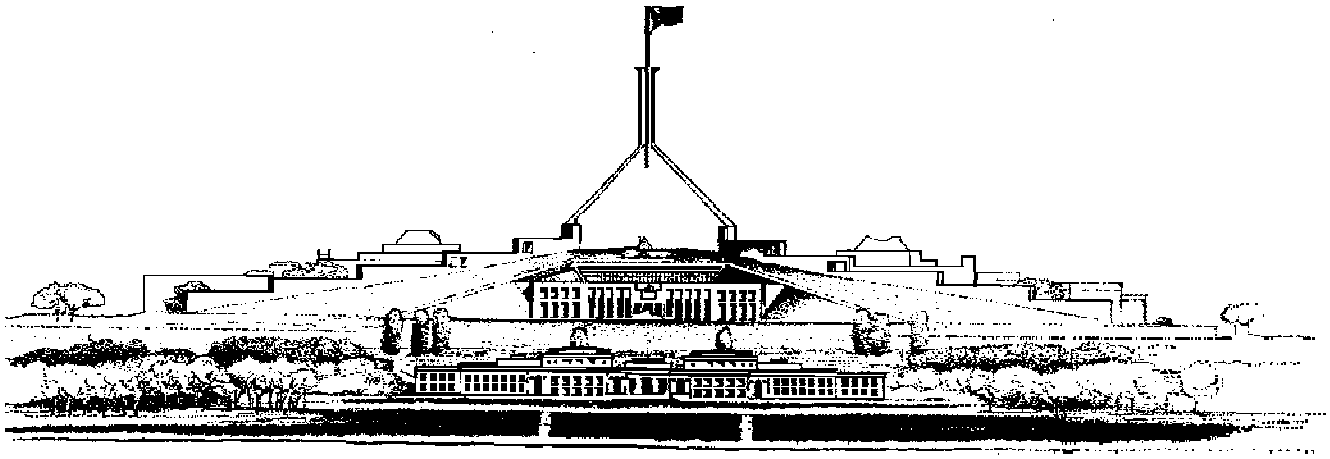
COMMONWEALTH OF AUSTRALIA

PARLIAMENTARY DEBATES



SENATE

Official Hansard

TUESDAY, 11 NOVEMBER 1997

THIRTY-EIGHTH PARLIAMENT
FIRST SESSION—FIFTH PERIOD

BY AUTHORITY OF THE SENATE
CANBERRA

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TUESDAY, 11 NOVEMBER

CONTENTS—*continued*

Tuesday, 11 November 1997

The PRESIDENT (Senator the Hon. Margaret Reid) took the chair at 9.30 a.m., and read prayers.

ORDER OF BUSINESS

First Speech

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

That consideration of the business before the Senate today be interrupted at approximately 1.30 p.m., but not so as to interrupt a senator speaking, to enable Senator Bartlett to make his first speech without any question before the chair.

CONSIDERATION OF LEGISLATION

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

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:

Public Service Bill 1997

Public Employment (Consequential and Transitional) Amendment Bill 1997

Parliamentary Service Bill 1997

Parliamentary Service (Consequential Amendments) Bill 1997

CHILD CARE PAYMENTS BILL 1997

CHILD CARE PAYMENTS (CONSEQUENTIAL AMENDMENTS AND TRANSITIONAL PROVISIONS) BILL 1997

Second Reading

Debate resumed from 10 November, on motion by **Senator Tambling**:

That these bills be now read a second time.

Senator MARGETTS (Western Australia) (9.32 a.m.)—Yesterday, when the time expired for the second reading debate on these bills, I was talking about yet another area of concern, being the cessation of indexation for the next two years with regard to the child-care assistance fee ceiling and the child-care cash rebate ceilings. That is another $50 million cut from the child-care budget over the next two years. The move in the Child Care Payments Bill 1997 is to limit the number of new private child-care places to 7,000 a year in 1998-99. The move in this bill to do that is to be commended.

On the face of it, the 20 hour a week cap on subsidised non-work related child care seems fair, but there are major concerns over how the exception from this cap for children with disabilities will be implemented. I place the government on notice that we will be looking at this and other disallowable instruments associated with the bill very closely. There are, however, a number of problems associated with the bill. To the Labor Party's credit, they have covered most of these quite well. I will be speaking to the Labor Party amendments when they are moved by Senator Neal in the committee stage.

There are of course issues in relation to the element of compulsion for immunisation, and I am sure Senator Brown will be speaking about these in the committee stage. But I must say that there are issues also in various countries, and they should include Australia, where there is a reciprocal obligation on any government which actually requires compulsion for a particular activity—in this particular case child immunisation—which is seen to be for the public good. The reciprocal obligations on any government that believes that for the common good there should be compulsory child immunisation are that there be full and accurate information available to those people who are required to do that. That includes proper immunisation and training for those people who are administering those vaccinations so that, for instance, those children who have already had a childhood disease and for whom it is potentially dangerous to have an immunisation if they have already had that disease are identified.

So there is a reciprocal obligation on any government that wishes to enforce, through these means or otherwise, compulsory vaccination for the public good, that it takes care and makes sure that it is not harming the children that it is seeking to assist. That is my major comment at this stage. There is an obligation to make sure that the data provided to the community is accurate. There is an obligation to make sure that full information

is available to those people who are under the obligation to vaccinate their children. Also, there has to be a situation where, if the vaccination harms the child, there is an obligation on the Commonwealth government to make sure that adequate compensation is available. On those points, I complete my contribution.

Senator GIBBS (Queensland) (9.36 a.m.)—The Child Care Payments Bill 1997 introduces the coalition's 1997 budget measures for child care and, in doing so, continues the government's assault on families and on working mothers. This bill is a breach of the government's pre-election promise that all parents would have fair and equitable access to affordable, flexible and high quality child-care options, regardless of whether they are participating in the paid or unpaid work force. I suppose that this is just another one of those non-core promises that we hear so much about.

There has been $820 million cut from the child-care budget over the last two budgets, and as a result over 4,000 families have left child care in the last four months. Unfortunately, Mr Howard does not seem to realise that we no longer live in the white picket fenced world of the 1950s—those halcyon days are long gone. The stereotype of a traditional family and the traditional Australian suburb has changed markedly over the last couple of decades. Children have less opportunity to socially interact with other children these days, and parents often do not have the family network support of grandparents in close proximity.

For many families the child-care centre is an integral part of the family's support network, and the availability of good quality, affordable child care is a major issue for these Australian families. While the original child-care programs were initially introduced to support the entry of women into the work force, these centres are now commonly recognised for their importance in providing education and early childhood development, and that is something of which the Labor Party is very proud.

The approach taken by this government is just typical of its approach to women and the place that the coalition believes that we should have in society. I just cannot believe that they would try to dress these cuts to child care as 'more choice'. What choice? The only choice really available will be to stay at home. If those parents really wanted that as a choice and the family could afford to accommodate this, they would be already doing so.

I am afraid that the comments by Mr Bradford in the House have given away the government's real agenda. He said:

> The debate about child care was hijacked for many years by the extreme feminists who dominated the previous government's policy making in this area.

I do not know what kind of world Mr Bradford lives in but here in the real world it is necessary for most families to have both parents in work and, even if it is not a necessity, it is still a woman's right to work if she wants to.

How can the government have the absolute gall to sit here and tell us that these changes will enhance family life? The people who will be most affected will be working women in low wage families. These women have very little choice about whether they work or not because the family needs their income. I fail to see how further limiting their options amounts to a choice. I would be very glad if someone from the other side of the chamber could explain this to me.

The child-care industry is so much more than a child minding service. It is and should rightly be part of an education and employment strategy. Care should encompass the emotional, social and cognitive wellbeing of the child. What we are seeing here is the dismantling of a sector that has benchmarked quality and price since the enactment of the 1972 Child Care Act. This bill will result in the continued closure of child-care centres; job losses associated with reductions in service and centre closures; less supervision of children; a cutting back of equipment for children; cuts to cleaning services; and reductions in meals provided.

Not-for-profit community based centres are now seriously at risk and are becoming a smaller part of the child-care sector. In 1991

community care provided 56 per cent of the places in the sector and, as of December 1996, that percentage had fallen to 27. The changes to child care announced in the 1996-97 budget saw changes to operational subsidies; the limiting of child-care assistance; the cessation of the indexation of the child-care assistance fee relief ceiling and child-care cash rebate ceiling; the reduction of income cut-offs for second and subsequent children for child-care assistance; changes to the new growth strategy for long day care centres—and the list goes on and on and on.

The 1997-98 budget continues this sorry saga and includes changes to school-age care, tighter targeting of child-care assistance, payment of child-care assistance in arrears, increases in the number of family day-care centres, and limiting via the planning system of the number of new private child-care places. These changes will involve taking several hundred million dollars out of the child-care system over a four-year period, and the effects of this will be borne by families.

We already have seen some evidence that the withdrawal of operational subsidies for community based long day care centres is forcing some women out of the work force or into part-time work or less formal child-care arrangements. Fees in child-care centres have increased up to $18 per child per place per week this year. This increase for the first six months of 1997 was double the annual increase for the whole of 1996. In four states the weekly fee for one child in full-time care is $170 or more. The gap fee between the child-care assistance rate of $115 and the fee payable by the parent is rising. Services with fewer than 40 child-care places have become economically unviable unless they are 100 per cent utilised at all times. Smaller centres are now beginning to close.

I would just like to pause for a moment here so that we can all marvel at the irony of this—this from a government which has made so much of the fact that it supports small business. The growth of the child-care industry is now in jeopardy and smaller operators are going to the wall. This industry is typically made up of small business owners. More than 25 per cent of the centres in each state and territory have reduced staffing levels in an attempt to keep fees down. Many centres have been forced to adopt measures which seriously undermine service quality.

Strategies considered by child care-centres to reduce costs include compromising the staff-child ratio, a loss of program planning time, restricting access to children with special needs, employing more juniors and casuals, and reducing the number of qualified and experienced staff. All of these measures must be of concern to us as citizens and as parents.

A survey carried out by the National Association of Community Based Children's Services found that there was a growing trend of placing children into informal care. Their findings show that 74 per cent of parents leaving community owned centres in July 1997 did so as a result of escalating costs. Of those who left, 67 per cent are now using informal care.

This bill also threatens the continued operation of the outside school hours care program as a result of the removal of the operational subsidy. If this happens, many centres will close. It is smaller centres and those in rural and regional areas which are most at risk. I had hoped that as a society we were well and truly past the latchkey kids era. It will only be a matter of time before the government moves to abolish the only remaining operational subsidy being paid—to family day care. What use is child-care assistance if there is no centre available in your area?

Child-care availability is a fundamental employment issue. This bill goes against the needs of families and their genuine choice when it comes to employment. The previous changes to child care have already limited choices and forced some working women in particular out of the work force. This will be exacerbated by proposed changes to abolish the operational subsidy for outside school hours care.

The availability of child care fundamentally affects the work force participation of women. The Australian Bureau of Statistics, in a recent survey, estimated that more than 300,000 people, nearly all of them women, do not participate in the paid work force because

they cannot get child care. The government's failure to consider child care as part of an employment strategy is obvious. I suppose next they will be telling us that the flexibilities arising out of the changes to their industrial relations legislation will fill that gap.

The evidence to date, unfortunately for the Howard government, is that the power exerted by employers in this exciting new era shows just the opposite—very few employers provide flexible work practices and this trend is unlikely to be reversed.

Not much attention has been paid yet to the number of workers—the vast majority of them women—who will lose their jobs in child-care centres. I suppose the government will not be too worried by this. After all, it does not need to worry about women leaving the work force because of rising child-care fees as they are mostly in partnered relationships, which means that they will not be counted among the job statistics. Many women working in child-care centres will be in the same position. Is this what Mr Howard means when he says that he wants us all to be 'relaxed and comfortable'?

In spite of the impact that these changes to child care will have on the community, the government has not seen fit to address these in a meaningful way. It has instead opted for an insidious process which gives the appearance of seeming to address valid community concerns without placing itself under pressure to actually do anything about it in reality. Hence, the inquiry into the Child Care Payments Bill 1997, for all its rhetoric, proved to be largely a sham.

The bill introduces a number of new measures which were not part of the May 1997 budget and have not been meaningfully considered by stakeholders. The consultation process has been, in a word, deplorable. The bill is a very complex one. While it may make things easier for the government, it certainly does not make things easier for the end users—parents and service providers.

There are 27 pieces of subordinate legislation connected to this bill. The Department of Health and Family Services has said in public hearings that only seven of these have been drafted. The subordinate legislation contains definitions and regulations which could have a large impact on centres and their users. The definition, for example, of how a person qualifies for child-care assistance is unclear. What exactly is a session of care? While we are at it, what is a child-care assistance service? There has been no consistent determination, and this has the potential to affect eligibility.

If child-care assistance will only be provided to a qualifying session of care, which is not defined, this raises some obvious problems. The child-care sector suspects that this is a term which seeks to introduce an 'hours used' basis for determining payments. I would have to say that I agree with their assessment. The way in which rebatable fees have been set is clearly inequitable. The hourly rebatable fee for a non-school attending child attending a long day centre service is $2.30 and for a non-school child attending family day care it is $3.05. The hourly rebatable fee for a school child attending a long day care service is $1.95, yet it is set at $2.60 for a school child attending family day care.

In my state of Queensland the three child-care associations representing the long day centres have written a submission on the devastating impact of the 1997 budget changes following a comprehensive survey which had a high rate of return from child-care centres. The government will also allocate hours to regions but it has not as yet specified what those regions are, how it will determine which regions get what hours or what provisions will be made to increase hours and places where demand has not been met.

What is the government going to do about the lack of child-care services for shift workers? There are already far too few places for shift workers, and this legislation will not address that issue. This is going to be an ongoing and growing problem too, especially as the industrial relations legislation introduced by this government, if current trends are anything to go by, will mean increases in the number of 12-hour shifts, shiftwork and irregular working patterns.

While the effects of the proposed budget changes will differ from centre to centre, it is

true to say that the nature and extent of the implications is predicated upon the socioeconomic region in which the child-care centre operates. This is of particular concern because it means that it is most likely to adversely affect those who are less well off in our communities.

In my home town of Ipswich, many people travel regularly to Brisbane to work. This means that they need to leave their children in care for long periods because they have additional travelling time to take into consideration. The 50-hour limit, which has now been enshrined in legislation, is an added problem for those parents in this situation.

In Brisbane, the city council runs two child-care centres and has recently told the unions involved that it wishes to divest itself of the responsibility as it no longer considers the centres viable as a result of the loss of the operational subsidy. Children in the 'at risk' category are there because, in the opinion of the licensee, they would be adversely affected if denied child care.

Examples of risk environment include suspected child abuse and neglect, parental drug addiction and parental inability to cope. In Queensland, it is estimated that 6.32 per cent of children in a long day care centre are considered at risk. As a result of the passage of this bill, many of these children will be denied care due to the inability of their parents to provide for the increased financial burden.

In Queensland, the current average occupancy rate of respondents to the long day care survey is 79 per cent. This is estimated to fall by 6 per cent to 73 per cent as a result of the budget changes; equating to 18 places per centre per week. The break-even occupancy level for a child-care centre in Queensland is approximately 70 per cent. Many centres are clearly operating on a marginal operating profit based on current occupancy. The six per cent reduction is an average for Queensland. Many centres in low socioeconomic areas with a high proportion of non-work related care children in care in excess of two days a week will suffer occupancy reductions substantially in excess of six per cent.

The survey of long day care centres in Queensland indicates that, of those definitely reducing staff numbers, an average of 1.9 staff per centre would be abolished. A reasonable estimate then of the number of full-time jobs to be lost in Queensland would be 900. These reductions will result from room closures and will disproportionately affect women, who make up the vast majority of child-care workers. Remote centres in rural Queensland have few facilities and opportunities for interaction with other children and families. Often the only opportunity for development of social and interactive skills in preparation for school may be a child-care centre. State-run preschools or kindergartens may be too distant for parents to travel to.

Until questions arising out of these myriad issues are resolved, it is farcical to say that there has been proper consultation as it cannot as yet be determined what the impact of some of these changes really mean. I would like to close by simply saying that it all comes back to the kind of child care we want for our children and the kind of society we want to live in. The choice is clear: either we want safe, affordable, quality care, which forms part of an education and support service for our children, or we want a baby-sitting service. Which would you choose for your child?

Senator CROWLEY (South Australia) (9.55 a.m.)—I rise to speak on the Child Care Payments Bill 1997, covering, as it does, a number of very important issues. They have been outlined by my colleagues but, to briefly tick them off again, they are: the introduction of the payment and eligibility criteria for child-care assistance, emergency child-care assistance and child-care cash rebate; the introduction of immunisation as eligibility criteria for child-care assistance and the child-care cash rebate for children under seven years of age; the higher rate of child-care assistance for school children using outside school hours care; the abolition of the operational subsidy for outside school hours care; the introduction of a 20-hour limit for people not working, studying or undergoing training for child-care services per week—which will save, it is estimated, some $81 million; and introduction of a legislated 50-hour limit for

child care per week for people working, studying or undergoing training.

This bill also introduces provisions for the minister to allocate child-care hours to regions—though it is worth noting that the government has not specified the regions or the allocation criteria, something that we will certainly be returning to during the committee stage of this bill—and new long day care places have been limited to 7,000 in 1998 and 1999.

The bill is something of a potpourri. It brings together under one piece of legislation a number of payments that have been in practice or are covered by legislation in other areas and, for that, I think it has to be appreciated—for that, and not too much more. It is still not clear to me what this government's intention or mission statement about child care is. What does it actually believe about child care and why does it not make that clear?

It does not, of course, have the political will to close child-care centres—even the opposition has realised that that would be totally unacceptable—but it certainly has, by removing some $800 million from the child-care arena, sent a very strong message that this is certainly not going to be an area for continuing growth. In fact, it is going to be reined back very considerably. It is interesting that, to this point, the cuts to child care actually mean that the government will not have to worry about taking decisions to cut back on child care; the centres will be forced to close, as is already happening significantly in the community based sector. We know of at least 25 centres that have already closed and another 25 that are expected to close in the very near future.

If this government is committed to child care, what on earth is it doing sitting around watching community based child-care centres close, particularly as many of those were planned to be in areas of significant and high need? They were not allowed to grow willy-nilly. All of the community based centres, outside school hours care, family day care, were planned as part of the previous government's program for child care. It was only the private centres that were not planned, and I think that needs to be said again and again.

It is interesting, too, that this government claims that it wants to see the introduction of planning, but apparently it is not at all concerned about the closure of so many of those community based centres that were established by planning in areas of high need. What is the government saying about that? To this point, nothing. It seems not to be concerned or upset at all, but certainly the community is.

The government has a policy of assisting—through some modest tax provisions—by giving payments to families if one parent stays at home. It has a policy that has dramatically cut funding for child care, complaining that the growth in this area was very large. It had to be very large because it was a new program which was just getting established.

It is a bit like saying, if we are establishing schools across the country for the first time ever and we are covering something like 25 per cent of the children, that now would be the appropriate time to cut back on that funding on the grounds that the growth rate was very high. It is a nonsense argument. Until you approach the optimal provision of care and match the number of places with the demand for child care, of course you can expect that there will be growth. If this government can organise continued growth while significantly cutting funding, then I think it will be a miracle worker.

The government is taking away from community based child care and is putting into family day care places, which is a very much cheaper option. It is also putting a lot of money into outside school hours care, which is certainly a needed area, but it is nothing like the cost for a centre based place for younger children. Very importantly, as far as we can see, those outside school hours and family day care places are replacing the centre based places, which is not going to assist the needs of families.

So what is this government's wish for child care? Does it seriously have child care as part of its employment policy? Does its policy assist families when parents decide to

work—when they exercise their options and choose to work—by their knowing that they can do that and be backed up by adequate child care? It certainly seems that that is not the case because it is not committing to increasing child care. It is not committing to expanding, and working with, employment to make sure that, while employment opportunities are being provided, child-care places match the demand. Indeed, exactly the opposite is happening. So child care is not clearly part of its employment policies.

It is curious that the government is now admitting to a cap on occasional use by families whose parents are not involved in studying, working or training—that is, where there is a need for occasional care use. Clearly, they have some view that child care is not an alternative to mother being at home looking after the children. It is still not clear to me what its policy about child care is.

I gather that, inadvertently, it is a bit like what the Labor government was very clear about. If that is the case—if, by inadvertence, they are approximately right—then at least that is something to be grateful for.

This bill makes a number of changes that I think are very concerning. First is the introduction of immunisation as an eligibility criteria for child-care assistance and the child-care cash rebate for children under seven. Let me make it clear from the outset that I very strongly support immunisation. If I find people who are claiming that I am not saying that, then I will want them to come in here and apologise. I very strongly support immunisation.

What I am very uneasy about is the compulsion that is associated with immunisation. For the years that I, as minister, had carriage of child care, and certainly for the years before that, we introduced the national accreditation program to establish and require the delivery of quality care in all child-care centres. We attached that to the eligibility for child-care assistance.

The coalition, when in opposition, went spare about this compulsion by saying, 'We will not have this compulsion. We think people should voluntarily choose quality. We know they will. How dare you tie child-care assistance to any criteria for the quality of care to be delivered.' Now, without batting an eyelid—and while it apparently opposed child-care assistance to be associated with quality—they have no compunction at all about associating immunisation with child-care assistance. I would love to know what the difference is.

In just about every other area of public health, we provide very strong public education. We urge people not to drink and drive. We urge people not to take drugs. We urge people to get breast cancer screening and cervical cancer screening. We urge people, by education programs, to practise safe sex, to find out about condoms and to avoid AIDS. But, when it comes to immunisation, all of a sudden we are requiring parents, if they want their children to go to child-care centres, to have their children immunised. I just find that extraordinarily contradictory. Why is this government retreating from its commitment to public education—urging people to know about the implications of immunisation, to participate and take it up?

One of the reasons, of course, is that there has been such a dramatic fall in immunisation rates, with our state colleagues not being too concerned to keep delivering the service. They took the money and did not deliver the immunisation. We have changed that. I certainly commend this government for making sure that immunisation of our children is now a major and central concern.

I still have a great unease about compelling parents, if they want to use child care, to have their children immunised. There are conscientious objection criteria, but they are very tough and stern. I think that this is going to create a problem, particularly for those parents who are not likely to be aware of the community education program and are not likely to have picked up on the encouragement for them to immunise their children. These parents may indeed be the ones who are then dudded of access to child-care assistance and child-care centres until they go away and get their children immunised—if they can organise to do all of that. It is a very big concern.

In particular, I want to highlight the government's absolute refusal when in opposition to allow child-care assistance to be associated with the delivery of quality care when they now have absolutely no trouble at all about forcing people to be immunised.

Again I make it clear: I am not opposed to—indeed, I am very strongly in favour of—immunisation. I have had more letters in opposition to compulsory immunisation, and some of those letters have raised questions about the status of immunisation. Minister Herron, if you have not seen them, I would certainly urge you to have a look at them.

There is a major concern about the quality of the pertussis vaccination. When people are citing me evidence from the *New England Journal of Medicine*, I believe it is worth us having a long, hard look at it. Indeed, I think they probably have a case made because there is now a move to go to a new pertussis vaccine—precisely because they want to see a reduction of the side effects.

We are not going to change this outcome, as I understand the way the numbers are going to fall in this place. But I do believe it will be very important for the government to take a long, hard look at some of the evidence cited by the people opposed to the vaccination requirements in this legislation. It would be worth a thorough investigation by the health department, and I urge the minister to ask his colleagues to have a look at some of the information that has been provided by those people.

I turn briefly to two other areas of major concern, and one is the abolition of the operational subsidy for outside school hours care. I understand the arguments: give each of the parents a little bit more in terms of child-care assistance and there will be no need for operational subsidy. But we know that to establish an outside school hours centre, to get it up and running or to maintain it, some reliable ongoing funding through the operational subsidy is a very critical factor.

Clearly, you would not need the operational subsidy if the outside school hours care was being delivered in a child-care centre but, for those stand-alone outside school hours care services, I do believe the government should seriously have a look again at the need to abolish the operational subsidy. It is going to force the closure of many of those centres. It is going to mean that the very project that you have under way, which is to claim your increase in places through outside school hours care, may very well not be able to be delivered.

Just as I have heard some of my colleagues concerned about the chances of cutting the operational subsidy from family day care, as was proposed in the run-up to the first budget and in the end beaten—the government decided not to proceed with it, might be a better way of putting it—again I would sincerely hope that no consideration is ever given to cutting the operational subsidy from family day care. It does things critical to the establishment of those family day care units and for supporting the appointment, the supervision, et cetera, of the family day care providers. I can assure the government that, should it even think of doing this, it will have a massive campaign on its hands.

In this bill the idea of planning being now called 'what we will do is allocate child-care hours to various regions'—that is, presumably, hours for which people would be eligible for child-care assistance—will require a very close explanation; and I know Senator Neal is going to ask questions about that, as shall I. Who is to do the allocation of the hours? Are any of those regional committees established? On what criteria will they be choosing which regions? Indeed, will you be retreating to the actual data that is in place already for the planning of the delivery of family day care and community based and outside school hours care centres? If that is the case, at least that may be a step in the right direction because the planning essentially is all there.

What are you going to be doing about areas where there is an oversupply of child-care places? Are you going to be cutting back on the number of child-care places in south-east Queensland? They would certainly be very interested to know. If not, will they be allowed to have more child-care places if a centre, for example, should close in that area? Will it be allowed to open again, or will that

be called 'places gone and now allocated somewhere else'?

If a centre, for example, loses its long day care places because parents decide that they cannot continue to use it but the centre is able to pick up some outside school hours care places, does that mean that the long day care places will not be able to be picked up again by that centre? What kind of work are you doing to make sure that no centre becomes unviable with the allocation and the reallocation of places?

I would like to know too how the 50-hour cap for the working week is to be allocated. Will a person be eligible for 50 hours and, therefore, child-care assistance at whatever rate they are able to receive for four lots of 12 hours? Do they have to do five days of 10, or can they do, for example, four days of 12 hours? Can they accommodate that 50 hours according to various shift work?

Apropos of this government's failure to really be serious about child care as part of employment and workers with family problems, the casualisation of women's work has meant that many of those women now work part time and on rotating hours. Their child-care requirements this week are Tuesday and Thursday but next week they are Monday, Wednesday and Friday. It is a dreadful challenge for them to try to even accommodate their child-care needs and certainly a terrible challenge for child-care centres to try to provide the child care in those kinds of situations. How do you work out 50 hours? If somebody has only 36 hours this week but 54 next week, will they be able to even them out over the two weeks, for example?

The same questions apply to the 20 hours limit for non-work related care, occasional care. Can a person have five days of four hours? Is that what they are required to have? Can they have three days of six hours? How is the 20 hours cap going to apply?

There are very important considerations that will be dramatically affected by the consequences of this bill. We have heard from my colleagues how many families are now withdrawing from child care as the fees have gone up due to the decisions made by this government already in place. As most of the child-care centres run very close to the bone, as one family drops out that income to the centre has to then be reallocated across all other users. The fees are rising very steadily and, as I have said, many of the community based centres have already closed and more are promised to close.

I was rung last week by a member of one of the private child-care organisations who provided me with significant data that indicates that something like a 30 per cent vacancy rate in private child-care centres is now becoming the order of the day. It is only a matter of time before many of those centres go to the wall and close. What will this government's response be to a dramatic closure of child care? Is there any concern from the government about the retreat now to informal, less quality care for children—a return to latchkey kids, which, if you remember, back in the 1980s was one of the driving forces that led to government taking seriously its involvement in child care and establishing many more centres? That is the anecdotal evidence coming to me and coming to many people around the country. There is no doubt it is happening. There is a retreat from child care because the changes this government has introduced have forced the fees up so that they are now beyond the reach of many families.

Is this government seriously intent on leaving families with no quality care provisions for their children—back to the backyard, back to informal care, a retreat from quality care and a return to latchkey kids? If that is what this government is intending to do, it should come out and say so. If it is not intending that, many of these changes will only make that happen. The government should be very seriously concerned about the changes it is implementing in child care.

Senator LUNDY (Australian Capital Territory) (10.15 a.m.)—I seek leave to have my second reading speech on the Child Care Payments Bill 1997 incorporated in *Hansard*.

Leave granted.

The speech read as follows—

Let us be clear about a few things as we enter this debate. The Child Care Payments Bill is part of the Howard Government's much greater picture for

Australians with children. This issue covers education, health and employment and restricts choice whilst widening the gap between those who are struggling financially and those who are not.

The Child Care Act that was passed in 1972 was principally due to a labour shortage and the result was more women entering the workforce. This situation was also prevalent during the Second World War when women were called upon to replace the thousands of jobs left by men who were fighting. The legitimacy of women's war-time work meant that women could push for Commonwealth assistance for children's services. The development of the childcare sector demonstrates that women have, for many, many years contributed to the needs of this country whilst planning and responding to the needs of their children.

Under Labor, the development of the range of children's services was a response to the community's needs and diversity. Family Day Care, Community Based Day Care, Private Long Day Care centres, Occasional Care, Out of School Hours care, specialised and multicultural care centres were a positive answer to the changing needs of parents and society generally. Cutting $820 million form the childcare sector has shown (all too clearly) that the Howard Government's direction is detrimental to the range of choices that parents have, as well as a threat to the confidence they have felt in their choice of care for their children.

In the wake of the last two Budgets, it has become clear that the Coalition Government have reset the direction they want the childcare sector to go. The path that the sector has travelled to date has come to an abrupt halt. This has left families greatly concerned about the erosion of what has been remarkable progress made in the accessibility and choice of childcare services.

Closer scrutiny of the Government's childcare agenda exposes much more than cost cutting to enhance the bottom line of their budget. Cuts to funding are one indicator, but a more pertinent analysis is that of legislative changes which have accompanied the cuts. Changes to assessment of eligibility, the reduction of assistance for second and subsequent children, capping assistance to 50 hours per week and the freezing of fee ceilings for 2 years reflect this Government's attempt through Bills such as the Childcare Payments Bill to reduce the choice of parents and the diversity of care available. All of these structural changes were introduced on April 1 this year and based on the discussions I have had with parents and childcare workers, the feeling is most definitely that this Government's approach to childcare is beyond foolish.

To change policy direction now, as this government is intent on doing, moves against the express needs of working parents and goes further towards the Liberal Government's interpretation of what role they think care provision should play in our society. This impacts strongly on the decision making processes of parents when they are contemplating employment options, and thereby restricts genuine choice.

In addition there have been a series of measures that have, and will, continue to affect the viability of childcare centres. Private and community based centres operate on a fine line of managing staff levels and keeping places occupied and the change to the payment of childcare assistance in this Bill from monthly in advance to fortnightly in arrears denies certainty when planning staffing levels. It also assumes (and this Bill is laden with outmoded or ill informed assumptions) that a parent's childcare needs are regular and consistent. I can tell you that if life was that easy, half of our problems may be solved! This Bill consistently ignores the reality.

The reality is that if a child is being abused or neglected—four weeks of childcare assistance will not suffice.

The reality is that as childcare becomes more expensive, it will generally be women who will have to leave the workplace.

The reality is that as the domino effect gains momentum, and as more families find it financially impossible to keep their children in care, the centres' costs will have to be carried by the remaining families and when less children attend centres, they loose staff or close down all together—meaning more unemployment for what has been one of Australia's largest growth sectors in the last ten years.

The reality for the largely female workforce of the childcare sector who do keep their jobs, is that they will not be protected under Peter Reith's industrial relations policies, their job security is still at risk and as the workforce is 'casualised', their superannuation will also be detrimentally effected. As if this isn't enough, Childcare workers in the my electorate will find it extremely difficult to re enter a sluggish economy that is suffering due to John Howard's massive cuts to the public service.

The reality is that people do not abuse the 50 hours—they use it to maintain, sometimes difficult and often hectic professional and personal lives.

So how is it that successive Ministers have missed the reality? There are two reasons here—the first quite simply is that they just don't care.

Despite the pre election rhetoric, we would have to say that John Howard knows and cares little for average Australians and their families.

The second reason may have something to do with the incredible rush that the Government appears to be in to implement sweeping changes to childcare

sector. I would have thought that the Prime Minister had learnt the dangers of policy on the run.

The new Minister, Warwick Smith touched briefly on the issue of consultation in his second reading speech saying "I would always be keen to hear from those in the industry and indeed from those in this place, who can see ways to improve this system"

I would like to publicly offer some advice, and more importantly the experience and knowledge of the many sector representatives and parents who have given me feedback on the state of the childcare sector right now, and their forecasts of childcare in years to come under the Coalition Government. I don't think that the Minister will like it the picture that is being painted, but if we do not change this Government's approach top the issue of childcare—the picture will be grim.

In repeating his predecessor's comments on consultation, the Minister is perhaps most at fault. If this consultation did occur, I would like to ask the Minister why I had peak bodies calling me to ask what they had to do to appear before the committee investigating this Bill. I also spoke to people who had received an invitation to appear with between 24 hours and a week's notice to prepare a submission. The only thing missing from their preparation was a sizeable amount of subordinate legislation. There is a fairly straight forward theorem for consultation. It involves developing mechanisms that allow for a broad range of views to be heard. Having unrealistic deadlines and a misinformed public are not a good starting point.

The ALP abhors the process by which this government is destabilising the childcare sector. We are deeply concerned about the Government's attempts to not only move the goal posts, but change the rules altogether. For example, when the government means tested the childcare rebate, whilst a reasonable equity proposition, they actually removed the recognition of childcare costs as an issue for working people. It takes the issue out of the economic and industrial relations arena and puts it firmly back into the social welfare bucket—a subtle but significant shift, particularly in the 'status' of childcare in the broader economic debate.

In my own electorate, the evidence is overwhelming. A recent survey through my office demonstrated what the Minister would know if consultation was a priority. People are having to leave their jobs, childcare workers remain poorly paid, many having lost their jobs or had their hours reduced, many parents are seeking alternative informal care and that perhaps most importantly, children are losing out in each scenario.

I wanted to draw this chamber's attention to the results of this survey because it shows the community frustration with this Governments approach to childcare. In response to a question put to staff about the worst aspects of the child care cuts, the responses were numerous, but some of the more poignant answers were; "loss of valuable staff, loss of children and families, cutting staff professional development and equipment for children, 1 staff member with 10 children—because we are required to do cleaning, preparing lunch on top of normal duties etc. low staff morale and uncertain futures, lower pay, our jobs are threatened".

One centre reported that "several of our families have also had to look for alternative types of care that are not really in the bests interests of the children—one family with two children in care have taken the preschooler out of care and dad, a night shift worker is looking after him and surviving on 2 to 3 hours sleep per day".

Other comments from staff have included the fact that accreditation is getter harder to maintain and as one worker put it "I find it very hard to do the same amount of work with less staff". Every single centre had reported loss of staff or staff hours, with some centres reporting up to 50% increase in vacancy rates in the last 12 months. When asked about the services that have had to be cut, Directors and staff reported that Cleaners, staff meetings, in-service training and quality care had been compromised.

When you look at the list of what centres were doing to 'make the dollar last' the financial package the Government has offered centres to implement changes to the childcare centres sounds like some kind of cruel joke. The $3,000 for a consultant has been utilised by some centres in my electorate and the response is the same—a consultant has come in to tell staff what they already know—that there is no more fat to trim. Centres have cut staff, consumables and training. There are situations where Directors are filling in where shortages exist and second hand items are becoming the norm.

When parents were asked if the cuts to childcare had adversely affected them, the overwhelming response was yes. Parents who were studying were having to reconsider their further education and parents reported fee increases of between $20—$50 per child per week. Response I have refrained so far from drawing on personal experience with childcare because I believe this issue is better characterised by the thousands of parents and family members who share my need to hear this Government respond to their calls. I think the Coalition would be better served listening to these concerns instead of making personal references such as the member for Griffith who insists that "it would be easier to have a baby than work out the childcare entitlements". My point is simply that they should not discuss what they do not know.

I don't have time to relay the many strong messages of opposition to the road this Government is travelling down, suffice to say that parents are frustrated, confused (through lack of information and angry. This Government should heed their calls for consultation.

The Minister has stated that he wants a less prescriptive service provision system and yet it has unfortunately come as no surprise to me that some Departmental work based childcare centres have been told that the Department's support of the project is 'not in the interests of the current Government's policy and objectives. Once again, a practical and intelligent policy for the workplace in the 90's is threatened by a regressive Government who is keen on re-running some outdated and ill conceived 1950,s view of Australia.

Senator DENMAN (Tasmania) (10.16 a.m.)—I rise to speak on the Child Care Payments (Consequential Amendments and Transitional Provisions) Bill 1997 and the Child Care Payments Bill 1997. The motto of my local community long day care centre is: 'We believe that each child is first and foremost an individual with thoughts, feelings and imagination that needs to be cared for and cherished in a warm, secure, stimulating environment'. The ability of my local centre, and no doubt many centres throughout Tasmania and on the Australian mainland, to continue to provide the same level of service and live up to that motto is now under threat with the federal government's treatment of child care.

Centres are now reporting less supervision of children, cutting back on equipment for children, reduction in staff or staff hours, reduction in meals and the like. A large percentage of parents are leaving child care and going to informal care which is not accredited and often far inferior. Simply, children's services are not offering as high a quality of service because of the federal government's cuts.

These bills fail to address this trend that started under this government. These bills will do little to reverse the concerning trend emerging. These bills, which introduce the coalition's 1997 budget measures for child care, symbolise the ever growing gap between the Labor Party and the present federal government on the development of a fair and equitable policy for families with children.

There are some stark differences between the way in which Labor went about providing access to child care over 13 years and what is being introduced in these bills. Like those who remain confused about the backdown on aged care, there has been a similar sentiment expressed to me in Tasmania regarding child-care services. This confusion is a result of little consultation with the sector as to what goals and aspirations the federal government is setting out to achieve, over and above simply ripping $820 million from child care over two budgets.

These bills are rudderless with no guiding principles for the provision of child care in the lead up to the year 2000. The changes that have been and will be implemented are on such an unprecedented scale that it is difficult to know to what level the quality of care will drop. We know, for example, that the government has not assessed the financial and social impacts of people leaving the work force because they cannot afford child care.

Some parts fundamental to the whole system have not been defined. The National Association of Community Based Children's Services has questioned the government's ability to ensure children are safe if parents cannot afford quality child care. Participation rates appear to be dropping with little financial incentive for women, particularly from low income families, to enter the work force even on a part-time basis because of the costs and reductions in family payments.

Tasmania has its fair share of low income families, and that is reflected in the fact that community based child-care centres make up 70 per cent of the child-care sector. There is not really a high demand for private child care in Tasmania compared with the Australian mainland. Again, I am not surprised that the government continues to ignore the unique situation in Tasmania—there has been little consultation.

All community based centres, except one, recently surveyed in Tasmania by my Tasmanian colleague Senator Mackay, have increased their fees in the past 12 months. Sixty per cent of these fee increases were a direct result of federal funding cuts, mainly as a result of the loss of the operational subsidy

and an increase in administration time and costs relating to the implementation of child-care assistance.

There is currently too little opportunity for many parents, particularly women who live in Tasmania, to participate in the labour market even on a part-time basis, let alone also to have to overcome the barrier of access to child care.

It is difficult to gauge at this point in time how the cuts have impacted on the local economy of the township of Ulverstone where my office is located. Ulverstone is serviced by a nationally accredited long day care centre. The region also has a privately operated child-care centre. It is of real concern whether down the track the Ulverstone child-care centre will have to close its doors under this regime of changes.

The Child Care Payments Bill introduces a number of measures, including immunisation, as criteria for child-care assistance and the child-care rebate. It also legislates a 20-hour limit for non-work related care and a 50-hour limit on work related care. The government will also be allocating hours to regions but has not specified what those regions are, let alone what provisions will be made to increase hours or places where demand has not been met.

There are 27 pieces of subordinate legislation containing definitions and regulations which, in some circumstances, could have a large impact on the industry and parents. I understand that much of this subordinate legislation is still being developed. This example just fuels the confusion and concern being expressed.

There are a number of changes and recommendations that we, on this side of the chamber, believe should be initiated. For example, a limit of four weeks continuous care in one 12-month session of care for emergency child-care assistance should be removed. It is our view that the minister's determination of the regional allocation of child-care assistance hours must be made disallowable. These and other changes, we believe, should be made; but they are no more important than ensuring that implementation of the legislation is not before 1 April 1998.

Senator LEES (South Australia—Acting Leader of the Australian Democrats) (10.23 a.m.)—I am only going to speak on those aspects of the bill which deal with the government's plans to make vaccination part of the eligibility criteria for the receipt of child-care assistance and the child-care rebate.

When the Minister for Health and Family Services (Dr Wooldridge) first announced this measure in February of this year, as part of the government's Immunise Australia package, the Democrats indicated that we supported the general direction being taken by government. However, we said that, while it is appropriate for the government to offer incentives to encourage parents to at least turn their minds to the issue of vaccination, we are not prepared to support a system that is compulsory.

We need to look at the attitude of most parents to vaccinating their children. I believe that most of those who, as far as statistics show us, have not vaccinated their children have simply not got around to it. They do not hold strong views against it; they simply have not taken the final step, have not visited the doctor and have not been sufficiently motivated to take the actions that are necessary. This is why the government has opted for this particular approach. It believes that, if parents face the loss of their child-care support payments, they will at least focus their minds on the question of vaccination and that most will choose to vaccinate their children.

