 Electorate: Curtin
Prof J Ronayne Vice-Chancellor Victoria Uni of Technology PO Box 14428 MELBOURNE VIC 8001 Electorate: Burke, Gellibrand, Lalor, Maribymong, Melbourne	Professor I Chubb Vice Chancellor Flinders University GPO Box 2100 ADELAIDE SA 5001 Electorates: Boothby	

(5) HEEP funding is announced in the Higher Education report for the particular triennium which is tabled in Parliament early each year.

(6) A formula is used to determine HEEP funding to universities as part of their operational grants. A selection committee evaluates the submissions received for DIP funding and makes a recommendation to the Minister for Education, Training and Youth Affairs. In 1999 the Selection Committee consisted of:

Carolyn Wood Tertiary Education Disability Council (Australia) (TEDCA)
Trevor Allan Institutional Rep
David Clarke Consumer Rep
Jason Ryan Student Rep
David Goodbody DETYA (Chair)

The following submissions were received for funding under the DIP in 1999.

	University	Project
1	ACU	European practices in service provision
2	Adelaide	Alternative assessment validation
3	ANU	Assistive Technology Evaluation
4	Ballarat	Heath Promoting Universities
5	Charles Sturt	National guidelines for accessible on-line resources
6	CQU	Regional Disability Liaison Officer
7	Deakin	Guidelines for working with disability support workers
8	Deakin	Regional Disability Liaison Officer
9	Deakin	Clearing house on education and training for people with disabilities
10	Griffith	Graduate Certificate in Tertiary Disability Service
11	James Cook	Assistive Technology Resource
12	La Trobe	Support needs of deaf students
13	Melbourne	Employment Mentoring for students with disabilities
14	Melbourne	Guidelines for assessing learning disabilities
15	Monash	Training Kit on alternative assessment
16	NSW	Setting Directions Seminars
17	NTU	Regional Disability Liaison Officer
18	Southern Cross	Regional Disability Liaison Officer
19	UC	Pathways Conference

	University	Project
20	Tasmania	Regional Disability Liaison Officer
21	UQ	Website on resources for students with disabilities
22	USQ	Regional Disability Liaison Officer
23	USQ	Optimising Utilisation of Communication and Information Technologies
24	UTS	WISE ways of supporting students with psychiatric disabilities
25	UWA	Flexible Programme Delivery
26	UWS	Regional Disability Liaison Officer
27	UWS	Academic Preparation for deaf students
28	Wollongong	Voice recognition software development

The following proposals were successful in their submissions for funding in 1999.

Auspecting University	Proposal
Central Queensland University	Regional Disability Liaison Officer
Deakin University	Regional Disability Liaison Officer
University of Western Sydney	Regional Disability Liaison Officer
University of Tasmania	Regional Disability Liaison Officer
Deakin University	Clearing House on education and training for people with disabilities.
Deakin University	Guidelines for working with disability support workers
University of Canberra	Pathways Conference
University of Southern Queensland	Utilisation of Communication Technologies by students studying externally.

DISTANCE EDUCATION

There is no Commonwealth programme called "Distance Education" as such. The Commonwealth provides funding for isolated students through Assistance for Isolated Children Scheme (AIC) but the actual provision of education to students who are unable to attend mainstream schools due to living in remote and isolated areas is an issue for State and Territory Governments. This is largely overcome by the Schools of Distance Education.

CAP funding is provided to State and Territory education authorities which allocate funds to schools according to priorities identified by them, utilising their knowledge of local need, provided they comply with CAP guidelines. Schools are advised of their funding by their education authority, the Commonwealth is not provided with the names of the schools which receive CAP funds nor their electorates.

Funds from the Government General Recurrent, Capital Programmes and Country Areas Programme can be used by the education authorities to support Schools of Distance Education.

ASSISTANCE FOR ISOLATED CHILDREN SCHEME

(1) The Assistance for Isolated Children (AIC) scheme was introduced in January 1973 to assist with the additional costs incurred by families in educating their geographically isolated children. Approximately \$30m is allocated per annum to pay families of students receiving an allowance under AIC. The following table shows the amounts paid over the financial years from 1995/96.

Financial Years			
1995/96	1996/97	1997/98	1998/99
\$28,388,407	\$27,075,607	\$28,709,373	\$30,538,040

(2) The aim of the AIC scheme is to help the families of students who are unable to attend an appropriate school daily because of geographic isolation and are required to either board away from the family home to study or undertake study at home using distance education methods. Apart from the Additional Boarding Allowance all allowances under AIC are free of income and assets test but applicants must meet the eligibility criteria.

There are four types of allowances under the AIC scheme:

Distance Education – assists families of students who are living at home and studying by State or Territory approved distance education methods.

Second Home Allowance – provides assistance to families to maintain a second home so that students in the family may attend school daily.

Boarding Allowance – to assist families of students who board away from home to attend school. There are two components of boarding allowance, Basic Boarding Allowance (non-means tested) and Additional Boarding Allowance (income tested and subject to boarding costs).

AIC Pensioner Education Supplement – is paid to families of students who receive a Disability Support Pension or Parenting Payment (single) and are studying full-time at primary (or equivalent ungraded) level. These students are not eligible for any other AIC allowance.

(3) AIC is not a project based scheme. Allowances are only made to individual applicants, that is, parents or persons having legal guardianship of students who meet the eligibility criteria. Although uncommon, it is possible for an institution that has legal guardianship of a student to receive an allowance in respect of that student.

(4) There are approximately 12,000 clients receiving an allowance under AIC. While the Department of Education, Training and Youth Affairs (DETYA) is concerned with policy issues of the AIC scheme, Centrelink administers the scheme. Information on these clients is kept by Centrelink and only statistical information is provided to DETYA. Due to privacy issues any report provided to DETYA does not identify applicants, their addresses and/or electorates.

(5) Not applicable, AIC is not a project based scheme.

(6) Applications for allowances under the AIC scheme are assessed by Centrelink staff who administer the scheme on behalf of DETYA. The assessment process is undertaken in accordance with guidelines set out in the AIC Policy Guidelines Manual that is updated by DETYA on an annual basis.

RURAL YOUTH INFORMATION SERVICE (RYIS)

(1) The RYIS network was established in 1990 with 21 providers. Up until 30 June 1999, providers each received Commonwealth funding of \$25,000 per annum. From 1 July 1999, funding for RYIS providers was increased to \$30,000 per annum with the RYIS network expanding to 25 providers from February 2000. Total funding to date is approximately \$6m.

(2) The aim of the RYIS is to improve the access of disadvantaged young people in rural and remote areas of Australia, to information, advice and referral primarily on employment, education and training opportunities, but also on broader issues of income support, accommodation and health. RYIS providers are expected to match the DETYA funding grant to assist with the costs of operating a RYIS.

(3) and (4) RYIS providers, addresses, electorates, funding amounts and funding periods.