Once the Immunise Australia plan was announced we made it very clear that we did not support compulsory vaccination and did not want to see the government's plan end up, by default, being a compulsory vaccination scheme. To avoid such an outcome, we urged the government to make provision for genuine conscientious objection. We urged the government to ensure that those parents who held strong and genuine opposition to vaccination were not denied access to child-care payments because of their refusal to vaccinate their children. The Minister for Health and Family Services, Dr Wooldridge, did take notice of that suggestion and has made provision in the bill for conscientious objectors.

Under the bill, claimants for child-care assistance and the child-care rebate will be given a notice requiring a child under seven, whom the claim is for, to be immunised. The person is then given 28 days to satisfy the Department of Social Security that this particular child has been immunised. Alternatively, the person, presumably a parent, can obtain a certificate from a recognised immunisation provider stating that he or she has discussed the benefits and risks of immunisation with the provider. As well, the person making the claim must declare, in writing, that she or he has a conscientious objection to the child being immunised. A claimant can also obtain an exemption if an immunisation provider certifies, in writing, that the immunisation of a child would be contraindicated.

I find the requirement to go and discuss the risks and benefits with the immunisation provider unnecessary. Indeed, I believe it could be taken to the point of being quite unfair. After all, most, if not all, of those parents who genuinely object to vaccination are already very well informed. Those who have spent time with me in my office and who have written the many letters I have received are obviously parents who have taken the trouble to make sure that they have all of the facts in front of them and have quite detailed and well-documented objections to vaccination. They have made up their minds about the matter and, no matter how much persuasion is put in their general direction, they are not going to change their minds. So sending them off to a doctor for a certificate is not going to deter them; indeed, it could end up being quite an unnecessary additional expense and, I would argue, an unnecessary and time wasting obligation.

Those who have not turned their minds to vaccination—who have basically not got around to it—are most unlikely to declare themselves conscientious objectors when they receive the secretary's notice. They are much more likely to go off and have their child vaccinated in order to receive the child-care payment. So a requirement to discuss the risks and benefits of immunisation seems to me to be superfluous and unnecessary. We will move amendments in the committee stage to remove that from the legislation.

The Democrats also believe there should be provision in the bill for an exemption for part of the vaccination program where the child has developed natural immunity by virtue of having had that particular disease and, therefore, she or he should not be vaccinated under the standard vaccination schedule. I understand that there is some dispute as to whether or not this particular contingency is already covered in the provisions of the bill which exempt children because of a medical contraindication. On that particular issue, we will be waiting for an assurance from the minister that this is already covered. It seems sensible to me that natural immunity should be taken into account in a definition of immunisation, but I would be most interested in the minister's assurance in the committee stage. We will be happy to accept it if he can give an assurance that it is already covered.

The major problem I have with this bill relates to the definition of conscientious objection. The Democrats do not accept this definition; we believe it is quite unsatisfactory. It seems to us that it has the potential to make it very difficult for genuine objectors to actually meet the test; in other words, for a claimant to be able to pass the two-part test set out in section 8. We will therefore be moving an amendment which defines conscientious objection as where:

> . . . the person's objection is based on a personal, philosophical, religious or medical belief involving a conviction that vaccination under the latest edition of the Standard Vaccination Schedule should not take place.

I think that is very clear for those who have to administer this program, and it is very clear for those parents and guardians who do have an objection to very precisely and concisely put down their objections in writing and for the matter to be dealt with very quickly. That is a much tighter and more clearly defined test, and I believe that those who do object to having their children vaccinated should be able to fulfil it quite easily.

There are well documented arguments both for and against vaccination. I believe parents should make an effort to inform themselves

of both sides of the argument to make up their own mind about whether the benefits outweigh the risks for their particular child in their particular circumstances. Some parents, it seems, are making a decision that one of the vaccinations—whooping cough seems to be one that many parents have a problem with—is not worth the risk but they go ahead with others such as polio. I have not had very many parents say that polio is one they have an objection to. There are, of course, parents who object to all vaccinations on a range of grounds, including those who choose to use what they determine to be natural methods. So I think we need to allow parents to look at their particular circumstances and to weigh up for themselves the risks.

Although it is not directly related to this bill, I would also like to ask the Minister for Health and Family Services, through Senator Herron, to again look at the issue of recording adverse reactions. They are apparently usually recorded somewhere, but it is very difficult to get access to them. It seems that they go off into a black hole somewhere. Somebody is writing them up, we are assured, but it is extremely difficult for people who want to get access to them to get that access. For those people who are pushing for vaccination, who are arguing that all Australian children have to be vaccinated, that it is the right way to go, I think their case falls down when they are not prepared to release the details of the adverse reactions. So I would ask Senator Herron to deal with that in the committee stage also and indicate what sort of open and accessible register we can have so that we know that information is being kept and parents with a child who has a reaction can go to the register check the details of other children who have had such a problem. Hopefully, those parents who are concerned about some aspects of vaccination will be reassessed if they have access to that information.

In closing, I want to congratulate Dr Wooldridge for his commitment to this issue, actually putting the whole issue of whether or not to vaccinate on the national agenda and getting parents to actually face up to the need—or otherwise, if they conscientiously object—for vaccination, but at least to get parents and guardians to focus on the issue of vaccination.

Senator MACKAY (Tasmania) (10.32 a.m.)—I would like to continue along the lines of comments by Senator Denman about the impact of government child-care cuts on our state of Tasmania. I would like to reiterate a point that she made, that Tasmania is disproportionately affected by child-care cuts because, as she indicated, 70 per cent of our centres are community based and 30 per cent are private. I would be very interested to get a disaggregation around Australia of this, because I suspect that it is not simply Tasmania as a regional microcosm or as a regional economy that is disproportionately reliant on community based care. I suspect that if we disaggregate by region we would find that regional Australia per se is in fact more reliant on community based care than private care.

As has already been indicated, for families in Tasmania, and I suspect for families right across the regional spectrum, child care is becoming no longer an affordable option. Parents have, we believe, a right to choose whether they work or stay at home, and underpinning that fundamental right to choose is the right to quality and accessible child care. Child care is a right, not a luxury. We believe it should not be a luxury and we believe that the changes the government has made to child care so far have removed this right and have ensured that child care is in fact becoming a luxury.

Our office recently conducted a survey into child care in Tasmania to determine what impact the child-care cuts thus far have had on Tasmanian child-care centres. I have to say that the responses were very distressing, to say the least. I remind the chamber that the government cut operational subsidies to community based child-care centres in Tasmania to the tune of $1.4 million last year. It became glaringly obvious through this survey that this cut was having a huge impact on the quality, the affordability and the accessibility of child care in Tasmania. I would like to deal with it in detail.

We surveyed every centre in Tasmania and got approximately one-third back. The responses were predominantly from the community based child-care sector, which is not surprising, given that they comprise 70 per cent of child care in this state. Of those returned, 72 per cent of centres indicated that they had had their funds cut, and this in fact reflects that 70:30 ratio that we have alluded to before. I would like to reiterate what Senator Denman said on this, that it is completely opposite to the national ratio. The national ratio is 30 per cent community based child care and 70 per cent private child care. As I said, that accounts for the disproportionality in terms of effect on Tasmania and, I suspect, in most of regional Australia.

Cuts to centres that returned surveys to our office totalled approximately half a million dollars, and the operational subsidy which was cut was based on a per capita funding of $21.40 per child under the age of three and $14.35 for children aged over three. The average of cuts indicated to us by the centres was approximately $53,000 per centre. All of the centres that had had funding cuts had in fact increased their fees and they all expected to increase them further as a result of the federal government cuts. The expected increase is due to the changes in funding arrangements, and what is happening is that we have a vicious circle emerging. As the cuts impact on community based child care particularly, they have to put their fees up. The higher their fees go, the fewer parents can actually afford to access child care, so there is a vicious circle in terms of low utilisation, increasing fees and so on. That spiral is in fact going to be exacerbated by the provisions within this bill.

The centres assessed the increase in child-care fees at about $15 per week. The parents assessed it at approximately $21 per week. Increased child-care fees in Tasmania are somewhere between those two figures. Fifty-five per cent of centres have reduced the numbers of staff they employ, which is very serious for a state with the highest unemployment rate in Australia. Sixty per cent of them indicated that that was a direct result of federal government cutbacks to date, that is, before this bill goes through. Of the centres that have reduced staff, 20 per cent of the staff reduced have been reduced because there are less children in care. That, as I indicated, is a symptom of increased fees and children being removed from care.

Interestingly, only five per cent of centres have increased the casualisation of their work force. Normally where there are insufficient funds to go around, you have the trend towards casualisation in the labour force. We are seeing this increasingly in employment trends in this country.

However, this is not happening in child-care centres. Child-care centres are not casualising their work force. What they are doing is terminating their work force and using voluntary labour. Parents themselves are going in and assisting, to try to keep these centres afloat and to try to keep them in existence. That is an interesting fact. They are not moving to the casualisation option. They are just removing staff altogether and having parents and volunteers assist.

Child:carer ratios have been adversely affected in 39 per cent of the centres we surveyed. Tasmania used to have the best ratios in Australia. Due to a loss of funds, most centres are reducing staff and the child:carer ratios are being pushed right out to the boundary of national ratios. For example, we used to have a ratio in Tasmania of one carer to seven children over the age of three. The ratio is now one carer to 10 children.

Senator Neal—And moving upwards.

Senator MACKAY—That is right, Senator Neal. Seventy-two per cent of centres have received adverse comments from parents regarding the impact of federal funding cuts. I will give some quotes from what the centres said to us, to attempt to give the chamber an anecdotal flavour to add to the statistics.

The centres have said that they are relying very heavily on voluntary labour for maintenance and administrative tasks. You have a safety issue if you are relying on volunteer labour for maintenance—not to mention the additional impost on families with regard to that. Centres have said, 'We cannot replace

equipment that gets broken. We just do without.' Here again there is a safety issue for children in care. Centres have said the main issue is lower utilisation, due to increased fees. They have said, 'The centre has become a business. The service aspect has declined.' This is probably one of the most critical things. Senator Crowley dealt with it at great length. The centres are also saying there is less flexibility for parents.

Parents themselves also responded to this survey. What we did was ask the centres to distribute this survey to parents. Some did and some did not. But the responses we got back were very distressing. Even if they are not completely accurate, they determine a trend which we believe is going to be exacerbated by the provisions of the bill before us.

Eighty-eight percent of the parents we surveyed indicated they had had an increase in child-care fees in the past 18 months. They said the average increase was approximately $21 per week. The centres indicated it was $15. As I said before, it is somewhere between $15 and $21, the difference obviously being that parents with high fees were the ones that responded to the survey. I accept that the parents who had most difficulty with regard to increased child-care fees were the ones who responded to our survey. That does skew the results. But, as I said, the trend line there is very distressing.

The average use is only three days per week, and 38 per cent of parents have reduced the amount of care they use. Ninety per cent of those said the reason was increased fees. That nexus is pretty clear. Even if the government does not accept the results of this survey, the trends are there and are irrefutable.

Forty per cent of those who have reduced their care now place children in deregulated child-care arrangements. That means—and I think Senator Crowley covered this—we have a situation where we have an increasing trend towards backyard care, towards care by carers who are not properly qualified and towards families being asked to contribute to child care for children. That is an additional burden on families which they do not need at the moment in Tasmania or in fact anywhere.

Most distressingly, 30 per cent of parents who responded to our survey indicated that they had dropped out of the labour force and were staying home to look after their children as a result of increased fees. I am starting to wonder about the cuts to child care and the nexus this government draws between cuts to child care, accessibility to child care and the unemployment rate. As I have said before in this chamber, the government should not crow too much about the slight reduction that occurred in the latest unemployment figures. What happened was a decrease in the participation rate. People were dropping out of the labour force and, therefore, unemployment decreased slightly.

Is it any wonder that there is a decrease in the participation rate when one of the most fundamental things parents use in order to access the labour force—that is, child care—is being slashed? You remove the capacity for parents—particularly women—to access child care and, lo and behold, the participation rate goes down and, artificially—because the participation rate goes down—the unemployment statistics start to decrease. If there is no agenda there, in terms of forcing both men and women back to the home to look after their children and of decreasing the participation of parents in the work force, I would like the government to clarify it. It seems very clear to me and to the parents who responded to the survey that that is precisely what is happening.

When you have a figure of approximately 30 per cent of the parents who responded saying they have dropped out of the work force because going to work is simply not affordable for them—they have to stay at home and look after their children—you do have to question what the real agenda of this government is. If the real agenda of this government is to provide accessible and affordable child care for all Australians, to ensure they can work, then the funding has to be restored in order for that choice to be real and not ephemeral.

Moving on to what parents said: 70 per cent said they would increase their utilisation of child care if the government restored funding to child care to the pre-1996 budget level.

Parents are a lot smarter than this government seems to think. They understand that child-care costs have gone up because of federal government cuts. Seventy per cent say that extra burdens have been placed on their families, including stress, financial strain and pressure to stay at home, as I have already indicated, because professional care is no longer affordable.

Some of the parents said, We can't afford to work three days per week.' They also said, 'We still pay more than $700 per month in child care,' which is more than these particular parents pay in rent. One parent said, 'I'm about to lose my son's favourite carer because of funding cuts.' So there is that effect with regard to children's relationship to carers which is built up over years and is a relationship of trust. Probably most telling, one parent said, 'As a sole parent working three days per week, it actually costs me more to work than to stay at home on social security.' For a government that is into removing people from social security benefit—'dole bludgers' is the term that this government uses—

Senator Neal—The non-emotive term.

Senator MACKAY—That is right, the non-emotive term of 'dole bludger'—this seems somewhat extraordinary. The result of these government cutbacks is to force more people on to social security and push them out of the work force, thereby increasing the social security bill and artificially lowering the unemployment rate. It just does not make any sense to me at all, unless there is another agenda. This is what I would like clarified. Certainly, the people in Tasmania think there is another agenda. Many senators on this side of the chamber believe there is another agenda with regard to women.

Substantiating evidence was provided by the National Association of Community Based Children's Services survey—which bears out much of what was discovered in the survey produced by my office in Tasmania—which said:

> Centres have had no choice but to increase fees and cut staff. 69% of centres are cutting staff numbers and 50% are increasing fees to deal with loss of operational subsidy. Staff cuts have seriously undermined the quality of care.

If the government does not believe a survey undertaken by a Labor senator's office, how can you possibly argue with this? The survey went on to say that the average number of Tasmanian families who have reduced the hours of care is five children per centre and the average number of Tasmanian families who have removed their children or child is six children per centre. Extrapolated across the population of Tasmania, this means that over 600 Tasmanian families have reduced or removed their children from professional child care. These are frightening statistics. When removing their children from care, most parents are choosing, as I indicated before, to place children in deregulated care.

In conclusion, I would like to plead that this government have a look at the effect that these cuts are having in regional Australia. Quite bluntly, my home state of Tasmania is a good litmus test. It is a regional microcosm and federal government cuts are slashing the heart out of a large section of the state's economy. They are contributing disproportionately to our economic future and having a deleterious effect on the state of the economy. The social cost, which is impossible to measure, is frightening. This is one more example of where Tasmania and other regional areas of Australia are being disproportionately affected. It is absolutely critical that Senator Neal's motion be carried by the Senate so that we can have a look at the impact of the cuts on child care across Australia. It is absolutely critical that this government does what it said it was going to do, which is govern for all of us. There is absolutely no doubt that regional Australia is suffering from federal government cuts.

It is outrageous, in my view, that parents have to stay at home rather than go into the labour force in a state like Tasmania, which has the highest unemployment rate and the lowest growth rate of any state in Australia. We should not be cutting child-care payments to Tasmania; we should be recognising that areas of regional Australia have special needs. It is my belief that we should be looking at

special regional packages of which child care should be a major component.

There is no doubt that this government will not pay attention to the pleas of regional Australia, Tasmania in particular, unlike the backflip with regard to aged care—although over the last couple of days it does not seem to be much of a backflip in terms of its impact. This government is poll driven. Clearly with regard to aged care it has become scared of the power of the grey lobby. Parents with children do not have time to write endless letters to MP's offices.

Senator Neal—They will have shortly.

Senator MACKAY—That is right; the ones who are staying at home will probably have more time. Parents do not have time to put in a major lobbying effort. All they want to do is get on, get a decent income and make sure that the future for their children is secure. I implore this government to have a look again at what is happening with regard to regional Australia on this issue of child care, particularly in my home state of Tasmania, and attempt to at least examine what is happening so that we can determine what remedial action is required and take that remedial action. The situation, if it continues, will be simply unacceptable.

Senator HERRON (Queensland—Minister for Aboriginal and Torres Strait Islander Affairs) (10.52 a.m.)—The child-care system we inherited was out of control. There is no question about that. Child-care costs were growing at an unsustainable rate. There was no vision for child care into the future. The last two budgets have introduced a number of measures to slow the rate of growth in child-care subsidy outlays while protecting the benefits of low and middle income families as far as possible. As a result, the real rate of growth in child-care outlays will be reduced from nine per cent to three per cent per year, but substantial real growth will continue.

I am pleased to hear from Senator Woodley that, despite some concerns, the Democrats will support the Child Care Payments Bill 1997 and the Child Care Payments (Consequential Amendments and Transitional Provisions) Bill 1997. Their support for the major and important reforms in the bills will ensure that the major advantages to be gained from this legislation will be available to the families in Australia. Senator Woodley has raised some important issues, as has Senator Lees, and in particular identified some matters it is important for the government to monitor in the implementation of this legislation, and the government will indeed monitor those matters.

These bills will simplify the system of child-care payments so that parents will only need to deal with one Commonwealth agency—Centrelink—to receive their child-care payments. The changes to the payment of benefits through Centrelink will empower parents to make decisions about the kind of child care to best meet their needs. The bills will bring all child-care assistance and child-care rebate payments within a legislative framework and make them subject to parliamentary scrutiny.

The Senate Community Affairs Legislation Committee has considered these bills and, in its report issued on 27 October, the committee recommended that the bills proceed but that the implementation date for the reforms be delayed until no earlier than 1 April 1998. The government has been listening to community concerns about the implementation timetable and the Minister for Family Services (Mr Warwick Smith) announced on 21 October that implementation of the reforms would be delayed until April 1998.

The opposition's dissenting report on these bills included several unfounded claims. It has suggested that the government had announced the abolition of operational subsidies for family day care but later changed its mind. This suggestion, repeated by Senator Neal, is incorrect, yet the opposition has used this as the basis for speculating that such a change is currently on the government's agenda. The government has never indicated it would abolish operational subsidy for family day care.

The Child Care Payments Bill 1997 will provide a strong incentive for parents of children in child care to immunise their children for the benefit of those children and all the other children with whom they share child care. The opposition has suggested that immunisation should be exempted as a criteri-

on for child-care payments where a recognised immunisation provider has certified that the vaccine necessary for immunisation is not available. However, there is no valid reason for requiring such an exemption, as such a situation should not occur in Australia. The Commonwealth funds the states and territories to purchase and distribute the recommended vaccines on the National Health and Medical Research Council's Australian Standard Vaccination Schedule. Should it happen for some unforseen reason that a vaccine is not available, administrative arrangements will be put in place to ensure that families are not disadvantaged.

Senator Neal in her speech also raised concerns about the 50-hour cap on child-care assistance, which was introduced in April 1997, suggesting that it disadvantages families who must travel long distances to and from work and will lead to parents paying full fees for any care over 50 hours. These assertions are incorrect and were addressed when this measure was first introduced. Anyone who has work related commitments for more than 50 hours per week receives child-care assistance for the hours of their commitment, including related travel time. The measure targets unreasonable charging practices in many child-care centres whereby families are paying for many hours of care which they do not need or use.

But the government recognises that there is a valuable role for child care which is not just work related. We will continue to provide child-care assistance for up to 20 hours a week for families that do not have work related commitments. This move is strongly supported by the Australian Early Childhood Association, which believes that families should be allowed up to 16 to 20 hours of non-work related care per week for children between two and five years of age. I acknowledge that many non-working families use child care as a valuable developmental opportunity for their children. The government therefore will also provide around $1 million for each of the next three years to improve developmental opportunities available to children through playgroups.

The Democrats have asked the government to monitor the effect that limiting child-care assistance for non-work related care may have on the viability of centres in regions that depend on a large proportion of non-work related care. Naturally, the government will monitor this. We have recognised that in some areas this measure may impact on service viability, so the bill provides for services that are the sole provider of a type of care in an area to be exempted from the 20-hour limit. But the government is not in the business of propping up services which are not viable due to the fact that they have chosen to operate in an area of oversupply.

We have also recognised that there are families throughout Australia who are in crisis and for a variety of reasons need access to more child care. The bill provides exemptions for these children from the ordinary limits on child-care assistance. We have also recognised that families with a child with a disability need additional help. Children with disabilities and their siblings are therefore also exempt from the 20-hour limit.

Furthermore, emergency child-care assistance is being introduced to ensure that children at risk who are not already receiving child care in an approved service can be provided with care when needed. These children can be identified by a service provider as requiring emergency child-care assistance. This is a payment made directly to services and covers 100 per cent of the child-care costs for as many hours per week as needed for a period of up to four weeks.

The opposition have called on the government to lift this four-week limit and Senator Neal has told us they will seek to amend this limit. This shows a misunderstanding of the role of emergency child-care assistance. It is designed for families who do not have Commonwealth support for their children's care and provides them with time to arrange this support. Four weeks is a reasonable period within which families can organise longer term support. At the end of the four weeks, if the child is still considered to be at risk, the family can apply for ordinary child-care assistance. Hardship child-care assistance, which is also available, can provide for 100

per cent of the cost of care for people on very low incomes.

A major reform introduced in this legislation is the incorporation of outside school hours care into the means tested child-care assistance arrangements. Until this reform, all users of outside school hours care services received the same level of support, regardless of their incomes. This change will mean that low income families will now be able to afford outside school hours care and it is expected that many more families will take up the option as a result.

The opposition in its dissenting report has also called for the period allowed for retrospective claims to be increased. The current child-care assistance scheme limits retrospective claims to just one week. Under this bill, this will be increased to 13 weeks. This is consistent with the claiming period for many other social security payments and is ample time for families to complete and lodge an application.

The Child Care Payments Bill 1997 has been heavily modelled on the Social Security Act 1991. The adoption of that structure will help Centrelink in their administration of these payments. I seek leave to continue my remarks later.

REMEMBRANCE DAY

The ACTING DEPUTY PRESIDENT (Senator Hogg)—Order! It being 11 a.m., I invite honourable senators to observe a minute's silence in remembrance of those who have fallen in defence of their country.

Honourable senators having risen in their places—

The ACTING DEPUTY PRESIDENT—I thank honourable senators.

CHILD CARE PAYMENTS BILL 1997

CHILD CARE PAYMENTS (CONSEQUENTIAL AMENDMENTS AND TRANSITIONAL PROVISIONS) BILL 1997

Second Reading

Debate resumed.

Senator HERRON (Queensland—Minister for Aboriginal and Torres Strait Islander Affairs) (11.01 a.m.)—The consolidation of all payments and employment services in Centrelink provides enormous potential for families to access the full range of services and support offered by government. Access to programs will no longer be dependent on family understanding of the bureaucracy or what organisation the family should contact. Centrelink staff will handle the full range of advice on government programs.

Concerns have been expressed, particularly by Senator Woodley, at the use of imprisonment for offences related to child-care payments. As with all new legislation, the penalties were set by the Attorney-General's Department to ensure consistency with penalties for comparable offences in other legislation, such as the Social Security Act. The Crimes Act 1914 already provides for imprisonment where a person is convicted of offences against the Commonwealth, such as false pretences, false representations with a view to obtaining money, false statements in an application to obtain money and defrauding the Commonwealth. The Child Care Payments Bill 1997 does not create new offences in this regard. It does, however, empower the Commonwealth to recover moneys where a person is convicted under the Crimes Act and the offences relate to child-care payments. This power to recover is not covered by the Crimes Act. However, the bill ensures that a person failing to repay such moneys will not be imprisoned.

Imprisonment is just one of the options for offences committed under the Child Care Payments Bill 1997, such as improper use of protected information, failing to comply with a request for information or deliberate fraud. The courts are free to opt for a non-custodial sentence if a particular offence does not warrant imprisonment. It is not unreasonable that substantial penalties be available for such offences, however, to reflect the Commonwealth's serious obligations to protect the private information and taxpayers' money in its care. If an overpayment occurs, Centrelink can simply adjust future payments by a small amount until the debt is recovered. The with-

holding rate for this method of debt repayment will be limited to 14 per cent, the standard social security withholding rate, unless a customer wishes to erase the debt more quickly.

Notwithstanding the changes which have been made, child-care fee subsidies for working families with a number of children in care are substantial. For example, a family on an annual income of $55,000 with three children in care for 50 hours per week is eligible for a weekly child-care assistance subsidy of $188.80. On top of this, they can also receive child-care rebate if they are working, studying or training. Senator Neal expressed some concern about a reduction in assistance for family day care families from $3.05 to $2.30. This is a misreading of the legislation. The level of assistance for preschool aged children in family day care is unchanged from the previous level, and families using 35 hours or less of standard time or families using non-standard hours will continue to be eligible for assistance based on a maximum rate of $3.05 per hour.

The Department of Health and Family Services, together with Centrelink, has held extensive consultations with the community on the transfer of child-care assistance and child-care rebate payments to the agency. Many of the problems raised in the consultations have been resolved by this bill. In particular, child-care assistance will be paid fortnightly in advance to services, based on families' entitlements, resolving the potential bad debt problem under previously proposed arrangements; the new arrangements will reduce the administrative burden for services because families will be responsible for substantiating their own claims; and, following representations from the community, including in particular the representations to the Senate committee reviewing these bills, the commencement date for the new payments, including the 20-hour limit and the new out of school hours care arrangements, has been deferred to 27 April.

We have accepted the view that January is not a convenient time for such a change, as there is a great deal of fluidity in the usage of child care as families are still establishing their patterns for the coming year, and it will make a much smoother transition if the change is made later in the year. Both the department and Centrelink have been making major efforts to inform the industry about the new arrangements. There have been briefing sessions held all across the country for service providers and for their peak bodies, and briefings for parents have recently commenced.

I know that some sections of the child-care industry expressed concern about the amount of detail to be contained in disallowable instruments and regulations. I am pleased to advise that all of the disallowable instruments have been released for comment. In doing so, I should point out that such instruments are frequently not available when bills are debated. For example, in relation to the Child Care Legislation Amendment Bill 1995 to limit child-care assistance to 12 hours for non-work related care, instruments were not available when the main legislation was introduced into the parliament, and the Child Care Rebate Act 1993 instruments were not available until a few days before the system commenced, well after the passage of the legislation.

While most of the material is technical and replicates or replaces current policy contained in disallowable instruments under the Child Care Act 1972, the Child Care Rebate Act 1993, administrative guidelines, handbooks and agreements, the department will be consulting with the industry, and the Minister for Family Services (Mr Warwick Smith) will listen to all concerns raised. Finally, the disallowable instruments and regulations will then be tabled in this house for scrutiny. This is open and transparent government.

This legislation will put into place a new planning framework to influence the location and rate of growth of new private child-care centres. This is an important part of the Commonwealth's 1997 budget child-care reform package, and I am pleased to note it is supported by both the Labor Party and the Democrats. Extensive consultations were completed between November 1996 and February 1997 on a range of options, including the implementation of the new planning limits. A cohesive and integrated child-care

planning system is absolutely critical to ensure that future child-care growth is directed to areas of high work related need.

Submissions made to the Senate committee have expressed support for a national planning framework. The Australian Local Government Association said:

> Despite substantial improvements in the supply, quality and affordability of child care services the current system lacks congruence across the nation and often does not meet the needs of families and children.

The Australian Confederation of Child Care said:

> An effective planning framework for children's services in Australia should include all aspects of funding, supply and quality of these services because of the strong linkages between these elements.

Since the announcement of the budget in May 1997 the Commonwealth has been working with state governments and the child-care industry to determine areas in greatest need for new private centres. The Commonwealth has established planning advisory committees in each state and territory to advise on this issue.

The minister's determination under proposed section 200 of the bill of the regions to which allocations of new child-care assistance hours are to be made and the number of hours available for allocation is not a disallowable instrument. This is because the assessment of relative need: is an administrative function requiring a technical assessment of demand for work related care; will be revised at six-monthly intervals to reflect changes in supply of services, demographics and employment, and it is therefore imperative that it be responsive to change; and will be prepared by a planning committee comprising all levels of government, industry and communities.

Planning committees have already met to complete their first assessment, and these will be advertised in the coming weeks. The draft disallowable instrument made under proposed section 194 of the bill and circulated for comment constrains the minister's determination by specifying the factor to be taken into account in determining the number of hours to be divided between regions, that factor being 'the relative needs of people in each region who satisfy the work/training/study test'.

Under the new arrangements all services will be given an allocation of child-care assistance hours. This is a tool to be used by the department to monitor the level of child-care assistance offered by centres. It will provide a means for the department to identify services which have expanded their operations without seeking approval of additional places under the new planning controls. It is not, however, a means to reduce the number of places available to a service. The instrument 'Child Care (Allocation of Child Care Assistance Hours) Guidelines 1997' states that the 'Secretary must take into account the operational position of the child care service immediately before the payment commencement day'. This will be the basis on which the hours must be allocated. So there is no scope for reducing the size of services, as suggested by Senator Neal.

The government continues to provide strong support to the child-care sector. Around $1.2 billion has been allocated for 1997-98. These bills provide us with the basis to take the industry forward in a planned and manageable way, and I commend the bills to the Senate.

Question resolved in the affirmative.

Bills read a second time.

In Committee

CHILD CARE PAYMENTS BILL 1997

The bill.

Senator NEAL (New South Wales) (11.12 a.m.)—Just before I move to the amendments specifically—there are quite a number of them—I would like to ask the minister about some matters that he raised in his reply to the second reading debate. He said quite early on that child care was out of control when the government was first elected and that there was no vision. There is a lot of confusion in the community about this government's vision for child care and what its plans are, particularly after two years have elapsed and since the places will be restricted to 7,000 for each of the years. Could the minister please advise

what this government's long-term plans are for child care?

Senator HERRON (Queensland—Minister for Aboriginal and Torres Strait Islander Affairs) (11.13 a.m.)—The problem that we were left with was an overexpanding, rapidly increasing rate of child-care provision, often in areas that were overserviced. The government's plan, to answer Senator Neal, is to provide adequate child-care places where they are needed, give women the opportunity to participate in the work force as they desire and also provide child-care assistance without the requirement of work related issues so that they do have access to child care. But at the same time we are limiting the rapid expansion of child-care places, as I say, where they are not needed.

Senator NEAL (New South Wales) (11.14 a.m.)—Maybe I could ask some more specific questions to try to get to the heart of this. For the first two years, this year and next year, the number of new places will be restricted to 7,000. Is it this government's intention to restrict the number of new places for the years thereafter? If so, to what level will they be restricted?

Senator HERRON (Queensland—Minister for Aboriginal and Torres Strait Islander Affairs) (11.14 a.m.)—My understanding is there will be no restriction but, as we have assured the Australian Democrats, it will be monitored. It would be crazy of governments to lock themselves into a fixed position when none of us has a crystal ball as to what the requirements will be, particularly with the dramatic changes that are occurring in the work force and the requirements of the work force. So there is no intent to restrict in future years, but we will be monitoring the situation and making sure that there is adequate provision regardless of what changes occur.

Senator NEAL (New South Wales) (11.15 a.m.)—You may have made it clear. You said that there is no intention to restrict the number of places. I asked whether there is an intention to restrict the number of new places created in those years. You may have meant the same thing.

Senator Herron—Sorry, I meant the same thing. The answer is no. If we did want to restrict them, we would have to amend this bill.

Senator NEAL—Is there any intention on the part of the government to limit the number of child-care places that already exist in existing centres to potentially reduce them in the future?

Senator Herron—No.

Senator NEAL—There is some provision within the subordinate legislation referred to in this bill to define a session of care. It does seem to give the minister some discretion in this area. Does the government intend to reduce the period which is defined as a session of care within the bill? If so, to what level?

Senator HERRON (Queensland—Minister for Aboriginal and Torres Strait Islander Affairs) (11.16 a.m.)—The answer is that it is not a plan of the government's; it is the centre's requirement to define their level of care so that Centrelink can pay them the correct amount. It is not the minister's intention to define it. It is up to the providing centre to determine what it is so that Centrelink can adequately reimburse them.

Senator NEAL (New South Wales) (11.17 a.m.)—That is not really the case because session of care is actually defined in the bill. It is obviously determined by the minister, not by the centre. It is the basis upon which child-care assistance and child-care rebate are paid. Presently most centres provide for a session of care, which is either an entire day or, in some cases, half a day. There has been some concern that that period of session of care may be reduced to a single hour or some other period less than half a day. I am asking the minister: will he give an undertaking that session of care will not be reduced below what its present length of time is?

Senator Herron—The bill states that the centre must define its session of care. It is in the bill.

Senator CROWLEY (South Australia) (11.18 a.m.)—Further to that, Minister, may I ask, in answer to the questions I posed during my speech on the second reading debate: if a person is eligible for 20 hours care, is that 20 hours four five-hour sessions,

five four-hour sessions, three six-hour sessions, one day and a half, or can it be cumulative in a package of bits and pieces to constitute 20 hours?

Senator HERRON (Queensland—Minister for Aboriginal and Torres Strait Islander Affairs) (11.18 a.m.)—Again, I repeat—I am sorry that I have to keep on repeating this—that it is the provider who will determine, in negotiation with the parent, whether it be two 10-hour sessions, five four-hour sessions or whatever. It is purely a mechanism for repayment by Centrelink to the provider and the terms under which it will be decided will be by negotiation between the parents and the provider of the service.

Senator CROWLEY (South Australia) (11.19 a.m.)—If somebody contracts for 20 hours occasional care with the centre and it invariably turns out that they are only able to properly use three lots of six hours, which is a very standard usage, will they be charged for 20 hours or 18 hours?

Senator HERRON (Queensland—Minister for Aboriginal and Torres Strait Islander Affairs) (11.20 a.m.)—I have had to seek advice on this. I am advised that if, for example, the child-care centre provides 24 hours, they can only charge for 20 hours. If, on the other hand, they provide 18 hours, as Senator Crowley has asked, they can still charge for 20 hours if that is not taken up—that is, if only 18 hours is taken up by the parents, they can still charge for the 20 hours.

Senator CROWLEY (South Australia) (11.21 a.m.)—Minister, I will bid you down. What if they only take up 17, what if they only take up 16 or what if they only take up 15? At what stage will you say, 'Oh, they are down to two sessions so we will be charging them for two sessions'? Is this a 20-hour package of payment or is it a sessional basis payment for up to 20 hours? If you use 18 hours, you will be charged for 20—in other words, you will have to pay for 20; it will not go down with the users. What happens if you use 12 hours? Will you then be charged for 20 hours?

Senator HERRON (Queensland—Minister for Aboriginal and Torres Strait Islander Affairs) (11.23 a.m.)—It depends on the parents' time in negotiation with the provider of the service. If they take up four hours of a six-hour session and then repeat that, so that they use 12 hours out of the 18 hours that are provided, then the centre can charge Centrelink for the 18 hours because that is what was provided. If the parents do not take advantage of that, that is the requirement. If, on the other hand, they use the 24 hours, as I mentioned, the limit is that they can only charge for the 20 hours. It is entirely a matter for negotiation between the parents and the provider.

Senator CROWLEY (South Australia) (11.23 a.m.)—I am glad you think it is entirely that, Minister, because I do not think the parents will, necessarily. I think what we have here is a lively tension between the centres, who require some ongoing understanding of what kind of income they can expect, and parents, who would like to pay less rather than more—which I expect you would be in sympathy with.

If a parent is using four hours out of a six-hour session, the centre will be able to record that as 'Mrs Jones for one six-hour session'. I would like to know how the centre will then notify Centrelink that that is what is being provided, or is it that only the parents will talk to Centrelink? What happens when the parents say to Centrelink, 'We're having six hours,' and the centre says that they are having eight?

Senator HERRON (Queensland—Minister for Aboriginal and Torres Strait Islander Affairs) (11.25 a.m.)—The parents communicate directly with Centrelink. They fill in a form that goes to Centrelink. I see no difficulty with that in so far as there is direct communication between the parents and Centrelink, so Centrelink knows what the parents are using. But, if I can draw the analogy, if you book a service through an organisation and you tell them that you are going to require six hours of that service and then you only use four, surely you have got a contract that needs to be fulfilled. In this case, the provider of the service, having provided the six hours, then bills Centrelink for that six hours. It is an arrangement between the parent and the provider. The link is

between Centrelink and the parent, so that Centrelink is informed by the parent as to the hours they are claiming for.

Senator CROWLEY (South Australia) (11.26 a.m.)—Does that mean that there has been a change? I thought that at the end of the year—November or thereabouts—parents would go to Centrelink and be assessed as to their eligibility for child-care assistance, whether they are using it for work related care, outside school hours care or whatever. That having been established, that would be provided to the centre so that they knew for what fraction of the cost the parents were eligible for child-care assistance and what, further to that eligibility, they would then have to pay by way of fees. Are you now saying to me that the hours used by the parents will be provided to Centrelink who will be paying the child-care centre or is the payment for hours used by the child-care centre still being provided direct by government?

Senator HERRON (Queensland—Minister for Aboriginal and Torres Strait Islander Affairs) (11.28 a.m.)—The family provides to Centrelink the hours that they are using or are entitled to use. Centrelink then makes the calculation of what refund the family is entitled to. The family pays the provider of the service for the hours used.

Senator Neal interjecting—

Senator HERRON—Yes, it pays the difference. The difference between the refund and the total bill goes to the provider of the service. The check on the provider is the parent.

Senator Crowley—Are you saying that the funding for child-care centres is now coming through Centrelink?

Senator HERRON—That is right.

Senator Crowley—Is that going to be in advance or after the event or is it going to be three months in advance and then adjusted at the end of the quarter?

Senator HERRON—It will be fortnightly in advance. I am advised that there are no adjustments unless the family notifies that they have changed their usage.

Senator Crowley—What if the centre advises of a change in usage?

Senator HERRON—Only the family can do it.

Senator Crowley—What happens if parents advise a change but the centre says that there is none?

Senator HERRON—Senator Crowley may be amazed to learn that it is entirely an arrangement between the family and Centrelink. So we trust the family.

Senator CROWLEY (South Australia) (11.29 a.m.)—I am very pleased to hear that you trust families, Minister. Do you trust centres to the same extent? One of the problems that I have been advised about, at great length, is the significant fall in occupancy of long day care child-care centres, particularly private centres.

As I said in my speech, centres are advising me that vacancy rates are approaching 30 per cent overall. Many of those centres will be looking to try to fill those places as other parents drop out. Are you telling us that the only check the government will have on the accuracy of the usage of those centres is what parents tell them from time to time?

Let me give you a hypothetical that is certainly known to the department and to child-care users. For quite some time—we actually introduced a change to deal with this—centres were charging parents full-week fees because they would be eligible for a fair amount of child-care assistance and maybe they would not have terribly much more to pay. So parents might have used the child-care centre for two mornings, but they were being charged full fees for the week.

We put some brake on that in that we went to sessions and there had to be some indication that those sessions had been used, and parents did not have to pay for a full week if they were using only a couple of days. How can you assure me and this Senate that there will not be room for similar obfuscation, particularly by the centres which are doing it very tough at the moment?

Senator HERRON (Queensland—Minister for Aboriginal and Torres Strait Islander Affairs) (11.31 a.m.)—I did not say that it

was the only check; I said that the check was that parents would notify Centrelink. There will be random audits of the providers as well to check on that, and attendance records will be checked to ensure that the child has used the service as well. Senator Crowley would be well aware that the same sort of thing occurs in Medicare. I see no difficulty in drawing that analogy. It is very easy these days to collate these records and check one against the other. It is much easier to do than it was in the past because of the computerisation of records.

Senator NEAL (New South Wales) (11.32 a.m.)—I raised some matters earlier about 'session of care', and I think we need to run through that again because the response was not really satisfactory. Minister, you stated that 'session of care' was defined by the centres themselves. That is not actually the case. Section 18 of the Child Care Payments Bill 1997 says:

> The Minister may, in writing, determine what constitutes a session of care for the purposes of this Act.

If you then refer to what we have been provided with in the draft disallowable instrument, you will see that it says that a session of care is a minimum period for which a child-care service charges a fee for providing child care. So, for the time being, assuming the draft disallowable instrument is provided, it is as defined by the child-care centres. Is there any intention on the part of the government to in the future restrict what is defined as a 'session of care'? Section 18 certainly allows scope for this to happen because all that is necessary is a new instrument to be made by the minister.

Senator HERRON (Queensland—Minister for Aboriginal and Torres Strait Islander Affairs) (11.33 a.m.)—The act does not define it, as Senator Neal has stated. It is in the disallowable instruments. Ultimately, it will be determined by the centres, as I have stated previously. The disallowable instrument just defines how that will be achieved by the minister but does not end up defining what it will be. As I said previously, that will be determined by the centres. It is not our intention to define it.

Senator NEAL (New South Wales) (11.34 a.m.)—I understand that that is the present draft format, but what I am asking is whether the government will give an undertaking that in the future it will not introduce a disallowable instrument which restricts what the session of care can be.