State/ Territory	Organisation	Physical Address	Electorate	Funding from 1/2/2000 to 30/6/2001	Funding from 1/7/99 to 31/1/2000	98/99 Funding	97/98 Funding
NSW	Bay and Basin Community Resources Inc	34 Paradise Beach Rd SANCTUARY POINT NSW 2540	Gilmore	\$43,000	\$17,500	\$25,000	\$25,000
	Hay Shire Council	134 Lachlan Street HAY NSW 2711	Riverina	Not funded (3)	\$17,500	\$16,435 (4)	\$25,000
	Nimbin Neighbourhood & Information Centre Inc	71 Cullen St NIMBIN NSW 2480	Page	\$43,000	\$17,500	\$25,000	\$25,000
	Severn Shire Council	Church Street GLEN INNES	New England	\$43,000	\$17,500	\$25,000	\$25,000

State/ Territory	Organisation	Physical Address	Electorate	Funding from 1/2/2000 to 30/6/2001	Funding from 1/7/99 to 31/1/2000	98/99 Funding	97/98 Funding
		NSW 2370					
	Wellington Information and Neighbourhood Services Inc	46 Swift Street WELLINGTON NSW 2820	Gwydir/ Calare	Not funded	\$17,500	\$25,000	\$25,000
	*Mid Richmond Neighbourhood Centre	5/6 Johnny's Arcade, Oak St EVANS HEAD NSW 2473	Page	\$43,000	N/A	N/A	N/A
	*Forbes Employment & Training Service	134 Lachlan Street FORBES NSW 2871	Parkes	\$43,000	N/A	N/A	N/A
VIC	Swan Hill Rural City Council	45 Splatt Street SWAN HILL VIC 3585	Mallee	\$43,000	\$17,500	\$25,000	\$25,000
	North Central Rural Youth Services	Community Health Centre Bldg East Wimmera Health Service North Western Road ST ARNAUD VIC 3478	Mallee	\$43,000	\$12,500 (5)	\$25,000	\$25,000
	Terang Resources Inc	Mudbrick Centre, Shadforth St TERANG VIC 3264	Wannon	\$43,000	\$17,500	\$25,000	\$25,000
	Upper Hume Community Health Services Inc	12 Stanley Street WODONGA VIC 3689	Indi	\$43,000	\$17,500	\$25,000 (6)	\$25,000
	*Cutting Edge Youth Service	136 Maude Street SHEPPARTON VIC 3630	Murray	\$43,000	N/A	N/A	N/A
QLD	Cloncurry Shire Council	19-21 Scarr Street CLONCURRY QLD 4824	Kennedy	\$43,000	\$17,500	\$25,000	\$25,000
	Emergency & Long Term Accommodation Inc	Town Square MORANBAH QLD 4744	Capricornia	\$43,000	\$17,500	\$25,000	\$25,000
	South Burnett Community Training Centre Inc	130 Kingaroy Street Artie Kerr Building	Blair	\$43,000	\$17,500	\$25,000	\$25,000

State/ Territory	Organisation	Physical Address	Electorate	Funding from 1/2/2000 to 30/6/2001	Funding from 1/7/99 to 31/1/2000	98/99 Funding	97/98 Funding
		KINGAROY QLD 4610					
	St George Youth & Community Association Inc	13 Grey Street ST GEORGE QLD 4487	Maranoa	\$43,000	\$17,500	\$25,000	\$25,000
	*Bundaberg Area Youth Service	71 Woongarra Street BUNDABERG QLD 4670	Hinkler	\$43,000	N/A	N/A	N/A
	*Blackall Shire Council	6 Coronation Drive BLACKALL QLD 4472	Mananoa	\$43,000	N/A	N/A	N/A
SA	Barossa, Clare and Gawler Skills Training Committee Inc	16 Staehr Street, NURIOOTPA SA 5355	Wakefield	Not funded	\$17,500	\$25,000	\$25,000
	Community Access Centre - Millicent and District Inc	19 Davenport Street MILLICENT SA 5280	Barker	\$43,000	\$17,500	\$25,000	\$25,000
	*Rivskills	5 Kealley Street BERRI SA 5343	Wakefield	\$43,000	N/A	N/A	N/A
WA	Kan-Work Option Centre Inc	Old Railway Station Building Austral Terrace KATANNING WA 6317	O'Connor	\$43,000	\$17,500	\$25,000	\$25,000
	Narrogin Youth Support Committee Inc.	Mackie Park Cnr of Federal & Fortune Street NARROGIN WA 6312	O'Connor	\$43,000	\$17,500	\$25,000	\$25,000
	Paraburdoo & Tom Price Youth Support Association Inc	Stadium Road TOM PRICE WA 6751	Kalgoorlie	\$43,000	\$17,500	\$25,000	\$25,000
	Jobs South West Inc	50-54 Queen Street BUSSELTON WA 6280	Forrest	Not funded	\$17,500	\$25,000	\$25,000
	*Jobs South West Inc (1)	Unit 1/116 Blair Street BUNBURY WA 6280	Forrest	\$43,000	N/A	N/A	N/A

State/ Territory	Organisation	Physical Address	Electorate	Funding from 1/2/2000 to 30/6/2001	Funding from 1/7/99 to 31/1/2000	98/99 Funding	97/98 Funding
	*Agencies for South West Accommodati on Inc (2)	40 Charles Street BUNBURY WA 6230	Forrest	\$43,000	N/A	N/A	N/A
TAS	Cross-Link Deloraine Inc	9 Emu Bay Rd DELORAIN TAS 7304	Lyons	\$43,000	\$17,500	\$25,000	\$25,000
NT	Dept of Edu- cation, Learn- ing Delivery Support Branch	Van Delft Street JABIRU NT 0886	Northern Territory	\$43,000	\$12,500 (7)	\$12,500 (8)	\$25,000

NOTES:

* New Services operating from February 2000

(1) Jobs South West Inc previously operated a RYIS from Busselton; after reassessment it was determined that Busselton no longer needed a RYIS. However, this organisation submitted a successful tender to service Bridgetown & Manjimup.

(2) Agencies for South West Accommodation submitted a successful tender to service Margaret River and Augusta.

(3) Hay did not reapply for RYIS funding in 2000/2001.

(4) The total RYIS expenditure of the Hay Shire Council for the year was \$32,871. As RYIS providers are required to match the Commonwealth's funding, DETYA only paid half the RYIS expenses ie \$16,435.50

(5) As a RYIS worker was not employed for the first 2 months of the funding period, the North Central Youth Services (Vic) only received a prorata amount of funding of \$12,500.

(6) The Upper Hume Community Health Services Inc previously operated under the name of Upper North Eastern Youth Services Inc.

(7) As a RYIS worker was not employed for the first 2 months of the funding period, the NT RYIS only received a prorata amount of funding of \$12,500.

(8) Northern Territory Employment and Training Authority (NTETA) were contracted to provide a RYIS at Jabiru for the period of 1 July 1998 to 30 June 1999, however the service only operated for six months between July 98 and December 98 and therefore only received half the total funding. The NT Department of Education sponsored the RYIS at Jabiru from July 1999.

(5) The RYIS programme providers were announced at the inception of the programme, however there were no further announcements until 1998.

On 18 June 1998, Dr Kemp announced the continuation of RYIS funding for 1998/99.

On 1 February 2000, Dr Kemp announced the successful organisations from the 1999 RYIS tender process.

The Department does not keep information on RYIS funding announcements made by local MPs.

(6) As a pilot programme, the original location of RYIS services in 1990 was made on the basis of a Departmental analysis of areas of need as well as identification of suitable organisations to provide a RYIS. As the initial projects have continued to be funded there has not been a change in project locations up until now.

In 1999, Dr Kemp agreed to expand the number of RYISs to 25. The Department subsequently undertook a tender process in the second half of 1999 to determine the locations of the new RYIS services. As part of this process the existing RYISs were reassessed and these outcomes are as listed in the table above.

The tender assessment and re-assessment processes were conducted by a team of Departmental officers who made recommendations to the Departmental delegate. The delegate approved the recommendations of the tender assessment and reassessment processes. Dr Kemp announced the outcomes of the tender process on 1 February 2000.

A total of 46 applications for RYIS funding were received under the tender process. It is not in the public interest to provide the names of the unsuccessful tenderers as it may affect the future number of tenders received by the Department.

RURAL AND REGIONAL NEW APPRENTICESHIPS INITIATIVE

(1) The Commonwealth provided \$51.4 million to support 30,000 New Apprenticeships over 5 years, commencing from 1 January 1999. For the period July 1999 to mid February 2000 Rural and Regional New Apprenticeships incentives payments of \$1.5 million have been made supporting 1,523 New Apprentices.

(2) The Rural and Regional New Apprenticeships initiative was introduced on 1 January 1999 to boost much needed training in rural and regional Australia.

The \$1,000 incentive is paid to employers as a progression payment where a New Apprentice progresses from Certificate Level II training to Certificate Level III training, provided the occupation is on the identified Skills Shortage List and the employer is located in a non-metropolitan area.

The initiative is delivered through the New Apprenticeships Centres which are organisations contracted to the Commonwealth to process incentive payments and provide support services to employers and apprentices.

(3) N/A The programme is not project based.

(4) N/A - The programme is not project based. Payment of the Rural and Regional incentives are made to individual employers.

(5) N/A - The programme is not project based.

(6) N/A - The programme is not project based.

OPEN LEARNING AUSTRALIA PROGRAMME

(1) (a) total amount of core funding provided for the Open Learning Australia (OLA) Programme over the period of 1993-1996 was \$29,843,130. Although funding has ceased, the OLA is under contract to the Commonwealth to provide specified services until 2003.

(b) total amount of funding provided for the OLA Programme to cover Open Learning Deferred Payments over the period of 1994-1999 has been \$17,129,874.

(c) total amount of funding provided for the OLA Programme to cover the administration of the Open Learning Deferred Payments over the period of 1996-1999 has been \$357,087.

(2) The main purposes of the OLA Programme include:

(a) to widen and facilitate access to tertiary education; and

(b) to increase flexibility and innovation in the provision of high quality tertiary education programmes.

(3) Under the OLA Programme, OLA was funded as the broker of open learning subjects. It offers awards through TAFE institutions and through Australian universities. There is no specific project or funding assistance provided under this programme to community organisations/groups/the private sector.

(4) As the response to (3) refers - under the OLA programme, Open Learning Australia was funded as the broker of open learning subjects.

Dr J Beck

Chief Executive Officer

Open Learning Australia

PO Box 18059

Collins St East

MELBOURNE VIC 8003

ELECTORATE: MELBOURNE

(5) Response to item (3) refers.

(6) Response to item (3) refers.

**Department of Transport and Regional Services: Grants to Gippsland Electorate
(Question No. 1869)**

Senator O'Brien asked the Minister representing the Minister for Transport and Regional Services, upon notice, on 21 January 2000:

(1) What programs and/or grants administered by the department provide assistance to people living in the federal electorate of Gippsland.

(2) What was the level of funding provided through these programs and grants for the 1996-7, 1997-98 and 1998-99 financial years.

(3) What is the level of funding provided through these programs and grants has been appropriated for the 1999-2000 financial year.

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

The Road Safety Black Spot Program

Question 1

The Federal 'Road Safety Black Spot Program' provides funding to projects within the federal electorate of Gippsland.

Question 2

The value of projects approved under the Black Spot Program for each of the financial years 1996-97, 1997-98 and 1998-99 for the federal electorate of Gippsland is as follows:

Financial Year	Total Value of projects Approved
1996/97	\$1,755,000
1997/98	\$177,000
1998/99	\$52,000

Question 3

The value of projects approved under the Black Spot Program for the financial year 1999/2000 for the federal electorate of Gippsland is \$NIL.

Regional Flood Mitigation Programme

Question 1

The Regional Flood Mitigation Programme provides assistance to the people living in the federal electorate of Gippsland.

Question 2

The Regional Flood Mitigation Programme commenced in July 1999.

Question 3

The Commonwealth Government has announced funding of \$50,000 for 1999-2000 for a Flood Warning System for the Latrobe River to Rosedale.

Rural Communities Program (RCP)

Question 1

The Rural Communities Program funds community development projects in small rural communities through the provision of a range of services including financial counselling, information provision, access to information technology services, community development and planning. (Financial counselling is administered by Agriculture, Fisheries and Forestry – Australia under a Memorandum of Understanding.)

Question 2

The Rural Communities Program commenced in July 1998. Expenditure for 1998-99 was \$338,623.

Question 3

Funding expected to be provided for 1999-2000 is \$407,268.

Rural Plan

Question 1

The Rural Plan initiative provides grants to rural communities and industries in regions to develop strategic plans and associated action plans with a goal of encouraging diverse, dynamic and self-reliant communities, and profitable and sustainable rural industries. Funded Rural Plan projects are intended to develop the capacity of regional and rural communities and industries to take leading roles in their own development.

Question 2

The Rural Plan commenced in September 1998.

Question 3

Funding expected to be provided for 1999-2000 is \$184,000. (This project is being conducted by the Bega Valley Shire Council and covers the southeast corner of NSW and the north east corner of Victoria, which falls partly within the Gippsland electorate).

Financial Assistance Grants

Question 1

Grants paid under the Local Government (Financial Assistance) Act 1995 for 1996-97, 1997-98, 1998-99 and estimated entitlements for 1999-2000.

Question 2

Council Name	Actual General Purpose	Actual Roads	Total
1996/1997 Financial Year			
Bass Coast (S)	\$1,662,383	\$697,545	\$2,359,928
East Gippsland (S)	\$3,612,925	\$2,109,527	\$5,722,452
La Trobe (S)	\$6,092,091	\$1,803,482	\$7,895,573
South Gippsland (S)	\$2,684,853	\$1,366,274	\$4,051,127
Wellington (S)	\$3,226,394	\$1,984,327	\$5,210,721
Total	\$17,278,646	\$7,961,155	\$25,239,801
1997/1998 Financial Year			
Council Name	Actual General Purpose	Actual Roads	Total
Bass Coast (S)	\$1,559,419	\$680,077	\$2,239,496
East Gippsland (S)	\$3,592,712	\$2,098,723	\$5,691,435
La Trobe (S)	\$6,267,419	\$1,757,693	\$8,025,112
South Gippsland (S)	\$2,551,202	\$1,379,982	\$3,931,184
Wellington (S)	\$3,171,381	\$1,954,975	\$5,126,356
Total	\$17,142,133	\$7,871,450	\$25,013,583
1998/1999 Financial Year			
Council Name	Actual General Purpose	Actual Roads	Total
Bass Coast (S)	\$1,763,157	\$822,631	\$2,585,788
East Gippsland (S)	\$3,765,522	\$2,119,819	\$5,885,341
La Trobe (S)	\$6,287,166	\$1,764,773	\$8,051,939
South Gippsland (S)	\$2,414,997	\$1,348,478	\$3,763,475
Wellington (S)	\$3,406,711	\$2,130,276	\$5,536,987

Council Name	Actual General Purpose	Actual Roads	Total
Total	\$17,637,553	\$8,185,977	\$25,823,530

Question 3

1999/2000 Financial Year

Council Name	Estimate General Purpose	Estimate Roads	Total
Bass Coast (S)	\$1,969,000	\$845,034	\$2,814,034
East Gippsland (S)	\$3,845,000	\$2,129,252	\$5,974,252
La Trobe (S)	\$5,929,000	\$1,747,774	\$7,676,774
South Gippsland (S)	\$2,705,000	\$1,597,654	\$4,302,654
Wellington (S)	\$3,572,000	\$2,101,032	\$5,673,032
Total	\$18,020,000	\$8,420,746	\$26,440,746

(S) – Shire

Note: Bass Coast, La Trobe and South Gippsland shires are partially situated in the current electorate of Gippsland.

Rural Transaction Centres (RTC) Programme and CreditCare Initiative**Question 1**

Rural Transaction Centres (RTC) Programme and CreditCare Initiative provides assistance to people living in the federal electorate of Gippsland.

Question 2

There was no expenditure on the RTC Programme in the financial years listed. CreditCare funding is provided to the Credit Union Services Corporation Limited (CUSCAL) to help rural and remote communities through the process of recovering access to financial services. Programme funding is not provided directly to recipients in those communities.

Question 3

With regard to the RTC Programme, \$140,000 has been provided to the Welshpool and District advisory Group Inc to establish and operate an RTC in 1999-2000. (With regard to Creditcare, see response to question 2.)

Local Government Development Programme (LGDP)**Question 1**

LGDP existed until 1998-99 but in respect of projects approved for funding prior to 30 June 1999, payment for one project impacting on the Gippsland electorate is continuing in 1999-2000. LGDP provides assistance to Local Government in addressing social, cultural and economic priorities and community well being.