Senator HERRON (Queensland—Minister for Aboriginal and Torres Strait Islander Affairs) (11.34 a.m.)—I will repeat it again: no, it is not the intention. Of course, if it is wished to be changed, it has to come before the parliament as a disallowable instrument anyway, so it will be up for debate then. Certainly, it is not the intention of the government to do that now.

Senator Neal—Will you actually give an undertaking that you will not restrict 'session of care' in the future?

Senator HERRON—I am old enough in this game to know that you do not look into crystal balls and give undertakings about what might occur some time in the future. All that we can say is that it is not our intention to change it, but should there be a wish for it to be changed, it will come before the parliament for debate as a disallowable instrument.

You can run off with that, if you like, and say that the responsible minister refuses to give undertakings. It is not incumbent on me to predict whether the sun will rise tomorrow. It is for tomorrow for that to occur—it may be obscured by a cloud. As for requiring undertakings to define what will occur forevermore after 11 November 1997, I am afraid I am unable to give one.

Senator CROWLEY (South Australia) (11.36 a.m.)—As I understand it, by 1998 people will be issued with a metal swipe card, is that not right?

Senator HERRON (Queensland—Minister for Aboriginal and Torres Strait Islander Affairs) (11.36 a.m.)—We are not sure it will be a metal one, but they will be issued with a card on 1 January 1999.

Senator CROWLEY (South Australia) (11.36 a.m.)—When they go to a child-care centre, is it expected that they would use that card to mark the time of their arrival and then presumably the time of their departure?

Senator HERRON (Queensland—Minister for Aboriginal and Torres Strait Islander Affairs) (11.36 a.m.)—This illustrates why I cannot give undertakings about what might occur in the future. It is not intended that there would be a bundy clock. The card is still being developed. We have until 1 January 1999 for it to be developed. One of the things I have learned about technology is that it doubles in capacity and halves in price every two years. Anybody who wants to predict what will be available on 1 January 1999 in this technological world has my admiration.

Senator CROWLEY (South Australia) (11.37 a.m.)—Parents and child-care providers particularly are concerned that a swipe card will be introduced, and there are lots of reasons for looking at that very closely. I believe it was considered in some considerable detail in the EPAC report on child care. People expect that they would arrive at the child-care centre and, instead of signing the book, quick as anything swipe the card. Of course it would be doing something sensible like marking the time of arrival and the time of departure. It would indicate a lot of things: that the child was there, that the child had been delivered and so on. I suppose we could anticipate that people might arrive, swipe the card and depart not leaving the child, but let us not presume that kind of creativity.

People are concerned that the card will be introduced and it will mark the time of arrival and the time of departure. It does not take too much of an imagination to realise that that will mean a change to the very question Senator Neal was asking. That is, it is quite likely people will then be able to be charged for the actual hours of use. That may be the way to go, but the providers of child care are very concerned that that is in the planning. They are very concerned, given all the other cuts and restraints in child-care—allocations of places and all those other things that are not really up and running—that this will be introduced.

Many of them are finding it very hard to cope with the restriction of 20 hours. They certainly created a furore over 12 hours, and they are equally disenchanted at the prospect of a 20-hour restriction. They are very concerned about the very questions Senator Neal was asking—that is, what will be a session? Will we eventually get down to hours booked and hours actually used and, therefore, that the hours used will be the ones charged for? That, by any definition, is going to reduce the income to centres.

Senator HERRON (Queensland—Minister for Aboriginal and Torres Strait Islander Affairs) (11.39 a.m.)—Senator Crowley is making certain assumptions about the card. The card was notified only as a possibility, or it was intended that we should introduce a card by 1 January 1999. The state requirements require a signature currently and may well do so in the future. For example, in relation to fire regulations, they require a signature to get attendance records so they know who is exactly there.

The introduction of the card will need an amendment to the act in any case. So, again, what Senator Crowley has stated is an assumption on her part. The issues raised in the review of the child-care charging practices, announced in the 1997 budget for report in the 1999 budget, will be considered in this report. So these sorts of issues will come up for debate then.

Senator NEAL (New South Wales) (11.40 a.m.)—There are obviously a lot of major changes occurring as a result of the Child Care Payments Bill 1997 to take effect on 27 April. There will be a further round of substantial changes on 1 January 1999. Why is the government taking the steps towards change in this way, causing massive disruptions twice, rather than doing it in one go, say, on 1 January 1999?

Senator HERRON (Queensland—Minister for Aboriginal and Torres Strait Islander Affairs) (11.41 a.m.)—There are no major changes envisaged. The only thing is the card, which has been foreshadowed just to streamline the process. The process will change if a card is introduced, but there are no major changes envisaged at all. This is why it is being done now. It will proceed through to 1999. The card is another issue. It will be up for debate. As I say, legislation is needed for that to be brought in and it will be up for debate on that occasion. It is envisaged that that will streamline the process, as most cards do.

Senator NEAL (New South Wales) (11.42 a.m.)—Might I ask the reverse then, Minister: if the only change envisaged for January 1999 is the introduction of a card, why did you not introduce the card now along with all these other changes?

Senator HERRON (Queensland—Minister for Aboriginal and Torres Strait Islander Affairs) (11.42 a.m.)—We would if it were available, but it is not. The technology, or the mechanism for its introduction, is still to be developed, and you need a lead time for that.

Senator CROWLEY (South Australia) (11.42 a.m.)—It is a reasonable answer, but there is also considerable discussion that you would put a chunk of money on the card and, as people swipe it, they will run down their eligibility for child care. I note that you are nodding, Minister. I take that to mean an agreement with the understanding, not a consent to what I am postulating.

Senator Herron—I'm understanding what you are talking about.

Senator CROWLEY—Quite so. If that were the case, this would effectively be a voucher system for child care, or at least something approaching it. That seems to me to be no more than the same system but done by a card. The centres are very apprehensive that you would be moving to the charging of the actual hours and a whole different way in which funding would be provided on behalf of parents and/or to centres.

Senator HERRON (Queensland—Minister for Aboriginal and Torres Strait Islander Affairs) (11.43 a.m.)—I am informed that the card system was requested by the industry. They asked for the introduction of the card to make it easier for them. I was nodding my head because I understood what Senator Crowley was talking about. Yes, prepaid cards are certainly available in other avenues but, as I mentioned previously, this would have to come before the parliament anyway as to the detail and what is envisaged at that time. At present, it has not been developed.

Senator CROWLEY (South Australia) (11.44 a.m.)—It is clear that the centres might want to ask for a card because there has been some very useful research done by the department on ways in which efficiencies could be provided in this whole area. For example, the accounting or bookkeeping that a centre has to do would be able to be done directly onto a computer and a disk with the actual attendance et cetera on it provided to the department or, I presume, from the advice you gave me in answer to an earlier question, to Centrelink.

I think a lot of people would be quite happy with that kind of use of a card. They would see many hours saved in terms of recording and providing that information for authentication, check-ups and so on. But the card could also have added to it the things that I have proposed and, indeed, others. While I take your point that the industry wants the card, the industry is also very concerned at what might get on the card. That is the kind of assurance that both Senator Neal and I are seeking. What information can you give us about what will go on the card? If you are saying that you cannot give us any, that it will have to come back later, that is not going to be too comforting for many of the people in the industry who are nervous enough already.

Senator HERRON (Queensland—Minister for Aboriginal and Torres Strait Islander Affairs) (11.46 a.m.)—That is all very interesting and hypothetical, but it is not relevant to the bill. I have gone as far as I can go in that regard. I have given assurances about the possible card introduction, but it is not relevant to this current legislation. I think we should get on with questions in relation to the legislation.

Senator NEAL (New South Wales) (11.46 a.m.)—I have to say that I completely disagree with the minister. Obviously, what we have been debating is what is contained in section 18 of the bill. I find your assertion that it is somehow not related to the bill quite extraordinary. We have actually been discussing that bringing in a card may occur at the same time as a restriction on the session of care. I must say it distresses me a little that the minister does not seem to understand the issue that is being discussed. If the minister does not understand the link between section 18 and the introduction of the card, then I

really am a little concerned for the child-care industry.

Senator CROWLEY (South Australia) (11.47 a.m.)—Senator Neal asked earlier about the allocation of places in the regional zones. I beg your pardon for not actually hearing everything because I was in the process of getting here so, Minister, please do not take the time to say it again; I will read it later. But I want to know, in relation to the allocation of those hours—as I understand it, the card is for hours—is that for only one type of care? Will the hours be for long day care, for outside school hours care or vocational care in the long day care centre?

Senator HERRON (Queensland—Minister for Aboriginal and Torres Strait Islander Affairs) (11.48 a.m.)—The hours will be split by service type provided.

Senator Crowley—How split, Minister?

Senator HERRON—I am informed that they will be allocated according to need, whether it be for after hours school care, for the centres or for family day care.

Senator CROWLEY (South Australia) (11.49 a.m.)—As I understand it, the challenge for government has been to introduce planning to control the unfettered growth in the private child care area—private centre child care provision. I think I probably need clarification. Is it the intention of the government to introduce planning to control the unfettered growth of private child care centres—not only the growth but also the inappropriate allocation of where those centres are?

Senator HERRON (Queensland—Minister for Aboriginal and Torres Strait Islander Affairs) (11.50 a.m.)—Yes, Senator Crowley, the aim is to limit the growth, but not entirely as you have stated. The aim is to limit the growth to 7,000 new places. Under the previous government, some of the centres were not covered under the legislation. But under this new legislation all new growth will be included so that the growth will be allocated to any one of those three sectors according to the need within them. So that is the change.

Senator CROWLEY (South Australia) (11.51 a.m.)—I think that is a very major shift, Minister, because that restriction to 7,000 places to include outside school hours care, family day care places and long day care centre places is a very harsh restriction on the growth of places. I am not sure that now is the time or the place, but we do need more information about how those places or hours will be decided. I understand there are supposed to be regional committees established. Are they going to be new committees or are they going to be a continuation of the old regional committees?

Senator HERRON (Queensland—Minister for Aboriginal and Torres Strait Islander Affairs) (11.52 a.m.)—The new committees have already been appointed and are operating in each of the states and territories, with priority given to centre based care. They will then move on to family day care and other types of care after that. It follows on the principle, as I understand, that was put in place by the previous government.

Senator CROWLEY (South Australia) (11.52 a.m)—I am pleased to hear you say it, Minister. What you are saying is that, essentially, all that is different is that the new committees may have been reappointed but they are very much of the same order of the old committees that allocated—

Senator Herron—Yes, they are covering centre based care for the first time.

Senator CROWLEY—You mean private care?

Senator Herron—Yes, private centres.

Senator CROWLEY—So, in other words, the only difference is that included in their consideration of the allocation of places and the estimate of need is that they now are able to take, under their ambit, the long day care places in the private sector?

Senator Herron—Yes, that is correct.

The TEMPORARY CHAIRMAN (Senator MacGibbon)—The question is—

Senator CROWLEY—No, it is not quite yet, Mr Chairman.

Senator Woodley—Nice try.

Senator CROWLEY—Yes, a good try by Mr Chairman. I am sorry, Mr Chairman, but I think this is such a major consideration.

How are the committees going to decide which region is in need of child care places? How are they going to decide which particular types of places?

Senator HERRON (Queensland—Minister for Aboriginal and Torres Strait Islander Affairs) (11.54 a.m.)—I am advised that it is determined, first of all, by the number of children in a particular area, based on a local government allocation, then by the number of places that are available for child care and the increased demand or lack of demand in that particular area. The recommendation will be regarding the shortfall that occurs in those areas.

Senator CROWLEY (South Australia) (11.54 a.m.)—What will be the case in a certain region, as is happening now and will certainly happen then, when a child care centre closes? Will those places remain places in that region that are able to be taken up if we can only find a director or a centre? Or will they then come off the books?

Senator HERRON (Queensland—Minister for Aboriginal and Torres Strait Islander Affairs) (11.55 a.m.)—I understand that they will not go off the books; they will stay as community based care allocations and then they will be offered to another community based centre, if there is another one in that area. If they are not taken up in that particular area then it will be somewhere else in the same state. If they are not taken up by another community based centre in the same state then they will go to another community based centre in another state. That should allay Senator Crowley's concern that they would go off the books and be allocated elsewhere.

Senator CROWLEY (South Australia) (11.56 a.m.)—I think, Minister, that that is exactly what will happen—and that is the big concern. Already, what we are seeing is the closure of community based centres. In some cases, those centres are not being reopened because there is neither a committee of management nor parents to use those centres. The fees have gone up so much that parents are withdrawing from them and so the centres are becoming non-viable. In some places another community group has not been found to take up the centre but they have been taken over by a private operator. For the parents in that area, that is very useful.

But if, today, I make an assessment that there are 10 children, eight of whom need child care for X families, and the centre closes—exactly the same evidence is there in terms of the number of children and so on—what you have is a retreat from child care, not a lack of need, because of the cost. In some cases, they may be able to pick up family day care but, in many cases, they will not. I am very concerned that your proposal is not clear enough about how you will actually go on preserving child care places.

Senator HERRON (Queensland—Minister for Aboriginal and Torres Strait Islander Affairs) (11.57 a.m.)—What Senator Crowley is proposing is that the community based centre should be the only option available. The very principle of this bill is that it is family driven; it is up to the family to determine what they want to access. I have given an assurance to Senator Crowley that if a community based centre were to close then the places or allocations would go to another community based centre. If that is taken up and if there is no community based centre that wishes to take that up, what is to stop a private centre coming in and offering a service? It will be driven by the demand of the parents; what is wrong with that?

Senator CROWLEY (South Australia) (11.57 a.m.)—Minister, as I have indicated, in one part of South Australia that exact scenario has already happened. There is nothing wrong with it, but it is not entirely reasonable to say that this is driven by families or parents. Clearly, the parents want the child care. They can no longer continue to afford community based so they are retreating. If they are lucky they will find family day care. If they are lucky they will find some other arrangement. But it does not mean the demand is less. What we are talking about here is the viability of centres so that families can continue to access them at an affordable rate. That is the major concern I have. It has to do with the regional reallocation of those places; if they are gone it means that area may not have them.

The trouble lies in the area I am talking about, where many of these community based child care centres are closing—those that were put there by a planning mechanism that determined the need in that area. Sometimes it was a need for working parents, often it was a need for other than working parents: children of at risk families, children from lower socioeconomic areas, children with disabilities and so on. It has taken years of hard graft to get those centres up and running. They are now closing and this is a matter of the gravest concern particularly if, because no-one else takes up the option to continue to operate that child care centre and no other places can be found in the area, the child care places may finish up somewhere else.

Senator HERRON (Queensland—Minister for Aboriginal and Torres Strait Islander Affairs) (11.59 a.m.)—I am sure that the government shares Senator Crowley's concern, but the reality is that flexibility has to be given to these arrangements. Who would have envisaged that 21 years ago we would have gone below zero population growth in this country? For 21 years we have been below zero population growth, and it is inevitable that, with ZPG and the ageing of the population and the ageing of children, demands will shift to different areas, and I think it is absolutely important that there be flexibility. I understand what Senator Crowley is saying, but that is the very point that we are addressing in this legislation—to have a planning mechanism that allows flexibility between each of the sectors to take advantage, if you like, of the shifting populations as we have seen within our cities and in our rural areas over the last 20 years in particular. There must be a flexible arrangement and we are giving the ultimate flexibility between the different types of child-care provision. Planning committees are determining where the new places will be allocated between each of the different sectors. I share the concerns of Senator Crowley but I think we are addressing them.

Senator CROWLEY (South Australia) (12.01 p.m.)—Minister, it is not a concern about the flexibility to allocate places where there is a high need. I certainly have no difficulty with that and, while I suspect your colleagues will smile, I also have no difficulty with some better regard to including the private child-care places within the planning ambit. That is not a problem for me. The problem is with centres that have been put in a certain position according to planning and where the need continues. Those centres are now being forced to close because of, for example, the removal of the operational subsidy, the restriction on the eligibility for child-care assistance, families choosing to opt out because parents are only able to get part-time work and so on. The child-care needs for working parents and non-working parents continue but the cost is now forcing those centres to become non-viable and to close. It is not a lack of need for child care that is causing the centres to close; it is the costing. Once that happens, according to what you have just said, those places may indeed be lost to that area and moved somewhere else under your regional planning model.

Senator HERRON (Queensland—Minister for Aboriginal and Torres Strait Islander Affairs) (12.02 p.m.)—I take the point Senator Crowley makes, but the reality is that cost increases over the last year have been no more than the average over the previous six years. So there are many other factors that come into this debate, and we could debate all day what the reasons are for these changes, but the reality is that change is inevitable with the shift of populations that I mentioned. There has been no dramatic cost increase, as I say, in the last year. That is a debating point as to what those cost increases have been, whether they be in the cost of transport, the availability of transport, the cost of wages, the number of carers provided per centre, et cetera. That is a debate that we could continue, but I do not think it achieves anything in relation to this particular bill.

Senator NEAL (New South Wales) (12.03 p.m.)—I have just one more general question in relation to the allocation of hours. Is there any provision in the mechanism that is being set up to allow for demand for baby places, zero to two-year- olds, or to allow for the provision of extended hours? I suppose there is a concern that if you allocate 20 new places

to an area they might all get taken up by short care for three- to five-year-olds. What then happens to the requirement for baby care for extended hours?

Senator HARRADINE (Tasmania) (12.04 p.m.)—While the minister is considering his response to Senator Neal, I have been sitting here all the time—as I have to, of course, on a number of these matters—and listening to the debate. I am not sure whether it is a debate or a request for information from Senator Crowley. Might I respectfully suggest to Senator Crowley and any other persons in the chamber that there is to be considered this afternoon a motion by Senator Neal which will in effect refer the implementation of the legislation to the Community Affairs References Committee. I appreciate that members of the committee need to have a fair idea of how any legislation is to implemented before you vote on it, but I suggest that the nitty-gritty detail might better be elaborated at that committee unless there are fundamental points. I just make that point in view of the time. I do not mind ultimately whether we sit every day till Christmas, but I make that suggestion about the committee.

Senator NEAL (New South Wales) (12.06 p.m.)—Thank you, Senator Harradine, for indicating that you will be supporting that motion. I appreciate that, because obviously I was uncertain until now that that was your position. That does help us to some extent. That was my last question and, if we can get the response from the minister, we can move on to the amendments.

Senator HERRON (Queensland—Minister for Aboriginal and Torres Strait Islander Affairs) (12.07 p.m.)—When the planning needs have been determined, the areas of high need will be advertised, for general care and for babies, and the services will be allocated, hours to meet those needs.

Senator Neal—I do not quite understand.

Senator HERRON—I will repeat it. The planning committees will meet and determine where the high need areas are, both for general care and for babies, and they will be advertised. Then the services will be allocated, hours to meet those needs.

Senator Neal—What about extended hours?

Senator HERRON—That includes extended hours.

Senator CROWLEY (South Australia) (12.08 p.m.)—I rise not so much to ask a question but to thank Senator Harradine for his perspicacious comment. As a senator who is a past master at spending hours teasing out the nitty-gritty,I do not think you will mind at all if I suggest to you, Senator, that, when I want nitty-gritty, I will chase it, thank you. It is also entirely appropriate and proper for us, in passing this Child Care Payments Bill, to see not just how it is implemented but that it is part way workable.

These are massive changes. I know you did not want to provoke me to a 15-minute speech—and I promise I will not go for 15 minutes—but the child-care industry has considerable angst about this, particularly the private operators. A lot of the community-based sector is differently agitated from the private child-care sector—although not almost hushed into silence, fortunately.

I am concerned for two reasons. I am concerned not only because there are families who cannot get access to child care, Senator Harradine, but also because these child-care centres employ very large numbers of people—particularly women—and they are losing their jobs hand over fist. They are major concerns.

I also think, if we introduce something like regional planning for 7,000 places—and that has shifted, in my understanding, to now include every service type, not just long day care centres—it is important for us. The problem has always been about the surfeit of long day care places in south-east Queensland and north-east New South Wales. There is nowhere else in Australia that has anything like a comparable oversupply of private long day care places. To find that excess of places now being used to justify a restriction in the number of family day care places—because that is what it amounts to—and a restriction in the number of outside school hour care places and so on is a major concern.

You may call it nitty-gritty, Senator Harradine. I do not know whether it is nitty-

gritty or not. I think it is a major central plank of this legislation. On behalf of parents who are users of child care and on behalf of the people who work in child-care centres, I think it is fair enough for us to ask. But I will not keep you too much longer.

Senator NEAL (New South Wales) (12.10 p.m.)—I move:

(1) Clause 2, page 2 (lines 4 and 5), omit "the day after the day on which it receives the Royal Assent", substitute "27 April 1998".

This amendment has the effect of ensuring that this bill is not implemented before 27 April 1998. I note that there has been a press release issued by the Minister for Health and Family Services (Dr Wooldridge) saying that it will not be implemented until after Easter. That has also been confirmed in debate by Senator Herron, representing the minister here in debate in the Senate chamber. But, in order to ensure that the legislation specifies that the bill cannot be implemented before that date, we have proposed this amendment. There is presently nothing contained in the bill which prevents its implementation immediately after royal assent. Bearing in mind the government's announcements that they would have no opposition to this amendment, I will not speak further on it.

Senator WOODLEY (Queensland) (12.11 p.m.)—I am very confused by this amendment. We have had assurances from the government that this is the date, so I cannot understand why the ALP now want to move it as an amendment. I notice that their first amendment had the date 1 April, and I wondered if that was some kind of joke, given the date.

Now we have an amendment being moved by the ALP which is simply confirming what the government says it is going to do. I wonder, Minister, if you might say what your reaction to this is. Does this tie your hands? I imagine that if, for instance, you found that during January or February you needed to further extend the date, you would probably do that as well, so we could even have a later date. That would be my concern.

Senator HERRON (Queensland—Minister for Aboriginal and Torres Strait Islander Affairs) (12.12 p.m.)—We will be opposing the amendment. I will explain to Senator Neal what my concern is and why we will be opposing the amendment. The intent is correct. The intent is that the payment commencement date will be 27 April 1998, but, under Senator Neal's proposed amendment, as it is worded currently, payments will not be able to be commenced from 27 April, because no data will be available to be collected from parents to assess their entitlement before that date and no services will be able to be approved before 27 April. That is correct, Senator Neal, in the context of your amendment. Thirdly, no disallowable instruments will be able to be made—that is, signed—before 27 April 1997. So we need to oppose that amendment.

However, it may suit Senator Neal's requirements—and Senator Woodley's—to change the wording of the amendment so that the payment commencement date will be 27 April 1998. That resolves Senator Woodley's concern and answers Senator Neal's indication of her amendment. We are all agreed that the payment commencement date will be 27 April 1998. That allows the other things to occur prior to that, so that the payment can occur on that date. That was certainly the minister's intent. The amendment as proposed by Senator Neal would not make that possible.

Senator NEAL (New South Wales) (12.14 p.m.)—The amendment which is proposed to clause 2 changes 'the act commences on the day after which the day on which it receives the royal assent.' What are you proposing?

Senator HERRON (Queensland—Minister for Aboriginal and Torres Strait Islander Affairs) (12.15 p.m.)—We are opposing your amendment for the reasons that I have just stated.

Senator Crowley—You proposed a different set of words?

Senator HERRON—I am saying that an amendment worded 'the payment commencement date will be 27 April 1998', which is what the minister intended, will allow the flexibility to put the other things in place to allow that payment to occur, which is what I think we all want.

Senator LEES (South Australia—Acting Leader of the Australian Democrats) (12.16 p.m.)—I ask that we defer discussion of this amendment until the end of debate on the bill, so that we could all have a look at the exact implications, reading it against the bill itself.

The ACTING DEPUTY PRESIDENT—That is a good proposition, Senator Lees, because it is under clause 12 of the bill and we could come to it later in the debate. Senator Neal, are you agreeable to defer?

Senator NEAL (New South Wales) (12.16 p.m.)—I am very happy with that proposition but I ask that the Minister or his advisers provide us with something in writing indicating what they are proposing. That would make it clearer.

Senator Herron—Yes.

Senator LEES (South Australia—Acting Leader of the Australian Democrats) (12.16 p.m.)—I move:

(1) Clause 8, page 14 (line 16), omit all words after "if", substitute "the person's objection is based on a personal, philosophical, religious or medical belief involving a conviction that vaccination under the latest edition of the Standard Vaccination Schedule should not take place".

The major problem that I have with the section on immunisation is that the government's definition of someone who is a conscientious objector could create enormous problems both for those who have to administer this piece of legislation and for those parents who do genuinely object to any immunisation or perhaps to one injection for their young children.

Senator HERRON (Queensland—Minister for Aboriginal and Torres Strait Islander Affairs) (12.17 p.m.)—The government accepts that amendment.

Senator NEAL (New South Wales) (12.17 p.m.)—The opposition is not in agreement with this amendment. I understand the intention of the Democrats. I had some discussions with the group that was opposed to this clause and they proposed this particular wording. I had a very careful look at it. My concern is that the wording of the proposed amendment is a narrower definition of 'conscientious objection' than the definition already contained in the bill, where 'conscientious objection' is completely self-defined. It is up to the person to determine whether they have a conscientious objection. The amendment says that it must be based on a personal, philosophical, religious or medical belief, which basically narrows conscientious objection to those coming under those particular heads of conscientious objection. I cannot see any advantage in narrowing the definition. Accordingly, we will oppose this amendment. However, I can see, with the government conceding, that there will be no contest.

Senator LEES (South Australia—Acting Leader of the Australian Democrats) (12.18 p.m.)—I acknowledge that the definition in the bill is, in some ways, depending on how you look at it, broader. Indeed, that is the core of the problem. It is so broad that you could end up in this endless debate. Clause 8(a) says:

. . . the person's objection is based on a belief involving a fundamental conviction that immunisation should not take place.

What is a fundamental conviction? What is it based on? Presumably, it will be based on the definition that we are now providing; that is, it will be based on a personal, philosophical, religious or medical belief that immunisation should not take place. As the clause is written at the moment, the debate could go on for ever. How is a parent going to show that they have a fundamental conviction? Should it be in writing? Should they attend a course? How are they going to show a fundamental conviction? They will have to go back and rely on one of the aspects.

I chose not to fully immunise one of my children because of adverse reactions. I had an enormous argument as to whether it really was a medical reaction or whether I was overreacting as a parent. In the end, it did not matter. I simply made the choice in those days that I was not going to go ahead with any further triple antigen injections. Today, if we go with the new definition, we could end up in a situation where parents have enormous difficulty. Having to put the onus of proof on parents in this way, I believe, is going to create an enormous amount of stress and

anxiety for many people when we do not need to do it.

Senator WOODLEY (Queensland) (12.20 p.m.)—I would like to support Senator Lees. There is a vast body of debate that lies behind the whole concept of objection. I point out that conscientious objection to particular wars or to war in general has been a big debate in this country for many years. It is important to be more specific at this point so that the debate has some direction for people in terms of the way they proceed if they have some objection. I urge the Senate to adopt the specific objection. Otherwise, you are moving into that whole area where, over the years, there has been so much debate in the courts, over the nature of the objection.

Senator NEAL (New South Wales) (12.20 p.m.)—Going back to the clauses themselves, all that is actually required for a person to be a conscientious objector is, firstly, that they talk to an immunisation provider and be given a certificate saying that they have been advised of the various issues and, secondly, that the person has declared in writing that he or she has a conscientious objection to the child being immunised. There is no judgment applied by a third party. Once you have gone through the process of being advised and have a certificate saying that you have been advised and you then make a declaration in writing, that is the end of it. No-one can say that you do not really have a conscientious objection. I am concerned that the proposed amendment sets up a situation where a third party or the department could say, 'The conscientious objection you have expressed in your declaration does not come within the boundaries of the definition that we have here, therefore it is invalid.'

Senator BROWN (Tasmania) (12.22 p.m.)—I would like to ask the minister what the government's interpretation of its own definition is. Are there circumstances in which you could foresee a conscientious objector under your definition being challenged?

Senator HERRON (Queensland—Minister for Aboriginal and Torres Strait Islander Affairs) (12.22 p.m.)—My advice is that we do not see that that could be challenged. But if Senator Brown has any suggestions otherwise, we would be interested to listen to them.

Senator BROWN (Tasmania) (12.23 p.m.)—Looking ahead to amendments coming down the line, we are intending to move that the conscientious objector does not have to first be counselled by an immunisation provider or such person, which would indicate that a conscientious objector at least has to have medical grounds for objecting.

Let us assume this amendment gets passed. If the person simply writes to say that they have a conscientious objection and we have dropped the requirement that they be counselled by an immunisation provider about the benefits and contraindications of immunisation, does the government's interpretation remain the same—that a letter of conscientious objection, notwithstanding the grounds for that conscientious objection, will suffice to ensure that they do not have their payments terminated?

Senator HERRON (Queensland—Minister for Aboriginal and Torres Strait Islander Affairs) (12.24 p.m.)—My understanding is that it gives a person the opportunity to realise the benefits of immunisation and also to discuss the reasons why they are objecting to the immunisation so that it is not done flippantly—I suppose that is as good a word as any—or without considerable thought. So an intermediary exists beyond just a written letter because there is a risk to both the child concerned and other unimmunised children who may be carriers.

Senator BROWN (Tasmania) (12.25 p.m.)—I understand that, but there will be debate on amendments coming down the line about whether that requirement should remain. The issue is whether or not the requirement for a person to be counselled should remain. I would put it that if people who have an objection to immunisation should be counselled so should everybody else. In fact, there are very strong reasons for counselling those people who are going to have their infants immunised so that they adequately and thoroughly understand at least what is written on the slip that comes with the vaccination from

the manufacturers—that is, the warnings that are involved and so on.

But that aside, if the counselling provision is dropped, we simply then—and this is how it should be—rely on the parent or the person who is responsible for the child to say in writing, 'I have an objection to immunisation,' and that would be the end of the matter. I would like the government to make it clear to us now that that would be the end of the matter and we will not see this pursued into the courts, where somebody's objection is challenged because the government wants to cut back on costs or believes people are doing this, as the minister just said a minute ago, flippantly.

Senator HERRON (Queensland—Minister for Aboriginal and Torres Strait Islander Affairs) (12.26 p.m.)—No, it is not our intention to pursue it any further, as Senator Brown has suggested. I have great reliance on the commonsense of the average Australian parent. They know that it is a benefit. One of the tragedies of the modern day is that immunisation levels have dropped so low that, for the first time in this generation, doctors are seeing diseases that were preventable through immunisation. But it is certainly not our intention to pursue it any further than that, as Senator Brown has suggested.

I agree with Senator Brown that the risks of all procedures should be explained in any case. Having said that, it is not our intent that that be pursued. It is just that the opportunity, as I said, is provided for the person to go to a medical practitioner and get an explanation of the benefits and/or any possible risks of immunisation, and then they have a letter of confirmation that they have objection to immunisation. But that is it; it does not go beyond that.

Senator HARRADINE (Tasmania) (12.27 p.m.)—Before I get onto the question of the concept of conscientious objection and the faculty of conscience, I would like to ask specific questions of the minister in respect of clause 8, to which Senator Lees has moved an amendment. Clause 8 says:

Meaning of *conscientious objection*

A person has a *conscientious objection* to a child being *immunised if:

(a) the person's objection is based on a belief involving a fundamental conviction that immunisation should not take place—

That means vaccination, doesn't it? The whole point is that we are talking about refusing vaccination and, in many cases, immunisation just does not take place. Is that not so?

Senator Lees—Or immunisation is already present.

Senator HARRADINE—Or, as Senator Lees reminds me, immunisation is already present. I just ask that practical question. I think the word, if it is to be changed, ought to be 'vaccination'. Senator Lees's amendment does refer to vaccination. That is one point. I, too, am most interested in this particular matter and in the questions of the side effects, the reactions that take place, the fact that they are not recorded and that they should be recorded. But I do ask that question of the minister in the first instance. I wonder whether he could respond to that question on vaccination.

Senator HERRON (Queensland—Minister for Aboriginal and Torres Strait Islander Affairs) (12.30 p.m.)—It may be a matter of terminology. The word 'vaccination' was derived from 'vaccinia', which relates to smallpox. The generic term 'vaccine' just refers to the serum that is produced to produce immunity for various diseases. So you want to differentiate the word 'vaccination' from 'vaccine'. The word 'vaccine' derived from the word 'vaccination', which was the original Jenner prevention of smallpox by inoculation with chickenpox, which would be back to the times when Senator Crowley and I were medical students. 'Vaccine' is a sort of generic term covering all serums that have their immunising properties.

To answer your subsequent question: as I mentioned previously, and Senator Brown alluded to it, there are reactions in some cases, but the benefits far outweigh the possible deleterious effects. For example, about one in 20 people who get poliomyelitis are hospitalised and die of the disease. One in two survivors will be permanently paralysed. You can contrast that with the side effects of that vaccine. Less than one per cent of recipi-

ents develop diarrhoea and/or muscle pains which quickly resolve. One in 2½ million recipients or close contacts develop paralysis. So you have to weigh up the figure of one in 2½ million recipients or close contacts having some sort of paralysis with the figure of one in 20 hospitalised patients dying.

There is in some cases a legitimate concern that there might be side effects. So we are providing the opportunity for people who, having had facts like that explained to them, are willing to take that risk—for their children, of course, not for themselves. For example, one in 15 patients will die of diphtheria. About one in a million will develop encephalitis from the vaccine. It is a weigh in balance thing. With tetanus, one in 10 patients will die. There are very few side effects with the tetanus vaccine. One in 200 whooping cough patients under the age of six months will die from pneumonia or brain disease. With HIV, about one in 20 meningitis patients will die and one in four survivors will have permanent brain damage. The side effects of the vaccine are that five per cent will have discomfort or local inflammation and two per cent will have transient fever. I think the opponents of immunisation must take those figures into account.

For example, with measles, one in 25 children will develop pneumonia and one in 2,000 will develop encephalitis, that is, inflammation of the brain. However, on the other hand, of those that are immunised, about one per cent will develop a non-infectious rash and one in a million develop encephalitis. I could go on. Mumps is the same. About one in 200 children will develop encephalitis. However, on the other hand, with the vaccine one per cent may develop some swelling of the salivary glands and one in three million develop mild encephalitis. It is a matter of risk. With rubella, 50 per cent will develop a rash and painful swollen glands and one in 6,000 will develop encephalitis. However, 90 per cent of babies infected with rubella during the first 10 weeks following conception will have a major congenital defect of one kind or another, frequently deafness, or blindness or brain damage.

Those statistics are available to us. If you are a parent of one of those children that are affected, you will not see it that way. But, in terms of the national interest, it is important that the immunisation levels be brought up. The number of people notified with tuberculosis is increasing. There is a mechanism—Senator Lees referred to it before—of notification of adverse reactions to all drugs, and that goes into the central registry. Those results are available and published from time to time, but I am surprised that there is difficulty in getting access. There is certainly difficulty in getting access to information about individual patients, for obvious reasons, but the generality is available from the Australian drug adverse reaction advisory committee, I think it is called. Certainly those figures are available. So it is in that context, Senator Harradine, that there is an opportunity—and this is why the government accepts Senator Lees's amendment—for objection based on the specific requirements that she has outlined.

Senator HARRADINE (Tasmania) (12.35 p.m.)—Under those circumstances, having regard to what you have said in the last five minutes, what show do you think a parent would have of success in establishing a conscientious objection based on a 'medical belief'?

Senator Herron—I think an intelligent parent would accept immunisation. You ask, 'What show would they have based on a medical belief'? They would have no show based on a medical belief.

Senator HARRADINE—But, Minister, you are supporting just that basis for conscientious objection. That, after all, is what Senator Lees has put to the committee—that the conscientious belief of a person's objection is based on a personal, philosophical or medical belief involving a conviction that vaccination under the latest edition of this should not take place. What you are now saying to the committee is that, having regard to what you have said, in fact persons will have no show of establishing a conscientious objection on the basis of their medical belief.

Not only would I like a response to that, but I would like a response to a deeper

question relating to conscientious objection itself. That is a matter about which there is general consensus. What may go in here may indeed be used as a precedent in a whole number of areas I can think of. I do not want, and I do not believe it does public policy any good, to change the nature of what is or what is not a conscientious objection, because I believe the rights of individuals are thus protected against the state. It is very important that we do consider very carefully what we are defining as conscientious objection in this particular legislation because of its ramifications and possible precedent.

Everyone would agree that conscience is the faculty which individuals are given to judge what is right and what is wrong for them. In this particular case we know that the parent has the prime responsibility for a child and acts in the place of the child not being able to exercise their conscience for the purpose of determining what is right or wrong. Butterworths *Concise Australian Legal Dictionary* (page 81) defines conscientious belief as:

> a belief that involves a fundamental conviction of what is morally right or morally wrong; whether religiously based or not, is so compelling that the person is duty bound to obey it; and is likely to be of a longstanding nature.

The requirement of a longstanding belief has been interpreted as 'an indicator of the bona fides of the belief and not a separated factor to be considered in itself'.

This is, as honourable senators would agree, a very important issue. I am just wondering about our being charged to protect the rights of individuals and the rights of an individual's conscience, properly formed, against the state. The Senate, of all places, is charged to protect the rights of the individual. I believe that we have not had sufficient discussion about this matter and its ramifications thus far.

In relation to clause 8 that is put forward by the government, I think Senator Neal may indeed be correct in suggesting that it might be better to retain what is in clause 8 as that might provide better protection—a sounder protection, if you like—for a person who wished to exercise their conscience than what is suggested in the document, particularly because, as the minister has indicated, a person would really have no show in establishing a conscientious objection if it were based on merely that person's medical beliefs.

Senator HERRON (Queensland—Minister for Aboriginal and Torres Strait Islander Affairs) (12.43 p.m.)—Perhaps Senator Harradine missed one word in my statement previously, and that was 'intelligent'. I said that an intelligent parent analysing the material that I provided before the chamber would have no choice but to accept that immunisation was in the best interests of the child. I did not say that all parents must accept that. I said 'intelligent parents'. That was the point that I was making.

Senator LEES (South Australia—Acting Leader of the Australian Democrats) (12.43 p.m.)—I would like to go back to the process and follow up what Senator Brown was asking before. Our understanding is that it is basically the secretary to the department who has to say yes or no about whether they accept that a person has a conscientious objection. Is that the process? That is who is going to write to the parents, isn't it, and give them time to get their child immunised or to put in a letter saying they object?

Senator BROWN (Tasmania) (12.44 p.m.)—While the minister is consulting his advisers, I just want to briefly take up the point about the intelligent parent. I cannot accept what the minister says at all. The fact is that there is very much contradictory evidence and debate, even in scientific and medical circles, about vaccination. As a general practitioner, in the past I have been in the position of having to help inform people about vaccination. When you do get to the little wrappers that come with the little bottles of vaccine and read the small print, the alarm bells start ringing.

Without fear or favour, at this stage—I will only do this once—we ought to put the other side of the story for the so-called intelligent adults, to use the minister's term. From the Australian Vaccination Network I have reports from three parents who came and saw me in recent times about what may be seen as the other side of the story. I inform the commit-

tee, in brief, of the network's argument. They say:

Did you know that:

Vaccines contain many toxic ingredients including formaldehyde, a known cancer-causing substance. According to the Poisons Information Centre—

that is in Sydney—

"There is no acceptable safe amount of formaldehyde if being injected into a living human body. It is a toxic substance and should be avoided at all costs."

Over the past century, death rates from childhood diseases had dropped by an estimated 90% BEFORE the introduction of vaccines or antibiotics.

Vaccines are cultured on animal tissue and therefore, contain many bacteria and viruses other than the ones which they are supposed to immunise against. For instance, the polio vaccines was contaminated with 40 known monkey viruses—one of which, SV-40, is thought to cause cancer and has also been linked with the development of AIDS.

Live virus vaccines such as polio, measles, mumps, rubella and chicken pox are carried in the body for up to 90 days after vaccination. This means that anyone who has been recently vaccinated cannot only contract the disease themselves but can transmit it to those they are in contact with. This happened in 1995 when a 22 year old Brisbane mother contracted polio from her recently vaccinated baby.

The rubella and chicken pox vaccines are cultured on the cell lines of aborted foetuses.

Vaccines do not guarantee protection from disease. Of the 1,094 cases of whooping cough occurring SA in 1996, only 6% were not vaccinated (SA Health Commission) The Medical Journal of Australia (5/95) reported on a measles outbreak in Western Sydney in which 74% of the children were vaccinated against measles according to their parents.

The US government has paid out in excess of $800 million US since 1986 for vaccine damages.

In a study conducted by Dr Michael Odent (*Lancet*, July 1994) asthma was shown to be 5 times more common in children who had been vaccinated against whooping cough. Two follow-up studies since that time have confirmed these results.

In 1989, the *Australian Doctor Weekly* surveyed its readers—doctors—and found that 89% of them relied on drug company salesmen for their information.

According to the information sheet given out to American parents, the risk of serious reactions from the whooping cough vaccine are that one child in 350 may suffer from convulsions or shock/collapse, one child in 100 will have a temperature of 40C or higher and one child in 66 will have high-pitched screaming for 3 hours or more—all possible symptoms of brain injury.

Adverse reactions to vaccination are more common than we are told. The AVN has collected over 300 reports of serious adverse reactions from Australian families. Not one of these had ever been reported by the doctors involved.

They go on to give three salient cases. I cannot account for those statistics any more than the minister can account for his. We could get into an interminable debate. We do not need to. All that needs to be said here is that there are very serious arguments for vaccination but there are also very serious arguments against vaccination. That is why it is not valid to say that an intelligent parent or a responsible person is going to have his or her child vaccinated. I would think that anybody who allowed a vaccination without looking at the evidence and agonising over the contrary as well as the beneficial points is not displaying the sort of intelligence that the minister talks about.

It is a very difficult matter. It is as difficult for doctors. Let me reiterate that: it is as difficult and complicated for doctors as it is for parents and child rearers. There we have it. That comes back to Senator Lees's amendment and the arguments put cogently by Senator Harradine.

There has to be an acceptance that parents and child rearers have an objection because they raise an objection. The very act of putting it in writing validates that. It is of some concern that there is going to be a forthcoming challenge on this matter under the government's definition, which will whittle it down to a medical argument put along the lines that the minister has just put. That will be very difficult if the contrary arguments are not put at the same time and it is confined simply to a medical argument, because conscience goes much deeper than that.

Senator HERRON (Queensland—Minister for Aboriginal and Torres Strait Islander Affairs) (12.50 p.m.)—The statistics that I gave are from the sixth edition of the *Australian Immunisation Handbook*, which was published by the National Health and Medical

Research Council in November last year. That is the primary scientific and medical research organisation in the nation.

It should also be noted that the vaccines are not included in the Australian Standard Vaccination Schedule until they have been approved by both the Therapeutic Goods Administration and the National Health and Medical Research Council. Both the Therapeutic Goods Administration and the National Health and Medical Research Council evaluate new vaccines for quality, safety and efficacy before approving and granting marketing approval for any new vaccine in Australia.

In my preliminary remarks, I stated that in some cases there were side effects of these vaccines. I would ask Senator Brown what he says to the parents of a child—one in 20—who gets poliomyelitis and dies of it who is not vaccinated, the one in 15 who die of diphtheria unvaccinated, the one in 10 patients who have not been vaccinated for tetanus who die, the one in 200 whooping cough patients under the age of six months who die from pneumonia or brain damage because they have not been vaccinated, the one in 25 children who develop pneumonia or the one in 2,000 who develop encephalitis?

What does he say to the parents of a child who is born with a major congenital defect? Ninety per cent of babies infected with rubella during the first 10 weeks following conception will have that major congenital abnormality. What does he say to the parents of that child when they were advised by doctors not to be immunised?

This is the crux of the question. It is not the one per cent, on the other hand, who will get rashes in the case of rubella, the one per cent who will get a non-infectious rash, the one in a million who will develop encephalitis from a measles vaccination or the two per cent who will have transient fever in meningitis—the tetanus effects are minimal—or the one in a million who will develop encephalitis as a result of diphtheria. Of course, cases will occur. It is not denied by the National Health and Medical Research Council that, in a population of 18 million people, cases will occur.

The reality is that, unless we lift our immunisation levels in this country, these diseases will increase, and they are already, as I have mentioned in relation to tuberculosis. In some areas, there is almost a tuberculosis epidemic occurring. I accept the fact that there obviously are side effects and, as Senator Brown has related, they are often around the ampoules that are used for immunisation purposes. But the reality is that the benefits far outweigh any possible side effects taken as a totality, and we have to take a national view in this regard. We accept Senator Lees's amendment, which substitutes the following words:

> . . . a personal, philosophical, religious or medical belief involving a conviction that vaccination under the latest edition of the Standard Vaccination Schedule should not take place.

That objection, Senator Lees, goes to Centrelink and is automatically accepted. It does not go beyond that. I have been led to understand that there is not any further process.

Senator BROWN (Tasmania) (12.54 p.m.)—I thank the minister for that and I accept his argument, but he must accept the arguments being put forward by other people. For example, I referred to the figures in a South Australian outbreak of whooping cough, which showed that it was not the unvaccinated children who came to grief. That figure was six per cent. Ninety-four per cent had been vaccinated; apparently, it simply did not give them immunisation. One thing that I would say to prospective parents is: vaccination does not guarantee immunisation. The two things are very different, but you do run some risk with vaccination, and that is something that parents need to know about.

If I were the minister, I would have used the example of smallpox which, to all intents and purposes—except for the work of some very questionable scientists—has been eradicated from the face of the planet through vaccination. But the same sort of efficacy cannot be applied to the mass immunisation of infants for these diseases. There is a very valid concern by intelligent parents as they approach medical carers to vaccinate their infants. I would be extremely concerned. On the other hand, there is a very valid, wider

community concern that, without vaccination, we might see a return to the ravages of the first part of this century of the diseases that we are talking about. Let us take on board the fact that Sweden takes a different view. Sweden has, I understand, eliminated vaccination for one or two of the diseases that we are talking about because of the hazards.

I am not going to continue with the debate because it is irresolvable. That is why we need to leave it to parents of conscience to be able to stand aside from the vaccination process if they so wish. One thing that does concern me, as a person with a medical background, like you, Minister, is: why is it that the Australian government, the Australian authorities and the NHMRC do not have figures and do not collect figures on vaccination reactions?

I would have thought that this was an essential component when we are trying to sort out this very complex problem of whether vaccination is a plus or a minus as we go into the future. Why are there no national figures? Why do doctors not have to report vaccination reactions? Why are we relying on overseas figures and drug companies? Surely, we ought to have long ago established a reaction register which required medical service deliverers to report any illness or untoward reaction—whether they thought that it was related to the vaccination or not—in an infant within three weeks of a vaccination.

Senator HERRON (Queensland—Minister for Aboriginal and Torres Strait Islander Affairs) (12.58 p.m.)—Senator Brown, I will have to check that but I understand that there has been a register in place. Certainly, when I immunised kids I had to fill in a form if there were any side effects and that was sent into a central registry. I do not know whether that is still in place. I know, as you do, that there is certainly a drug reaction register. There is a form to fill in with every pharmaceutical benefits booklet that goes out, and separate from that. I will seek advice on whether it exists. I would assume that it would. It would be prudent for it to do so, as you say.

Senator Brown—And any reaction at all.

Senator HERRON—Yes, I said reaction, not just serious reactions. I do not think any of the advisers here are in that field. We will have to seek advice on that and let you know.

Senator LEES (South Australia—Acting Leader of the Australian Democrats) (12.59 p.m.)—We attempted to look at the issue of amending the legislation to make sure that that was in place and were told that we were not able to do it under the bill, so it would be of great interest if you could find out the answers. Some people believe that there is still some form of register, but it seems almost impossible even for doctors to get back accurate information on a regular basis on the adverse effects of a particular vaccine in, say, the last six months or the last 12 months.

When you find out the answer to Senator Brown's question on whether it still formally exists, can we also have some indication of the reverse process—of how we get the information back once it goes in, if it is still going in. How can your average GP in the corner practice have in front of him or her information for parents when they come in and ask questions?

Senator HERRON (Queensland—Minister for Aboriginal and Torres Strait Islander Affairs) (1.00 p.m.)—There is a regular publication that goes out to all doctors in Australia in relation to adverse drug reactions, a report from the Drug Advisory Committee. My only query was whether that included immunisation reactions. Of that I am uncertain, and I will come back to you.

Senator NEAL (New South Wales) (1.00 p.m.)—There is one issue that possibly Senator Lees or the minister's advisers could clarify. The amendment proposed by Senator Lees refers to 'involving a conviction that vaccination', et cetera. My understanding is that 'vaccination' is a narrower term than 'immunisation' and only relates to injections. Obviously some immunisations are not injections. If this amendment were successful, would it mean that you could not have a conscientious objection to an immunisation that is not a vaccination?

Senator LEES (South Australia—Acting Leader of the Australian Democrats) (1.01

p.m.)—Our advice was that this was linked to the standard vaccination schedule and therefore we used the word 'vaccination' in the amendment. I always thought vaccines were not vaccines; they were immunisations. Maybe we should go back to the standard vaccination schedule and call that an immunisation schedule.

Senator HERRON (Queensland—Minister for Aboriginal and Torres Strait Islander Affairs) (1.01 p.m.)—I was going to say the same. It is called the standard vaccination schedule.

Senator Neal—Standard vaccine schedule.

Senator HERRON—Perhaps so. It is a matter of semantics, but the intent is the same.

Senator BROWN (Tasmania) (1.01 p.m.)—I think that is true. Vaccination is the application of a vaccine. That can be taken into account for oral doses as well. The problem with immunisation is that that is the result of a reaction to vaccination. It does not always occur. Immunisation may or may not result from vaccination. The word 'vaccination' is the better one to use.

Senator HARRADINE (Tasmania) (1.02 p.m.)—Before I get on to the question of how I am going to vote on this particular amendment, I ask the minister whether or not it is the intention of the NHMRC to seek to have the chickenpox vaccine a requirement by 1 January next year or soon?

Senator Herron—Would you mind putting that again? There is a bit of debate here.

Senator HARRADINE—I think the department will know what I am asking. I am asking whether or not the NHMRC is to recommend compulsory vaccination for chickenpox.

Senator Herron—The department is not aware of that, Senator Harradine.

Senator HARRADINE—The department is not aware of it? Has the NHMRC considered this matter and, if so, with what result?

Senator Herron—The advisers here are not in that area, but we will get somebody who is in that area so we can answer that question.

Senator HARRADINE—I am referring to the Australian vaccination information sheet, which states that the rubella and chickenpox vaccines are cultured on the cell lines of aborted foetuses. What I want to know is: is that the case in each of the states and territories of this country? Could you seek that advice from the advisers?

Senator Herron—We will certainly seek that advice. I cannot answer you, Senator Harradine.

Senator HARRADINE—Whilst I am speaking, could you obtain that advice because it is very important when it comes to the question of a conscientious objection? It is an extremely important matter of informed consent. We are coming to an amendment about informed consent later on in the committee stage. It is very important for people to know the facts.

The department will know and the National Health and Medical Research Council will know that over a long period of time we have had difficulties with both the department and the National Health and Medical Research Council in respect of the supply of information upon which persons can give informed consent. They get up there in their ivory towers and make all of these decisions for the good of the community. Many of them are extremely good. I am not decrying the fact that many of the people who are involved are very assiduous and dedicated people. I am not questioning that at all; I am questioning the ethics of many of the decisions.

Whilst I am at it, what has happened to the Australian Health Ethics Committee, which was supposed to be the ethical arbiter for decisions of the National Health and Medical Research Council. Is it a fact or is it not a fact that the Australian Health Ethics Committee is still not re-established? The ethical arbiter, under legislation which we have debated in this chamber before, should be responsible for receiving material from the NHMRC which involves ethical consideration.

Minister, could you say whether or not the rubella and chickenpox vaccines, which are utilised in Australia, are cultured on the cell lines of aborted foetuses? Could you also please give me information, about which I

have just sought advice, about what has happened to the Australian Health Ethics Committee?

Senator HERRON (Queensland—Minister for Aboriginal and Torres Strait Islander Affairs) (1.08 p.m.)—On your first point, I have already made the point that I will seek advice on that, Senator Harradine. In another context, I asked myself what was happening with the Australian Health Ethics Committee of the department. Senator Harradine is correct: it has not been established. It is receiving the attention of the minister. It is his intent that it be appointed fairly soon. That is the best I can give you at the moment. I will check on that as well and report back.

Senator HARRADINE (Tasmania) (1.09 p.m.)—I have given the example of rubella and chickenpox vaccines being cultured on the cell lines of aborted foetuses. Is that not a matter, surely, about which the persons who are presenting their children for this type of vaccination are entitled to know? Why has this been hidden from them thus far?

There are advisers here in the chamber and there are advisers waiting outside who do know the answer to the question I have asked. I believe that we are entitled to hear the response to that question because I know that there would be many parents who would be very concerned about that and who would exercise their conscientious objection. It is a damning indictment of this government and also previous governments if the vaccines for rubella and chickenpox are cultured on the cell lines of aborted foetuses.

I know, Minister, that I do not have to argue those points with you because of your strong stand on those matters. Obviously, you do not know whether that is the case. If you do not know, certainly the parents have not got a show of knowing. What has the health department done to reveal this to the medical profession? What has it done to ask the medical profession to reveal this, as they should, to those parents who are presenting their children for vaccination?

I come to the question of the meaning of conscientious objection. I repeat that the issue of conscientious objection is a fundamental one. We all agree about that. It is absolutely fundamental to the preservation of the rights of the individual against the demands of the state particularly. We all agree that parents have the primary responsibility to exercise those judgments when it comes to their children. It is not an absolute responsibility, of course. If activities such as incest and so on are occurring, then obviously they cannot do what they like.

In these particular areas it seems to me that that conscientious objection should be protected. That is agreed by the government. It is in the legislation. What we are now being asked to do is either accept what is contained in the legislation or accept what is being proposed by Senator Lees.

I support a number of Senator Lees's proposed amendments. The CJD matter also involved a failure on the part of the health industry to provide truly informed consent. Senator Lees was very strong on those issues and we were successful in having the matter exposed and dealt with. I am a bit worried that this legislation may be leaving a few areas of doubt around the place which the secretary to the department would consider when deciding whether or not a person has a conscientious objection. The bill states:

> A person has a conscientious objection to a child being immunised if:
>
> (a) the person's objection is based on a belief involving a fundamental conviction that immunisation should not take place; and
>
> (b) the conviction is so compelling that the person has to refuse to allow the child to be immunised.

I tend to agree with what Senator Neal said. I think that that might in the end be closer to the normal and accepted interpretation of what a conscientious objection is. In particular, I think it might be closer to the definition of conscientious belief as contained in the Butterworths Legal Dictionary, that is:

> A belief that involves a fundamental conviction of what is morally right or morally wrong, whether religiously based or not, and it is so compelling that the person is duty-bound to obey it.

So at this moment I will be supporting the clause as printed, but it probably will not make any difference.

Senator LEES (South Australia—Acting Leader of the Australian Democrats) (1.16 p.m.)—I will be brief. I realise that we have spent a long time on this one amendment. I particularly thank Senator Harradine for bringing a number of issues to our attention, but we did go through this—in particular with the parents, who have set up, I think, quite an informative and useful organisation that tries to support other parents who have conscientious objection and to give them as much information as they can. It is also intended to make it easier for parents if there should be any appeal—and I am pleased to see that the minister seems to think that it will not be taken any further.

It is also for the parents' clarification of exactly what is meant by conscientious objection, if they have, for example, just a medical problem, a philosophical problem, or all of the above. The parent organisations have said to me that they feel that, for both sides of the argument—for those asking for the objection as well as for those receiving that letter—it did need to be clarified. That is why we have eventually gone ahead with the amendment.

Senator BROWN (Tasmania) (1.17 p.m.)—For those reasons, I also support the amendment, although I take into account Senator Harradine's argument. I think that there is an impediment to a parent who is looking at the need to raise conscientious objection, and spelling it out a little is opening the way to a parent who is concerned to feel more sure that they have grounds and that they could argue if challenged that they have valid reason for not going ahead with the vaccination; they do not just have to be conversant with the medical reasons but there are philosophical, religious and other reasons which will suffice.

I also comment on the conjecture about cell lines from aborted foetuses being used for vaccination. I do not know whether that is right or not either, and I am pro choice by avocation. But if it is true, I would side with Senator Harradine on this. I think it would be outrageous, firstly, that parents did not know and, secondly, that those parents who have a fundamental opposition to abortion do not have an alternative to vaccination. So it is extremely important that the matter be clarified because, if it is true, it needs to be put to rights and it is quite untoward that the situation pertains where vaccination involves such entities as aborted foetuses.

Senator HERRON (Queensland—Minister for Aboriginal and Torres Strait Islander Affairs) (1.19 p.m.)—I cannot miss the opportunity of splitting Senator Brown and Senator Harradine. I am sure Senator Harradine would have no difficulty with cell lines taken from spontaneously aborted foetuses in a philosophical sense, whereas Senator Brown has an objection whether they are spontaneous or induced. So I think there is room for debate in this regard.

We are checking on both of those. I have seen where that document that was distributed came from—the Australian Vaccination Network. There are a number of items there that could be disputed. The only one in particular is that one that Senator Harradine read out. There is nobody in the chamber who can answer that. We have sent someone to see if we can get an answer to it, but the person responsible is not available, so I will get back to the Senate with an answer to that as soon as possible.

Senator BROWN (Tasmania) (1.20 p.m.)—I am informed from CSL that one of those vaccinations does come from a human diploid culture which is self-replicating and was established from a foetus cell in the 1960s. It has been self-replicating right down the line from then, to complicate matters.

I am informed that the other, the rubella, is an imported vaccine, and they do not have information on that as yet as to what the cell origin of it is.

Amendment agreed to.

Senator NEAL (New South Wales) (1.21 p.m.)—by leave—I move:

(2) Clause 22, page 26 (line 18), at the end of the clause, add:

; or (g) a recognised immunisation provider has certified in writing that the vaccine for immunising the child is not, or will not be, available immediately before or during a session of care in respect of which a claim would otherwise be payable.

(3) Clause 23, page 27 (line 19), at the end of subclause (1), add:

; or (e) a recognised immunisation provider has certified in writing that the vaccine for immunising the child was not available immediately before or during the session of care for which a claim has been made.

(8) Clause 80, page 64 (line 24), at the end of the clause, add:

; or (g) a recognised immunisation provider has certified in writing that the vaccine for immunising the child is not available immediately before or during a session of care in respect of which a claim would otherwise be payable.

(9) Clause 81, page 65 (line 26), at the end of subclause (1), add:

; or (e) a recognised immunisation provider has certified in writing that the vaccine for immunising the child was not available immediately before or during the session of care for which a claim has been made.

There was an incident last year where there was a lack of available vaccine. In some cases, if that situation were to arise again, parents may find that they are in a situation where they cannot vaccinate their children and may not have access to child-care assistance because of it. I note the comments made by the minister earlier today that it should not happen, and I entirely agree. But the situation is that it did happen and it could happen again. So the amendments that I have moved would allow parents who are caught in that situation to have access to the child-care assistance and rebate during the period when the vaccine is not available to them.

Senator LEES (South Australia—Acting Leader of the Australian Democrats) (1.22 p.m.)—These are very straightforward amendments, and the Australian Democrats will be supporting them. I think they speak for themselves. They are particularly important for rural families. I understand they address one problem that rural areas tend to face from time to time.

Senator HERRON (Queensland—Minister for Aboriginal and Torres Strait Islander Affairs) (1.22 p.m.)—The government will be opposing the amendments. We do not deny the possibility could exist, as Senator Neal said. We believe it can be handled administratively. Should that occasion arise, it can be done that way. So it is for that reason we will be opposing the amendments.

Senator BROWN (Tasmania) (1.22 p.m.)—The Australian Greens will be supporting the amendments.

Senator HARRADINE (Tasmania) (1.23 p.m.)—I cannot see why this should not be in the legislation rather than being done administratively. I will be supporting the amendments.

Amendments agreed to.

Senator BROWN (Tasmania) (1.23 p.m.)—by leave—I move:

(3) Clause 22, page 26 (line 18), at the end of the clause, add:

; or (g) a registered medical practitioner has certified in writing that the child has recovered from the relevant disease, has developed a natural immunity and does not require immunisation.

(6) Clause 23, page 27 (line 19), at the end of subclause (1), add:

; or (e) a registered medical practitioner has certified in writing that the child has recovered from the relevant disease, has developed a natural immunity and does not require immunisation.

(7) Clause 43, page 38 (lines 14 and 15), omit the note, substitute:

Note: The alternatives to immunisations are set out in paragraphs 22(1)(d) to (g).

(8) Clause 70, page 53 (lines 16 and 17), omit the note, substitute:

Note: The alternatives to immunisations are set out in paragraphs 22(1)(d) to (g).

(11) Clause 80, page 64 (line 24), at the end of the clause, add:

; or (g) a registered medical practitioner has certified in writing that the child has recovered from the relevant disease, has developed a natural immunity and does not require immunisation.

(14) Clause 81, page 65 (line 26), at the end of subclause (1), add:

; or (e) a registered medical practitioner has certified in writing that the child has recovered from the relevant disease, has developed a natural immunity and does not require immunisation.

(15) Clause 96, page 73 (lines 13 and 14), omit the note, substitute:

Note: The alternatives to immunisation are set out in paragraphs 80(1)9d) to (g).

(16) Clause 122, page 87 (line 15), omit 80(1)(d) to "(f)", substitute "(g)".

Senator BROWN—These amendments are simply designed to add a further category to the two categories which exist for vaccination not being required. It is a very sensible situation. They apply where a registered medical practitioner has certified in writing that the child has recovered from the relevant disease and has developed a natural immunity, so does not require immunisation. I suppose nature is the best immuniser of the lot. So we have here reasonable amendments which I expect the government might support, though the minister is saying no. I believe, then, that the government should support them.

If the medical practitioner says the child has had the disease and is immunised, that is that. There is some concern that to immunise a child who already has the antibodies to the disease is to run an added risk as far as reactions are concerned. I think natural immunisation should be accepted and taken as the best alternative, not simply ignored.

Senator NEAL (New South Wales) (1.25 p.m.)—I would like to indicate that I think it will be a very difficult task for a doctor to certify that there is natural immunity, but, if they can, I cannot see any reason why a child should be immunised again. The opposition will be supporting the amendments.

Senator LEES (South Australia—Acting Leader of the Australian Democrats) (1.25 p.m.)—The Australian Democrats will be supporting these amendments. I imagine it will be quite easy for a doctor to go through the records to see if a child has had measles or mumps or whatever. As we do see some adverse reactions, it could be that the child has already had the disease, so immunisation could cause some problems.

I think the amendments speak for themselves. There has been some discussion between my office and the department over the fact that this matter may be covered in the bill, but I cannot see any problem with us making sure.

Senator HERRON (Queensland—Minister for Aboriginal and Torres Strait Islander Affairs) (1.26 p.m.)—The government will be opposing the amendments. Regrettably, one in seven Australians shift their domicile every year, so it is not just a matter of checking the records to see whether a child has been immunised or has had an adverse reaction, as Senator Lees said. Regrettably, as everyone is aware, records are incomplete. Were that not so, it would be a simple mechanism for people to determine the situation.

Part of the reason for this measure is that we are trying to address the very low immunisation rates in this country. Our immunisation rates are appallingly low—absolutely the worst among Western nations. We have been given this one opportunity, when children come to child-care centres, to check. There will be a requirement that some sort of documentation be kept. We have said that it will only go to Centrelink, and that that will be as far as it goes, but that is part of the process. To satisfy Senator Brown, both the pros and cons will be given. The facts will be given as detailed in the document outlined to the Senate previously. Some record will be made and some documentation will occur. As it stands with the amendments, that process will not proceed.

Senator BROWN (Tasmania) (1.27 p.m.)—There is no problem with the fact that there is a lot of movement in the Australian populace. That simply means it will be a bit more difficult for parents to get certification from previous doctors. These amendments call on the registered medical practitioner to give certification when they know the child has had the illness. If the record is not available, they cannot give it.

I think the minister has argued against himself on this point. It is quite clear from the amendments that, provided the doctor is aware the child has had and has recovered from the relevant disease, and therefore has natural immunity arising from that episode, then she or he can issue a certificate. There is no problem with that. It is not logical to say that, because people are moving around, medical practitioners will not be able to give

this certification all the time and therefore the amendments should be turned down.

Senator HERRON (Queensland—Minister for Aboriginal and Torres Strait Islander Affairs) (1.28 p.m.)—As Senator Neal said, the point I was making is that just because a child has a rash it does not mean that it is immune. If you want to do it scientifically and not anecdotally, it will need further testing—and I am sure that is not what Senator Brown wants.

Senator BROWN (Tasmania) (1.29 p.m.)—Surely what we are talking about here is that a doctor, having diagnosed the illness or having been acquainted with another doctor's diagnosis of the illness—not just that it is a rash, but that a diagnosis has been made—therefore is able to certify that the relevant illness has occurred, the clear presumption being that the illness was accompanied by natural immunity. I put it that that natural immunity is much more likely to be protective of the child than the much failed record of artificial immunity coming from vaccination.

Senator HERRON (Queensland—Minister for Aboriginal and Torres Strait Islander Affairs) (1.30 p.m.)—I have two points. Senator Brown has a very great belief in the accuracy of a diagnosis, which I do not share. I am pleased to hear that he has that 100 per cent belief in a doctor's diagnosis on all occasions in relation to a disease process. I do not share that with him.

Progress reported.

FIRST SPEECH

The PRESIDENT—Order! Before I call Senator Bartlett, I remind honourable senators that this is his first speech and, therefore, I ask that the usual courtesies be extended to him.

Senator BARTLETT (Queensland) (1.30 p.m.)—Thank you, Madam President. Enough of that legislation stuff for a while; it's time for some serious fun. I would like to begin with a clear and simple message for all Australians, all Democrats members and supporters, the media and other members of this parliament: the Australian Democrats are still here and we are stronger than ever. The last few weeks have been an extraordinary time in Australian politics and for the Australian Democrats. I have been totally thrilled and enormously uplifted by the overwhelming response from Democrats members and supporters in Queensland and around the country. Almost to a person, there has been a redoubled enthusiasm and commitment to what the Democrats stand for—that every person can make a difference in working to make our country and our planet a fairer, safer, cleaner and more inclusive place for ourselves and for future generations.

I have very few concerns about the Democrats ability to rebound from recent events. We are currently experiencing a massive surge in membership, commitment and enthusiasm for the vision and role of the Democrats, a huge increase in membership inquiries and virtually no loss of members, apart from the obvious one, of course. We have had growing levels of public support in state elections, including record votes in the last 12 months in WA and then South Australia. We are on track to do well in the upcoming ACT elections. I acknowledge and welcome the presence of some ACT Democrats here today.

While Cheryl Kernot's defection has been disruptive because of its unexpectedness, we are very much strong enough to absorb her loss, adjust and move on. The team of staff, party officials and members who worked to support Cheryl Kernot as leader of the Democrats are more determined than ever to promote the Democrats aims. One of things Cheryl Kernot said when she resigned from the Democrats was that the party's base for growth and development was secure. I know she said that, because I have the fax that came through to her office while she was making her speech from the exceedingly Hon. Gareth Evans's office outlining her rationale. It says it in there, so it must be true. We very much acknowledge her contribution to making the party as strong as it is today, but we also acknowledge the work of many others who have worked and continue to work to make the Democrats a strong and viable force in Australian politics.

It is a big responsibility to be representing Queensland and to represent the Australian

Democrats in the national parliament. I am very honoured and very proud to have that privilege. My colleague Senator Woodley here in front of me is a religious man, as some of you may have gathered, and would no doubt remind me that pride is one of the seven deadly sins. I promise to stop at just one, but I understand first speeches are a time for a little self-indulgence, so hopefully my sins shall be pardoned on this occasion.

Senator Woodley—Already!

Senator BARTLETT—Thank you, Father. Working outside the entrenched two-party system in Australia is an arduous task. The Democrats have been more successful at it than any other party in Australia's history. Senators may be aware that a book on the Democrats first 20 years was launched yesterday. It has certainly been a fascinating 20 years with lots of successes and quite a number of failures as well. In some ways, it is a marvellous time for me to come into this chamber with the first 20 years behind us and a new and stronger wave in the history of the Democrats about to unfold.

Today, 11 November, is a historic day in Australian and world history with many great events and many terrible events happening on this day. Of course, it is best known as Remembrance Day. As the Democrats new spokesperson on veterans' affairs, I would like to record our gratitude to all those who sacrificed so much for their country in times of war. As all senators would agree, war is an abomination and all who have experienced it and endured it deserve recognition.

Of course, 11 November was also the day in 1975 when many Australians celebrated and some were outraged at the dismissal of the Whitlam government. Some time earlier, in 1880, it was the day when Ned Kelly was hanged, a man who some saw as a common bandit and others as a freedom fighter and a class warrior. I do not imagine the event of my first speech is ever likely to be considered that historic, and I suppose it is even a matter of opinion whether it is a great event or a terrible event, but it is good to be able to have that day as a mark that I can think back on.

As with many Australians, my ethic origins are fairly mixed. I have a preponderance of Irish ancestry of which I am quite proud. There is that pride stuff again. I am sorry about that. I also have a smattering of English, Swiss and Greek, including a great-great-grandfather who is acknowledged as the first Greek settler in Australia, arriving in Adelaide in 1840. That background makes me pleased to be the Democrats spokesperson on immigration and multicultural affairs. The importance of immigration and the fundamentally multicultural nature of Australian society since the 19th century is something which has been undermined a lot in recent times. I am very keen to promote the positive and fundamental role of multiculturalism as well as the excellent policies that the Democrats have in this area.

Senators might be able to deduce a link between my Irish heritage and my first direct political activity. This was as a nine-year-old in 1974 when I helped my mother hand out how-to-vote cards for the DLP outside my local school. After what seemed like a pretty hard day's slog to me as a nine-year-old, I went home and waited expectantly for the results on the television and waited to see all the DLP seats swarm in. As most of you would know, the 1974 election saw the DLP completely wiped off the political map in Australia, never to resurface. It was a bit of a harsh introduction to politics, and, I guess, after that one, anything has to be an improvement.

As some media commentators noted in the wake of my predecessor's defection, the Democrats are quite a lot like a family. That is partly why so many people felt her betrayal of the party so personally and why I very much appreciate having so many of my colleagues here with me today in the chamber and in the gallery and, I am sure, thousands around the nation listening on the radio.

I would be remiss if I did not spend a bit of time paying tribute to my own families—both my immediate one and the broader family that is the Australian Democrats—both of which have given me so much support and encouragement as well as the odd moment or two of pain, which I guess is what families are all

about. At my wedding last year I inadvertently spoke a bit longer about the Democrats than I did about my own family, which probably was not too good an idea, so I had better redress that imbalance by starting with my immediate family this time around.

I have been incredibly lucky in having such a stable and supportive family, and I would like specifically to pay tribute to my mother and father. I am thrilled my mother is able to be here today, although my father unfortunately cannot. I could not have got a tenth of the way to where I am without their support and subtle guidance. There was the occasional non-subtle bit, but it was mostly pretty subtle. They gave me my passion for social issues and for politics from a very young age, so you can all thank them or blame them, as the case may be, for my being here today. Indeed, it was my mother who actually told me that Cheryl Kernot was joining the Labor Party, so she has got her finger more on the political pulse than I have. I will probably need to turn to her for a bit more guidance than I have been with this politics business, I think.

To my brothers and sisters and their spouses I also say thank you. I will probably need even more support from here on in than I have already received to date, so do not think your work is done yet. You might even have to think about starting to vote Democrat some time. They have got a variety of expertise amongst them which I can draw on, and I am sure I will be subjected to it whether I ask for it or not, including as a mathematician and engineer, a management consultant, a medical doctor and a nuclear physicist, along with my own mother's long-term involvement in women's and employment issues over many years which, again, has been a great source of inspiration to me.

My father endured a long and fairly painful illness for some years before he died. He often used to half-joke—and it was only half a joke—that he was forcing himself to stay alive through that so he could make it to the next election and enjoy seeing Paul Keating get tossed out. Unfortunately, as we all know, politics can be painful business, and his look of disappointment on the morning after the 1993 election was one of the deepest I have seen. Even though 1993 also had the fabulous occasion of John Woodley being elected to the parliament from Queensland—gaining the Democrats two seats from that state for the first time and being the real light amongst the gloom of that election—not even that managed to cheer my father up at all as, despite being an eminently sensible man in many ways, he never did have too much time for the Democrats for some reason. Nonetheless, I am sure he would be very pleased today—probably even more pleased than he would have been when Paul Keating finally got what he deserved in 1996.

To my wife, Julie, who is also here today: I would like to thank you for all your love, patience, support, kindness, forgiveness and insight—just to name a few. I would not have survived to be here today without you, so I guess in some ways that means I owe everything to you.

In the broader Democrat family I have to run the risk of naming some names and inadvertently, therefore, risk leaving some people out. There are so many capable and dedicated people that deserve mentioning. I think in the current circumstances it is more crucial than ever that the contribution of these people is recognised. All of us know that we would disappear overnight without the selfless dedication and commitment of countless people who contribute so much of their own time, money and energy simply because they believe in the ideals and policies of the party.

The Labor Party might be so short on talent and so incapable of supporting and promoting capable women in their own ranks that they have to poach them from elsewhere, but I can assure you that the Democrats are filled to the brim with talented women and men. Some of them, of course, are around me today in the Senate and others are in state parliaments around the country, but there are many more at grassroots level around the country. I would like to single out a number of Democrats, partly just to give a bit of a sample of the many other hardworking and capable members who are not in parliament and are therefore not so visible, and partly because I believe they deserve special mention. It is a

long list, but it is just a sample. Queensland is such a big state, so there are a lot to go through.

From Cairns, Alan Isherwood and Leonie Watson, who worked so hard up in the far north with the many issues of importance up there. Colin Parker, a great stalwart, and Annette Reed from Townsville. Ian Hope, who has been slogging away for the full 20 years and more. Lesley Hawes, similarly in Bundaberg, along with Lance Hall, Marsha Ferris, Michael McGuinness and others. People in Maryborough such as Pam Howard, Pam South and Phil Rodhouse. On the Sunshine Coast, Councillor Alan Kerlin, Geoff Armstrong and others. Toni Law, keeping the flame burning in Toowoomba. On the Gold Coast, people such as Col O'Brien, Kathy Shilvock, Sue Moreland and Melinda Norman-Hicks. Our great crew in the town of Ipswich, fighting the forces of evil, including our long-suffering state treasurer, Max Kunzelmann, our candidate for Oxley at the next federal election, Kate Kunzelmann, and our state assistant secretary, Megan Bathurst—all of whom I am pleased to see are here today. Megan is a great champion of reconciliation issues and has done an enormous amount to promote that through the Democrats and through the wider community.

There are heaps of others I could mention around Brisbane, such as George and Marjorie Blair-West, Councillor Peter Collins, who has done so much to raise our profile in the Logan City area, Hetty Johnston, who is also here today, is our state leader for the upcoming election in Queensland and a great campaigner for environmental and children's rights issues. All the members of the Dickson branch deserve a special mention as they will have a particularly interesting time at the next election. Other people in Brisbane such as Ian Laing, Ian Renton and Mary Anne McIntyre, who has been a loyal deputy president for many years, and newer members such as Lyn Dengate, Greg Hollis, and also Gayle Woodrow, who has put so much into the Democrats over so many years.

A man who deserves special mention is Tony Walters, whose contribution to and effort for the Democrats in Queensland over an enormous number of years must be acknowledged, along with Gael Paul, whose wise stewardship did so much to nurse the party in Queensland through some difficult times in the earlier part of this decade. Another person I am thrilled to see here today is Fay Lawrence from Rockhampton, who is the archetypal Democrat stalwart. She has slogged away for over 20 years, not just for the Democrats but for the causes of indigenous rights, peace and the environment. Her commitment has been unshakeable. One example amongst so many was her recent effort in giving up a month of her time to help our candidate, going all the way to Darwin for the Northern Territory elections. Just another in an endless list.

The hardworking, ever patient and usually cheerful Tracee McPate, our national executive rep, long-term member and researcher Kerri Kellett, and our powerhouse state secretary Marianne Dickie, who has had to take on so much extra in the last few weeks. I managed to convince her to run for the state secretary position earlier this year by telling her that her first year in the job would be reasonably uneventful; nothing too much was likely to happen so she would have a while to get used to the position.

Graham Jenkin, our tireless compiler of the widely acknowledged and renowned Democrats' web site, has also excelled in building a strong and vibrant network of young Democrats in Queensland that will serve us well into the future. Another who deserves special mention is Liz Oss-Emer, an experienced and wise member of our National Executive, who has been a great support to the party over more years than I have been there and a great support to me, even when we have been on opposite sides of an argument.

I recall very clearly being gathered in the Commonwealth parliamentary offices in Brisbane on 1 July 1990, which was the day my predecessor officially became a senator. There were five people there that day, including four staffers—and that includes me. One of those people now lives in Sydney after giving three years effective work to that job; another moved further away from the action

and now lives on the west coast of Tasmania; one, of course, has moved further away again and has joined the Labor Party; and the two remaining have traversed an amazing journey since then, with many twists and turns, including a few periods in purgatory and the odd stop off in hell along the way—not always at the same time. It is a real thrill that both Althea and I have survived and are able to share this moment together and, I hope, many more to come.

Other stars who deserve mention include: Cheryl Thurlow, the world's greatest media officer, who also shares the distinction of being one of the few people I have never heard a bad word spoken about; our long-suffering and long-serving national secretary, Sam Hudson, and our national campaign director, Stephen Swift, who have both done so much to make us more professional and disciplined in our campaigning. Funnily enough, I have heard an odd bad word or two about them. But I guess you cannot do those jobs as well as they do without drawing some flak.

It is doubly important that I publicly acknowledge and applaud the hard work, ability and loyalty of the marvellous team of staff who support the Democrats in this parliament and in parliaments around the country, as well as Geoff and Yulia, our staff in the party's national office in Canberra, and the many who have contributed so much to the Democrats' increasing effectiveness in recent years.

I do not know if this does much for people's future job prospects, getting mentioned in the first speech of a Democrat senator—but bad luck. You cannot get me because it is parliamentary privilege once you get in this seat. I have to mention our superstar researchers Jacqui Flitcroft, John Cherry, John Davey, Victor Franco, and our environmental warriors Susan Brown, Fran Murray and Rose Kulak—who had a fascinating introduction to the position.

I also mention Bruce Tait, who may well have the honour of being the only person to serve on the staff of the first four Queensland Democrat senators. I must not forget Shirley Simper, who was mentioned in the media during the last federal election for her skill in smelling a rat about something that was happening in that campaign. Even her widely acknowledged skills were not able to sniff anything out a few weeks ago.

Many people use their first speeches to mention some of their heroes or inspirations. I am not a big believer in public heroes or putting people on pedestals, but I can say that virtually all the people I have just mentioned are an inspiration to me. It is witnessing the ongoing commitment of people who work at the grassroots level to make a difference to our society that I find most inspirational and most energising. If I had to pick a single Democrat out of the pack, I would probably go to one of my original inspirations, Janine Haines, whose insightfulness and originality I found very inspiring and nearly as appealing as her sense of irreverence which she managed to maintain. I think that is very important.

If I had to pick a couple of non-Democrats to add to my list of influences, at the political level, one would probably be Senator Brian Harradine, who has been here in the Senate longer than the Democrats have existed as a party and has been fairly consistent to his principles throughout that time. It is a great thrill to me that I have managed to get into this place while Senator Harradine is still serving here. I am sure he will reward me by voting against my amendments whenever I move them, but that is the way it works.

Outside the world of politics, one person in the world of the arts I would mention is Nick Cave, another person who has been around since the late 1970s. He has developed and changed remarkably, whilst remaining true to his vision. He has been a great help to me as well, without his knowing it. I must say that Nick Cave and Brian Harradine is an interesting combination, even wilder than Nick and Kylie Minogue—I can't wait for that one.

In relation to Cheryl Kernot, I think I can say this: I have learned a lot from her, as I have from many other people. I very much appreciate the opportunities she provided me with and some of the lessons, good and not so good, that she taught me along the way. They have made me a more well rounded if

somewhat harder and slightly less naive person.

As I said before, the Democrats are a lot like an extended family and, like any family would be in these circumstances, we were hurt by her decision to leave us. However, the reasons for her decision, whether they be good or bad, are basically unimportant. She has made that decision for her own reasons. The Democrats have accepted that, and life will go on. I expect we will maintain an interest in what she does and how she gets on, in the same way that a family would about a child who has decided to leave home. But we certainly will not sit around and mourn, or feel sorry for ourselves, or wonder where things went wrong. We will get on with our lives, as she will get on with hers.

After the initial period of shock, there is very little anger in the Democrats at what has happened. There is, however, a great deal of determination to ensure that the legacy and role of the Democrats is maintained and continues to grow, because it is so important to the future of this country. As the political saying goes, 'Don't get mad, don't get even, get ahead.' That is what the Democrats aim to do.

I will mention a few areas where I have some particular interests. I hope I can look back in a few years time and be able to say that I have helped to bring some progress in those areas. I believe Australians are feeling more and more disempowered and disconnected from the political process. This is bad not merely from the point of view of the legitimacy of the democratic process, but also because of the lost opportunity for our country in having the skills, ideas and energies of the community being positively applied to address issues of importance. It is time people were encouraged to have input into the political process, whether in the party political sense or at a community political grassroots level. I hope I am able to help in that regard.

The community's disaffection with the political process links to the social and environmental damage caused by the anti-people economic policies pursued by both Labor and coalition over the last decade. Both parties have put economics before people, I believe, with disastrous results. Both parties have forgotten that we live in a society, not an economy, and that the economy must be subservient to social and environmental requirements, not the other way around.

I am personally very committed to encouraging us all to give more consideration to the welfare and rights of animals. The lack of consideration humans give to each other in the world today is exceeded only by the lack of consideration we give to the other animals we share the planet with. My personal belief is that there are compelling environmental and ethical grounds for encouraging people to stop eating animals.

Vegetarianism has a long ethical tradition in our society. There are also very sound theological arguments in the Christian biblical tradition against the eating of meat where practicable, as Senator Woodley would acknowledge. I have found many people acknowledge some of these arguments, but not enough to stop their meat consumption. I guess the spirit is willing, but the flesh is just too tasty for many people.

Whilst I understand the traditional, cultural and economic reasons why animals are imprisoned and killed for human consumption, I believe the time has come for us to look to move beyond that. There are too few voices for the welfare and rights of animals in our society, let alone in our parliaments. I hope I can provide a voice for them in this place.