Two LGDP projects have provided assistance to people living in the Gippsland region, which would provide assistance to people living in the federal electorate of Gippsland. These are:

- . East Gippsland Strategy Community Involvement (located in the Gippsland electorate)
- . Gippsland Dairy Produce Alliance project conducted by La Trobe Shire Council on behalf of Gippsland's seven municipalities. Although La Trobe Shire Council is headquartered in Traralgon in the neighbouring electorate of McMillan, the regional benefits of the project will impact on people living in the Gippsland electorate.

Question 2

Expenditure in the Gippsland electorate for 1996-97 was \$39,750. For 1997-98 and 1998-99 funding was nil.

Question 3

Funding expected to be provided in 1999-2000 is \$90,000 (regional benefits to Gippsland electorate).

Regional Development Programme**Question 1**

The previous Government's Regional Development Programme (RDP) provided assistance to people living in the federal electorate of Gippsland. It was announced in 1996 that the RDP would be wound up and the last payments were made under the Programme in 1998-1999.

Question 2

The level of funding provided through the RDP for 1996-97, 1997-98 and 1998-99 was \$4.687m, \$0.664m and nil respectively. All of these funds were provided to Gippsland Development Ltd for structural assistance or regional projects.

Question 3

The RDP has been wound up.

Department of the Environment and Heritage: Grants to Gippsland Electorate**(Question No. 1872)**

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

- (1) What programs and/or grants administered by the department provide assistance to people living in the federal electorate of Gippsland.
- (2) What was the level of funding provided through these programs and grants for the 1996-97, 1997-98 and 1998-99 financial years.
- (3) What level of funding provided through these programs and grants has been appropriated for the 1999-2000 financial year.

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

- (1) Cultural Heritage Projects Program
- National Estate Grants Program
- Regional Forest Agreement Stakeholder Participation Grants
- Natural Heritage Trust Projects:
 - Indigenous Protected Areas
 - National Reserve System
 - Bushcare
 - Waterwatch
 - National Wetlands
 - Clean Seas
 - Coastal and Marine Planning
 - Coastal Monitoring
 - Coastcare
 - Introduced Marine Pests
 - Marine Species Protection

(2)-(3)

LEVEL OF FUNDING

The following table shows, for each of the programs and grants identified in the answer to question (1) above, where available, actual expenditures in 1996-97, 1997-98 and 1998-99 and estimated expenditure in 1999-2000.

PROGRAM	1996-97	1997-98\$	1998-99\$	APPROPRIATIONS
				FOR 1999-2000
Cultural Heritage Projects Program	\$	\$	\$	\$
				*

PROGRAM	APPROPRIATIONS			
	1996-97	1997-98\$	1998-99\$	FOR 1999-2000
	\$	\$	\$	\$
National Estate Grants Program			56,932	10,000
Regional Forest Agreement	**18,000		**9,000	**5,000
Stakeholder Participation Grants				
NATURAL HERITAGE TRUST PROJECTS				
- Indigenous Protected Areas			41,875	Nil
- National Reserve System			6,000	526,333
- Bushcare		173,711	598,786	631,200
- Waterwatch		41,100	41,200	44,000
- National Wetlands			19,400	Nil
- Clean Seas			150,000	405,000
- Coastal & Marine Planning			90,000	64,000
- Coastal Monitoring			15,000	43,761
- Coastcare	150,155	160,159	211,851	***427,000
- Introduced Marine Pests				77,000
- Marine Species Protection			20,000	40,000
TOTAL	168,155	374,970	1,254,044	****

* The total allocation for Australia is \$4,100,000. No estimate has been provided as disaggregated allocations have not yet been decided for this program. Residents of the federal electorate of Gippsland are eligible to apply for this program.

** Grants funded 50% by Environment Australia and 50% by Agriculture, Fisheries and Forestry Australia.

*** This amount represents the total allocation for Victoria rather than for Gippsland. No estimate has been provided as disaggregated allocations have not yet been decided for this program. The allocation is not all for grant payments, the funds may be used for other purposes such as payments for Coastcare facilitators. Residents of the federal electorate of Gippsland are eligible to apply for this program.

**** Not applicable.

Department of Transport and Regional Services: Year 2000 Compliance (Question No. 1887)

Senator O'Brien asked the Minister representing the Minister for Transport and Regional Services, upon notice, on 21 January 2000:

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

(2) (a) Who were the consultants selected as part of the above work; and

(b) What was the cost of each consultant.

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

(4) Have there been any problems with any systems within the department or any agencies since 1 January 2000; if so:

(a) what was the nature of each problem; and

(b) has each problem been corrected.

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

(1) Total cost = \$3,827,536.

It should be noted that a number of Departmental systems due to be upgraded or decommissioned (regardless of their Y2K status) were modified or replaced as a component of the Y2K remediation process as the timing of the planned upgrades and replacements coincided with the need to address Y2K issues. The total cost of planned upgrades and replacements are included in the total above, as it is not possible to isolate costs of the specific Y2K work.

The total cost includes \$800,000 of Y2K seed funding supplied by the Office for Government Online. This funding financed remedial work on the Island Territories, the Bureau of Air Safety Investigation (BASI) Occurrence Analysis and Safety Investigation System (OASIS) and replaced the Motor Vehicles Certification System.

(2) (a) and (b) and (3).

Details are provided at Attachment A.

(4) Year 2000 related problems were reported with one system within the Department, the Aviation Occurrence Analysis and Safety Investigation System.

(a) The problem resulted from date interactions between the database and the Department's network computers. It caused minor difficulties when adding records prior to 1 January 2000 or searching for incidents in a date range spanning from 1999 to 2000.

(b) The problem has been corrected.

ATTACHMENT A

Year 2000 Consultants

Transport and Regional Services – Question Number 1887

Consultant	System	Cost	Tender Process?	Reason for not Using a Tender Process
Intelligent Technologies	Ministerial papers system	\$44,500	No	The original system was developed by Intelligent Technologies so they were hired to test and apply fixes to the system as a component of ongoing support services.
General Electric Capital IT Solutions	Information Management Plan	\$65,750	Yes – under the OGO shared system suite panel	N/A
Computech (Formerly General Electric Capital IT Solutions)	Records Management System	\$383,371	Yes – under the OGO shared system suite panel	N/A
Coopers and Lybrand	Y2K Project Review	\$26,300	Yes – under the PE 68 Common Use Arrangements Panel.	
Computer Power Pty Ltd	Correspondence Tracking System	\$13,125	No	Available credits the Department had accrued with Computer Power from the Microsoft Licensing agreement were used.
Computer Power Pty Ltd	Aviation Occurrence Analysis and Safety Investigation System	\$206,800	Yes – under the PE 68 Common Use Arrangements Panel.	N/A
Computer Power Pty Ltd	Road Vehicle Certification System	\$330,000	No	Y2K work was not tendered for specifically because it was incorporated into system development work. However the contractor was originally

Consultant	System	Cost	Tender Process?	Reason for not Using a Tender Process
SUN Systems	Computer Operating System	\$25,000	No	engaged through a tender process. Sun was contracted through Computer Vision Services International who had an ongoing service agreement with the Department.
Unisys	Project Management for testing and remediation work in the Indian Ocean Island Territories and Jervis Bay.	\$363,623	Yes	
Electric Power Consulting; RADTEL; Atherton; Remp Consulting; GHD; AEG Modicon Schneider Electric; Lasata; and Itron	Testing and remediation work in the Island Territories and Jervis Bay.	\$145,286	No	These contractors were engaged through existing maintenance contracts.
Lieberts	Computer Room Environmental Monitoring System	\$10,732	No	Lieberts built the existing monitoring system and they conducted the upgrade in conjunction with their ongoing support services.
Admiral Management Services	Y2K Progress Review	\$18,500*	Yes	N/A
KFPW	Y2K review and survey of regional offices.	\$2,500	No	KFPW took over from DAS Properties when DAS was devolved. There was an interim contract put in place, at the end of which, Departments had the opportunity to go to tender for a new service provider or keep the existing one. The Department kept KFPW and Y2K processes were rolled into the existing services.
Interim Technology	Maritime Shipping Database	\$504	No	The cost of the task did not warrant undertaking a tender process. Specific skills were also required within a short timeframe and these skills were available through Interim Technologies.