I move to one of the most important issues facing us all at this most significant time in the history of federal parliament, with the crucial choice facing us regarding native title about to unfold in the next few weeks. Personally, I feel very sad that the golden and positive opportunity that native title and the Wik decision in particular presented to our nation has been squandered beneath an avalanche of fear, ignorance and deliberate deception. If only a small effort had been given to exploring and explaining the positive benefits for all of us of the concept of coexistence, none of the current divisiveness would have been necessary.

One has to look only at the recent successful negotiations close to where I live—over Stradbroke Island and parts of Moreton Bay

near Brisbane—between the Quandamooka Land Council and the Redlands Shire Council. These groups used native title not to battle each other in the courts but to examine ways of working together to see what positive options are possible for the future through a responsible and mutually respectful approach.

I believe no other party in Australian history has so completely and fundamentally betrayed its own basic principles and its own constituency than the ALP has in the last 15 years, although I guess the Nationals have given it a bit of a run for its money with their support of the level playing field and pushing family farmers off the farm. Anyone who believes there has been some fundamental change in the Labor Party—the party we all know will do whatever it takes—needs a serious reality check. It will take a hell of a lot more than a bit of warm rhetoric and some nice repackaging to turn around such a record.

It has to be acknowledged that there has basically been a joint effort by Labor and the coalition in doing so much damage to our nation. Both have willingly unleashed the scourge of uncontrolled and heartless market forces with no regard for the human, social or environmental cost. Both have embraced wholesale privatisation and been unparalleled perhaps in the world in promoting the idiocy of the level playing field and deregulated global competition with little regard for human rights or environmental damage. Both have championed GATT, the World Trade Organisation and, on a local level, the national competition policy.

Both have supported uranium mining, increased the amount of forests being felled and woodchipped, and overseen further degradation and pollution of our rivers and wetlands. Both cynically and continually have slashed levels of overseas aid, betrayed the East Timorese people, supported up-front fees for tertiary education, continuously tightened and restricted the social security safety net and irresponsibly slashed the tax rate for high income earners and companies. Both have supported policies which have seen the death of egalitarianism in Australia and a growing gap between rich and poor. That is why I am a Democrat and why the Democrats and our role are so important. What more of a reason could anyone need?

Having just alienated virtually everyone in the chamber, including probably Senator Brown, who will probably not talk to me now because I like Senator Harradine, I would like to thank so many senators for taking time out from their busy schedules to come and hear my speech, along with those who listened so politely in the gallery without any boos or hisses. I realise it is the largest crowd I am likely to get for a speech in this chamber for a fair while, so I best enjoy it. I would also like to thank the Queensland and federal governments for so helpfully enabling me to promptly fill the Queensland Senate vacancy. It is very much appreciated.

To all I have named and all the thousands of other hardworking Democrat members, supporters and parliamentary staff I have not mentioned I give this commitment: I will do all I can to work with you to make our country and our planet a better place. I will not forget the vital role that you all play in shaping the Democrats' vision and policies, in gaining the Democrats votes and seats in parliaments and in supporting the Democrat parliamentarians who represent the party. I will not turn my back on you. I will work with you to make the Democrats and the ideals and policies we stand for more prominent than ever in Australian politics.

Honourable senators—Hear, hear!

QUESTIONS WITHOUT NOTICE

Ministerial Responsibility

Senator COOK (Western Australia)—My question is directed to the Minister representing the Prime Minister. It relates to the question of ministerial responsibility. Can the minister confirm reports that the Deputy Prime Minister and Minister for Trade, Mr Tim Fischer, has disavowed any responsibility for his government's refusal to participate in the Expo 2000 World Trade Fair in Hanover? Can the minister also confirm that Mr Fischer nominated Mr Moore as the responsible minister and that Mr Moore denied responsi-

bility and nominated the Minister for Sport and Tourism, Mr Thomson, as the responsible minister? But Mr Thomson is presently somewhere in Tasmania, in the wilderness, and unable to inform us who he thinks is the responsible minister. Minister, when will your government stop playing musical fairs and tell us exactly which minister is responsible?

Senator HILL—I can tell you that Mr Thomson will find the Tasmanian wilderness in very good heart, being well protected by the Commonwealth government through an excellent regional forest agreement that I hope I might be asked about in a minute. Apart from that, I have to confess that I have read the same newspaper article as that which Senator Cook has read.

Senator Bob Collins—And?

Senator HILL—And I do not know the answer either. But I do have some other information for you, Senator Cook.

Opposition senators interjecting—

Senator HILL—It is a very important matter. As I said yesterday, it was a call for another $21 million, and I gather that that was regarded as a conservative figure. We did not actually get to the full cost. I understand it was also for a rather modest exhibit. Senator Cook might not think $21 million is much, but the government believed that it was very considerable, bearing in mind the other commitment it was making in terms of major organisational functions at about that time.

Senator Bob Collins—Having said that—

Senator HILL—Having said all that, there was one matter of which I was not aware yesterday.

Senator Robert Ray—Just one?

Senator HILL—One that I know of that I was not aware of yesterday. That is that the issue had been raised at COAG last Friday. The Queensland Premier in particular raised the issue of participation and urged the Commonwealth to reverse the decision. Mr Borbidge and other leaders indicated that they would be prepared to contribute toward the cost of Australia's participation. The Prime Minister suggested they should put their proposal in writing and the Commonwealth would consider their proposal. I hope that bit of information is useful to Senator Cook.

Senator COOK—Madam President, I ask a supplementary question. All that information is interesting, Minister, but it is not the answer to the question I asked. Can you tell us the name of the minister who is responsible? We do not need the other information; we just need to know the name of the minister responsible.

Senator HILL—In my view, Mr Fischer is responsible for the trade aspect and Mr Moore is responsible for the industry aspect.

Telstra

Senator TIERNEY—My question is directed to the Minister for Communications, the Information Economy and the Arts. Is the minister aware of any proposal to break up Telstra and sell off its constituent parts? Do such proposals have the support of the government or of the wider community?

Senator ALSTON—Yes, I am aware of some proposals to that effect. Of course, anyone who wanted to go down that path would be wanting to embrace the Keating lunacy. I think it was in 1995 when he advocated to Kerry O'Brien retaining Telstra's core parts, but, of course, he was quite happy to sell off mobile phones and presumably these days all the data services and anything else that did not relate to what the unionists might be interested in.

In the face of all that, it was therefore quite extraordinary, particularly in a week when it looks as though 1.8 million Australians are voting with their wallets, to find a press release put out by Senator Schacht headed 'Schacht Welcomes NCC Criticism of Government's Telstra Privatisation'. What does he say? He says:

> The Hilmer Report went on to recommend that any government proposing to privatise a substantial public monopoly should give a reference to the NCC to investigate . . . a 'rigorous, open and independent study of the costs and benefits of separating any natural monopoly elements from potentially competitive activities.'

This is absolutely extraordinary—Senator Schacht out there advocating the breaking up of Telstra. In other words, the only reason

people are interested in Telstra as a great Australian company is that they know that the sum is worth more than the total of the parts. That is because Telstra has been able to cover the field. It has been able to offer a whole range of services that others simply cannot offer and indeed many in the region cannot offer.

Why on earth would Senator Schacht be saying this? It was not just a slip, because he went on to say:

> The Hilmer Report was dead right on this issue, as I said at the time.

Senator Tierney asked me whether any of these proposals have the support of the government or the wider community. Let me assure you, Madam President, they do not even have the support of the disgruntled unionist faction—that is the faction that Senator Schacht now leads in South Australia since the Bolkus phone-box majority ratted on the left and which, of course, have now squeezed Senator Schacht out.

The PRESIDENT—Order! Senator, that is not the correct way to refer to Senator Bolkus.

Senator ALSTON—That is the official name of the faction, Madam President. I was not referring to Senator Bolkus as such. The fact is that not even that faction of disgruntled unionists is non-aligned. How low can you get if you have to rely on the disgruntled unionists? Not even that faction supports this bizarre proposal. The Adelaide *Advertiser* tells us that the opposition to Senator Schacht representing the ALP at its national conference resulted yesterday in two members of his own faction disowning him, objecting to his name being put forward and Senator Schacht saying he did not even know his name had been put forward. It is absolutely extraordinary to think that the official spokesman for the Labor Party can be out there in the public arena putting out press releases advocating the break-up of Telstra.

I assure the Senate this is not Senator Schacht's worst effort. If you visit the Channel 7 newsroom, you will find a recent press release of Senator Schacht's relating to the ABC and the weather under the heading of 'Silliest press release of this year'. Well this one ought to qualify as the most embarrassing press release.

I will address the merits of the argument because Senator Ray was lecturing me about the importance of distinguishing between platform and resolution. Senator Ray thinks that all you have to do is say that you are in favour of majority Australian or public sector ownership. They are weasel words because, if he were fair dinkum, he would be saying they were in favour of maximum public ownership. But Senator Ray does not say that because, no doubt, they will redefine Telstra, confine it to its core activities and go down the path that Senator Schacht is advocating.

So it looks like Senator Ray and Senator Schacht have worked out an unholy alliance of two and they are going to oppose this view on the national conference. It is an absolute travesty. Clearly it would hugely devalue Telstra. You would have a flight of capital like you have never seen in this country, and of course you would ruin a great phone system. We are pleased to know that you have put your position on the public record at last. *(Time expired)*

Radio Australia

Senator SCHACHT—My question is to Senator Hill, the Minister representing the Prime Minister and the Minister for Foreign Affairs. It is about one of your broken promises, Senator Alston; because you are not in charge of foreign affairs, thank goodness! Minister, did the US Deputy Secretary of State, Mr Strobe Talbot, pass on a US government request to use a Radio Australia transmitter located near Darwin to beam Radio Free Asia broadcasts into Asia? Has the Chinese government raised this matter with the Australian government? What factors did the Australian government take into account before refusing Mr Talbot's request?

Senator HILL—I would like to get a detailed response to that question, which I will put on the record as soon as—

Senator Robert Ray—It's only been on the public record for two weeks!

Senator HILL—We know what is on the public record, but you are asking for more than what is on the public record, Senator

Ray. We can all read. We all know what is on the public record. I will see if the Prime Minister wishes to add to what is on the public record. If so, I will report it to you.

Tasmania: Regional Forest Agreement

Senator CALVERT—My question is to Senator Hill, the Minister for the Environment. I refer the minister to the regional forest agreement signed by the Prime Minister, Mr Howard, and the Premier, Mr Rundle, last Saturday morning. What benefits will the $110 million package bring to boost Tasmania's economy, create jobs and preserve Tasmania's important environmental assets?

Senator HILL—I am pleased that someone took the hint to ask me a question about the Tasmanian RFA. Yes, this agreement is good news for Tasmania and it is good news for Australia. It is a further demonstration that this government is able to deliver on forest policies, deliver on both the conservation outcomes and the industry outcomes, which is a very major step forward, I have to say, from the record of Labor in this difficult area. It was interesting to note the response from the newspapers in Tasmania. The *Mercury* editorial said, 'The RFA delivers in large measures for both sides.'

Senator Brown—What did the headline say?

Senator HILL—The *Advocate* headline was 'New jobs, bright future after the RFA'. There is no doubt that we managed to get the right balance that can give confidence in Tasmania that industry can progress and provide jobs consistent with maintaining sound conservation outcomes. I will just dwell for a moment on the conservation side of the outcome.

Senator Brown—That will be a short moment.

Senator HILL—It adds 396,000 hectares to the reserve system in Tasmania, of which 311,000 are forest, increasing the size of the Tasmanian reserve system by some 17 per cent. It means that 40 per cent of Tasmania will be under some form of conservation reserve. Of course, that is still not enough for Senator Brown, I note from his interjections. Some 40 per cent is not enough for Senator Brown, but for all reasonable Australians it is a really good conservation outcome. Overall, 63 per cent of the total Tasmanian reserve system will be in dedicated reserves, mainly as national parks; 95 per cent of high quality wilderness is in reserves; 90 per cent of forest wilderness and 70 per cent will be in formal reserves.

Several informal reserves important for wilderness will be upgraded to formal reserves, including the south-west conservation area and the Arthur Pieman protected area. I actually thought that was something that Senator Brown was calling for, but it seems to be forgotten. As far as is practicable, set JANIS targets for forest communities and old growth have been met for public land. It was interesting—and I give a bit of credit to the Labor Party—that their spokesman said:

> On preliminary examination, the RFA appears to meet the scientific criteria set out in the scoping agreement.

What about the Tarkine? Some 71 per cent of the Tarkine wilderness area, as identified by the Australian Heritage Commission, has been protected. A new national park at Savage River will be created in the area. At the Commonwealth's request, Tasmania will postpone logging along the Donaldson-Savage River pipeline until a review of red myrtle is completed. If 4,500 cubic metres of red myrtle can be maintained, the area will be deferred for the whole period of the RFA.

In the Great Western Tiers, 80 per cent of the National Estate listed area on public land has now been reserved as a conservation area. In relation to world heritage, the RFA now protects Beech Creek, 4,000 hectares, and Blakes Opening as well; the so-called icons are now included and protected. The RFA increases protection for currently listed National Estate places from 78 per cent to 88 per cent. Private land has not been forgotten. Some $30 million is going to be put in to protect conservation values on private land, a first for Australia. *(Time expired)*

Health Ministers Meeting

Senator FORSHAW—My question is directed to Senator Herron, the Minister representing the Minister for Health and

Family Services. Why did the Minister for Health and Family Services, Dr Wooldridge, cancel the meeting of federal and state health ministers which was scheduled to be held on Friday, 7 November 1997? Was it because cabinet, unable to determine the issue of funding increases for public hospitals, resorted instead to its usual dithering ineptitude? Was the Queensland Minister for Health, Mr Horan, correct when he said that no explanation was offered as to why the meeting was cancelled? Did the meeting eventually proceed only because the state ministers had decided to meet regardless of whether or not the federal minister attended?

Senator HERRON—It is a matter of public record that the meeting was cancelled.

Senator Forshaw—I know; why?

Senator HERRON—The reason is fairly obvious: it is because of the terrible state of the hospitals in this country from 13 years of Labor mismanagement and socialisation of Australia's hospital system. The record they left for us is appalling. We are discussing the agreements between the states and the federal government. It is interesting that when the precipitous fall occurred in private health insurance under the previous government, they did not activate health care agreements.

Senator Faulkner—Answer the question.

Senator HERRON—That is answering the question, Senator Faulkner. It is relevant to the meeting that he was describing. I have been waiting for Senator Faulkner to jump up because he does not like these facts, Madam President. The facts of the matter are that the previous government did not activate the health care agreement when private health insurance fell below the two per cent margin that was required for them to put more money into the system. Now the states are crying out for funds because they in turn did not spend the funds that they should have on the public hospital system. I see Senator Forshaw nodding in agreement. We all agree with that.

It is all very well for the states to now cry out that the system is running down. The system is running down because the funds that are being put into the hospital system have decreased at the same time as inordinate demand on the public hospitals is occurring because of people being driven out of private health insurance. We have attempted to change this by bringing in the extra rebate. We will see whether or not that has been successful. I am confident that the rate of decline will slow down because of the rebate.

It is not unusual for the state health ministers to demand more money. As long as I can remember, state health ministers have come to COAG meetings asking for more money. It is unfortunate that they have been put in this position because of 13 years of Labor neglect where they deliberately tried to close down the private health care system, tossing out patients. Those patients then had to go to the public hospital system. That has put inordinate demands on the public hospital system and it is inevitable that we have reached this crisis of care.

The health ministers have asked for this meeting. I assume it has been put off because there was need for further negotiation, but I will check with the minister to get his response to the specific question as to why it was postponed.

Senator FORSHAW—Madam President, I ask a supplementary question. I point out to the minister that I was nodding in agreement with the comments from Senator Crowley that, under the Labor government, funding was increased in real terms. Minister, it was your government that savagely slashed it in the last budget. It is obvious that you do not have much of an idea about the reasons why the meeting was originally cancelled. I also inform you that the meeting did, in fact, take place. I ask you: did the government at that revived meeting respond to the demand by the states that the $200 million surplus from the gun buy-back scheme be put into the public health system?

Senator HERRON—An informal meeting occurred, as Senator Forshaw knows. He can laugh as much as he likes, but there was no formal meeting on the record. The advisers were not present when that meeting occurred between the ministers. As for Senator Forshaw nodding his head in agreement with Senator Crowley about the funds that were put in, of course, with inflation the amount of

money increased but it did not increase in real terms.

Senator Faulkner—You know you're no good when you don't read your brief.

The PRESIDENT—Order!

Senator HERRON—Madam President, I find myself being distracted by Senator Faulkner. That meeting was a closed meeting and it is appropriate that only those who were present would be aware as to what occurred. I will get back to Senator Forshaw with the answer to his question, if the minister determines whether he wants Senator Forshaw to know what occurred.

El Nino

Senator LEES—My question is directed to Senator Hill, Minister for the Environment. I list four events that have been linked to the El Nino weather phenomenon: the small low-lying atoll of Manihiki in the Cook Islands was destroyed and people swept away by a huge wave generated by Cyclone Martin; the worst torrential rains in living memory in Somalia have left 800,000 people homeless; in Indonesia, people have been living through a severe drought and bushfires, and also we know of the drought in Papua New Guinea; and in Victoria we now have the driest 13 month-period ever on record up to October this year. Many scientists and programs, such as the ABC's *Four Corners* program, are showing a clear link between global warming and El Nino. I ask the minister: what does your government's research show about the possible links between the greenhouse effect and El Nino? Does your government have any contingency plans in place to deal with weather phenomena such as those already creating disasters around the globe?

Senator HILL—Science has not established any definitive link between the matters that you raise; that is, to try and argue that global warming is distinctively linked to this more extreme El Nino. The El Nino has been going on forever, therefore obviously what has been happening in the last couple of hundred years in terms of greenhouse gases is not relevant to that. I guess what you are arguing is: is this El Nino more extreme than others and might that be related to global warming? The answer is that the scientists do not know.

Having said that, we do accept that, whilst the full consequences of global warming are not known, there is sufficient scientific evidence for the world community to be taking prudent actions. There is considerable evidence that global warming will lead to more erratic and perhaps more dramatic weather patterns, and that there might well be significant detrimental consequences as a result of that. That, of course, is the reason why the international community has joined together to look for ways in which we can reduce the escalating levels of greenhouse gases in the atmosphere. That is, of course, why the Australian government is actively negotiating to achieve a good outcome in Kyoto—that is, a good outcome in terms of global greenhouse gases—and why the Australian—

Senator Lees—Madam President, I raise a point of order. I specifically asked about research: about what research is Australia doing on the link between El Nino and greenhouse?

The PRESIDENT—Senator Hill, please answer the question as you see it. There is no point of order.

Senator HILL—The honourable senator asked several questions. I am pleased that we are contributing a great deal in terms of scientific knowledge on the global weather system, particularly because of the unique contribution that we can make as a Southern Hemisphere nation. That covers all the circumstances of weather change. I have told the honourable senator the scientific link that she seeks to claim simply has not been established.

She also asked if we are doing work as to what might be the consequences to Australia's climate and land use practices of global greenhouse warming. Yes, we are doing that. We are contributing to the mass of international information on that as well. I spoke on a conference, I can remember, some six months or so ago on that very subject. We do have programs that are looking at how we, as a nation, might react to the consequences of global warming because, as Senator Lees would know, whatever happens at Kyoto is

not going to affect the consequence that, for some time to come, global warming will continue. But, in the longer term, I trust that what will come out of Kyoto is a significant step towards stabilisation of greenhouse gases and, ultimately, stabilisation at a lower level.

Senator LEES—Madam President, I ask a supplementary question. I am particularly interested in what research Australia is doing to look at the link—if there is any link—between El Nino and greenhouse. Minister, could you please take that on notice? If you cannot find any research programs here in Australia, can we ask that you initiate them—that we become more involved in what is happening on an international scale?

Senator HILL—I will see if I can find anything more specific for the benefit of Senator Lees and if I can I will report back.

Operation Mandrake

Senator BOLKUS—My question is to the Minister for Justice, Senator Vanstone. Minister, can you confirm that, following the budget cuts to the Australian Federal Police, there is now not even one full-time officer coordinating Operation Mandrake, the operation tasked with coordinating Australia's war against paedophilia? Is it true that only two part-time officers and one part-time staff member have been given the job of monitoring the movement of some 1,309 paedophiles and 400 newly found paedophiles each year? Minister, when will your government give the AFP the necessary resources to tackle these crimes?

Senator VANSTONE—I thank Senator Bolkus for the question.

Senator Alston interjecting—

Senator VANSTONE—Senator Alston interjects and asks me what the AFP has in the way of staff looking at people tampering with phone boxes and trying to make calls on the cheap, which was ungracious of you, Senator Alston. On a better day I would not have even picked it up.

Senator Bolkus, I do not have the information specifically on Operation Mandrake. I will make some inquiries as to what information it is appropriate to give to you and I will come back to you with that information. But let me make this point—

Senator Faulkner—You should know this. You've got nothing else to do; you have got no portfolio.

The PRESIDENT—Order! Senator Faulkner! I call Senator Vanstone.

Senator VANSTONE—It is interesting, isn't it, Madam President; they ask a question but they do not really want to hear the answer. They think they can sit there and interject; sit there and yell and scream or snigger away—like the Leader of the Opposition in the Senate does down here as if he is paid to sit there and giggle away all day and interject on everybody—and somehow put out their hands and take their money as if they are doing a decent job. Madam President, not only do I think it but I think the people of Australia think it when you try and keep order in this place and make these people behave.

Back to the point. Senator Bolkus, you look a very funny colour when you come into this place and complain about savings in the AFP. You know that in the last few years of your government some 400 staff left the AFP as a consequence of reductions imposed on them by your government. You also know that the quantity under this government has been in the vicinity of 100. So for you to come in here and make some issue about staffing levels in the AFP, when you were in government and presided over those levels as I have indicated, makes you look as opportunistic as your whole party looks and as Kim Beazley looks. You really should have another look at yourself before you bother to come in here and try and impress some sort of double standard: it is okay for you to make savings and to force efficiencies on the Federal Police but somehow not for us.

Having dealt with that issue, let me move to the issue of paedophilia. As you know, in large part paedophilia is a state offence. You know that full well. You know that the key law enforcement agencies in this respect are the state law enforcement agencies. You know that, but you seek to imply that it is only the AFP that is working on this matter. So why don't you go back and do a bit of your homework before you come and ask a question.

Senator BOLKUS—I ask a supplementary question, Madam President. Does the minister know that Commissioner Wood of the New South Wales royal commission has identified paedophilia in recent months as a national issue demanding a national response? Minister, isn't paedophilia a serious offence, much different from telephone tampering? Why don't you know what resources are applied? Minister, given that the AFP is receiving some $26 million a year less under your government than under Labor, what other crimes within the AFP's jurisdiction will, as Australian Federal Police Commissioner Palmer admitted in his annual report, 'continue unimpeded and remain uninvestigated' because of your budget cuts?

Senator VANSTONE—Senator Bolkus, no-one except perhaps you needed the commissioner to tell you that paedophilia is a national issue. No-one needed to have that pointed out except perhaps for you. But you know that the fact that it is a national issue does not in any way change where the legislative responsibility lies. You know that. You know where it is a criminal offence and you know the law enforcement agencies primarily responsible. It is quite clear that it is a national issue, but that is another matter from who should be responsible.

Let me deal with the second aspect of your question, $26 million less—as deceptive as usual. You know that the facts, Senator Bolkus, are that it is $6 million in one year and $8 million in another. You know that to be true. What you are going on with is the usual claptrap that you do, that if you were in government you would have spent more, which means you would have hid your head in the sand and ignored the $10 billion deficit. You know that is not true; everybody listening and all of Australia knows that is not true. You had a disastrous budget hole which had to be filled and you know it. *(Time expired)*

Griffin Venture

Senator MARGETTS—My question is addressed to the Minister for Resources and Energy, Senator Parer. I refer the minister to reports of an explosion and fire in the engine room on the BHP floating production facility *Griffin Venture* which occurred yesterday. I ask: what action is the Commonwealth taking to investigate this latest incident in a series of potentially disastrous incidents on board the *Griffin Venture*? In the light of claims that there is a strong likelihood that this explosion occurred because the settings of the fail-safe protection equipment on the gas turbines may have been reset to limits outside manufacturer's recommendations to avoid interruptions of operations, will the government be conducting an investigation to determine if there have been any breaches of the Petroleum (Submerged Lands) (Management of Safety on Offshore Facilities) regulations 1996?

Senator PARER—I thank Senator Margetts for this question. Senator Margetts, of course, has taken an interest over a long period of time in the *Griffin Venture* because of an incident that occurred actually prior to our coming into government on a gas freeing episode. Let me say that it is far too early at this stage to draw any conclusions from the latest incident on board the *Griffin Venture*. Most of the facts at this stage are not known. I might say I was contacted yesterday, within hours of the fire, by BHP. The only thing known for sure is that a fire occurred at 11 o'clock on Monday 10th during the start-up of a gas turbine engine. I might point out to the Senate that these start-ups occur from within the control area and not actually in the engine room. In discussion with BHP, they pointed out to me that at the time there was one person in the engine room and that person ran out at great speed.

The unit is one of five similar turbines on the vessel used to provide electricity for the ship's electric engine and its general electricity needs. The engine room was filled with smoke and emergency procedures immediately went into effect, with the area being sealed off and CO_2 released to quench any fire that occurred. Three members of the crew suffered minor injuries during the emergency. Six non-essential personnel were evacuated to Perth. No other person was injured. It is, I believe, to BHP's credit that the emergency response was carried out so swiftly in an efficient fashion, and casualties were minor.

For safety reasons, the crew did not enter the engine room until late Monday afternoon, when a very quick examination revealed the fire was out and that fire and heat damage had been sustained. BHP Petroleum is currently undertaking a technical assessment of the damage and endeavouring to get the ship's engine back on line. It is certainly not known at this stage whether the incident resulted from a mechanical failure or a procedural fault. It is far too early to speculate on such matters.

As you are aware, following the first Barrell report on the gas freeing episode, the *Griffin Venture* was subject to a major refit which, if my memory is correct, cost in the order of $20 million to $25 million. During my discussions with BHP, I asked them whether they felt there was any connection between the refit and this accident. Apart from the fact that they did not know at this stage, their inclination was that there was not, but we must wait until the facts are in.

BHP Petroleum will be commencing a technical review of the incident today and the Western Australian regulator and officers of my department will be closely involved and monitoring those proceedings. Following the Barrell review, my department commenced regular meetings with BHP Petroleum to review the company's progress in implementing their improved safety management procedures. The next of these meetings is due to take place at the end of this month. Officers from my department were actively involved in the inspections of BHP Petroleum facilities during Dr Barrell's second review earlier this year and are scheduled to inspect the *Griffin Venture* again at the end of this month. They will also be involved in external audits of BHP Petroleum's safety management arrangements and of their offshore facilities commencing in the new year.

The government remains committed to ensuring that the risks to offshore petroleum workers are reduced to as low a level as possible and my advisory committee, the National Oil and Gas Safety Advisory Committee, is undertaking a number of initiatives to ensure that Australia's offshore petroleum industry remains at a standard of world's best practice.

Senator MARGETTS—Gee, Minister, if this is world's best practice, I would hate to see world's worst. Given that there have been two investigations by Dr Tony Barrell into safety on board the *Griffin Venture* and other BHP Petroleum facilities and assurances were given that excellent progress was being made in safety management, will the minister now at last acknowledge that there is continuing evidence of a problem with the safety culture and management of BHP Petroleum and that it is now time to instigate a judicial or parliamentary inquiry into the operations of BHP Petroleum, before we have the catastrophic incident that has only been avoided to date by the timely intervention of employees such as Mr Tim Visscher or by sheer good luck?

Senator PARER—Senator Margetts is drawing a long bow with conclusions there. There is no doubt that the first incident showed a whole lot of problems with regard to the safety case on the *Griffin Venture*. This was acknowledged by BHP and, I might say, Dr Barrell acknowledged the work done by Mr Tim Visscher in drawing the attention of the public at large and of yourself to the potential problems. These matters were addressed. To try to relate what was a gas freeing incident some years ago to what has been, apparently, a fire in a gas turbine in the engine room is drawing a long bow. It might suit you, Senator Margetts, to do that, but let us wait to see what the investigation shows and let us give justice where it should be given.

Legal Aid

Senator McKIERNAN—My question is directed to Senator Vanstone, the Minister for Justice. Minister, can you advise the Senate exactly which cases the Commonwealth DPP was referring to when he said in his annual report:

> We have a number of major cases across the country in which these difficulties—

that is, the shortage of legal aid funds—

> have or may prevent trials for serious offences proceeding?

Can you inform the Senate of the nature of the serious offences he was referring to? Is there any point in spending more resources on catching major criminals if the cuts your government has made to legal aid are going to result in these criminals getting off when they go to court?

Senator VANSTONE—Senator, if the DPP has not outlined it in his report, for the world at large to know, I am at a loss to imagine why you think I ought to know. I will make inquiries of the Attorney-General, because the Attorney-General may well have specific knowledge of any cases that the DPP is referring to.

There is a question about delays, Senator, but it is another matter whether a delay means someone does not come to trial, which is the inference you are wanting to put on it—that these people will not even come to trial. I will make some inquiries, through the Attorney-General, to see whether the Attorney-General wants to add anything in relation to this matter—he will undoubtedly make some inquiries with the DPP—and come back to you.

There is a third point which needs to be made in response to your question and that is the allegation—and with respect, Senator, I think you have done this before—that all people charged are somehow guilty. You say 'these criminals being brought to trial': if someone is charged with an offence, they are not a criminal until they have been tried and have been proved to be a criminal. If the sort of assertion you make, Senator—'these criminals come to trial'—were followed through, you would not even bother with a trial, having made the assumption that you appear to have made. Next time you are phrasing a question or making an assertion about people who have been charged, I ask you to reconsider making the assumption that they are guilty. I know it is primary school stuff at law school but, thankfully, in Australia you are still innocent until you are proven guilty.

Charter of Budget Honesty

Senator McGAURAN—My question is to the Assistant Treasurer, Senator Kemp. Minister, as you are aware, the government's efforts to provide for a charter of budget honesty are being blocked by a Labor opposition which left office with the budget $10 billion in deficit. Will this obstruction allow for a recurrence of a budget deficit, as practised by the previous—

Opposition senators interjecting—

Senator McGAURAN—This is only the question; why don't you save the interjections for the answer. Will this obstruction allow for a recurrence of a budget deficit, as practised by the previous Keating-Beazley government? Will the minister be resubmitting the Charter of Budget Honesty Bill?

Senator Cook—Madam President, I rise on a point of order. The question invites the minister to reflect on a vote of this chamber and is, therefore, out of order.

The PRESIDENT—The minister may not reflect on a vote of this chamber. He may deal with aspects that are not that, but he certainly may not reflect on a vote of the chamber.

Senator KEMP—I thank Senator McGauran for the question. I notice the Labor Party are becoming noisy again. Senator Schacht calls out, but, it is funny, when the minister for communications stands up, there is dead silence from Senator Schacht. We have noticed that over here, Senator.

Madam President, you will be aware that the government believes in the charter of budget honesty.

Senator Schacht—What does that say about you, Kempie?

Senator KEMP—Very courageous, Senator Schacht. Let me make it quite clear that, unlike the Labor Party, the government believes in the charter of budget honesty. Let me also make it clear that the Democrats and Senator Harradine also indicated that they believed in the charter of budget honesty. We may differ on some of the amendments, but they were very strong supporters in their remarks on this charter of budget honesty. It is the Labor Party which does not want a charter of budget honesty—

Senator Cook—Not true.

Senator KEMP—It has gone out of its way to attempt to defeat this bill.

Senator Cook—Not true.

Senator KEMP—Senator Cook knows what I am going to say in a minute, so he is getting very excited already. Senator Cook, I will get back to your November 1995 quote soon. So just keep calm, Senator Cook, your quote is coming up and we are all waiting for it. The charter of budget honesty was a clear promise by the government prior to the election. Very sadly, the charter of budget honesty was required because of the disastrous deficit the Labor Party left this country when they were resoundingly defeated at the last election. I believe the community will not forget the deceit which was practised by the Australian Labor Party.

Madam President, I draw your attention to a quote which shows the type of deceit which has been practised by them. There may be some senators who have not heard this quote, so we would appreciate a little bit of silence. This was said in November 1995 by Senator Cook, the man who has just been promoted to Deputy Leader of the Labor Party in the Senate—and this is the sort of deceit that this charter of budget honesty is attempting to stop. Senator Cook said:

> This current budget . . . put the budget into surplus—and not just a surplus for this year but also a surplus next year—

Senator Cook—Quite true.

Senator KEMP—Some people can't learn! The quote continued:

> . . . without there being a contribution to that surplus by asset sales.

Senator Cook said this is quite true. Senator Cook, you are dead wrong. This was the last Labor budget, and it was not in surplus due to asset sales. What happened, Senator Cook? Just tune in to this. The budget ended up with a deficit of over $10 billion. Never in the history of this Senate, I believe from memory, has a senator got the figures so wrong as Senator Cook.

The Labor Party ran up deficits of $70 million over the last five years of their government and, as we are all aware, government debt levels exploded under Labor. We will not let the Australian people and the Labor Party forget the results of their disastrous mismanagement of the economy. I make it perfectly clear that the government's bill to enact a charter of budget honesty would prevent the Labor Party in any future election when they happen to be in government—and God forbid that that ever occurs—from performing in the same absolutely disastrous way that they did previously. *(Time expired)*

Australian National Training Authority

Senator CARR—My question is directed to Senator Ellison, the Minister for Schools, Vocational Education and Training. Minister, will you or your senior minister, Dr Kemp, be the Commonwealth's chief negotiator at next Friday's ANTA ministerial meeting? Have the state and territory ministers been informed?

Senator ELLISON—Dr Kemp and I will both be attending the ministerial council, and we will both be negotiating with the states. We have both been dealing with the states up until now, and that is the way it will be.

Senator CARR—Madam President, I ask a supplementary question. Minister, do you not have prime responsibility for TAFE? Is it not the case that Dr Kemp is shadowing you in such a manner as to demonstrate that he has no confidence in your ability? Is it simply an attempt by Dr Kemp to ensure that his junior minister does not follow his previous lead and actively campaign to usurp the authority of the senior minister? Won't Dr Kemp's continuing involvement in these ANTA negotiations in fact jeopardise the TAFE system in this country?

Senator ELLISON—In accordance with precedent, Senator Carr—

Senator Carr—What precedent?

Senator ELLISON—The precedent is that Dr Kemp's predecessor used to attend ANTA Minco and he did too. He will be attending, as I will be attending. Recently, the states' representative wrote to me in relation to matters which will be coming up on Friday. There is nothing new and untoward in that, Senator Carr. Read your history. Go back, study it, and see what has happened before, because there ain't anything new.

Higher Education

Senator STOTT DESPOJA—My question is addressed to the Minister representing the Minister for Employment, Education, Training and Youth Affairs. The Australasian Institute of Tertiary Education Administrators stated in their submission to the West report that vouchers for higher education would quadruple the administrative costs per full-time student place. Minister, do you have an opinion on this? Are you able to comment on this claim? Does the government support a voucher scheme for higher education or any other scheme for university funding where increased funds would go towards administration rather than education?

Senator ELLISON—It is well known that the West report is due out shortly. I am not about to comment on what may or may not be in the West report. The government is certainly not going to indicate any prior response until it has seen that report and it is in the public domain. So I think your question is premature, and I will answer it once the report is out.

Senator STOTT DESPOJA—Madam President, I ask a supplementary question. Minister, I am not asking you to comment on the West report. I would be curious, though, to ask you now whether you have read the submissions to the West review—yes or no. What I am asking are principle questions: does the coalition support vouchers for higher education; does the government support any system of funding for higher education which would see more money going towards administrative costs than towards education? Depending on your answer, Minister, in relation to your support for vouchers, can you please inform the Senate whether your party intends to implement Fightback by stealth and dredge up Minister Kemp's 1992-93 voucher plan for higher education?

Senator ELLISON—I understand that a wide range of matters were put before the West review, and the government will not be commenting on any of those until it sees that report. This includes the question of the voucher system. So it is totally premature to be commenting on anything like that.

Music Industry

Senator LUNDY—My question is to the Minister representing the Minister for Trade. Do you acknowledge that the government's music industry adviser, Mr Phil Tripp, has done an excellent job in helping lift the music industry's exports from $5 million in 1985 to $220 million in 1996? Can you confirm that the same Mr Tripp has resigned today because, in his words, the government is 'disembowelling the music industry by its misinformed and vengeful implementation of parallel importing of CDs in a crazy attempt to con the public into believing that CDs will be cheaper and more plentiful'? And will your government now concede that your policy of parallel importing firstly, will not deliver cheaper CDs to the Australian public; secondly, will turn the Australian music industry into an expatriate music industry rather than an export industry; and thirdly, will deny new, local Australian talent the opportunity to receive exposure and promotion both here in Australia and overseas?

Senator HILL—I know of the resignation of Mr Phil Tripp and I understand that he is expected to be replaced within the month. He was an independent music industry representative on the panel. I have to say that his reasons for resigning were really somewhat curious, because he told the Minister for Trade that he uses the Internet quite legally to buy CDs of his choice worldwide. This is exactly the same privilege the government is trying to extend to Australian consumers by abolishing parallel importing and effectively removing the key from the five gatekeepers of the Australian market. It seems that, by practice, Mr Tripp advocates the course of action the Australian government is taking, which will give all Australians the opportunity to buy CDs cheaper, and for that this government will be applauded.

Senator LUNDY—Madam President, I ask a supplementary question. Is it true that Mr Tripp also said:

> . . . under John Howard and Minister Richard Alston's plan for parallel importing of CDs, I'd advise artists and companies to move off-shore rather than be destroyed here in the future?

Do you agree with Mr Tripp that Australia will end up with an expatriate music industry like New Zealand, rather than an export industry? If you don't, then why not?

Senator HILL—I certainly do not agree with that. What I do know is that, as a result of this government's policy, CDs will be cheaper for Australian consumers. Cheaper CDs increases the size of the market, which gives greater opportunity for Australian industry to develop and employ Australians and then hopefully to build a strong export industry. So there is no doubt that this government has made the right decision. Why the honourable senator wants to knock that Australian consumers—particularly young Australian consumers—should be given the same price as overseas consumers, I really do not understand.

Domestic Violence

Senator PAYNE—My question is to the Minister for Justice. Minister, last week the Prime Minister announced a series of major initiatives to address the problem of domestic violence, which affects so many Australian families, particularly women and children. Will you advise the Senate of the details of these proposals?

Senator VANSTONE—I thank Senator Payne for the question. The Prime Minister's announcement with respect to domestic violence did get significant coverage. But as we all know, the papers, radio and television all have space and time deadlines and not all the details were able to be passed across, so I want to take the opportunity today to highlight some of the details the Prime Minister announced. This is an important issue that affects the lives of many families—men women and children, but especially—

Senator Bolkus—Restore legal aid funding then.

Senator VANSTONE—Senator Bolkus yet again does not appear to be interested in the issue of domestic violence; he is sitting there interjecting all the time, taking his money to be a senator and seeking to disrupt the Senate. Nonetheless, I will proceed. The Prime Minister, through this announcement, was seeking to provide leadership and additional funding for a range of initiatives for further assistance. A model domestic violence discussion paper was also released and the hope is that from that discussion paper we will be able to produce the best possible legislation in each jurisdiction.

There are some key features of that model paper that are worth referring to. The first is a proposal that the grounds for an order should depend on proof of certain behaviour by the person against whom the order is being sent, not on whether the person seeking the order actually fears for their safety. Some jurisdictions have laws consistent with that; others require certain behaviour to have already been undertaken, plus a fear. There is a mix of laws around Australia and it would be much better if there was a simplified law in that respect.

The paper also proposes that longer telephone interim orders be available—that is, up to 14 days. That will be of significant assistance for people who are affected by domestic violence. It also proposes closing courts where children are the subject of an order or a witness, and it proposes increased penalties for revealing the location or identity of children as a part of those proceedings. The paper also proposes enforcement powers for police in relation to interstate and New Zealand orders prior to the formal registration of those powers.

What is important is that the discussion paper has been produced for model legislation. It has been fairly widely distributed—and no doubt will be further distributed—with plenty of parties having the opportunity to put their views forward. I think they have until February next year. So from those discussions, that consultation and that cooperative approach that has been the hallmark of this government in terms of law enforcement, we will produce better legislation around Australia.

The Prime Minister announced a $25.3 million package over four years called partnerships against domestic violence—with $12 million for cooperative development with the states and territories and $13 million for a range of Commonwealth initiatives. In legal aid and family services, an additional $6

million will be spent over four years for family and relationship counselling services. In the national campaign against violence and crime, $200,000 will be spent on a national survey and research into young people's attitudes towards violence and the violence prevention awards.

There will be $100,000 spent to encourage innovative programs across Australia. Domestic violence prevention with adolescents is a Western Australian crime research project. There is a project for the review of programs for perpetrators, and also one for violence in indigenous communities. There is a further set of initiatives in legal aid and family services to develop best practice and to pilot marriage and relationship education programs. It is a very comprehensive program, making it perfectly clear that this government is prepared to take the lead on what is a national issue affecting so many families.

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

ANSWERS TO QUESTIONS ON NOTICE

Question No. 892

Senator NEWMAN (Tasmania—Minister for Social Security)—On 29 September last, Senator West asked a question on notice to the Minister for Defence Industry, Science and Personnel. I now have a response from the minister. I seek leave to have the response incorporated in *Hansard*.

Leave granted.

The response read as follows—

SENATE QUESTION ON NOTICE NO 892

Senator WEST asked the Minister representing the Minister for Defence Industry, Science and Personnel, upon notice on 29 September 1997:

(1) (a) Did the Coalition parties promise at the 1996 federal election that the Defence Housing Authority (DHA) would give special attention to housing in isolated areas and the standard of accommodation for on-base single personnel; and (b) is that still the Government's intention.

(2 What forms of special attention to housing in isolated areas has the DHA been asked by the Government to give.

(3) How much accommodation for on-base single personnel has the DHA been asked to provide to date.

(4) Is the DHA to be subject to the full range of competitive neutrality measures such as taxes and providing a business rate of return on its assets.

(5) Is a study proceeding into the option of disposing of Government ownership of the DHA.

(6) Is there to be a study into the legislation governing the DHA; if so, for what purpose has the study been ordered.

(7) Does the Government have any policies on how Defence families are to be assisted with housing if the DHA is dismantled.

Senator NEWMAN—In accordance with advice to the Minister for Defence Industry, Science and Personnel the following answer is provided to the honourable senator's question:

(1) (a) Yes. The Coalition policy on Defence stated "The Defence Housing Authority will give special attention to housing in isolated areas and the standard of accommodation for on-base single personnel." The standard of accommodation for on-base personnel has been rigorously reviewed and in 1996 a comprehensive survey of living in accommodation was undertaken across Australia. Recent development proposals for Townsville and Darwin have been based on the outcomes of these reviews and include providing soldier accommodation of a single room with individual ensuite.

(b) Yes.

(2) The function of DHA is to provide housing to meet the operational needs of the Australian Defence Force and the requirements of the Department of Defence. To cater for fluctuations in of houses required, DHA provides around 85% of the total requirement wit,h the remaining houses being rented by individuals on the private market. In isolated areas where there is little or no private market, DHA provides 100% of the housing requirement.

(3) None. DHA do not provide accommodation for on-base single personnel.

(4) DHA will need to comply with the Commonwealth's Competitive Neutrality Policy Statement. The degree to which DHA will comply with, and the timing for application of, these principles is presently a matter for discussion between the relevant shareholder Ministers.

(5) Reviews are being undertaken of the need for continued Commonwealth ownership of Commonwealth GBEs. The previous government categorised the Defence Housing Authority as a GBE and the review process thus includes the Authority.

(6) A review of the Defence Housing Authority Act 1987 is required under the Commonwealth's Legislation Review Schedule for 1997-98.

(7) No.

ANSWERS TO QUESTIONS WITHOUT NOTICE

Nursing Homes

Senator HERRON (Queensland—Minister for Aboriginal and Torres Strait Islander Affairs)—In question time yesterday I took a question on notice from Senator Crowley in my capacity as Minister representing the Minister for Family Services. I now seek leave to incorporate the answer to that question in *Hansard*.

Leave granted.

The answer read as follows—

SENATOR CROWLEY asked the Minister representing the Minister for Family Services, upon notice, on 10 November 1997:

Could you please answer a question raised by Mr Ross McDowell, General Manager of the Queensland Credit Union, on today's World Today program regarding research his credit union has done into reverse mortgage home loans. He quoted the extraordinary figure that, if a person in a nursing home is drawing $4,000 a year on 7.5 per cent, after 15 years they will owe $112,000. What happens to that person once their loan equals the value of their home say $80,000—and what happens to that person if interest rates rise?

SENATOR HERRON—The Minister for Family Services has provided the following answer to the honourable senator's question:

The question was based on a presumption that the accommodation charge continued, without limit, for the 15 years that the person was in the nursing home.

In fact, the charge is capped at 5 years, so the situation described simply cannot occur. The most the debt could rise to in this instance is $20,000 plus interest.

Approved

Cleared by:

FAS AGED AND COMMUNITY CARE

11 November 1997

Operation Mandrake

Senator BOLKUS (South Australia) (3.01 p.m)—I move:

That the Senate take note of the answer given by the Minister for Justice (Senator Vanstone), to a question without notice asked by Senator Bolkus today, relating to the funding of the Australian Federal Police and Operation Mandrake.

I move this motion because of the dire situation in terms of a national response to paedophilia, because of this government's response not just to this issue of law enforcement but also to other broader issues of law enforcement and because of the performance today of the Minister for Justice. The minister, in response to this question, in response to the question from Senator McKiernan with respect to the Director of Public Prosecutions and in response to the question asked as a dorothy dixer from her side about domestic violence, showed absolutely no real understanding of the dire situation in those three areas.

Law enforcement in this country is at crisis levels. For instance, when you hear a minister respond to a question about domestic violence and that minister does not canvass the fact that people are not getting domestic protection orders in the way they used to because they cannot get legal assistance because this government has cut it back, you find a minister who really does not understand the broad range of issues.

Let us start with paedophilia. Let us start with the fact that statistics show there are some 1,300 known paedophiles in Australia at the moment and there are some 400 found new every year. Let us acknowledge, as Commissioner Wood did in the New South Wales royal commission, that paedophilia is no longer a backyard state issue. It is a national issue; it is an international issue. When the minister was asked about paedophilia today, she said, 'It's the responsibility of the states.' That is not the whole truth. The whole truth is that there is a national role here, a role for necessary coordination, and a role which interlinks Australia's national response with international measures.

What has the government done in response to this growing and urgent need? I will tell you what it has done. It has cut back funding to the Australian Federal Police, and done so without consideration of the impact of those cuts. The minister says, 'There were cuts under the previous Labor government.' There were some cuts then, but you are talking here of record high cuts to the Australian Federal Police. You are talking here of some 105 staff positions cut in the previous year and 105 staff positions cut in this financial year. In the context of that and with the backdrop of that, you will find there is not one full-time officer coordinating our role in Operation Mandrake. This is a government that has cut back without planning and without consultation and has left Australian law enforcement agencies without adequate resources.

We are obliged to coordinate nationally. We do have international obligations as well. The minister, in her abysmal response today, likened the tampering with young children with the tampering of telephones. I think she stooped to the gutter this afternoon when she made that analogy. But, in doing so, she showed that she has no real understanding of the gravity of the situation involving paedophiles and paedophilia. The minister tries to make light of the issue. The minister does not take the issue seriously. Unfortunately it is an issue which affects thousands of families across Australia. But, as I say, it is systematic of this government's lack of seriousness when it comes to law enforcement.

One hundred and five staff positions have been cut a year over the last two years and $37.6 million has been cut from the AFP budget. If you look at those cuts in terms of the impact over four years, you are talking about $82 million. But you are not just talking about cuts; you are talking about cuts that were imposed without consultation and without warning. They also come on top of cuts to our law enforcement capacity in Customs, in the National Crime Authority, in Austrac and in proceeds against crime. It is no wonder that, in the most recent annual report of the Australian Federal Police, the commissioner—and it is worth putting this on the record; I quote from that report, page xii—said:

> With reducing budgets and fewer people, the number of tasks the AFP must place on hold or reject because of lack of resources will increase. There is also an increasing opportunity cost to the AFP's clients and stakeholders, and ultimately Australia, of the amount of crime falling within the AFP's jurisdiction that will be allowed to continue unimpeded and remain uninvestigated and undiscovered.

This government has no credibility when it comes to issues of law enforcement. The desperate attempt by the Prime Minister (Mr Howard) to ride on this issue to try to re-establish himself as a leader failed, and it deserves to fail.

Senator CHAPMAN (South Australia) (3.06 p.m.)—Again we see today, as we have seen perennially in recent weeks from the Labor opposition, a scare campaign on yet another issue. They play fast and loose with the truth and fast and loose with the facts in an endeavour to scare the community about decisions of the present federal government. The simple fact is that, like other areas within the portfolio of the Attorney-General (Mr Williams) and the Minister for Justice (Senator Vanstone), the Australian Federal Police will contribute five per cent this financial year to savings in the government's budget. Why do we have that need for savings? Because of the dereliction of duty for 13 years by the previous Labor government—a total dereliction of their budget responsibilities, and of course they left us with a $10 billion black hole.

To restore some budget responsibility and therefore the economy of this nation, this government has had to take necessary decisions to restore that budget to balance over three years in office. Like every other government department, the Attorney-General's and Justice departments, and the Australian Federal Police as a component of that department, have to take some cuts in expenditure. Therefore, assertions by the Labor Party as part of their scare campaign that the Australian Federal Police have been singled out for special attention are completely false.

This financial year the Australian Federal Police will receive an appropriation of some

$246 million. That represents a contribution of savings of $6 million to the government budget over previous years. Again, the evidence is there that the Australian Federal Police has not been singled out for special attention. It is totally inaccurate for the Labor Party to allege, as did New South Wales Premier Carr early this week, that $110 million had been cut from Customs and the AFP. Premier Carr is simply trying to deflect attention from his own inadequacies as regards policing with his downgrading of police stations at the state level.

We find also that the AFP has advised that those savings will be effected through the delivery of administrative efficiencies. They will not—I repeat: not—affect the Australian Federal Police's important operational work and capacity. The Federal Police is managing its expenditure to ensure that it maintains its commitment to key operations and activities within the projected budget allocations for the financial year.

It is also worth advising the Senate that the government has commissioned a review of the financial practices of the Federal Police to provide a solid foundation for future resource considerations and to assist in overcoming the problems associated with financial management experience within the organisation. The government has also provided additional funding for the Federal Police to allow it to undertake preliminary work on security for the 2000 Olympics in Sydney; and additional funding of $944,000 over the next financial year and $993,000 in the year 2000-01 for the AFP adjustment scheme, providing innovative and broader anti-corruption measures.

We can see from just those examples that the AFP and the government are working in close cooperation to ensure that resources are effectively used to combat crime in this country. The government has consistently sought to encourage a more strategic and cooperative approach between the Federal Police and state police and also through a strategic alliance with the National Crime Authority. So again we see the government giving every encouragement to the fight against crime in this country.

The effectiveness of all Australian law enforcement agencies is increasingly being enhanced by this cooperative approach and a more strategic focus in the use of law enforcement resources. It is just as a result of that approach that we have seen the dismantling this year of significant drug trafficking syndicates. For example, in May there was a joint operation between the Customs Service, the Australian Federal Police and the New South Wales state police in the seizure of 78 kilograms of high-grade heroin. In August in Victoria a joint operation with the Australian Customs Service resulted in the seizure of 32 kilograms of heroin, disrupting another criminal enterprise. It was that state's largest seizure of heroin thus far.

The AFP applies a strategic intelligence approach to its operational work. There is no truth to the claims being made by the Labor opposition. *(Time expired)*

Senator McKIERNAN (Western Australia) (3.11 p.m.)—Something very strange happened today on the way to question time. Question time is set up in this place to give honourable senators the opportunity of asking questions of ministers. Senator Bolkus and I took the opportunity this day to ask very relevant, very pertinent and very serious questions of the Minister for Justice (Senator Vanstone). Because we have the audacity to do that, we are accused of running a scare campaign. How silly Senator Chapman is to come in here and claim that. Here we are on this side of the chamber doing the job that we have been elected to do as public representatives—to ask questions about very important matters—and we are accused of running a scare campaign.

What is the scare campaign about? Senator Bolkus asked the Minister for Justice—not some minister representing another minister but the Minister for Justice—whether she could confirm that, as a result of the budget cuts to the AFP, there were now only two part-time officers and one full-time staff member monitoring the movements of 1,300 known paedophiles and 400 newly found paedophiles each year. We asked a legitimate question and then were accused of running a

scare campaign. Worse still, the minister was not able to respond to the question.

Following Senator Bolkus asking that question in this chamber I asked what I consider to be a very pertinent and very relevant question—a question that I did not dream up but gleaned from reading the report of the Commonwealth Director of Public Prosecutions which was tabled in this place just a couple of weeks ago. At page xii of that report—that is, at the very beginning of that report—the DPP, Mr Brian Martin QC, has this to say:

> The difficulties associated with the shortage of legal aid funds are readily apparent and we have a number of major cases across the country in which those difficulties have or may prevent trials for serious offences proceeding.

That is a very legitimate question to pick up from the DPP and ask of the Minister for Justice this day because it was the DPP who raised it. So if indeed there is a scare campaign going on, as alleged by Senator Chapman and rejected by me, the finger should be pointed directly at Mr Brian Martin QC. Indeed, we can perhaps follow this through on Thursday when Mr Martin appears before the Senate Legal and Constitutional Legislation Committee in the scrutiny of the estimates.

Both of these questions were very pertinent. The real disappointment is that the minister not only was unable to respond but refused to respond. In my case, she actually started to attack me rather than address the question that she was asked.

The Senate is well aware that the government has cut some $100 million out of the budget for legal aid funds in this country over the three-year period. The new regime started on 1 July this year. People are being impacted upon as a result of these cuts. The DPP has said in his report that some trials are not able to be proceeded with. I asked the minister which trials and the nature of the offences. Instead of answering the question, she attacked me. What is wrong here? What is the minister covering up?

In the area that Senator Bolkus asked questions on, which Senator Chapman spent some time trying to redress—that is, the budget for the Australian Federal Police—it is common knowledge around this place that the Australian Federal Police—and it is noted in their report—are now receiving $26 million less this year than they received in funding last year. In his report, the commissioner—Senator Bolkus has already quoted from it—stated:

> With reducing budgets and fewer people . . . the number of tasks the AFP must place 'on hold' or reject because of lack of resources will increase. There is also an increasing opportunity cost to the AFP's clients and stakeholders, and ultimately Australia, of the amount of crime falling within the AFP's jurisdiction that will be allowed to continue unimpeded, and remain uninvestigated and undiscovered.

That is the Commissioner of the Australian Federal Police making those statements to this parliament in the report of the AFP which, like the DPP's report, was tabled in this chamber just a couple of short weeks ago.

Senator COONAN (New South Wales) (3.16 p.m.)—I wish to take note of the answer given by Senator Vanstone. I also wish to refer to the comments of Senator Bolkus and Senator McKiernan as they seem to have confused a couple of issues here. Senator Bolkus seemed to be suggesting the very strange notion that somehow or other the Australian Federal Police can simply trample over state law enforcement authorities and can range right over this country monitoring cases of alleged paedophilia, cases of suggested new instances of paedophilia and cases of domestic violence assistance. I think that is basically what Senator Bolkus was suggesting.

Senator McKiernan suggested in the baldest of terms that the shortage of legal aid is the sole reason for any problems with law enforcement in this country, irrespective of whether those law enforcement problems arise as a matter of state jurisdiction or whether they are truly a federal matter. It is the usual mishmash, confusion of reasons and confusion of causation as to what might be the real problems with law enforcement.

I do not think there would be anyone in this chamber, and probably very few people in Australia apart from the perpetrators, who would take as anything other than reprehensible, horrific and to be condemned, instances of paedophilia. But paedophilia is of its very

nature a secretive activity. It is something which does require close scrutiny in local communities. To suggest that the mere cutting of staff in the Australian Federal Police has something to do with whether or not paedophiles are actually monitored in this country—first of all, there is no identification of where they are—and then suggest that the numbers of the Australian Federal Police are the problem is simplistic in the extreme. One person might be sufficient to monitor them or 20 might be. There is absolutely no suggestion coming from either Senator Bolkus or Senator McKiernan so far as I can tell as to what might be an effective number. The failure in this particular argument is to establish the causal connection between numbers of people monitoring anything and what might be the ultimate outcome.

There is no doubt at all that both the government and the Australian Federal Police are working together to ensure that the Australian Federal Police's resources are effectively utilised. That is the point here. In order to be responsible about the resources of the Australian Federal Police, you need a little more information than that there are 1,300 paedophiles somewhere in Australia and then jump from that conclusion to say, 'Oh, there's not enough resources to monitor them.' It is time we got real about this issue.

The government has consistently sought to encourage both a more strategic and cooperative approach between the Australian Federal Police and its state and territory partners and also through its strategic alliance with the National Crime Authority. If you have any doubt as to how important it is that there be strategic alliances and cooperation between these authorities, you only have to look at the headline in the *Courier Mail* today which has as its first item a reference to a divisional director of the CJC in Queensland having been arrested following a raid, the result of a 12-month Operation Target involving what police described as a loose association of alleged paedophiles.

It is absolutely critical that there be proper consultation on these matters so that the resources of the Australian Federal Police can be properly targeted. The effectiveness of Australian law enforcement agencies is increasingly being enhanced by all agencies taking a cooperative approach and a more strategic focus in the use of law enforcement resources. Senator Chapman detailed some of the issues and some of the results that have flowed from the agencies taking a cooperative approach and actually looking at how resources could be properly targeted. This sort of cooperation is important not only to eradicate the use of illicit drugs in this country but it is certainly essential in carrying out a proper focus and a proper investigation to eradicate paedophile activity. *(Time expired)*

Senator COONEY (Victoria) (3.21 p.m.)—The Australian Federal Police force is acknowledged as an outstanding police force not only in Australia but generally. Its members are served by a quite outstanding Federal Police Association. I have heard the Australian Federal Police at estimates committees being asked whether or not they have sufficient resources. Their answer is—it is a proper answer—that they will act as well as they can and as much effectiveness as they can—they always act with the fullest of integrity—given the resources that they are provided with.

It is not for the Federal Police to state whether they are satisfied with what the government gives them; it is for this parliament and for us to work out whether they are given sufficient resources to carry out the tasks which we, as a community, expect them to carry out.

Senator Bolkus and Senator McKiernan were saying that this government—which controls the purse strings—has to make a decision as to how much it will give to the Federal Police to see that the community is properly policed. It is clear from a variety of sources that the amount that is given is not sufficient to counter the sorts of problems that we have with the breach of law in this community. Senator McKiernan read—and I will read again—what was said in the Australian Federal Police annual report 1996-97. It is a quote contained in the report which was signed by Mr Palmer, the Commissioner of the Australian Federal Police—again, a person acknowledged as an outstanding police offic-

er. The report contains the following statement:

> With reducing budgets and fewer people . . . the number of tasks the AFP must place 'on hold' or reject because of lack of resources will increase. There is also an increasing opportunity cost to the AFP's clients and stakeholders, and ultimately Australia, of the amount of crime falling within the AFP's jurisdiction that will be allowed to continue unimpeded, and remain uninvestigated and undiscovered.

That is a statement of fact and it is a statement which we as a parliament and this government have to face.

The answer given by the government to the proposition that there are not enough resources is that there is a $10 billion black hole in the budget which the previous government left. I do not want to argue, for the purposes of this discussion, about that.

Senator Calvert—You wouldn't win.

Senator COONEY—But, Senator Calvert, what the government is saying is, 'We are not giving enough money to the Federal Police. We are not giving enough money to investigate the crime that is committed in this community. We are not doing enough, and the reason for that is we haven't got any money.' It is a very interesting proposition that this government is willing to tolerate a considerable amount of crime on the basis that there is not enough money available. They do not want to gather any more money in. They do not want to take the appropriate measures to see that more money is taken in to enable crime to be countered. That, I suggest, is a very concerning position for the government to take. *(Time expired)*

Senator FERGUSON (South Australia) (3.26 p.m.)—As usual, Senator Cooney has made a thoughtful contribution to a debate on a motion to take note of an answer and has looked at matters in a very careful and considered way. It is perhaps a pity that Senator Bolkus, when asking the question of the Minister for Justice (Senator Vanstone), whose answer we are taking note of today, did not use the same careful and thoughtful consideration in trying to get his point across.

It was totally irresponsible of Senator Bolkus, both in the way he asked his question and in his motion to take note of the answer to the question, to use scare tactics in raising very emotive issues—issues which are very important to our community. He particularly raised the issue of paedophiles and the amount of money that is available to the Federal Police for the pursuit of these people in our society. As my colleague Senator Coonan said, it is a very secretive act, so there is certainly a lot of difficulty in making sure that these activities are curtailed.

Senator Cooney raised these issues in a sensitive way and I think it is important that we make sure that it is done along those lines. We are really talking about the Australian Federal Police budget reductions and the effect that those reductions have actually had on its ability to perform its duties well. It is well known that the Australian Federal Police is undergoing changes to its structure. Those changes are designed to make it a more efficient and team-focused organisation. These changes, we hope, mean that the government is going to get more for its dollar from the AFP today than it has previously.

It is in this context—and in this context only—that some savings from the Australian Federal Police budget have been made. They have been made in the knowledge that no agency—throughout the whole of the number of agencies that this government controls—is exempt from contributing to fill that budget deficit, that black hole, of $10.3 billion. No agency is exempt from trying to fix the deficit that was left by the previous government after the last election. The savings have all been focused on non-operational and administrative areas. So with regard to the issues that were raised by Senator Bolkus, and certainly followed up by Senator Cooney, those activities on which we need to have some special focus will still go ahead.

I understand that no operations have actually ceased due to budget cuts. As Senator Cooney well knows, no cuts are made in areas such as this without due consideration of the effects of those cuts and what those cuts are going to mean to the working and operational ability of an agency like the Australian Federal Police.

The national prioritisation framework ensures that the resources are directed to priority areas. It would do us well to remember in the light of those budget cutbacks that the Australian Federal Police budget for this year is $246 million—it has been stated by speakers before me, and I think it is important that we remember those facts—which represents a cut of five per cent. In the 1996-97 budget, a cut of four per cent was made. We also need to remember that on 30 June 1997 the number of staff with the Australian Federal Police was 2,667, which was a reduction of 105 in their total force since this government came into office. We really need to compare those cuts with the previous government's reduction of 398 people over its last five years in office.

These are very important matters and certainly have every right to be raised in this chamber, but it is important that they are raised in a less emotive manner than the way in which they were raised by Senator Bolkus today. Rather than trying to score some cheap political points, using these emotive issues, he should do it in a far more considered manner. Those of us on both sides of the chamber are most concerned that all of the issues that were raised by Senator Bolkus receive top priority. I am sorry that we reached the stage today when the emotion that Senator Bolkus brought forward in his question allowed the debate to deteriorate. *(Time expired)*

Question resolved in the affirmative.

PETITIONS

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

Food Labelling

We, the undersigned citizens and residents of Australia, call on all Senators to support implementation of the following:

a requirement to label with the production process, all foods from genetic engineering technologies or containing their products;

real public participation in decisions on whether to allow commercialisation of foods, additives and processing agents produced by gene technologies;

premarket human trials and strict safety rules on these foods, to assess production processes as well as the end products.

Precedents which support our petition include several examples of foods already labelled with the processes of production; irradiated foods (here and internationally); certified organic foods; and many conventional foods (pasteurised; salt-reduced; free-range; vitamin-enriched; to name only a few).

We ask you all to accord a high priority to supporting and implementing our petition.

by **Senator Calvert** (from 20 citizens) and **Senator Stott Despoja** (from 258 citizens).

Food Labelling

We the undersigned request the Australian Senate implements the following:

A Senate enquiry into the use of genetic engineering in the Australian Food Supply, including the ethics of its use.

That consultations be undertaken with the general public to ask if we want this technology in our food supply and consent to its use.

That consumers be resourced to attend these consultations.

Any food that is genetically engineered or contains components that are genetically engineered are required to be labelled, including the origin of the genes.

That meaningful right to know legislation be enacted to guarantee public access to toxicology data.

by **Senator Woodley** (from 129 citizens).

Logging and Woodchipping

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

For permanent protection of old-growth forests and all other areas of high conservation value, and for the implementation of tree plantation strategies.

This petition from the undersigned respectfully points out that: there is an increasing and urgent demand from the people, to protect all remaining high conservation value forests which support flora and fauna unique to Australia, thus complying with the United Nations Biodiversity Convention to which Australia is a signatory. We have a responsibility to future and present generations, and the necessary reasons, knowledge and technology to act now on the following achievable solutions.

Your petitioners therefore request that the Senate legislate to:

immediately stop all logging and woodchipping activities in high conservation value native forests;

ensure intergenerational equity by planning for the rights of future generations, and protecting in perpetuity all biologically diverse old-growth

forests, wilderness, rainforests and critical habitats of endangered species;

facilitate rapid transition of the timber industry from harvesting high conservation value native forests, to establishing mixed-species farm forestry on existing cleared and degraded lands, using non-toxic methods to protect ecological sustainability;

maximise use of readily-available plantation timber for industry needs, using appropriate forestry techniques and progressive minimal-waste processing methods, such as radial sawing, and wherever possible, reuse and recycle wood and paper products;

support incentives for nationwide employment in composting, soil remineralisation programs, and the planting programs of trees and annual fibre crops, inter-grown with appropriate fruit and nut trees and medicinal plants;

encourage sensitively-managed, environmental education tourism in appropriate forest areas, with full respect for natural ecosystems, Aboriginal cultural heritage, sacred sites and other sites of significance; and

progressively utilise technological expertise and resources transferred from the military sector, to help implement these tree planting solutions; and to motivate the international community to follow this example.

And your petitioners as in duty bound will ever pray.

by **Senator Brown** (from 220 citizens) and **Senator Calvert** (from 57 citizens).

Native Title

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

The Petition of the undersigned requests that the Aboriginal and Torres Strait Islander peoples of this country are treated justly and fairly. It is in the interest of all to build this nation in a spirit of reconciliation and cooperation with Australians of diverse racial and ethnic backgrounds.

We call on you to ensure that regional agreements with Aboriginal and Torres Strait Islander peoples are pursued in good faith, so as to determine their rights to their land in a spirit of reconciliation.

The co-existence of Native Title and Pastoral Leases on Crown Land is supported by legal principle and historic fact, upheld by the High Court. The people and Governments of Australia have a moral responsibility to give this fact real and just effect.

We call on members of the Senate to ensure that legislation regarding Native Title

(i) complies with internationally recognised principles of non-discrimination; and

(ii) promoted Reconciliation with Australia's first peoples.

by **Senator Stott Despoja** (from 204 citizens).

Importation of Cooked Chicken Meat

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

The Petition of the undersigned shows that the importation of cooked chicken meat into Australia would put at risk Australia's domestic poultry market due to the following risks:

1. Importation could allow the entry of the deadly Newcastle Disease to Australia—a disease which could devastate our native bird population if it entered this country through inadequate processing and packaging of contaminated birds; and

2. Importation could bring in new forms of human pathogens, not present in Australia, exposing humans who purchase imported chicken meat to debilitating and possibly fatal illnesses.

Your petitioners request that the Senate do all in its power to prevent the importation of cooked chicken meat from Thailand, Denmark and the United States of America.

by **Senator Woodley** (from 600 citizens).

Nursing Homes

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

We the undersigned pensioners and citizens of Australia hereby call upon the Australian Government to cancel the current charges for entry into a nursing home by frail aged peoples of Australia. We point out that over many years the Private Nursing Home Industry has distributed large profits to shareholders, neglecting the need to upgrade buildings and facilities. We further call upon the Government to publish the profits of the Private Nursing Home Industry, before tax, over the past five years.

Your petitioners therefore ask the Senate to direct the Government to provide a system that ensures that frail aged Australians be free from the stress and strains of the huge environmental changes of lifestyle in entering a nursing home and the uncertainty of a better quality of life in their twilight years. And your petitioners as in duty bound will ever pray.

by **Senator McKiernan** (from 219 citizens).

Petitions received.

ORDER OF BUSINESS

Family Law Regulations

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

That business of the Senate notice of motion no. 1 standing in the name of Senator Bolkus for today, relating to the disallowance of the Family Law Regulations (Amendment) contained in Statutory Rules 1997 No. 157, be postponed till the next day of sitting.

COMMITTEES

Rural and Regional Affairs and Transport Legislation Committee

Extension of Time

Motion (by **Senator Calvert**, at the request of **Senator Crane**)—by leave—agreed to:

That the time for the presentation of the report of the Rural and Regional Affairs and Transport Legislation Committee on the provisions of the Customs Tariff Amendment Bill (No. 2) 1997 [No. 3] be extended to 17 November 1997.

ORDER OF BUSINESS

Special Broadcasting Service

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

That general business notice of motion No. 847 standing in the name of Senator Bolkus for today, relating to the Special Broadcasting Service, be postponed till the next day of sitting.

East Timor: Human Rights

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

That general business notice of motion No. 852 standing in the name of Senator Margetts for today, relating to human rights in East Timor, be postponed till 17 November.

East Timor: Self Determination

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

That general business notice of motion No. 857 standing in the name of Senator Margetts for today, relating to East Timor, be postponed till 17 November.

Senate: Prayers

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

That general business notice of motion No. 840 standing in the name of Senator Brown for today, relating to an amendment to standing order 50, be postponed till 27 November.

Australian Capital Territory: Government

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

That general business notice of motion No. 846 standing in the name of Senator Brown for today, relating to a review of the Australian Capital Territory's system of government, be postponed till 17 November.

Tasmania: Regional Forest Agreement

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

That general business notice of motion No. 850 standing in the name of Senator Brown for today, relating to the Tasmanian Regional Forest Agreement, be postponed till 18 November.

NOTICES OF MOTION

Remembrance Day

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

That the Senate—

(a) notes:

(i) 11 November is Remembrance Day, where we remember those who lost their lives in war,

(ii) the one minute's silence observed in the Senate marks the signing of the Armistice on the 11th hour, of the 11th day, of the 11th month, 1918, ending fighting on the Western Front,

(iii) tragically, in World War 1 over 64 per cent of Australia's forces became casualties, and

(iv) the Australian fallen in conflicts in which this nation has been involved number more than 100 000;

(b) remembers all Australia's war dead in all conflicts in which Australia has participated and the many men and women who have helped protect Australia in times of war; and

(c) notes that without the sacrifices made by hundreds of Australians during wartime we would not have the lifestyle and freedoms we enjoy today.

Iraq

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

That the Senate—

(a) notes, with concern:

(i) the recent actions of the United States (US) Government in Iraq, which have escalated tensions in the Middle East,

(ii) that there are reports that the US members of the United Nations Special Commission (UNSCOM) inspection team in Iraq have often kept information from other members of the United Nations (UN) inspection team and that this has created such tension that a former French member of the inspection team has admitted that they were merely gathering intelligence for the US,

(iii) that there is general acceptance that the current sanctions against Iraq are of great benefit to US and British commercial interests which are well established in Saudi Arabia and Kuwait,

(iv) that the Australian Government pays the salary and allowances of the Chief of UNSCOM, former diplomat Mr Richard Butler, and

(v) the continued use by the US of the UN as a cover for its blatant activities in Iraq is the height of hypocrisy given the massive level of funding owed by the US Government to the UN; and

(b) calls on the Australian Government to withdraw its support for UNSCOM unless the US Government agrees to withdraw all US nationals from the UNSCOM inspection team in Iraq.

Child Disability Allowance

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

That the Senate—

(a) notes the admission by the Minister for Social Security (Senator Newman) that Australian Bureau of Statistics figures relating to children who qualified for the Child Disability Allowance in 1993, which appeared in the 1997-98 Budget document, 'What's New, What's Different', were wrong;

(b) condemns the Government for using incorrect figures to support a policy change which will see approximately 12 283 disabled children lose eligibility for the Child Disability Allowance, saving the Government approximately $23 million; and

(c) calls on the Minister to make an official statement retracting claims that 21 per cent of children who qualified for the Child Disability Allowance in 1993 had no handicap and did not require personal help or supervision for self-care, mobility or verbal communication.

BHP: Offshore Operations

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

That the Senate—

(a) notes, with concern, that despite two inquiries into BHP Petroleum offshore safety arrangements and, in particular, incidents on board the BHP Petroleum vessel *Griffin Venture* in May 1994 and January 1996, there was another major incident on that vessel on 10 November 1997, highlighting the continuing problem with safety management and culture in BHP Petroleum; and

(b) calls on the Minister for Resources and Energy (Senator Parer) to establish an independent judicial inquiry, assisted by a professional engineer with expertise in the petroleum industry, to examine the operations and safety management and culture in BHP Petroleum's offshore petroleum operations.

Nike: Third World Employees

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

That the Senate—

(a) notes that:

(i) Nike has announced its intention to open in 1998 its first Australian store in Melbourne,

(ii) employees in Nike's Ho Chi Minh City factory are working in unsafe conditions, according to an audit by Ernst & Young reported in the *Australian* on 11 November 1997,

(iii) employees are suffering respiratory problems as a result of exposure to airborne carcinogens many times above the legal limits in both the United States of America (US) and Vietnam, and that the factory offers inadequate safety equipment and training,

(iv) wages are slightly more than US$10 a week, while there is pressure to work an excess of overtime up to 65 hours a week, and

(v) in Australia, and in the US, community groups, activists and politicians have been

urging Nike to improve unsafe and degrading conditions for its third world workers;

(b) condemns Nike's failure to offer an environment of safe conditions and fair wage for its third world employees, while simultaneously trading on a progressive advertising image; and

(c) urges the Victorian Premier (Mr Kennett) and the Melbourne City Council to raise these issues in negotiations with Nike over the opening of its store.

Nuclear Weapons

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

That the Senate—

(a) notes that the United Nations (UN) disarmament committee will shortly vote on a resolution calling for the implementation of the advisory opinion of the International Court of Justice on the threat or use of nuclear weapons;

(b) condemns the Australian Government for failing to support this proposed UN resolution seeking to outlaw nuclear weapons; and

(c) urges the UN to adopt the resolution.

Victoria: Auditor-General

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

That the Senate—

(a) notes the resignation, on 11 November 1997, of Victorian Liberal Party backbencher and former Victorian Government minister, Roger Prescott, citing his dissatisfaction with the Government's plans to alter the role of the Victorian Auditor-General; and

(b) urges the Victorian State Government not to proceed with changes which would diminish the independence of the Auditor-General.

TASMANIAN WILDERNESS WORLD HERITAGE AREA

Motion (by **Senator Brown**)—proposed:

That the Senate

(a) notes that:

(i) Senator Brown made a request, dated 14 May 1997, under the Freedom of Information Act 1982 for documents relating to the decision by the Minister for the Environment (Senator Hill) to keep open the Mt McCall Road in the Tasmanian Wilderness World Heritage Area, and

(ii) that the Minister failed to meet statutory time limits to respond to the request, and then provided only one of three documents identified, and that with substantial deletions; and

(b) resolves that there be laid on the table by the Minister for the Environment (Senator Hill), no later than 7 pm on Tuesday, 11 November 1997, the documents which were the subject of the freedom of information request, namely:

(i) the assessment by the Department of the Environment of the Tasmanian Government's cost-benefit analysis on the Mt McCall Road,

(ii) the department's advice on the environmental consequences of closing or retaining the Mt McCall Road, and

(iii) any legal advice relating to the Mt McCall Road between 1 January and 12 May 1997.

Question put.

The Senate divided. [3.48 p.m.]

(The President—Senator the Hon. Margaret Reid)

Ayes	31
Noes	30
Majority	1

AYES

Allison, L.	Bartlett, A. J. J.
Bishop, M.	Brown, B.
Campbell, G.	Carr, K.
Collins, J. M. A.	Collins, R. L.
Conroy, S.	Cook, P. F. S.
Cooney, B.	Crowley, R. A.
Evans, C. V. *	Faulkner, J. P.
Forshaw, M. G.	Gibbs, B.
Harradine, B.	Hogg, J.
Lees, M. H.	Lundy, K.
Mackay, S.	Margetts, D.
McKiernan, J. P.	Murphy, S. M.
Murray, A.	Neal, B. J.
O'Brien, K. W. K.	Quirke, J. A.
Stott Despoja, N.	West, S. M.
Woodley, J.	

NOES

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

NOES

Ferguson, A. B.	Ferris, J.
Heffernan, W.	Herron, J.
Hill, R. M.	Kemp, R.
Knowles, S. C.	Lightfoot, P. R.
Macdonald, S.	MacGibbon, D. J.
McGauran, J. J. J.	Newman, J. M.
O'Chee, W. G.	Parer, W. R.
Payne, M. A.	Reid, M. E.
Tambling, G. E. J.	Tierney, J.
Troeth, J.	Vanstone, A. E.

PAIRS

Bolkus, N.	Watson, J. O. W.
Bourne, V.	Gibson, B. F.
Denman, K. J.	Macdonald, I.
Ray, R. F.	Minchin, N. H.
Reynolds, M.	Abetz, E.
Schacht, C. C.	Synon, K. M.
Sherry, N.	Patterson, K. C. L.

*** denotes teller**

Question so resolved in the affirmative.

LANDMINES

Motion (by **Senator Margetts**)—agreed to:

That the Senate—

(a) notes that:

(i) negotiations for an international, comprehensive ban on landmines were recently held at the Oslo Conference of the Ottawa Process,

(ii) in a Joint Declaration issued in Switzerland on 3 September 1997, the President of South Africa, Nelson Mandela, and the President of Switzerland, Arnold Koller, reminded states gathered at the Oslo Conference that 'a historic opportunity is offered to them to take a substantial step towards solving the problems and human suffering which antipersonnel mines cause in many countries around the world',

(iii) they called 'upon the states participating in the Oslo Conference to make use of this opportunity and to commit themselves with all determination at these negotiations to a comprehensive prohibition of the use, stockpiling, production and transfer of antipersonnel mines without exception as well as an obligation to clear antipersonnel mines which have been laid and to destroy antipersonnel mines which are stockpiled',

(iv) the Ottawa Process was intended to be an urgent response to a global crisis, with no exceptions, no loopholes and no reservations; and

(b) calls on the Government to:

(i) urge the United States of America and other resisting States to support a comprehensive ban on antipersonnel mines,

(ii) take the spirit of urgency from the Ottawa Process to the Conference on Disarmament for negotiations on antipersonnel mines,

(iii) accept the call of Presidents Mandela and Koller through supporting a comprehensive ban on antipersonnel mines, and

(iv) sign the agreement reached at the Oslo Conference without qualification.

Senator CALVERT (Tasmania) (3.51 p.m.)—by leave—The government is committed to the goal of achieving an effective global landmines ban—let there be no mistake about that—and is very sympathetic to the Ottawa process. At the present time, cabinet is considering whether Australia should sign the Ottawa treaty when it is opened for signature on 3 and 4 December. Given that cabinet has not yet made a decision, we cannot support this motion.

It is fair to note that the government fully supports the call for negotiations in the Conference on Disarmament. The government has always supported proposals for work on a global landmines ban in the Conference on Disarmament since the membership of the conference includes key landmine users and producers who have distanced themselves from the Ottawa treaty process. The government remains committed to continuing to make the greatest practical difference to the victims of landmines by contributing extensively to de-mining and mine victim rehabilitation. The Senate does not need reminding that the government already has committed $19 million since May 1996 to this process.

Senator MARGETTS (Western Australia) (3.52 p.m.)—by leave—I thank Senator Calvert for his remarks. I would indicate that it is an issue of growing community concern in Australia. Many people will have listened carefully to the statement today and will be watching very carefully to see the government's actions in relation to the Ottawa process.

COMMITTEES

Community Affairs References Committee

Reference

Motion (by **Senator Neal**)—agreed to:

(1) That the Senate notes the Federal Government's $820 million cuts to child care over two budgets.

(2) That the following matters be referred to the Community Affairs References Committee for inquiry and report by 30 June 1998:

(a) the impact on families, children and child care services of:

(i) the abolition of grants and subsidies to child care and vacation care and any future abolition of operational subsidies for family day care services,

(ii) any reduction of families' access to child care assistance and the child care rebate,

(iii) families only being able to access child care subsidies in the form of child care assistance and the child care rebate if their children are cared for by carers other than the parents,

(iv) limits on and regional allocation of child care hours and places and the extent of unmet demand for child care places,

(v) any reduction in quality of services or the accreditation system, and

(vi) implementing the Child Care Payments Bill 1997 on 27 April 1998;

(b) the extent and impact of:

(i) fee increases related to budget cuts,

(ii) child care service closures,

(iii) any reduction in child care places,

(iv) the use and nature of unregulated, backyard care, and

(v) any reduction in hours and services provided to children;

(c) the effect of taxation, including but not limited to the Family Tax Initiative, on parents and their ability and choice to participate in the paid workforce or in the full-time care of their children:

(d) the effect of child care subsidies (in the form of child care assistance and the child care rebate) being available only for families who contract out their child care to others, and not for those who provide child care at home;

(e) the effect of fee increases and changes in the child care sector on women and their ability and choice to participate in the work force;

(f) the extent of reductions in Federal Government revenue from people leaving the work force because they cannot afford child care services and the additional cost to Government of social security payments to them and their families;

(g) the impact on work-based child care and workers where fringe benefit tax exemption for employer-sponsored care has been denied and any restriction on child care places; and

(h) the impact of the Government's changes on workers in the child care industry and their conditions, and associated job losses.

NIGERIA: HUMAN RIGHTS

Motion (by **Senator Brown**)—proposed:

That the Senate—

(a) notes that:

(i) 10 November 1997 is the second anniversary of the execution of Mr Ken Saro-Wiwa and eight other Ogoni activists by the Nigerian Government, and is a day of international action in support of human rights in Nigeria, and

(ii) 20 Ogoni activists continue to be imprisoned under appalling conditions by the Nigerian Government under threat of execution and that the lives of others are also under threat; and

(b) calls on the Federal Government to create a special assistance category to allow those particularly vulnerable Ogoni people who face immediate and grave threats to their lives to come to Australia and live in safety.

Question put.

The Senate divided. [4.01 p.m.]