*Half paid for directly by the Office for Government Online.

**Department of Health and Aged Care: Year 2000 Compliance
(Question No. 1895)**

Senator O'Brien asked the Minister representing the Minister for Health and Aged Care, upon notice, on 21 January 2000:

- (1) What was the total cost of work undertaken by the department to ensure that all systems were year 2000 compliant.
- (2) (a) Who were the consultants selected as part of the above work; and
(b) What was the cost of each consultant.
- (3) Where consultants were engaged, were they selected through a tender process; if not, why not.
- (4) Have there been any problems with any systems within the department or any agencies since 1 January 2000; if so: (a) what was the nature of each problem; and (b) has each problem been corrected.

Senator Herron—The Minister for Health and Aged Care has provided the following answer to the honourable senator's question:

(1) The cost of the Y2K project for the Department was \$1.5 million.

(2) (a) Consultants were not used to conduct Y2K remediation work. Consultants from Acumen Alliance and Admiral Management Services were employed for external audits of the project in line with government requirements.

(b) The Acumen Alliance consultancy cost \$13,125. The Admiral Management Services consultancy cost \$12,000 of which OGO contributed \$6,000.

(3) Acumen Alliance was selected from an internal panel of providers of audit services. The firm was also on OGO's panel for Y2K project reviews. Both panels were the result of tender processes.

Admiral was selected from OGO's panel of consultants to provide an independent high level external review of the Y2K project.

(4) The rollover from 31 December 1999 to 1 January 2000 was the key date for the Y2K project. This rollover occurred without any adverse affects. Since then, only a small number of minor problems have occurred. These problems had no impact on the Department's operations.

Civil Aviation Safety Authority: Director's Leave

(Question No. 1907)

Senator O'Brien asked the Minister representing the Minister for Transport and Regional Services, upon notice, on 28 January 2000:

(1) Was the Director of the Civil Aviation Safety Authority (CASA) on recreational leave from 25 August 1999 to 6 September 1999.

(2) Was Mr Richard Yates recommended by the CASA Board, and endorsed by the Minister, to act as Director in Mr Toller's absence.

(3) Did Mr Yates also take leave during his period as Acting Director; if so: (a) who was appointed to act for Mr Yates while he was absent; (b) was the Minister informed of these arrangements; and (c) did the Minister endorse the appointment of a second officer to act as Director during this period.

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

The Civil Aviation Safety Authority has provided the following advice:

(1) Yes, Mr Toller was abroad on recreational leave.

(2) Yes, Mr Yates was recommended by the CASA Board and appointed by the Minister to act as Director in Mr Toller's absence.

(3) Yes, Mr Yates was on local leave from 25 August to 28 August 1999.

(a) Mr Yates was available by mobile telephone at all times and was in frequent contact with his office.

(b) No.

(c) No, as this is not necessary when the Director or, in his absence, his appointed Deputy, is able to perform the functions of the office (refer s90 of the Civil Aviation Act 1988).

Bridge Construction Program: Kimberley Region

(Question No. 1916)

Senator Cook asked the Minister representing the Minister for Transport and Regional Services, upon notice, on 11 February 2000:

With reference to the 1999-2000 Budget, in which the Minister announced funding for a bridge construction program in the Kimberley region of Western Australia: For each of the following Great Northern Highway crossings; Ord River; Brookings Channel at Fitzroy Crossing; Fitzroy River at Fitzroy Crossing; Panton River; Little Spring Creek; Wilson Creek; Roses Yard; Laurel Downs; Plum Plains; Upper Panton; Sandy Creek; Telegraph Creek; Elvira Creek; Dunham River and Bow River:

(1) What funding has been allocated for each individual crossing.

(2) (a) On which projects has work commenced; and (b) for the projects for which work has not commenced, when is it scheduled to commence.

(3) What are the expected completion dates for these projects.

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

1, 2 (a) and (b), 3. As part of the 1999/00 Budget announcement of \$60m for the progressive upgrading of bridges in the Kimberley region, the Western Australia Main Roads Department has been allocated \$1.5m in 1999/2000 for bridge works. It is planned to commence pedestrian bridges over Brooking Channel and Fitzroy River in April 2000. These projects will be completed by September 2000. Detailed investigation of upgrading options for the Ord and Fitzroy bridges will be undertaken this financial year, with the intention to commence the Ord bridge in 2001/2002, and the Fitzroy bridge in 2004/2005.

Indicative funding is \$1.5m for 2000/2001 and \$5m per annum thereafter. However, the actual level of funding will be determined in the light of the circumstances of each project, having regard to competing projects elsewhere in WA.

The Laurel Downs/Plum Plains and the Little Panton River and Spring Creek Bridges were completed in November 1999.

**Department of Transport and Regional Services: Gavin Anderson and Kortlang
(Question No. 1919)**

Senator Robert Ray asked the Minister representing the Minister for Transport and Regional Services, upon notice, on 17 February 2000:

(1) What contracts has the department, or any agencies of the department, provided to the firm, Gavin Anderson and Kortlang since March 1996.

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

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

In responding to the question, the word 'provided' has been interpreted to mean a contract awarded by the department or a portfolio agency.

From the information available, the department has not entered into any contracts with the firm, Gavin Anderson and Kortlang since March 1996.

The department is not aware that any portfolio agency has provided any contract to this firm since March 1996.

**Commonwealth Grants Commission: Indigenous Funding Consultant
(Question No. 1943)**

Senator O'Brien asked the Minister representing the Minister for Finance and Administration, upon notice, on 22 February 2000:

(1) Was a consultant engaged to assist in the identification of suitable candidates for appointment to the Commonwealth Grants Commission to assist in its inquiry into indigenous funding.

(2) (a) what was the name of the consultant;

(b) was a tender process followed in the appointment of the consultant;

(c) what was the duration of the consultancy; and

(d) what was the cost of the consultancy.

(3) If a tender process was followed:

(a) how many companies were short-listed for the consultancy;

(b) who were the short-listed companies.

(4) (a) When did the tender open;

(b) when was the successful candidate appointed; and

(c) who approved that selection.

(5) (a) What selection criteria were provided to the above consultant; and

(b) who drafted and approved those criteria to assist in the identification of suitable candidates for the above positions.

(6) (a) Was there any other information or advice provided to the consultant; if so:

(i) what was the nature of that material, and

(ii) can a copy of that material be provided; and

(b) who drafted and approved the additional material to assist in the above process.

Senator Ellison—The Minister for Finance and Administration has provided the following answer to the honourable senator's question:

(1) Yes.

(2) (a) Kathleen Townsend Executive Solutions Pty Ltd.

(b) In accordance with Commonwealth procurement guidelines, quotes were requested from a number of companies. Three quotes were received

(c) A final list of prospective Members was required from the consultant by 22 October 1999.

(d) \$48 000, plus advertising fees and travel costs.

(3) (a) Quotes were received from three companies and representatives of two of the prospective consultants were interviewed.

(b) Kathleen Townsend Executive Solutions Pty Ltd; and Waitesearch International Pty Ltd.

(4) (a) Letters requesting quotes were sent out on 20 August 1999.

(b) Kathleen Townsend Executive Solutions Pty Ltd was made aware of the success of their bid on 9 September. A contract was signed on 16 September 1999.

(c) The Chairman of the Commonwealth Grants Commission and the Commission Secretary.

(5) (a) The following were provided to Kathleen Townsend Executive Solutions Pty Ltd on 10 September 1999.

We need Commissioners who have:

. Experience – wide and high level experience. This may be in the private or public sectors (but it is unlikely that someone who has had no involvement with public sector issues or processes would satisfy other criteria). Experience in the development and implementation of public policy and programs is essential. An understanding of financial management/resource allocation issues is desirable.

. Sensitivity – Commissioners must be capable of progressing the inquiry in the context of a cross-cultural and potentially contentious environment.

. Flexibility – Commissioners must be able to work with colleagues. They must be open-minded.

. Communication – good communication skills. Good listeners.

. Affinity for indigenous issues and appreciation of issues facing indigenous communities.

. Some standing in the wider community would be an advantage, particularly if this came through some involvement with indigenous issues.

Members will need to be:

. Willing to accept appointment on the terms and conditions available.

. Flexible in their availability – able to travel for meetings and consultations; available virtually on a full-time basis during the consultation phases of the inquiry; able to give priority to the demands of the inquiry over the next 18 months.

(b) These criteria were drafted by the Assistant Secretary, Indigenous Funding Branch, Commonwealth Grants Commission, and approved by the Chairman of the Commission.

(6) (a) Yes.

(i) Background material on the Commission, in the form of an Annual Report, 1997-98, and an oral presentation by the Chairman and Secretary of the Commission on the task the prospective Members were to perform.

- (ii) The Commission's Annual Report 1997-98 was tabled in October 1998.
- (b) Not relevant.

**Commonwealth Grants Commission: Appointments
(Question No. 1944)**

Senator O'Brien asked the Minister representing the Minister for Finance and Administration, upon notice, on 22 February 2000:

- (1) Since March 1996, how many members have been appointed to the Commonwealth Grants Commission.
- (2) (a) What has been the duration of each appointment made since that date; and
(b) what selection process was used to identify the successful candidates.
- (3) Where a consultant was engaged as part of the above selection processes, in each case, was the consultant engaged through a tender process.
- (4) (a) What was the name of each consultant used for the above purpose;
(b) what was the cost of each consultancy; and
(c) what was the duration of each consultancy.
- (5) Where a consultant was not engaged as part of the process followed in the selection of new commission members:
 - (a) what process was followed in each selection; and
 - (b) was each selection formally approved by the Governor-General on advice from the Federal Executive Council.
- (6) Since March 1996, where a Commission Member has left the Commission, what was a reason for the departure.

Senator Ellison—The Minister for Finance and Administration has provided the following answer to the honourable senator's question:

- (1) Since March 1996, there have been five appointments of part-time Members to the Commission. One of those appointees subsequently became the full time Chairman of the Commission.
- (2) (a) Three of the appointments were for a period of five years. The appointments of Members to work on the Commission's Indigenous Funding Inquiry were for a period of eighteen months.
(b) For appointments to the Commission to undertake inquiries relating to the distribution of Commonwealth general revenue grants between the States and Territories, the traditional practice was followed and the appointments were made after consultations with the States and Territories, including discussions at meetings of the Commonwealth and State Treasuries, prior to agreed names being submitted to Cabinet and the appointments being made by the Governor-General.
The appointments made to assist with the Indigenous Funding Inquiry were made by the Governor-General following consideration by the Minister for Aboriginal and Torres Strait Islander Affairs, and then Cabinet, at the conclusion of the process involving Kathleen Townsend Executive Solutions.
- (3) The only consultant engaged has been Kathleen Townsend Executive Solutions Pty Ltd. The details of that appointment have been answered in response to Question on Notice 1943.

- (4) (a) See above.
(b) \$48 000, plus advertising fees and travel costs.
(c) A final list of prospective Members was required from the consultant by 22 October 1999.
- (5) (a) In accordance with Commonwealth procurement guidelines, quotes were requested from a number of companies. Three quotes were received.
(b) Yes.
- (6) Each Member that has left the Commission since March 1966 has done so at the end of their period of appointment.

**Commonwealth Grants Commission: Members of the Indigenous Funding Inquiry
(Question No. 1945)**

Senator O'Brien asked the Minister representing the Minister for Finance and Administration, upon notice, on 22 February 2000:

(1) Does the Commonwealth Grants Commission Act require that the appointment of Members is made by the Governor-General on advice from the Federal Executive Council; if so, was the above process followed in the appointment of four additional members to assist in the Commonwealth Grants Commission's indigenous funding inquiry announced as part of the 1999-2000 Budget.

(2) (a) What are the names of the four people appointed to the Commission for the above inquiry, and (b) what are their qualifications.

(3) (a) When did the Federal Cabinet consider the names submitted by the Minister; and (b) when did the Governor-General formerly approve the above appointments.

Senator Ellison—The Minister for Finance and Administration has provided the following answer to the honourable senator's question:

The Commonwealth Grants Commission Act 1973 requires that 'Members shall be appointed by the Governor-General'.

To date, only two Members have been appointed to assist with the Commonwealth Grants Commission's indigenous funding inquiry. They were appointed by the Governor-General on advice from the Federal Executive Council.

(2) (a) To date, only two Members have been appointed to assist with this Inquiry, they are:

Mr G E Rees; who has wide experience in government service provision across a number of the functions the Inquiry is to cover, has extensive knowledge of the position of Indigenous peoples in the Australian community and was, until recently, Deputy Chief Executive Officer of the Aboriginal and Torres Strait Islander Commission; and

Mr N B Reid, who has extensive experience as both a State and Commonwealth Member of Parliament, and has worked on many government committees.

(3) (a) December 13 and 14, 1999.

(b) December 15, 1999.

Department of Foreign Affairs and Trade: Provision of Income and Expenditure Statements

(Question Nos 1950 and 1955)

Senator Faulkner asked the Minister representing the Minister for Foreign Affairs and the Minister for Trade, upon notice, on 23 February 2000:

Has the department, or any agency of the department, provided an annual return of income and expenditure for the 1997-98 and 1998-99 financial years pursuant to section 311A of the Commonwealth Electoral Act 1918; if so, can a copy of those statements be provided, if not, what, in detail, are the reasons for not providing those statements.

Senator Hill—The Minister for Foreign Affairs and the Minister for Trade have provided the following information in answer to the honourable senator's question:

Yes. The Department of Foreign Affairs and Trade (DFAT), Austrade, the Australian Agency for International Development (AusAID), and the Australian Centre for International Agricultural Research, (ACIAR) provided this information in their annual reports, as required by section 311A of the Commonwealth Electoral Act 1918. These reports were tabled in Parliament. The information can be found at:

DFAT

1997-98 - DFAT Annual Report, pp273-4

1998-99 - DFAT Annual Report, p34 and p290

Austrade

1997-98 - Austrade Annual Report, p141

1998-99 - Austrade Annual Report, p138

AusAID

1997-98 - DFAT Annual Report, pp273-278

1998-99 - AusAID Annual Report, pp121-123

ACIAR

1997-98 - ACIAR Annual Report, p27

1998-99 - ACIAR Annual Report, p27

Department of the Environment and Heritage: Provision of Income and Expenditure Statements

(Question No. 1951)

Senator Faulkner asked the Minister for the Environment and Heritage, upon notice, on 23 February 2000:

Has the department, or any agency of the department, provided an annual return of income and expenditure for the 1997-98 and 1998-99 financial years pursuant to section 311A of the Commonwealth Electoral Act 1918; if so, can a copy of those statements be provided; if not, what, in detail, are the reasons for not providing those statements.

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

Yes. The Department of the Environment and Heritage has provided this information in its Annual Report, as required by section 311A of the Commonwealth Electoral Act 1918. The information can be found at Appendix 6 (page 199) of the 1997-98 Annual Report and Appendix 6 (page 212) of the 1998-99 Annual Report. For the Australian Heritage Commission the information can be found at Appendix C (pages 124-125) of its 1997-98 Annual Report and Appendix C (pages 117-118) of its 1998-99 Annual Report. For the Great Barrier Reef Marine Park Authority the information can be found at Appendix H (page 89) of its 1997-98 Annual Report and at Appendix K (page 101) of its 1998-99 Annual Report.