(The President—Senator the Hon. Margaret Reid)

Ayes	9
Noes	41
Majority	32

AYES

Allison, L.	Bartlett, A. J. J.
Brown, B.	Harradine, B.
Lees, M. H.	Margetts, D. *
Murray, A.	Stott Despoja, N.
Woodley, J.	

NOES

Bishop, M.	Boswell, R. L. D.
Brownhill, D. G. C.	Calvert, P. H. *
Campbell, G.	Carr, K.
Collins, J. M. A.	Collins, R. L.
Cook, P. F. S.	Coonan, H.
Cooney, B.	Crane, W.
Crowley, R. A.	Eggleston, A.
Evans, C. V.	Faulkner, J. P.
Ferguson, A. B.	Ferris, J.
Forshaw, M. G.	Gibbs, B.
Hogg, J.	Knowles, S. C.
Lightfoot, P. R.	Lundy, K.
Macdonald, S.	MacGibbon, D. J.
Mackay, S.	McGauran, J. J. J.
McKiernan, J. P.	Murphy, S. M.
Neal, B. J.	O'Brien, K. W. K.
O'Chee, W. G.	Parer, W. R.
Payne, M. A.	Quirke, J. A.
Reid, M. E.	Schacht, C. C.
Tambling, G. E. J.	Troeth, J.
West, S. M.	

PAIRS

*** denotes teller**

Question so resolved in the negative.

LIFE EDUCATION

Motion (by **Senator O'Chee**)—as amended—by leave—agreed to:

That the Senate—

(a) notes the valuable work done by Life Education Queensland in educating young people about the dangers of drug abuse, thereby giving hope that they may enjoy drug-free lives;

(b) sees parallels in the work of a brave group of country women who gave hope to the small Queensland town of Tambo through their 'Tambo Teddies' business; and

(c) encourages senators, members and parliamentary staffers to support the work of Life Education Queensland, particularly in Aboriginal communities in Cape York Peninsula, by buying a ticket in the raffle for Tambo Station 'Life Ed' Ted, a Tambo teddy currently on display in the office of the Government Whip in the Senate (Senator Calvert).

MATTERS OF URGENCY

Logging and Woodchipping

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

Dear Madam President,

Pursuant to Standing Order 75, I give notice that today I propose to move:

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

The Howard Government's handling of the Tasmanian Regional Forest Agreement, which is deserving of condemnation.

Yours sincerely

Bob Brown

Is the proposal supported?

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

The DEPUTY PRESIDENT—I understand that informal arrangements have been made to allocate specific times to each of the speakers in today's debate. With the concurrence of the Senate, I shall ask the clerks to set the clock accordingly.

Senator BROWN (Tasmania) (4.03 p.m.)—I move:

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

The Howard Government's handling of the Tasmanian Regional Forest Agreement, which is deserving of condemnation.

I thank the Democrats and Senator Margetts from the Greens (WA) for supporting my move to bring on this urgent motion. This is the first urgent motion ever before this place by the Australian Greens, and I cannot highlight enough how fundamentalJy important it is not only to Tasmania but to Australia.

Some time ago I slept out overnight under the starry night of the Tarkine skies on a ridge in the Keith River catchment beneath the rainforest, with statuesque Antarctic beech trees reaching not only into those skies but towards a thousand years in age, with a scattering of sassafras and flowering leatherwoods underneath. In the canopy at least three species of owls called during the night and there was a great scurry of marsupials, and no doubt a lot of sleeping by a variety of birds, including Tasmania's most endangered white goshawks and wedge-tailed eagles, larger than their mainland cousins, in that region.

I draw that to the Senate's attention because on Saturday, when the Prime Minister (Mr Howard) flew to the Perth nursery near

Launceston, he signed the death warrant of those forests. They will be fed into the woodchippers and exported through the paper chain to the rubbish dumps of the northern hemisphere. This stands in stark contrast to the promise made to this nation by the Prime Minister on the eve of the last election that the coalition as a fundamental priority would protect Australia's high conservation value native forests. He said that his coalition was committed to the preservation of Australia's wilderness and high conservation value old growth native forest. This was a Prime Minister who condemned Prime Minister Keating as the champion woodchipping Prime Minister of all time. But what he has done has effectively topped any past malfeasance by moving to accelerate the destruction of Tasmania's world heritage and national estate forests.

Notwithstanding what Minister Hill, who purports to be the Minister for the Environment, said in question time, the accelerated destruction will lead, amongst other things, to up to 50,000 extra log trucks taking Tasmania's wild forests, and with them the habitat of wildlife, to the woodchip mills each year over the next 20 years—an extra 50,000 log truck movements through downtown Hobart and through Launceston carrying this destructive abuse of the grand forests of Tasmania to their death.

Some one million hectares of forest and forest habitat, both past used and never touched before by a chainsaw or a bulldozer, are now in the domain of that destruction. It is well to reflect that some million hectares of forest recently went up in flames in Indonesia, which has caused world condemnation. Yet this million on the tiny island of Tasmania will be cut and carted off and its remnants burnt before poison is laid and the ecosystems totally destroyed, with their wildlife, forever, because that was the intention of Prime Minister Howard when he put his signature on their death warrant last Saturday.

It is more than that. He not only put his signature on that death warrant. He said, through that agreement with the Tasmanian government, 'We will take $110 million of Australian taxpayers' money and give it to the logging industry', as compensation for some postage stamp sized reserves left in the wake of this decision. Through that money, which every taxpayer in this country will be obliged to contribute to, whether they like it or not, this accelerated destruction will occur and the profit lines of large woodchip corporations which give donations to the prime ministerial electoral coffers—Amcor and Boral, for instance—will be swelled, while nothing good is done for the environment of Tasmania. Certainly nothing to echo the promise of the Prime Minister will be done. *(Time expired)*

Senator CALVERT (Tasmania) (4.08 p.m.)—As a Tasmanian, I am proud to stand here and defend the government's attitude on the RFA. The Tasmanian regional forest agreement that was signed last Saturday morning is an historical document. It deserves better than the kind of hysterical response we heard just then.

The RFA is the first legally binding intergovernmental pact between the Commonwealth and a state or territory. In addition, the successful execution of the RFA ensures that there is only one approach to further expanding the public and private wood resource in Tasmania: that is, by commonsense and further plantations. I did not hear one word from Senator Brown about plantations. It suits them to mention plantations when they feel like it.

The fact of the matter is that this is a legally binding government pact. It comes after something like 30-odd investigations. Perhaps Senator Faulkner can tell me exactly how many investigations there have been. He was involved in a lot of this. I do not know exactly how many there have been, going back to the 1970s, but the fact is that this is good news for all stakeholders, and it is good news that the Howard government has delivered. I am sorry that my colleagues, Senators Abetz, Gibson and Watson are not here today to participate in this debate.

One must remember that the voice of moderation throughout this entire debate has been that of Mr Ian Whyte. As Chief Executive of the Forestry Industry Association, Mr Whyte has stated that the RFA:

. . . will give the industry 20 years of stability and resource security. It should also mark the end of the constant battles industry has had with regard to woodchip exports, the Australian Heritage Commission and other Commonwealth Government points of interference.

Leaving aside the merits or otherwise of Senator Brown's motion for the moment, I would like to reflect briefly on the amazing events that took place on Saturday morning at the Perth nursery, near Launceston.

Although I was not there, I managed to read the newspaper reports. I understand there were about 40 or 50 protesters there and it took the car of the Prime Minister (Mr Howard) some five minutes to force its way through those protesters, who covered the car with banners and, unfortunately, placed the driver in a bit of a dilemma.

One of the protesters there was Senator Brown, the mover of this motion. There was a photograph of him on the front page of the *Sunday Examiner*.

Senator Faulkner—Is the cameraman who was run over by the security car all right?

Senator CALVERT—I understand so, yes. But there was a photograph of Senator Brown on the front page of the *Sunday Examiner*, wearing a suit and struggling with a couple of security people. Obviously it was a bit cooler down there in Launceston than it is in the Senate, because I have noticed that a lot of the time Senator Brown does not wear a coat into the Senate.

When I consulted the *Parliamentary Handbook*, I noted that Senator Brown is now rapidly approaching the age of 53. For a man of that age to try to stop a car is a physical feat. But we are used to that sort of thing. He has been known in the past to try to stop bulldozers and to chain himself to trees, He has been accused of being a camera chaser and a stuntman and all sorts of thing. It shows that, for a senator—

Senator Brown—Mr Acting Deputy President, I rise on a point of order. I may be remiss, but I have never chained myself to a tree.

Senator CALVERT—He may have chained himself to a bulldozer. He has been whitewater rafting and all that, to draw attention to whatever matter he is trying to draw attention to. The reason I draw attention to this is that we have to reflect on the fact that we are lucky we live in a country where we have a wonderful democracy and where peace, order and good government are allowed under the constitution. Three days ago Senator Brown could jump onto the car of the Prime Minister of the country—and possibly threaten the Prime Minister or whoever was in it—and now, three days later, he can stand in this place and move a motion condemning the same person. It shows that we are lucky to live in a democracy where those types of freedoms can be practised.

The fact about the regional forest agreement is that it is a classic win-win agreement. Those are not my words but the words the *Advocate* used. The agreement comes as a result of many months and hours of hard work. Although Senator Brown does not seem to think it delivers anything, from a conservationist's perspective the regional forest agreement as outlined in the *Advocate* delivers a world-class, comprehensive, adequate and representative—CAR—reserve system, based on nationally agreed reserve criteria. Those nationally agreed reserve criteria are the Janis criteria. Senator Faulkner and Senator Brown would be aware of that—15 per cent of total species when Australia was first settled.

By way of explanation, over 300 scientists and accredited experts have worked on this project over the past two years. In addition, we have another 396,000 hectares of public land to be added to the existing reserves—an increase of some 17 per cent. This brings the total reserve system in Tasmania to 2.7 million hectares, representing 40 per cent of the state's total area. It creates 29 new areas of national parks and state reserves, including: the Savage River, Friendly Beaches, Beech Creek, Blakes Opening, and some other forest areas adjacent to the existing world heritage area. They will be added to the current national parks and will be available for inclusion in the world heritage area.

There will be protection of up to 97,000 hectares of private land through a stewardship system costing about $30 million, with $20

million coming from the Natural Heritage Trust and another $10 million from a Commonwealth grant. The sum of $70 million will be provided by the Commonwealth for plantations, intensive forest management and industry development.

The plan is to develop a program of hardwood plantations as well as thinning, non-chemical pest management, special species recovery and various research projects. Ten million dollars is going to be spent on infrastructure developments, including $3 million for visitor centres to promote tourism. There is to be the development and implementation of a threatened species protection strategy by December 1998 and a Tasmanian biodiversity strategy by December 1999.

As Senator Brown has already said, state forests are home to many threatened species of flora and fauna and include some threatened forest communities. The RFA establishes and maintains effective strategies to protect these species and communities. Research for the RFA identified 170 species of flora and 59 species of fauna as priority species for protection. Under the RFA they will be protected through management of the CAR reserve system. By focusing attention on species in the comprehensive regional assessment, the RFA has accelerated the recovery process for a number of species. Two examples are the recovery plans developed for the swift parrot and the giant freshwater lobster.

As stated at the outset, the Tasmanian regional forest agreement gives the forest products industry: 20 years security on eucalypt supply levels; new plantations which will increase sustainable yield over time; the increased certainty it needs to plan ahead; reduced sovereign risk; and deregulation of woodchip exports.

This puts Tasmania into the position of having an agreement which is based upon scientific research and will deliver certainty and security to all the stakeholders. As stated by the Prime Minister, since 1970 there have been 30 separate inquiries into the industry. The result has been 'paralysis through constant analysis'. I do not have to remind you, Mr Acting Deputy President Murphy, as a person who has been involved in this from time to time and not always agreeing with what the government of the day has been doing, that it is now time, with this in place, for the industry to be allowed to get on with the job.

However, it is unfortunate that, with his state counterparts having nowhere to go, Senator Brown is today lashing out at the government today. The reality is—and Senator Brown should know this—that the Howard government has been Senator Brown's best friend. He should refer to some of his former state colleagues, such as Greens state member, Peg Putt. She is reported in yesterday's *Examiner* as saying: The fact that Labor had an even worse policy stand on forestry than the Liberals was a factor that had to be considered.

Today we read that the state Labor opposition have rejected a Greens offer to form a government if Labor would protect certain forests. State Greens leader, Christine Milne, has stated:

It is critically important for the community to know what Labor's position is. They are seeking government . . . and Tasmania needs to know what their policy would be in the event they were to achieve government.

The state Labor leader, Mr Jim Bacon, has rejected the Greens offer by stating that he is not interested in bargaining for public office. I suppose I do not blame him in view of the disaster that happened before when we had the Green-Labor accord. But I think we have to accept Mrs Milne's point when she asks, '-what is the Labor Party's position on the RFA?' I hope to hear that today from Senator Faulkner and some of my Tasmanian colleagues.

The silence on the agreement by the federal Leader of the Opposition (Mr Beazley) is deafening. I wonder why. I suspect that one reason may be that Mike Grey has stated that his union would campaign against the locking up or deferral of the Savage River and Beech Creek parks. Senator Murphy might elaborate on that.

Another reason for Kim Beazley's silence is that he agrees with the statement of the Minister for the Environment, Senator Hill, namely:

All fair minded Australians will recognise (the RFA) as a balanced package that delivers on our

commitment to both jobs and scientifically-based conservation outcomes.

As the Tasmanian Premier, Tony Rundle, has stated, the RFA is 'a deal based on science, not politics'. With respect to the issue of biodiversity, as far as practicable, Janis targets for forest communities and old growth have been met for public land. Meeting such targets has addressed the serious under-representation of some forest types, particularly along the drier east coast. The RFA has also secured an ongoing commitment from the Tasmanian government to protect national estate values through the CAR reserve system and through its management planning system.

A lot of people have been involved in this process for a long time. Whether they agree totally with it or not, let us hope that we have some peace for the next 20 years for the sake of all people in Tasmania and particularly for the sake of our forest industries which we need for jobs. *(Time expired)*

Senator FAULKNER (New South Wales—Leader of the Opposition in the Senate) (4.20 p.m.)—I did think it was a very disappointing contribution that Senator Brown made in support of his urgency motion. If Senator Brown had come into the chamber and said that he condemned the government for plundering 25 per cent of the Natural Heritage Trust Fund that was allocated to Tasmania to fund the regional forest agreement, I would have agreed with him. If he had come into the chamber and said that he condemned the government for the protracted delay in reaching a conclusion, risking the loss of investment and jobs to Tasmania, I would have agreed with him. If he had come into this chamber and said that he would condemn the ministers of the Howard government for fighting among themselves—in this political infighting which has now reached farce proportions—I certainly would have agreed with him. They are all very legitimate criticisms of the Howard government's handling of the Tasmanian RFA process.

But, of course, we did not hear that from Senator Brown. As far as the opposition is concerned, we are consistent on the issue of regional forest agreements. We have always cautiously welcomed the environmental and the industry gains that the RFA process has the potential to make. We have always done that. That has been our consistent position.

I have to say to the Senate today that we have not been able to fully examine the details of this particular agreement and, as far as I know, the public has not been able to do that either. Senator Brown did not tell us this, but I do not think any of these details have been made public, so it is very difficult for us to look at the fine detail. To pick up the point that Senator Calvert made in his rather unimpressive contribution, hopefully the RFA would have been compiled with these scientific criteria in the front of the minds of those who were responsible for it.

There is no doubt that, had the Labor Party been in federal government, some aspects of the final outcome would have been different. But as far as the Labor Party is concerned, the RFA process was intended to seek a balanced outcome which necessarily involved some compromise, and that against a background where, on both the environment and the industry side of this debate, the historic tendency had been to play, if you like, a winner take all game.

As far as the Labor Party is concerned, if the RFA meets the strict criteria in the scoping agreement which we agreed to when in government—which stipulated that 90 per cent of wilderness, 60 per cent of old-growth forest and 15 per cent of the pre-17:50 distribution of each forest community must be protected; and I do not know that that has been achieved—then certainly the federal opposition would not have the basis to repudiate a concluded RFA. It is for those reasons that, at this time and with the knowledge that is available to me and the opposition, I do not believe the opposition would be minded to support the urgency motion that Senator Brown has brought before the chamber.

But I have to say this: it does seem to me that what has driven this urgency motion from Senator Brown is guilt. Do not forget that it was Senator Brown's friends in the Wilderness Society in Tasmania—particularly Mr Alec Marr—who were the architects of the government's policy that Senator Brown is now so keen to condemn. That ought not be

forgotten by anybody who has an interest in this issue. It was Mr Alec Marr—Senator Brown's main environmental adviser, Australia's national spokesman for the Wilderness Society—who invested his trust, and that of many of his followers in the environment movement, in a prospective Howard government during the election campaign. I will not forget that.

I will not forget the fact that it was Mr Alec Marr—from the Wilderness Society and Senator Brown's main adviser—who had cups of coffee with Andrew Robb in meetings to neutralise the environmental vote in the 1996 general election. It was the same Mr Alec Marr who, in the *Daily Telegraph* on 1 February, said:

> Broadly, they—

and they, I interpolate, means the Liberal Party—

> have picked up most of the same issues and thrown more money at them with a more comprehensive plan. It's a great day for Australia's environment and marks a fundamental shift in the Coalition's attitude towards the environment.

That was 1 February 1996, when Mr Marr skulked and lurked through the forests with Mr John Howard when Mr John Howard announced this government's environmental policy—which of course they sold out when they came into government. This is the same Alec Marr who, on 2 February in relation to the Canberra by-election, said:

> They—

and I interpolate again that that means the Liberal Party—

> courted us and we courted them. We worked closely with Robb to get the Liberal candidate elected in Canberra.

This is Senator Brown's friend. These are the people who designed this policy. These are the people who supported the election of the Howard government, the government which has sold Australia's environment out. As I said, it is guilt that brings Senator Brown in here to move this urgency motion today. This is the same Alec Marr who, on the Howard government's environment package, said:

> It's an excellent package that deserves funding regardless of the sale of Telstra.

That is the same Mr Alec Marr. It is the same Mr Alec Marr who put his name on the line to give the Howard Liberal Party credibility on the environment. It is the same Mr Alec Marr, as I said, who skulked through the forests with Mr Howard during the election campaign and had his photo taken to endorse the Liberal Party's environment policy that Senator Brown comes into this chamber to condemn today.

What we have seen since this government was elected is a giant leap backwards in terms of environment policy in this country. Thank you, Mr Alec Marr, friend of Senator Brown. Of course, it is the same Mr Howard who has deliberately and viciously cut environment programs. Thank you for endorsing that, Mr Alec Marr, friend and confidant of Senator Brown. It is the same Howard government that has been responsible for a greenhouse policy which has been condemned internationally by every developed and developing country in the world and has been detrimental to our international standing. That is the same policy that Mr Alec Marr endorsed before the election campaign. Thank you, Alec Marr, supporter of Senator Brown.

It is the same Howard government where Mr Howard, Senator Parer and Senator Hill—when they can actually sit in a room together—are wanting to carve up the national parks for multiple land use strategies. Thank you again, Mr Alec Marr, great mate of Senator Brown. It is the same Liberal Party that has given Jabiluka the go-ahead. Thank you again, Alec Marr, friend of Senator Brown; thank you very much. It is the same Liberal Party responsible for government proposals in terms of environmental impact statements being undertaken on about 20 other uranium mine projects in this country. Thank you, Mr Alec Marr, friend of Senator Brown. It is the same John Howard that has cut funds to conservation organisations in this country, including the Australian Conservation Foundation. Thank you again, Mr Alec Marr and Senator Brown, for that great achievement. It is the same Howard government that is responsible for the bulldozers being on the beach at Hinchinbrook. Thanks again, Mr Alec Marr and Senator Brown.

None of these things would have happened under Labor; that is the truth of the matter. They would not have happened under Labor. You had a responsible party in government that took seriously its international obligations and its national responsibility to protect the environment in this country. It was Mr Alec Marr in the election campaign who endorsed this activity. That is why I say it is guilt that drives Senator Brown into the chamber today to move an urgency motion and try to win back some of the ground. This would not have happened under Labor. You would not have had this miserable, pathetic record in terms of protecting the environment.

I just want to say this: Mr Marr has sold out the Australian environment and he has betrayed the environment movement. It is about time, Senator Brown, you stood up and said so. There he is at the moment squirreled out there in Senator Hill's office, the only environmentalist left in this country still defending the government. It is about time you stood up, told the people of Australia so, told your supporters in the environment movement so and apologised for what you and your supporters have perpetrated since the election of the Howard government. No, we will not join you on your guilt trip. We will not support the urgency motion.

Senator LEES (South Australia—Acting Leader of the Australian Democrats) (4.33 p.m.)—That was an amazing effort by Senator Faulkner to explain why they cannot support the motion that is before us today. While I found his speech—I will not say interesting—at least entertaining for a brief period, I would like to point out to Senator Faulkner that, while many of us may be very critical of the stance of Mr Marr during the last election and of many of the misleading documents that were circulated, particularly those targeting my colleague former Senator Robert Bell in Tasmania, that is not the issue before us today.

We are here today to consider a document that I am amazed the opposition has not seen. We have managed to see it. Senator Brown has managed to see it. It has been available since the weekend. Certainly even if Senator Faulkner had based his comments on only the media reports—some of which at least get to some of the issues that have been raised, particularly those I will mention in a moment regarding world heritage issues—he surely could have come in here today and had a much better attempt at dealing with the motion that is before us.

I will leave aside what Senator Faulkner has said for the moment and deal with the government on this issue. This is the government, after all, that has gone to the Australian people and said, apparently with a clear conscience, 'The Wik legislation does not extinguish native title.' We have government senators again in here today—and if you listened to the media over the weekend, you would have heard this—saying, 'This legislation is great for Tasmania.' I think we might suggest that there is about as much truth in one of those statements as there is in the other. As anyone who reads the Wik legislation and as anyone who reads the report into that bill is clearly able to see, it is obvious that there is an enormous amount of extinguishment of native title in clause after clause of that bill, both up-front and not so direct. In case Senator Faulkner is really looking for these documents, I can lend him my copy after we finish here today.

If you look through the first section of the Tasmanian regional forest agreement between the Commonwealth of Australia and the state of Tasmania, you can see that the problems are enormous. If you do not feel like reading the document, Senator Faulkner, then I suggest you at least have a look at the map that goes with it that shows very clearly that there is very little extra protected. If you look into the Tarkine area, in particular the area down to the south, you see those magnificent forests are condemned to the woodchip mills.

'So why should we be concerned,' some people say; 'Let's worry about jobs.' Well let us talk about jobs for a moment. The Tasmanian tourism industry accounts for 17,000 jobs, and that is steadily increasing. It is a growing, thriving industry that is going to be set back by this decision. The Commonwealth government has allowed I think a meagre $3 million for tourism infrastructure; yet, as we have just heard, a significant slice of the natural heri-

tage trust money that was supposedly meant to protect the environment of Tasmania is going into this package—and that is money going into a dying industry. That industry has seen a steady loss of jobs; that industry is steadily losing jobs in Tasmania and elsewhere. A lot of the job losses are because of mechanisation. There are only some 3,500 people employed in the native forest based industries in Tasmania. So, if we are looking at jobs only, surely the decision should have been to at least protect the magnificent old-growth forests, the wilderness forests that as yet have not had any significant disturbance.

Why do we need more forests protected in Tasmania? It is for environmental reasons. I think the last time I spoke on a motion similar to this in this chamber, we went at great length through the lists of endangered species, looking at the specific problems that many of them have and why their habitats have to be protected. But, if all we are going to talk about here is economics and jobs, let us look at the whole reason why we need further areas protected—and that is basically for ecotourism, for protection, so that people can actually enjoy them.

I am pleased to say that recently I was able to take a couple of days off to experience something of the southern track right down in the southern tip of Tasmania. That was in September, and even then the pressure on that track was obvious. In September I often get away for a day or two to walk in East Gippsland. I can assure senators that the number of people on that southern track in Tasmania was many times more than I would have met on a similar style of track in a similar type of area along the coast in East Gippsland.

In summer there are enormous numbers of people putting pressure on the existing trails in Tasmania's world heritage and other forested areas. Indeed, the pressure is so great that the Tasmanian Parks and Wildlife Service is now looking at a quota system, a permit system. I have here a draft document from the Parks and Wildlife Service from which I will read:

> Quotas will be set in some areas where it is considered necessary for environmental and social reasons. Quotas will be set on a daily, weekly or monthly basis.

I seek leave to continue my remarks later.

Leave granted.

Senator MARGETTS (Western Australia) (4.39 p.m.)—I have just two minutes for my contribution today, and the reason I am speaking is that I want to put the RFA process for forests in Tasmania into context with the national process, in particular for states like Western Australia. I want to point out very clearly that there are very good reasons why environmental and community groups have mostly boycotted the process in Western Australia. The reason they have boycotted this process has become patently obvious from the results of the Tasmanian process: the process is a sham and is not actually dealing with the issues of conservation and anything like balanced values between the various competing interests, even the competing industry interests.

I also take this opportunity to mention something very exciting which is happening in Western Australia. On page 7 of today's *West Australian* there is an article by Geraldine Capp headed 'Party switch on logging'. Two members of the National Party are present, and I thought they might be interested in this:

> The timber industry should reduce its reliance on logging in old-growth forests and move to plantation and regrowth timber.

This was according to the President of the Western Australian National Party, Dexter Davies. This was not just a news story. Those words are included in a media statement which the National Party put out on 7 November, a copy of which I have here. They are looking at changing their policies and talking with the various interest groups to make sure that their policies actually reflect the realities of forests and that the outcomes of policy change 'would encourage greater agro-forestry development in suitable farming areas and ensure that job levels in the timber industry were maintained'. It is a very interesting document. It is in some ways concerned with conflicts of interest. *(Time expired)*

Senator CRANE (Western Australia) (4.41 p.m.)—I, too, would like to speak on this motion before us today. I have to say to Senator Brown that I am amazed at this motion, particularly the words 'which is deserving of condemnation'. It absolutely staggers me. It seems to me from my experience, which has been extensive in forestry, plantations and a whole range of issues in this area, that the Greens will not be satisfied with regard to what is occurring until they actually close down the whole of Tasmania and the whole of Western Australia. That objective seems to come through crystal clear time and again.

I believe the Tasmanian RFA process goes towards getting the best outcome for everyone across the board. But the Greens are not and never have been in the game and are not interested in being involved in that. I think that is very disappointing because at the end the day it becomes very destructive. It turns people on people.

The Acting Deputy President, Senator Calvert, and I did a significant amount of committee work before 1993 on this matter, when former Tasmanian Democrat Senator Robert Bell was also a member of the committee. I suggest he would be taking a very different view to the one Senator Brown, who replaced former Senator Bell, is putting here. Once again, that concerns me.

Senator Margetts just made some comments with regard to the National Party in Western Australia. In terms of the National Party's policies regarding forest development in Western Australia, they are just catching up to the Liberal Party and the Labor Party in terms of plantations, agreements and the way things are done. I am sure senators would well remember the AHC-CALM agreement back 1992—which the then Premier of Western Australia, Carmen Lawrence, signed off on, as did the Labor Party, the Liberal Party and the Leader of the Australian Democrats at that time—which, in effect, was the forerunner to where we are at today in relation to the development of RFAs.

I feel very strongly about the necessity to develop plantations. I feel very strongly about the need to have a wide ranging and diverse usage of our forests in a properly managed and controlled manner. I have long been involved in that debate and what has occurred in Western Australia. In terms of the situation now with the RFA process in Tasmania, I look forward to the day when we have a similar arrangement signed off in Western Australia. I think that will be a very major step forward in the management and protection of our forests and what is required in maintaining, first, that great asset we have and, second, the jobs that are involved.

I wish to touch on a few of the matters that have been dealt with, including the size and tenure issues. We find that 396,000 hectares were added to the reserve system, of which 311,000 hectares is forest, increasing the size of the Tasmanian reserve system by 17 per cent. Surely that is a good thing in anybody's estimation. I find it amazing that a motion would be moved condemning that. This means that 40 per cent of Tasmania will be in some form of conservation reserve.

Forty per cent of the new reserves—that is, 80 per cent of reserves that have been given a tenure already—will be dedicated or formal. Fifty per cent of the new reserves will be referred to PLUC for advice on tenure. Nine per cent of the new reserves will be national parks. Overall, 63 per cent of the total Tasmanian reserve system will be in dedicated reserves, mainly as national parks. It absolutely amazes me that we could be debating a motion in this place today that condemns all of that. Surely—once again, by anybody's measure—that must be a significant and important improvement on the current situation. Less than two per cent of the total CAR reserve system is in small reserves and habitat corridors.

Let us deal with wilderness for a moment. Ninety-five per cent of high quality wilderness is in reserves, 90 per cent of the forest wilderness. Seventy per cent of this will be in formal reserves. Several informal reserves important for wilderness will be upgraded to formal reserves, including the south-west conservation area and the Arthur Pieman protected area. Once again, I apply exactly the same comment in relation to that.

One of the problems that we have in this particular debate is that as soon as we start putting some facts on the table, it starts to spoil some good stories, when the facts should be the good story. They should be what we are applauding. In fact, the efforts of our Minister for the Environment, Senator Hill, the Prime Minister (Mr Howard) and also Minister John Anderson, Minister for Primary Industries and Energy, in getting the situation which now exists in Tasmania is certainly an enormous advancement, an enormous step forward.

We can go on through the various issues that we have before us. Unfortunately, we do not have the time to deal with all these matters today. I refer to biodiversity. As far as practicable, JANIS targets for forest communities and old growth have been met for public land. This has addressed the serious underrepresentation of some forest types, particularly along the east coast of Tasmania.

I now wish to deal with some individual sites. Seventy-one per cent of the Tarkine wilderness area, as identified by the Australian Heritage Commission, has been protected. A new national park—Savage River—will be created in the area. At the Commonwealth's request, Tasmania will postpone logging along the Donaldson/Savage River pipeline until a review of red myrtle is completed, et cetera.

As we look at the developments that have occurred in Tasmania, I want to put on the public record my support as a senator in this place, albeit from Western Australia, for what has occurred in Tasmania. I want to congratulate the people involved in getting this RFA signed and finalised.

I do not believe that this will be the end of the road in terms of development, whether it be in plantations or variations of usage of forests. I certainly believe, as we see tourism and other matters resolved and developed, that we will see beneficial outcomes for the economy of Tasmania and for employment in Tasmania. Surely that must be a good thing. That should be something that we are applauding here as a parliament and as a Senate. It is good for Australia and it is good for our reputation on the world scene.

Once again, I say to Senator Brown, through you, Mr Acting Deputy President, that while I respect his views on these matters, in terms of this particular motion he is misguided. His wording of the motion is misplaced. It misrepresents the facts. Sometimes it might do a little more good when developing a process which gets total community support to actually say, 'Well done.' *(Time expired)*

Senator LEES (South Australia—Acting Leader of the Australian Democrats) (4.49 p.m.)—As I was saying, I am just looking at one particular issue now and the arguments as to why we should have protected more of our forests. Just to pick up on something Senator Crane has said, a lot of that world heritage area is not forest. We are talking about ecotourism opportunities within the forest, particularly for the establishment of new walking trails, and looking at the enormous pressure on the walking trails for which Tasmania is already so well known for.

I just move on to look at the question of plantations. For those who have had the opportunity to read the document, they will see that it is encouraging the felling of forests to put in plantations. I always thought that all of us in this place understood the need for plantations to go in on land that was already cleared. In Tasmania, like anywhere else, there is quite a bit of land that could be put to better use than it is at the moment if it was put under plantations.

So it is very disappointing to see that this RFA actually encourages the felling of native forests in many areas for plantation purposes. Plantations are where we are going. The one thing on which I do have to agree with Senator Crane is that we should be looking at basing our forest industries in plantations, taking them out of the native forests and moving them into specific purpose plantations. But we do not want a walking experience in Tasmania where you go through patches of native forest and then back into either a blue gum or a nitens pseudo forest.

But there are other major problems with this document. If you read on, you will see that the Commonwealth has not only allowed open slather on many of our wild forests but also anywhere that forestry operations are being undertaken the Commonwealth is

exempting itself of its responsibilities now and for future generations in relation to several key actions in four Commonwealth environment powers. It is basically putting its hands in its pockets and saying, 'We don't want to know anything more about anything that contravenes the Australian Heritage Commission Act 1975. We don't want to know anything about the Environment Protection (Impact of Proposals) Act 1997 or anything that contravenes that. We are not interested any more in the World Heritage Properties (Conservation) Act 1983. We are going to turn our backs on all of that and leave it to Tasmania to sort it out. As for the Export Control Act, we already know what their views are as far as their lack of interest in using that power to some extent to control the export of woodchips from this country is concerned.'

Basically, there will be no new world heritage listings. Looking at the map, there are still significant parts of Tasmania, particularly up in the north-west and down along the southern edges of the world heritage area, that should have been included as protected areas under this agreement. I do not think even Tasmanians realise where the boundaries are in some cases.

From talking to people when I have been there on a couple of occasions, they presume that some of the very tall forests are in the world heritage area but they are not. When you get a map out and you walk around the area, you see that, in many instances, the contour line is up above the significant forests. But it is too late now. If people in the future realise the mistake that we are now making, the enormous compensation that would be paid to the industry would deter even the most ambitious government from doing very much by way of putting additional areas under protection.

I do not know how this government proposes to compensate the future generations of Australians and, indeed, the peoples of the world who are more and more looking at Tasmania as a destination. I believe that Tasmania is underestimating its potential as a tourist destination, particularly for Europeans and particularly for those who like hiking and backpacking. As this document becomes fully understood and as the various conservation groups around the country understand it, I think we will see more than the 80 per cent of Australians interested in protecting these forests. *(Time expired)*

Senator MURPHY (Tasmania) (4.54 p.m.)—Like my colleague Senator Faulkner, when I first read the words of Senator Brown's urgency motion I thought that maybe there was some potential for me to support it. I said to Senator Brown before he made his contribution that I would listen with interest to what he said. Senator Brown did not in any way convince me that his motion has anything too much to do with the Tasmanian regional forest agreement; rather, as Senator Faulkner said, it is more about trying to recoup some credibility with the conservation movement of this country.

I endorse fully the remarks made by Senator Faulkner about Alec Marr. If ever the conservation movement had a rat in its pack, then Alec Marr was it. They must be sitting back there wondering how they allowed Alec Marr to do what he has done, in conjunction with a few others, to lead the environment movement to a position where, only after the election of the government, have they now been able to see what they really bought. If ever they bought a pig in a poke, this government was it in terms of the environment. Make no doubt about it—billion dollar Natural Heritage Trust Fund or not—this government was the principal pig in a poke for the conservation movement. I know that Senator Brown realises that now. That is probably, in part, what has led to his motion here today.

We were the party in government that started this whole process off. We had a much more aggressive approach towards the environment area and in particular towards the area that I want to address, because I think it is an area that this government deserves significant criticism on, which concerns jobs in this industry and industry development. I welcome the signing of the RFA—albeit it has taken considerably longer than what the Prime Minister (Mr Howard) and the government said it would—because I think it is a reasonable balance between the environment

and the commercial use of forests. I will make some further comment on that when I look at the detail of the agreement.

If there is one area on which we should criticise the government—and this will be a test for the Greens, Senator Brown, at some later point in time and I think in Tasmania in the not too distant future—it is the area of employment. There is absolutely nothing in this regional forest agreement that will enhance industry development in this country and that will enhance the utilisation of the timber that we take from our forests for commercial use.

We have removed, which was also our policy, export control from the export of wood. I do not know how any government can proceed to seek industry development in an industry that historically has had a very poor record in utilising a resource that it has access to. We need a driver, and the government had an opportunity to be that driver.

As I said at the start, we had a different approach. We were pressuring companies to get involved in downstream processing in this country. Report after report has clearly indicated the real opportunity for taking any quality of wood that has the capacity to be sawn into millable product and selling it to a huge market that exists within our own region of the world; yet our own industry has not wanted to take an interest in that. That is primarily due to the tradition that has been associated with the sawmilling industry not only in Tasmania but also in other parts of Australia.

In Western Australia, the Western Australian state forest authority has taken some steps to rectify that problem; but, in Tasmania we have not. We have a Liberal government in Tasmania that has no interest in creating more employment in Tasmania's forest industry. I noted with interest that the premier said, 'Well, when we get the $70 million, we will have 550 jobs in plantation development.' But if the premier is going to do that, why is it that his forestry corporation is proposing to sell those plantations? We have $70 million of public money that will be invested into plantation development, which will be subsequently sold to the private sector—and, if it is anything like the New Zealand outcome, for much less than the forests are really valued at.

Senator Brown mentioned the accusation of now Prime Minister, John Howard, about the then Prime Minister, Paul Keating, being the woodchip champion of the world. I am sure that Senator Brown, Alec Marr and a few others would now be considering that statement to some greater degree.

As I said, we did have a commitment to industry development. One point goes back to a disallowance motion Senator Brown moved some time ago about the removal of export controls under the regulations. During that debate we sought to have the Wood and Paper Industry Council reinstated. That body was something that this government scrapped when it came to office, although it had given a commitment prior to the election to maintain it. Senator Parer ultimately gave that commitment because of the pressure from Senator Harradine.

Having reinstated the council, the government has changed its operations such that it will be a worthless front. It will not serve its intended purpose, which was to look at industry development, to create opportunities for industry in this country and to look for markets that exist. We did not need a council to find those markets; they do exist.

As I have said before, many reports are already in place. Indeed, the Tasmanian government had commissioned a report to be done by Groome Poyry. They did that and provided the information that markets do exist for hardwood sawn timber products. Yet we will not see that. What we will see, Senator Brown, is an increase in woodchip exports and an increase in whole log exports from Tasmania.

I say to you, Senator Brown, and to your Tasmanian colleagues that the challenge is for Christine Milne and her colleagues at the state level to move against Tony Rundle. If you are really serious about both the environment and, more particularly, jobs in Tasmania, then you will encourage them to move a no-confidence motion in the Rundle government.

They are making little rumblings about that at the moment, but I will bet London to a brick that they will never take that course of action. They will never take that step because of fear for their own future. If you are really serious about bringing forward a better outcome for the Tasmanian regional forest agreement, that is what you will do. There is a significant difference between Labor and Liberal with regard to employment in this industry and the environment. The record speaks for itself.

Senator BROWN (Tasmania) (5.02 p.m.)—If there is a difference between Labor and Liberal on this issue, it is that Labor is on the wrong side of the Liberals. At state level, the Labor Party has determined that, if it were in the position of the Liberal government in Tasmania, it would not even allocate the postage stamp sized national parks in the Tarkine and the Valley of the Giants which are there. It wanted those to be fed to the woodchippers as well.

No wonder Senator Murphy is leaving the chamber, hot on the heels of Senator Faulkner after that petulant and disgraceful display. The best thing he could do in here in protecting the Prime Minister (Mr Howard) against this Greens' motion, supported by the Democrats—in this environmental sell-out of Tasmania's forests which is going to spread to Western Australia, New South Wales, Victoria and Queensland—was to point his finger at an environmentalist who nailed him as the failed minister of the environment last time around and nailed the Keating government. If Alec Marr were in here he would have carved up Senator Faulkner. No wonder he has left the chamber, if that is the best he can do.

The Labor Party is saying that it endorses an extra 50,000 log trucks a year going to the woodchip mills in Tasmania; it endorses this program which has failed employment and downstream processing; and it endorses $100 million of taxpayers' money going largely to the woodchippers. It endorses a future whereby the process now is that if Australians want to protect their land, their heritage, they will have to pay the mining and woodchip companies millions of dollars to do so. What a sell-out of the environment by Labor and Liberal.

This highlights the need for the Greens and the Democrats in this place. We might be a small voice, but we stand for the environment where Labor joins with Mr Howard now, in this moment of infamy, and sells out the Tasmanian forests as part of its comprehensive failure to respond to the 80 per cent of people in this country who want the woodchippers out of our forests in Tasmania and in all the other states, the people who want a shift to a plantation basis which could provide all the wood needs of this nation.

Has Labor learnt anything after 12 months and more in opposition? No, it has not. All it has is old enmities, old condemnation of community groups and the embrace of Prime Minister Howard in this comprehensive sell-out of the Tasmanian environment. Of course, their colleagues in Tasmania are just as bad. They have failed the Tasmanian community and failed to create the jobs that this money should be going to in Tasmania—instead of going to the out-of-state woodchippers—and they have sold out the Aboriginal interests in the great western tiers just as comprehensively, and sold out the Tarkine wilderness just as comprehensively.

Despite all those figures, we have heard that there is one per cent extra being brought forward for national parks. The rest is under the bailiwick of the woodchippers and the miners, right into the future, with a binding agreement which will enforce the payment of millions of dollars to those big corporations if the future national parks are to be established. *(Time expired)*

Question put:

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

The Senate divided. [5.09 p.m.]

(The President—Senator the Hon. Margaret Reid)

Ayes	8
Noes	26
Majority	18

AYES

Allison, L.	Bartlett, A. J. J.
Brown, B.	Lees, M. H.
Margetts, D.	Murray, A.
Stott Despoja, N. *	Woodley, J.

NOES

Bishop, M.	Brownhill, D. G. C.
Calvert, P. H.	Carr, K.
Collins, J. M. A.	Collins, R. L.
Conroy, S. *	Coonan, H.
Crane, W.	Crowley, R. A.
Denman, K. J.	Evans, C. V.
Ferguson, A. B.	Herron, J.
Kemp, R.	Knowles, S. C.
MacGibbon, D. J.	Mackay, S.
McGauran, J. J. J.	Murphy, S. M.
Neal, B. J.	O'Brien, K. W. K.
O'Chee, W. G.	Parer, W. R.
Reid, M. E.	Vanstone, A. E.