Department of Health and Aged Care: Provision of Income and Expenditure Statements

(Question No. 1957)

Senator Faulkner asked the Minister representing the Minister for Health and Aged Care, upon notice, on 23 February 2000:

Has the department, or any agency of the department, provided an annual return of income and expenditure for the 1997-98 and 1998-99 financial years pursuant to section 311A of the Commonwealth Electoral Act 1918; if so, can a copy of those statements be provided, if, not, what, in detail, are the reasons for not providing those statements.

Senator Herron—The Minister for Health and Aged Care has provided the following answer to the honourable senator's question:

This information is contained in the Department's Annual Reports for 1997-98, pp 270-271 and 1998-99, pp 322-324.

Department of Education, Training and Youth Affairs: Provision of Income and Expenditure Statements

(Question No. 1959)

Senator Faulkner asked the Minister representing the Minister for Education, Training and Youth Affairs, upon notice, on 23 February 2000:

Has the department, or any agency of the department, provided an annual return of income and expenditure for the 1997-98 and 1998-99 financial years pursuant to section 311A of the Commonwealth Electoral Act 1918; if so, can a copy of those statements be provided; if not, what in detail, are the reasons for not providing those statements.

Senator Ellison—The Minister for Education, Training and Youth Affairs has provided the following answer to the honourable senator's question:

The Department of Education, Training and Youth Affairs has provided this information in its annual report, as required by section 311A of the Commonwealth Electoral Act 1918. The information was published in the 1997-98 DETYA Annual Report, Appendix 4: Payments to Advertising and Market Research Organisations, (pages 175-177) and in the 1998-99 DETYA Annual Report, Appendix 6: Payments to Advertising and Market Research Organisations, (pages 197-200). Further details were also provided to Senator Carr in response to Question on Notice E284 asked on 11 February 1999. Details relating the Australian Research Council can be found in the NBEET 1997-98 Annual Report (page 59) and the ARC 1998-99 Annual Report (page 53). These Annual Reports have been tabled in Parliament.

Following the machinery of Government changes in October 1998, the Department of Employment, Workplace Relations and Small Business will provide a separate response covering the employment related functions for the period March 1996 to 17 February 2000.

**Goods and Services Tax: Department of Transport and Regional Services Research
(Question No. 1976)**

Senator Faulkner asked the Minister representing the Minister for Transport and Regional Services, upon notice, on 3 March 2000:

(1) Has the department, or any agency of the department, commissioned or conducted any quantitative and/or qualitative public opinion research (including tracking research) since 1 October 1998, related to the goods and services tax (GST) and the new tax system; if so: (a) who conducted the research; (b) was the research qualitative, quantitative, or both; (c) what was the purpose of the research; and (d) what was the contracted cost of that research.

(2) Was there a full, open tender process conducted by each of the departments and/or agencies for the public opinion research; if not, what was the process used and why.

(3) Was the Ministerial Council on Government Communications (MCGC) involved in the selection of the provider and in the development of the public opinion research.

(4) (a) What has been the nature of the involvement of the MCGC in each of these activities; and (b) who has been involved in the MCGC process.

(5) (a) Which firms were short-listed; (b) which firm was chosen; (c) who was involved in this selection; and (d) what was the reason for this final choice.

(6) What was the final cost for the research, if finalised.

(7) On what dates were reports (written or verbal) associated with the research provided to the departments and/or agencies.

(8) Were any of the reports (written or verbal) provided to any government minister, ministerial staff, or to the MCGC; if so, to whom.

(9) Did anyone outside the relevant department and/or agency or Minister's office have access to the results of the research; if so, who and why.

(10) (a) What reports remain outstanding; and (b) when are they expected to be completed.

(11) Are any departments and/or agencies considering undertaking any public opinion research into the GST and the new tax system in the future; if so, what is the nature of the intended research.

(12) Will the Government be releasing the full results of this taxpayer-funded research; if so, when; if not, why not.

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

(1) - (12) The department has not commissioned or conducted any quantitative and/or qualitative public opinion research, nor has any agency of the department. No such research is planned.

**Goods and Services Tax: Department of Veterans' Affairs Research
(Question No. 1991)**

Senator Faulkner asked the Minister for Veterans' Affairs, upon notice, on 3 March 2000:

(1) Has the department, or any agency of the department, commissioned or conducted any quantitative and/or qualitative public opinion research (including tracking research) since 1 October 1998, related to the goods and services tax (GST) and the new tax system; if so: (a) who conducted the research;

(b) was the research qualitative, quantitative, or both; (c) what was the purpose of the research; and (d) what was the contracted cost of the research.

(2) Was there a full, open tender process conducted by each of these departments and/or agencies for the public opinion research; if not, what process was used and why.

(3) Was the Ministerial Council on Government Communications (MCGC) involved in the selection of the provider and in the development of the public opinion research.

(4) (a) What has been the nature of the involvement of the MCGC in each of these activities; and (b) who has been involved in the MCGC process.

(5) (a) Which firms were short-listed; (b) which firm was chosen; (c) who was involved in this selection; and (d) what was the reason for the final choice.

(6) What was the final cost for the research, if finalised.

(7) On what dates were reports (written and verbal) associated with the research provided to the departments and/or agencies.

(8) Were any of the reports (written and verbal) provided to any government minister, ministerial staff, or to the MCGC; if so, to whom.

(9) Did anyone outside the relevant department and/or agency or Minister's office have access to the results of the research; if so, who and why.

(10) (a) What reports remain outstanding; and (b) when are they expected to be completed.

(11) Are any departments and/or agencies considering undertaking any public opinion research into the GST and the new tax system in the future; if so, what is the nature of that intended research.

(12) Will the Government be releasing the full results of this taxpayer-funded research; if so, when; if not, why not.

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

The Department of Veterans' Affairs and the Australian War Memorial have not commissioned any public opinion research since 1 October 1998, related to the goods and services tax and the new tax system.

Department of Agriculture, Fisheries and Forestry: Contracts to Deloitte Touche Tohmatsu

(Question No. 2012)

Senator Robert Ray asked the Minister for Agriculture, Fisheries and Forestry, upon notice, on 6 March 2000:

What contracts has the department, or any agency of the department, provided to the firm, Deloitte Touche Tohmatsu in the 1998-99 financial year.

In each instance: (a) what was the purpose of the work undertaken by Deloitte Touche Tohmatsu; (b) what has been the cost of the contract to the department; and (c) what selection process was used to select Deloitte Touche Tohmatsu (open tender, short-list, or some other process).

Senator Alston—The Minister for Agriculture, Fisheries and Forestry has provided the following answer to the honourable senator's question:

In the 1998-99 financial year the Department of Agriculture, Fisheries and Forestry did not provide any contracts to Deloitte Touche Tohmatsu; and agencies of the Department provided two contracts to Deloitte Touche Tohmatsu as set out in the table below.

Agency	(a) Purpose of Work Undertaken	(b) Cost	(c) Selection Process
Australian Dairy Corporation	Internal Auditors for ADC and Austdairy Limited (a subsidiary of the Australian Dairy Corporation)	\$80,000	Short list.
Horticultural R&D Corporation	Consulting services to develop the environmental scan as part of the revised HRDC Strategic Plan	\$9,900	Selected from a list of preferred suppliers.

**Department of Agriculture, Fisheries and Forestry: Contracts with
PricewaterhouseCoopers
(Question No. 2031)**

Senator Robert Ray asked the Minister for Agriculture, Fisheries and Forestry, upon notice, on 6 March 2000:

(1) What contracts has the department, or any agency of the department, provided to the firm, PricewaterhouseCoopers in the 1998-99 financial year.

(2) In each instance: (a) what was the purpose of the work undertaken by PricewaterhouseCoopers; (b) what has been the cost of the contract to the department; and (c) what selection process was used to select PricewaterhouseCoopers (open tender, short-list, or some other process).

Senator Alston—The Minister for Agriculture, Fisheries and Forestry has provided the following answer to the honourable senator's question:

(1) In the 1998-99 financial year the Department of Agriculture, Fisheries and Forestry provided seven contracts to PricewaterhouseCoopers; and agencies of the Department provided twelve contracts to PricewaterhouseCoopers as set out in the table below.

(2)

Division/Agency	(a) Purpose of Work Undertaken	(b) Cost	(c) Selection Process
Food and Agribusiness Industries Division	To re-edit the Review of the Food Quality Program "HACCP-Based Food Quality Management Systems for the Future" and rewrite the existing Proceedings of the Food Quality Workshop.	\$4,000	Original author of the documentation and had access to relevant material previously prepared for the then Department of Industry, Science and Tourism.
Agricultural Industries Division	Conduct due diligence exercise on behalf of the red meat industry statutory authorities so as to provide independent advice to the department and industry	Nil (\$199,556 funded by red meat industry peak councils)	Tender by invitation to three leading accountant firms. Selection by the red meat industry peak councils after being assessed against the selection criteria.
Rural Policy and Communications Division	Review of legal services	\$29,550	Short list.
Management Secretariat	Review Accrual Accounting Policy	\$25,000	Open tender.
Australian Quarantine and Inspection Service	Risk Assessment on the functionality of Dialogue (Remote Entry Module)	\$5,800	Selected through Internal Audit.
Australian Quarantine and Inspection Service	Consultancy for Quarantine Risk Analysis for International Mail	\$13,460	Short list.
Australian Quarantine and Inspection Service	Review of AQIS Business Risks and Planning Process	\$31,640	Open tender.
Australian Dairy Corporation	External Auditors for Austdairy Limited	\$35,000	Long standing relationship linked to both audit and company secretarial responsibilities in the country of registration, Hong Kong.
Australian Wine and Brandy Corporation	Review of IT infrastructure	\$77,600	Short list.
Australian Wool Research and Promotion Organisation	Internal Audit	\$67,076	Tender.

Division/Agency	(a) Purpose of Work Undertaken	(b) Cost	(c) Selection Process
Australian Wool Research and Promotion Organisation	Strategy Planning Workshop – AWRAP Board of Directors	\$7,000	Specialist with prior knowledge of the organisation.
Australian Wool Research and Promotion Organisation	Tax Advice>Returns – Expatriates	\$5,950	Specialists with prior knowledge of the organisation.
Australian Wool Research and Promotion Organisation	Wool 2005 Project	\$119,660	Short-list.
Australian Wool Research and Promotion Organisation	Advice regarding Trade Mark Valuation	\$21,600	Specialists with prior knowledge of the organisation.
Australian Wool Research and Promotion Organisation	Technical Accounting Standard Advice	\$4,800	Specialists with prior knowledge of the organisation.
Dairy R&D Corporation	Internal Audit function	\$13,100	Short list tender.
Dairy R&D Corporation	Research work	\$36,000	Selection done by peak industry body.
Sugar R&D Corporation	Monthly accounting service in lieu of the appointment of a Business Manager/ Accountant.	\$500 per month	Short list.
National Registration Authority	Activity based costing study to support the review of the NRA's fees and charges.	\$75,500	Short list tender.

**Department of Agriculture, Fisheries and Forestry: Contracts with KPMG
(Question No. 2050)**

Senator Robert Ray asked the Minister for Agriculture, Fisheries and Forestry, upon notice, on 6 March 2000:

(1) What contracts has the department, or any agency of the department, provided to the firm, KPMG in the 1998-99 financial year.

(2) In each instance: (a) what was the purpose of the work undertaken by KPMG; (b) what has been the cost of the contract to the department; and (c) what selection process was used to select KPMG (open tender, short-list, or some other process).

Senator Alston—The Minister for Agriculture, Fisheries and Forestry has provided the following answer to the honourable senator's question:

(1) In the 1998-99 financial year the Department of Agriculture, Fisheries and Forestry did not provide any contracts to KPMG; and agencies of the Department provided two contracts to KPMG as set out in the table below.

(2)

Agency	(a) Purpose of Work Undertaken	(b) Cost	(c) Selection Process
Horticultural R&D Corporation	Internal Audit	\$13,598	Based on three year tender.
Land & Water R&D Corporation	Audit of National Land and Water Resources Audit financial accounts	\$1,744	Preferred supplier.

**Department of Agriculture, Fisheries and Forestry: Contracts with Arthur Andersen
(Question No. 2069)**

Senator Robert Ray asked the Minister for Agriculture, Fisheries and Forestry, upon notice, on 6 March 2000:

(1) What contracts has the department, or any agency of the department, provided to the firm, Arthur Andersen in the 1998-99 financial year.

(2) In each instance: (a) what was the purpose of the work undertaken by Arthur Andersen; (b) what has been the cost of the contract to the department; and (c) what selection process was used to select Arthur Andersen (open tender, short-list, or some other process).

Senator Alston—The Minister for Agriculture, Fisheries and Forestry has provided the following answer to the honourable senator's question:

(1) In the 1998-99 financial year

(a) the Department of Agriculture, Fisheries and Forestry did not provide any contracts to Arthur Andersen.

(b) agencies of the Department did not provide any contracts to Arthur Andersen.

(2) N/a.

**Department of Agriculture, Fisheries and Forestry: Contracts with Ernst and Young
(Question No. 2088)**

Senator Robert Ray asked the Minister for Agriculture, Fisheries and Forestry, upon notice, on 6 March 2000:

(1) What contracts has the department, or any agency of the department, provided to the firm, Ernst and Young in the 1998-99 financial year.

(2) In each instance: (a) what was the purpose of the work undertaken by Ernst and Young; (b) what has been the cost of the contract to the department; and (c) what selection process was used to select Ernst and Young (open tender, short-list, or some other process).

Senator Alston—The Minister for Agriculture, Fisheries and Forestry has provided the following answer to the honourable senator's question:

In the 1998-99 financial year

(a) the Department of Agriculture, Fisheries and Forestry provided three contracts to Ernst and Young; and

(b) agencies of the Department provided three contracts to Ernst and Young as set out in the table below.

(2)

Division/Agency	(a) Purpose of Work Undertaken	(b) Cost	(c) Selection Process
Executive Secretariat	Internal Audit Services	\$600,000	APS agency open tender.
Management Secretariat	Review FMIS project status	\$5,700	Short list.
Management Secretariat	Fraud Risk Assessment	\$43,770	Open tender.
Grains R&D Corporation	Internal Auditors	\$41,100	Short list.
Land & Water R&D Corporation	Provision of FBT and vehicle packaging advice	\$8,670	Preferred supplier.
Pig R&D Corporation	Delivery of PRDC's Fraud Control Policy and Plan	\$9,800	Preferred supplier.

**Telstra: Regional Telecommunications Infrastructure Fund
(Question No. 2091)**

Senator Allison asked the Minister for Communications, Information Technology and the Arts, upon notice, on 7 March 2000:

(1) Can the Minister guarantee that Regional Telecommunications Infrastructure Fund (RTIF) funds have not and will not be used to pay for base stations in areas where Telstra is required to do so anyway under its licence conditions.

(2) What accountability mechanisms are in place to make sure this does not happen.

(3) Can the Minister guarantee RTIF funds will not be used to pay for base stations in areas where Telstra would be likely to install a digital network for commercial reasons.

(4) What accountability mechanisms are in place to ensure this does not happen.

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

(1) Telstra's licence conditions require Telstra to provide CDMA coverage in non-metropolitan areas "reasonably equivalent" to that previously provided by the Analogue Mobile Phone Service. The independent Networking the Nation (NTN) Board is responsible for the allocation of funds under the NTN program. Under the NTN program guidelines the NTN Board does not fund projects which duplicate services required by law under a carrier's licence conditions or under the Universal Service Obligation.