*** denotes teller**

Question so resolved in the negative.

FARM HOUSEHOLD SUPPORT AMENDMENT (RESTART AND EXCEPTIONAL CIRCUMSTANCES) BILL 1997

Report of Rural and Regional Affairs and Transport Legislation Committee

Senator O'CHEE (Queensland) (5.12 p.m.)—On behalf of Senator Crane, I present the report of the Rural and Regional Affairs and Transport Legislation Committee on the provisions of the Farm Household Support Amendment (Restart and Exceptional Circumstances) Bill 1997, together with submissions received by the committee and the transcript of proceedings.

Ordered that the report be printed.

BUDGET 1997-98

Consideration of Appropriation Bills by Legislation Committees

Additional Information

Senator O'CHEE (Queensland) (5.12 p.m.)—On behalf of Senator Crane, I present additional information received by the Economics Legislation Committee in response to the 1997-98 supplementary budget estimates hearings.

COMMITTEES

Membership

The ACTING DEPUTY PRESIDENT (Senator MacGibbon)—The President has received letters from party leaders seeking variations to the membership of committees.

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

That senators be appointed to committees as follows:

Community Affairs Legislation Committee—

Substitute member: Senator Lightfoot to replace Senator Synon from 12 November till 14 November 1997 for the consideration of the 1997-98 additional estimates

Economics Legislation Committee—

Participating member: Senator Cook

Substitute member: Senator Heffernan to replace Senator Watson for 14 November 1997 for the consideration of the 1997-98 additional estimates

Employment, Education and Training Legislation Committee—

Substitute member: Senator Eggleston to replace Senator Ferris between 7 pm and 10 pm on 12 November 1997

Environment, Recreation, Communications and the Arts Legislation Committee—

Substitute member: Senator Chapman to replace Senator Tierney for 13 November and 14 November for the consideration of the 1997-98 additional estimates

Finance and Public Administration Legislation Committee—

Substitute members:

Senator Calvert to replace Senator Heffernan till 4.30 pm on 12 November 1997 for the consideration of the 1997-98 additional estimates

Senator Coonan to replace Senator Watson for 14 November 1997 for the consideration of the 1997-98 additional estimates

Legal and Constitutional Legislation Committee—

Substitute member: Senator McGauran to replace Senator O'Chee for 13 November 1997 for the consideration of the 1997-98 additional estimates

Rural and Regional Affairs and Transport Legislation Committee—

Substitute members:

Senator Ferris to replace Senator Crane and Senator O'Chee to replace Senator McGauran for 14 November 1997 for the consideration of the 1997-98 additional estimates

Senator Heffernan to replace Senator Calvert for 13 November and 14 November 1997 for the consideration of the 1997-98 additional estimates.

NATIVE TITLE AMENDMENT BILL 1997

First Reading

Bill received from the House of Representatives.

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

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

Bill read a first time.

Second Reading

Senator HERRON (Queensland—Minister for Aboriginal and Torres Strait Islander Affairs) (5.14 p.m.)—I table a revised explanatory memorandum and move:

That this bill be now read a second time.

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

Leave granted.

The speech read as follows—

Introduction

2. It is over 5 years since the High Court's historic *Mabo* judgment.

That decision held for the first time that indigenous Australians have native title rights in relation to land that are recognised by the common law.

The judgment challenged our legal and parliamentary systems to provide a framework to respect and protect those rights, while at the same time to provide the necessary certainty to enable economic activity and development to proceed.

3. The previous government sought to respond to the *Mabo* decision through the *Native Title Act 1993*.

In 1993, the Coalition's clear and consistent view was that the Act was inadequate and unworkable, and failed to address many of the uncertainties arising from the *Mabo* decision.

4. In 1997 it is more apparent than ever that the Native Title Act has not delivered real outcomes to the Australian community, and particularly to Aboriginal people and Torres Strait Islanders.

5. After almost four years and over 600 claims lodged under the Act, there has been only one determination of native title on mainland Australia. Australians have been disappointed with the delays, confusion and lack of results from a complex, costly and litigious system.

The Act has placed a burden on resource development, without yet delivering benefits to indigenous peoples.

As a result of the significant uncertainties left unresolved by the original Act, community relations in many parts of rural and remote Australia have been unnecessarily strained.

6. These frustrations, uncertainties and tensions were intensified following the High Court's *Wik* decision of 23 December 1996, which, contrary to general assumptions about the law, found that pastoral leases do not necessarily extinguish all native title.

In responding to the *Wik* decision, the Government is determined to reduce these uncertainties, simplify native title processes, improve the workability of the Act, and increase community understanding and acceptance of native title issues and processes.

7. The Government aims to develop a more effective framework for managing native title in Australia, a framework which respects, balances and gives voice to the interests of all parties with an interest in the land—native title holders themselves, the resource-based industries, pastoralists and farmers, State and Territory governments, local governments, and others.

Australians want to have confidence that native title issues are being resolved by efficient, fair and timely processes which find the right balance among the rights and interests of all parties involved.

8. We believe that the Bill introduced today achieves those objectives.

9. Madam President, the Government reiterates today that it is committed to respecting the native title rights of Aboriginal people and Torres Strait Islanders.

The *Mabo* decision was an important day for indigenous Australians.

Most Australian citizens continue to support the decision's acknowledgment of the rights and interests of indigenous Australians in the continent we share.

This Bill delivers on that sense of broad community support for the *Mabo* decision and the need to accommodate the legitimate native title rights and interests which flowed from it.

10. But the Bill goes further and also delivers on the Government's central policy objective of encouraging economic development across Australia.

It delivers certainty for pastoralists, reduces complexity for the resource industries, and recognises the appropriate role for the States and Territories.

For the first time Australia will have native title processes that work.

Processes towards the Bill

11. In developing these amendments, the Government has worked through an open and participatory process.

On 27 June 1996 the *Native Title Amendment Bill 1996* was introduced into the House of Representatives by the Attorney-General.

In October 1996 the Government released a range of amendments to that Bill, in particular in relation to the right to negotiate provisions.

The substance of that Bill, and the proposed Government amendments, have been incorporated into this Bill.

12. More importantly, this Bill also brings to the Parliament the Government's response to the *Wik* decision.

As Honourable Senators will be aware, in the months following the *Wik* decision the Prime Minister held an intensive series of consultations with all interested parties.

On 8 May 1997 he released a 10 Point Plan which summarised the Government's proposed response.

13. On 23 June 1997 the Government made available a Working Draft of the Bill for comment by interested groups.

Following a further round of extensive discussions over 80 written submissions were received and considered by the Government.

14. Not surprisingly, given the broad spectrum of views on the issue, the Bill will not accommodate all the representations of all the interest groups.

The National Farmers' Federation has continued to call for the extinguishment of native title on pastoral lease land.

The Bill does not do this.

However it does protect the interests of pastoralists and allows them to carry on pastoral activities and to diversify those activities with greater certainty.

The National Indigenous Working Group has proposed a package of responses to *Wik* Some of these responses have been incorporated into the Bill, while others have not.

In developing its proposals, the Government has sought, through its 10 Point Plan, to put in place a fair and equitable process for dealing with native title which balances the interests and objectives of all parties, in the overall interests of the Australian community.

Pastoral Leases

15. Madam President, since the *Wik* decision Australia's pastoral leaseholders have been grappling with the uncertainties of native title.

The Government is determined to resolve those uncertainties as directly and as soon as possible.

16. The previous government took the view that pastoral leases extinguished native title.In the Second Reading Speech to the *Native Title Bill 1993* the previous Prime Minister stated:

> the government's view [is that] . . . under the common law, past valid freehold and leasehold grants extinguish native title. There is therefore no obstacle or hindrance to the renewal of pastoral leases in the future, . . .

17. The previous government developed the Native Title Act on the assumption that native title on mainland Australia would exist principally in relation to vacant crown land, that is the 36% of Australia where there has been no significant grant of private rights, or public reservation or use.

The assumption was that the rights of native title holders in relation to such vacant crown land could be significant, and could be equated to ownership of the land.

Based on these assumptions, the Act provided to native title holders the same protection and the same procedural rights as freeholders, as well as a special right to negotiate in relation to mining and some compulsory acquisitions.

18. However, the High Court's judgment in *Wik* contradicted these assumptions.

The *Wik* decision held that the grant of a pastoral lease over land did not necessarily extinguish all the native title rights in relation to that land.

Justice Toohey said in *Wik*:

> It is apparent that at one end of the spectrum native title rights may "approach the rights flowing from full ownership at common law". On the other hand they may be an entitlement "to come onto land for ceremonial purposes, all other rights in the land belonging to another group".

19. It is clear that in relation to pastoral lease land, native title rights cannot be the former, and may only be the latter.

In this Government's view the assumption underlying the Native Title Act, that native title rights are likely to be rights approaching ownership, is rendered false by the *Wik* decision.

It is inappropriate therefore that that false assumption should continue to underpin the Native Title Act as a whole.

The current Act is clearly deficient in that it does not deal in any systematic way with the relationship between co-existing native title and other rights.

20. The amendments in the Bill put in place a more appropriate regime to deal with native title rights on pastoral lease land and other non-exclusive areas.

The amendments protect the legal rights of pastoral lessees, and enable them to carry on their legitimate activities.

They continue to protect any surviving native title rights, but in relation to pastoral lease land, they recognise that these can only be co-existing rights.

Consistent with this philosophy of finding a balance among the rights of different parties, the amendments allow for the introduction of new processes for reaching land use decisions over pastoral lease land which give equivalent procedural rights to all parties with an interest in the land, including the pastoral leaseholder and the native title holder.

21. The High Court has held that the Native Title Act is supported by section 51(xxvi) of the Constitution.

Legal advice to the Government is that the Bill is supported by section 51(xxvi).

22. Let me now take the Senate through some of the key elements of the Bill.

Validation

23. As I have said, the effect of the grant of a pastoral lease on native title was not specifically resolved by the High Court in *Mabo*, nor by the Native Title Act.

The previous Government assumed that pastoral leases had extinguished native title.

As a result of the *Wik* decision we now know that pastoral leases do not necessarily have that effect.

However, the Government does not accept that grants by governments, and actions by others, in particular pastoral lessees, should be left invalid because of a legitimate and reasonable assumption, subsequently found to be wrong.

The appropriate remedy for those actions should be compensation for any native title affected.

24. Thus, the Bill provides for the validation of so called 'intermediate period acts' over freehold and pastoral lease land and public works, which occurred between 1 January 1994, the date of commencement of the Native Title Act, and 23 December 1996, the date of the *Wik* decision, which might otherwise have been invalid as a consequence of the existence of native title.

Confirmation

25. The approach of the previous government raised expectations of certainty which the Act proved unable to deliver.

This has proved to be costly to all parties.

This Government's policy is to bring a much greater level of certainty to bear in relation to native title issues, in particular in relation to the circumstances where it can reasonably be said that native title does not exist.

To do so we have chosen to confirm explicitly in the Native Title Act the extinguishment of native title by certain grants or activities by governments.

26. It needs to be clearly understood that the Government does not seek to extinguish native title in this process.

We do not seek to go beyond what can be inferred from the decisions of the High Court as to what acts have already extinguished native title.

As I have already made plain, this Government respects, and will continue to respect, the *Mabo* and *Wik* decisions and the native title rights of indigenous Australians.

But it is in the interests of all Australians to be clear and certain about where extinguishment has already occurred.

The resolution of native title issues will be made even more difficult by unrealistic expectations on the part of claimants or by unnecessary uncertainty for others with interests in land.

27. Accordingly, the Bill provides that certain 'previous exclusive possession acts' have extinguished native title.

They include the grant of a freehold estate, leases for residential, commercial or community purposes and interests included in a schedule to the Act.

The Bill provides that States and Territories are able to confirm that such grants extinguish native title.

28. The Commonwealth has worked extensively with the States and Territories to develop the Schedule of interests.

It has proved to be a complex and time-consuming task.

After discussing its terms with a range of interest groups in an intensive process the Schedule was moved as a Government amendment to the Bill in the House of Representatives.

The Schedule includes particular types of leases and other interests where exclusive possession must have been intended.

29. The Bill is intended to introduce further certainty by confirming the effect of the grant of pastoral leases on native title.

Consistent with the High Court's view, States and Territories are able to confirm that the grant of such leases are confirmed to extinguish native title to the extent that the native title rights are inconsistent with those of the pastoralist.

30. The Bill provides that such extinguishment is permanent.

The Government recognises that the permanency issue was left unresolved by some members of the High Court in the *Wik* decision.

However, it is a central element of the Government's approach to amending the Act to put an end to such uncertainty.

31. To the extent that these provisions confirm the common law there will be no effect on native title rights.

But if there is any actual extinguishment by the provisions, the legislation will provide for compensation on just terms.

I would note that the Government has retained the Land Fund to enable Aboriginal people and Torres Strait Islanders to remedy past extinguishment of native title rights by the purchase of land.

Future act regime

32. The 'future act regime' in the Native Title Act seeks to answer the question: what acts can governments and others now undertake which may affect native title rights?

Despite more than three and half years of the operation of the current Act, for most of Australia we do not yet know where native title exists, and if it does, the identity of the native title holders, or the nature of their rights.

It is the view of the Government that changes to the future act processes are required if land use decisions and activities are to be made with certainty in the future.

Accordingly, the Bill includes a revised future act regime.

If an act by government will not affect any native title, then nothing in the Native Title Act prevents or restricts that act.

But if the act will affect native title rights, the Act provides some basic rules.

The present Bill clarifies these rules, and adds some additional provisions to deal with the new concepts of coexisting native title on pastoral lease land.

These include among other things, expanded scope for agreements, new provisions relating to primary production, confirmation of the ability of governments to regulate and manage water, facilitation of the provision of services to the public, facilitation of renewals, and provisions to allow for the implementation of past reservations of land.

33. The amendments make clear that where governments carry out acts under one of the 'future act' provisions, then that act is valid, even though it may affect native title rights.

The Bill provides that where a person has, or receives under one of the future act provisions, a lease, licence, permit or authority to do something, such as a right to take water or conduct primary production activities, then this authority prevails over any native title, and the existence or exercise of any native title cannot prevent any activity that the authority requires or permits.

34. Importantly for indigenous interests, the great majority of future acts are subject to the non-extinguishment principle.

This ensures that while native title is subject to a lease, licence or other government grant for the period of the grant, it is only temporarily suppressed for the period and can revive.

With several minor exceptions linked to past actions or future processes, native title can only be extinguished under these amendments in the same way as it can be extinguished under the existing Act, that is:

- by agreement of the native title holders; or
- by compulsory acquisition of the rights of native title holders under legislation that applies equally to other landholders.

Primary production

35. The Bill recognises on the basis of the *Wik* decision that native title is able to co-exist with other interests on pastoral lease land, although those rights are subject to the rights of the lessee.

The Bill enables pastoral lessees to carry out primary production activities, notwithstanding any co-existing native title that might exist.

The definition of 'primary production' is based on the definition in the *Income Tax Assessment Act 1936* with some minor modifications.

It includes incidental and associated activities.

The approach is intentionally wide to reflect the national interest in diverse and flexible rural industries.

36. However, any activity permitted under the Native Title Act still requires authorisation under any relevant State or Territory legislation.

37. As the Prime Minister has already made clear, the Government does not expect, and would not support, across-the-board freeholding of pastoral leases at the expense of native title holders or of Australian taxpayers.

There will be no massive windfall gain for holders of pastoral leases.

Nor will there be risk of environmental degradation through loss of legislative and administrative controls over inappropriate land clearing and overuse.

However, if there is a legitimate need for exclusive possession of pastoral lease land in order to facilitate changes of use, then this can be achieved by agreement with the native title holders or under a

general non-discriminatory compulsory acquisition regime, on a case by case basis.

In its financial agreements with the States and Territories the Government will be requiring a proper financial contribution by the beneficiaries of the upgrading through the payment of a betterment charge.

Statutory access rights

38. The Government's legislative package protects any existing access of native title claimants to pastoral lease land.

39. In a significant new provision in the Native Title Act, access for registered native title claimants to pastoral leases will be guaranteed, provided that they regularly had physical access at the date of the *Wik* decision.

This is a provision designed to maintain the status quo, pending determination of their claim.

The access rights will however be subject to the rights and activities of the pastoral lessee.

Right to negotiate

40. Among the many shortcomings of the current Act, it has become apparent that the 'right to negotiate' procedures, which apply to mining and certain compulsory acquisitions, have failed to deliver the outcomes that were expected.

Not only have these procedures impeded resource and commercial development, but they have done so without giving indigenous peoples substantial benefits in return.

Both development interests and indigenous groups (and the two are not always mutually exclusive) have every right to be disappointed.

41. The Government foreshadowed changes to the right to negotiate when it released its exposure draft of Government amendments to the *Native Title Amendment Bill 1996* in October 1996.

Since then, the decision in *Wik* has made the need for change more urgent, as mining and certain compulsory acquisitions on pastoral lease land may now also be subject to the right to negotiate.

42. The Government proposes to remove the right to negotiate where it is inappropriate because of the nature of the rights to be granted, the minimal impact on the land, or the limited native title rights that can exist.

However, the basic procedural rights of native title holders are protected.

The Bill also streamlines the right to negotiate process so reducing unnecessary delay; and, where appropriate, devolves greater responsibility to the States and Territories to deal with these matters.

43. While the right to negotiate will generally remain on vacant crown land, the Bill will enable a State or Territory to apply its own regime in relation to mining and relevant compulsory acquisitions on areas described as 'non-exclusive or reserved areas'.

These are basically areas of land or waters in relation to which, if native title exists, the native title holders do not enjoy a right to exclude others from the land or waters, and have, at best, only co-existing rights.

Where the Commonwealth Minister approves a State or Territory regime under the Act, the right to negotiate will no longer apply to acts covered by the State or Territory regime.

Of course, the Act will require that the alternative regime satisfies specific criteria, including the provision of procedural rights for native title holders equivalent to others with like interests in the land, and compensation for any loss or impairment of native title rights.

Agreements

44. Currently the Act provides for an essentially 'claims driven' regime for dealing with native title issues.

In the Government's view insufficient support is given to resolving native title issues by agreement—often the speediest, lowest cost and least divisive mechanism.

The Bill therefore sets out a comprehensive framework for reaching consensual arrangements between the parties.

While the Government encourages agreements, nobody will be forced into such agreements.

However, the Bill does provide a number of mechanisms to facilitate the use of agreements as one way of resolving native title issues.

Procedures

45. Amendments to the Act in Schedule 2 of the Bill address the constitutional issues raised by the High Court's *Brandy* decision.

Many are the same as those included in a Bill introduced into the Parliament at the end of 1995 by the previous government, and in the Bill introduced into the House of Representatives last year.

46. These amendments set up a new system under which native title, compensation and non-claimant applications will be filed in the Federal Court.

They will then be referred to the National Native Title Tribunal for notification and mediation, where such a reference will assist the parties to come to an agreement about native title.

In all cases, however, the determination of claims will be made by the Federal Court.

The Bill confirms that the Court will consider all the claims for native title in relation to particular land or waters, and once a determination is made it will be good against the whole world, and generally subsequent claims cannot be considered.

Registration of claims

47. Arising out of the *Brandy* case the Bill will separate the consideration of a claim by the Federal Court from the registration of the claim on the Register of Native Title Claims.

Registration will be the pre-requisite for native title claimants to access the special right to negotiate, gain statutory access rights and enjoy certain other procedural rights under the Act.

The Federal Court will determine all claims, whether or not they satisfy the registration test.

48. There is wide agreement that the current lack of an effective threshold test for access to the right to negotiate is an issue which must be addressed to maintain the right balance between the legitimate interests of native title holders and the need to ensure that economic development is not impeded.

49. The Bill sets out the more demanding conditions which must be met if the benefits of registration are to be enjoyed.

The Native Title Registrar must be satisfied that *prima facie* each of the elements of a claim can be made out before it can be registered.

The Registrar must also be satisfied as to a range of matters which have a bearing on whether a claim is credible and well researched.

The Registrar must take into account information provided by the relevant State or Territory government as to whether the land is or was subject to freehold, or other extinguishing grants, and if it is or was, the claim will be ineligible for registration.

50. By operation of the transitional provisions in Schedule 5, the new test will be applied as a matter of course to claims made on or after 27 June 1996, the day on which the predecessor to this Bill was introduced.

All claims will be tested when a section 29 (right to negotiate) notice is given.

As claimants will be required to provide greater detail for the purposes of claim registration, the Bill will increase by one month the time within which a claimant is able to lodge a claim in response to a section 29 notice in relation to a mining proposal, or a non-claimant application.

Representative bodies

51. The Act currently provides for representative Aboriginal/Torres Strait Islander bodies to assist native title holders.

The Government is committed to ensuring that representative Aboriginal and Torres Strait Islander bodies operate efficiently, effectively and accountably.

The Government considers that a robust representative body system will benefit not only native title holders but all those who have dealings with them.

52. The amendments to the Act in Schedule 3 of the Bill strengthen the representative body system by setting mandatory functions for the bodies and imposing nationally applicable standards of performance and accountability.

These standards are based on models for other organisations funded by ATSIC and on best practice for officers of Commonwealth instrumentalities.

53. It is the Government's policy that the representative bodies should not have a monopoly role as representatives of indigenous peoples.

However, the Government does regard them as playing a key role and, as a consequence, Commonwealth funding for assistance to claimants will be channelled mainly through the representative body system.

Benefits of the Bill

54. Madam President, the Native Title Act as amended will continue to provide significant benefits for Australia's **indigenous people**.

Most significantly, co-existing native title over most of Australia's rangelands will be recognised and protected.

This is in addition to any native title over land that has never been alienated.

55. The opportunity for native title holders to prove their claims in relation to pastoral lease land is assured.

Following registration of a claim, any existing physical access to pastoral lease land enjoyed by native title claimants is protected.

The 'right to negotiate' in relation to mining development and certain compulsory acquisitions is generally retained where native title may be equivalent to full ownership, that is on vacant crown land.

Where rights are only co-existing rights, equivalent procedural rights for native title holders will be provided.

There are greatly expanded provisions for negotiated agreements among parties on all aspects of native title.

The role of representative bodies is clarified and enhanced.

56. This Bill provides much improved certainty for **agricultural and pastoral lessees**.

There is confirmation that most agricultural leases have extinguished native title due to the exclusive possession nature of those leases.

In relation to pastoral leases, all primary production activities, including associated and incidental activities, are protected.

Lessees will have security that their rights continue to prevail over those of native title holders.

Legal aid will be more readily available to pastoralists and other persons responding to native title claims.

57. Transparency and predictability of processes for the **resource industries** will be enhanced and new projects will be able to proceed without undue delays or restrictions.

Mining titles issued between 1 January 1994 and 23 December 1996 over pastoral lease land will be able to be validated.

The revised registration test, which gives access to the right to negotiate, will restore a proper balance between the interests of native title holders and the need to ensure that economic development is not impeded.

In recent years the resources industry and indigenous communities have been increasingly interested in negotiating agreements to the benefit of both sides.

The Government encourages this development and the Bill facilitates such agreements.

58. The Bill provides for a greater role for the **States and Territories** in native title matters.

It properly preserves State and Territory prerogatives in relation to land and water management.

Subject to conditions, States and Territories will be able to put in place their own regimes instead of the right to negotiate on leased or reserved land.

There are new provisions allowing equivalent State/Territory bodies to take on the functions of the National Native Title Tribunal and the Registrar, but still operating under the broad framework of the Native Title Act.

Claims for native title will still be able to be heard throughout Australia by the Federal Court, allowing for a consistent approach to these cases.

Conclusion

59. Madam President, this Bill responds to the community's call to the Government to restore certainty to native title processes throughout Australia.

From the outset the Coalition identified the Native Title Act as unworkable and so it has proved.

Too often, decisions, development and progress have been confused or have simply stalled.

Disagreement and misunderstanding within communities has resulted.

The *Wik* decision raised new uncertainties.

This Bill gives all parties a renewed opportunity to get on with the job and to build a more secure, certain and prosperous Australia for all Australians.

60. The Bill responds to representations from a wide range of groups.

The Government believes that it has provided the opportunity for all key groups to have their say.

However, the Government has a responsibility to take the final decisions in the national interest.

61. In taking these decisions, the Government's strategy has been built upon four key features: respect for native title; a careful balance among the interests of native title holders, pastoralists, resource developers and other Australians; reduced uncertainty; and improved workability of this vital piece of Australian legislation.

62. The Government is proud to have developed a Bill with these features.

I commend it to the Senate.

Ordered that further consideration of the second reading of this bill be adjourned until the first sitting day in 1998, in accordance with standing order 111.

MIGRATION LEGISLATION AMENDMENT (MIGRATION AGENTS) BILL 1997

MIGRATION AGENTS REGISTRATION APPLICATION CHARGE BILL 1997

MIGRATION AGENTS REGISTRATION RENEWAL CHARGE BILL 1997

First Reading

Bills received from the House of Representatives.

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

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

Bills read a first time.

Second Reading

Senator HERRON (Queensland—Minister for Aboriginal and Torres Strait Islander Affairs) (5.15 p.m.)—I move:

That these bills be now read a second time.

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

Leave granted.

The speeches read as follows—

MIGRATION LEGISLATION AMENDMENT (MIGRATION AGENTS) BILL 1997

Madam President

This bill is one of a package implementing the Government's decision to move the migration advice industry towards voluntary self-regulation through a period of statutory self-regulation.

The measures contained in the bill are consistent with the Government's commitment to reduce unnecessary regulation of small business. At the same time, it strengthens consumer protection for those people in the community who are vulnerable to exploitation by unscrupulous or incompetent migration agents.

The measures will also contribute to the integrity of the migration program by actively promoting an ethical and competent migration advice industry.

Mandatory registration will continue for all sectors of the industry : fee-charging agents, non-fee charging agents and lawyers.

All the existing disciplinary sanctions and penalties against malpractice remain in place. The Code of Conduct for migration agents has been revised and expanded and will be included in the Regulations.

Consumer protection will be enhanced with the introduction of universal competency standards for initial registration.

In addition, there will be new professional development standards at the re-registration stage. Agents who fail to meet these new standards will be refused re-registration and will not be eligible to re-apply for a further 12 months.

Consumers will obtain better outcomes from a new, streamlined complaints process, featuring a professional mediation service. Disciplinary processes will be available where mediation has not been successful, or where the nature of the complaint is serious.

Consumers seeking advice on sponsorships and nominations will now come under the protection of the scheme. At present agents providing these services are not required to be registered.

The existing scheme for regulating migration agents has been in existence since 1992 and was established in response to concerns about the conduct and competence of persons providing immigration advice and assistance.

The statutory scheme has always been subject to a sunset clause. This clause currently provides that the entire scheme, including all investigations and disciplinary actions, will cease to be in force from 21 March 1998.

The effect of this should be made plain. If this bill is not passed by the Parliament before the sunset clause comes into effect there will be no specific regulation of persons providing immigration advice and assistance. Consumers will have none of the existing protections that the current scheme provides nor any of the significant enhancements provided for by this bill.

A review of the existing scheme was commissioned by the Government in June 1996. This scheme was the first regulatory arrangement to be reviewed by the Commonwealth as a party to the Competition Principles Agreement.

The review focused on the impact the scheme has had on consumer protection and on the costs of regulation borne by business. It also took into account the findings of the 1995 report of the Parliamentary Joint Standing Committee on Migration—*Protecting the Vulnerable?*

The review was conducted by a task force within the Department of Immigration and Multicultural Affairs and was guided by a Reference Group of independent experts chaired by Mr Ian Spicer, the former Chief Executive of the Australian Chamber of Commerce and Industry.

The Reference Group also included:

. Ms Pamela O'Neil, Chairperson of the Migration Agents Registration Board;

. Mr Ian Tonking, a Sydney barrister and consultant editor of the Australian Trade Practices Reporter;

. Ms Cheryl Webster, a grant-in-aid worker for Careforce, the Anglican Home Mission;

. Mr John Hodges, Queensland State President of the Migration Institute of Australia and a former immigration Minister; and

. Ms Pauline Matthewson, National Committee Member of the Migration Institute of Australia.

The review found that the existing scheme had achieved a measure of consumer protection. It also found that its credibility had strengthened somewhat in the time since the scheme was reviewed by the Joint Standing Committee.

The review found that the existing scheme had not adversely affected competition in the migration advice market, although it recognised that there was a need to improve competency standards in a way that would not affect the level of competition in the industry.

In considering the findings of the review, the Government concluded that, although it would be possible for the industry to be self-regulating in the future, this was not immediately achievable for two main reasons.

The first reason is the vulnerability of the consumer group. This group may have difficulties making an informed choice about the quality of the migration advice they are purchasing. There is a history of exploitation of consumers of migration advice by

a number of unscrupulous and unethical migration agents.

The second reason is the fact that the migration advice industry is not yet "mature", in the sense that there is limited co-operation occurring between the three main occupational groups and the Migration Institute of Australia. These occupational groups are lawyers, agents in the private sector of the industry, and agents in the voluntary sector.

The current scheme has provided no incentives for the industry to self-regulate. At present, the Migration Institute of Australia, as an industry association, covers only ten percent of registered agents. The legislation before the Senate is a first step towards supporting the industry to develop the capacity for self-regulation in the future.

The Government has decided to introduce a form of statutory self-regulation as an interim measure for two years, commencing on 21 March 1998.

This bill will give the Minister for Immigration and Multicultural Affairs the power to register and sanction migration agents. It provides for him to appoint the Migration Institute of Australia as the Migration Agents Registration Authority.

The Migration Institute of Australia is willing to take on this role and strongly supports the Government's intention to maintain a professional and ethical migration advice industry.

The Institute has acknowledged strengths in the areas of competency, education and ethics. However it will require time and support to develop the infrastructure to undertake the full range of regulatory functions and to achieve coverage of the whole industry.

The legislation before the Senate today will provide the legal framework within which the Migration Agents Registration Authority will operate. The principal bill will be backed up by Regulations and a formal agreement between the Minister for Immigration and Multicultural Affairs and the Migration Institute of Australia.

The agreement will spell out the details of how the Institute will carry out its function as the Migration Agents Registration Authority. There will be safeguards to ensure that regulation operates in the interests of consumers, and is not captured by the industry.

The agreement will include provisions in relation to:

. performance requirements;

. financial accountability;

. complaints handling and discipline processes;

. referral of instances of unregistered practice and fraud to the Department of Immigration and Multicultural Affairs for investigation; and

. support to be provided by the Department.

The agreement will also set out arrangements for the Migration Agents Registration Authority to report to the Minister for Immigration and Multicultural Affairs.

The performance of the Migration Institute of Australia, as the Migration Agents Registration Authority, will be closely monitored. The bill notes that the Minister for Immigration and Multicultural Affairs has the power to revoke the appointment and the Minister may well do so if the Institute is not performing to the agreed standards.

The proposed scheme will be reviewed by the Government before 21 March 2000. The review will determine the extent to which the Migration Institute of Australia has developed the capacity and infrastructure to undertake the role as industry regulator in a fully self-regulating environment.

This bill retains all of the important elements of the existing scheme for registration of migration agents.

For example, it will continue to be a mandatory requirement for all persons who wish to practice as a migration agent, including members of the legal profession, to be registered.

All applicants for registration will be required to satisfy the registration authority that they are of good character and have the necessary knowledge to give quality migration advice and assistance.

As is now the case, unregistered practice will be an offence. The Department of Immigration and Multicultural Affairs will continue to rigorously investigate and deal with those who provide immigration advice without being registered.

As with the existing Scheme, the bill provides for the investigation of complaints made against migration agents who act in an unprofessional or unscrupulous manner.

However, it will also introduce significant improvements in complaints handling, to address the review's finding that the existing process was expensive, slow and insufficiently responsive to consumer concerns. It will also address the Joint Standing Committee's finding that the current scheme lacks a mandate to implement alternative dispute resolutions.

For example, the bill provides for the Registration Authority to be able to refer a complainant and the relevant agent to a mediator. The intention is to enable the parties to a dispute to negotiate a mutually acceptable outcome without having to resort to lengthy and expensive disciplinary processes.

The existing legislation allows for disciplinary action to be taken against an agent who, for example, is found to have breached the Code of Conduct, or is found not to be a person of integrity. Such disciplinary action can take the form of a

caution, or the agent's registration can be suspended or cancelled.

These sanctions will remain. However, this bill proposes changes to the way disciplinary action against agents who are also practising lawyers will be handled. The changes will make it possible for the Migration Institute of Australia to refer disciplinary matters involving lawyer agents to the relevant professional bodies for disciplinary action. This will place the responsibility for handling malpractice within the legal profession itself, where it belongs.

The bill provides significant improvements in the handling of applications from persons who wish to become registered as migration agents. For example it replaces the existing requirement for notice to be put in the *Commonwealth of Australia Gazette* of applications from persons seeking registration. Such notices will now have to be made in the prescribed way—which the Government proposes will be the placement of notices in major national and metropolitan newspapers.

It also streamlines the application process by significantly reducing the amount of time prospective agents have to wait before their registration application can be considered. Under the existing arrangements such agents have to wait at least 6 weeks from the time a notice appears in the *Gazette* before they can reasonably expect to be considered for registration.

This bill reduces this time to a period of 10 days from the date the prescribed notification procedure has been met. This is in line with the periods provided for in other jurisdictions where people have to give notice of proposals to register. It provides a much streamlined means for prospective agents to enter the industry whilst retaining all the necessary character and knowledge requirements.

The bill also proposes a number of new provisions aimed at strengthening consumer protection and improving the competence of agents.

The present definition of "immigration assistance" does not extend to migration advice given in relation to sponsorships or nominations. This means that a person can provide assistance and advice to potential sponsors or nominators without being required to be registered as a migration agent.

Both the Joint Standing Committee on Migration Review and the recent review conducted by the Department of Immigration and Multicultural Affairs recommended that this loophole be closed, noting that a growing number of sponsors and nominees were effectively unprotected from poor advice or unscrupulous practice.

The Government also recognises that travel agents, in advising non-citizen clients of the need to have a visa for travel to and from Australia, could be argued to be required to register as migration agents under the existing Scheme. This bill amends the definition of "immigration assistance" in a way which will clearly exclude the limited forms of assistance provided by travel agents and interpreters.

The bill therefore removes an area of unnecessary regulation and uncertainty for the tourism industry.

The Government wants to ensure that all clients of migration agents are fully protected by the legislation. Under the current arrangements, agents operating in the voluntary sector are not required to meet the same knowledge test for registration as agents operating in the private sector.

Some of these agents have fully met the knowledge test and are recognised as highly competent and ethical practitioners. On the other hand, there are some agents working in a volunteer or part-time basis for smaller community groups whose level of knowledge and experience are a concern.

In practice, this has led to the development of two different standards of competency in the industry with some of the most vulnerable clients possibly receiving a lower standard of service.

The bill addresses this inequity by requiring all agents in the voluntary sector to fully meet the knowledge test in order to qualify for registration as a migration agent. Because many agents in the voluntary sector would be unable to meet the test without further education and training, the bill provides for a six month "period of grace" to enable them to qualify.

In addition the Department of Immigration and Multicultural Affairs is making funding available for the provision of training courses to enable agents in the voluntary sector to obtain the level of knowledge required for full registration.

The present scheme was set up to be self-funding, yet agents in the voluntary sector do not pay registration fees. The Joint Standing Committee report and the recent review both recognised that fee-charging agents have had to pay for this cross-subsidisation through their registration fees.

The actual cost of registration processing is the same for all agents, regardless of whether or not they charge their clients a fee.

The Government is of the view that fee-charging agents should not have to pay for the full registration costs of the voluntary sector. The two Charge bills included in this package will allow this cross-subsidy to be reduced by providing the Government with flexibility in relation to the charges that will be imposed on voluntary sector agents.

The Government proposes that the Regulations will provide a lower rate of charge for voluntary sector agents in recognition of their lesser capacity to meet the full costs of registration.

At present, once an agent is registered, there are no incentives for them to maintain or improve their knowledge and professional competency. Clients therefore have no way of knowing whether an agent has made the effort to keep abreast of changes to the Migration Act and Regulations.

The bill contains provisions designed to improve the competency and ethical practice of all migration agents. From 21 March 1999, all agents seeking to re-register must demonstrate that they have met criteria in relation to undertaking continuing professional development. The detail of these criteria will be set out in the Regulations.

The requirement to meet professional development criteria will have to be met by agents every twelve months when they seek re-registration. Agents who fail to meet this requirement will be refused re-registration and will not be permitted to continue to practice in the industry until they re-apply and meet the requirements.

The Government is aware that this is a serious measure. It potentially affects the livelihood of some people in small business. But it is necessary, both in the public interest and in the interests of consumers.

Senators will appreciate that the integrity of the Government's migration program can be compromised by unscrupulous and exploitative practice by migration agents. And consumers currently have no guarantee that the agent they are paying to give them professional advice is, in fact, fully competent.

If this requirement for continuing professional development has the effect of dissuading some agents from remaining in the industry because they do not wish to improve their practice, then the industry—and the community—would be better off without them.

Two Charge bills are being introduced in tandem with this bill. Together with the provisions in the principal bill, they will provide a more flexible vehicle for setting the level of fees applying to applications for registration.

After appointment as the Migration Agents Registration Authority, the Migration Institute of Australia will be authorised to collect fees on behalf of the Commonwealth. The principal bill includes an appropriation to the Migration Institute of Australia to ensure that it recovers the costs of running the new scheme.

The Renewal Charge Bill will be repealed on 21 March 1999. After that time, renewal of agents' registration will no longer be automatic. Instead, agents will be required to apply for re-registration and meet the new continuing professional development requirements.

The principal bill also includes a series of transitional arrangements. These are designed to enable a seamless transition to the new scheme.

Agents who registered under the old scheme will continue to have their registration and renewal dates recognised by the new Registration Authority. Those who submitted their application for registration close to the expiry of the old scheme will be able to be registered by the new Registration Authority.

In addition, unfinalised complaints and disciplinary processes will be able to be brought to completion by the new Registration Authority.

In conclusion, I would like to emphasise that these bills provide a comprehensive package of improvements to the regulation of the migration advice industry.

They cover all migration agents and cover more activities than the current scheme. They provide a better set of processes for handling complaints and raise professional and ethical standards. Most importantly, they strengthen consumer protection in a difficult area of service delivery.

The Government believes this will be of benefit both to consumers and the broader Australian community.

Finally, I remind Senators that the existing scheme is subject to a sunset clause which will come into effect in March next year. If this bill is not passed before then the entire industry will be unregulated and there will be no specific consumer protection available to this most vulnerable client group.

I urge Honourable Senators to support the enhanced new scheme provided for by this bill.

I commend the bill to the Senate.

MIGRATION AGENTS REGISTRATION APPLICATION CHARGE BILL 1997

Madam President

This bill imposes a charge on applications for registration as a migration agent.

It replaces the provisions in the Migration Agents Registration (Application) Levy Act 1992 which will be repealed.

The main feature of this bill is that it provides for the actual amount of charge payable to be set by Regulation subject to an indexed Charge Limit.

This provides the Government with flexibility to set differing levels of charge depending on the circumstances of the agent. It will allow, for example, lower levels of charge to be set for agents in the voluntary sector.

I commend the bill to the Senate.

MIGRATION AGENTS REGISTRATION RENEWAL CHARGE BILL 1997

Madam President

This bill imposes a charge on renewal of registration as a migration agent.

The bill replaces the provisions in the Migration Agents Registration (Renewal) Levy Act 1992 which will be repealed.

The main feature of this bill is that it provides for the actual amount of charge payable to be set by Regulation, subject to an indexed Charge Limit.

This provides the Government with flexibility to set differing levels of charge depending on the circumstances of the agent. It will allow, for example, lower levels of charge to be set for agents in the voluntary sector.

I commend the bill to the Senate.

Ordered that further consideration of the second reading of these bills be adjourned until the first sitting day in 1998, in accordance with standing order 111.

CHILD CARE PAYMENTS BILL 1997

CHILD CARE PAYMENTS (CONSEQUENTIAL AMENDMENTS AND TRANSITIONAL PROVISIONS) BILL 1997

In Committee

Consideration resumed.

CHILD CARE PAYMENTS BILL 1997

The CHAIRMAN—The committee is considering the Child Care Payments Bill 1997 and amendments 3, 6 to 8, 11, and 14 to 16 moved by Senator Brown for the Australian Greens. The question is that the amendments be agreed to. *(Quorum formed)*

Senator HERRON (Queensland—Minister for Aboriginal and Torres Strait Islander Affairs) (5.19 p.m.)—During the proceedings this morning I undertook to get back to Senator Harradine with an answer to his question as to whether the rubella vaccine derived from foetal tissue. The response is that the original cells from which the rubella vaccine was cultured were cultured from a foetal tissue. This occurred approximately 30 years ago and has not happened again because the cell line has been maintained in culture since that time.

The rubella component of the measles-mumps-rubella vaccine currently funded by the Commonwealth is derived from this source. The chicken pox vaccine is not derived from foetal tissue. The vaccine used in Australia is derived from cells from the OKA—which is the trade name for the cell line—cell line. This cell line was first cultured about 25 years ago from cells harvested from a child.

There is another matter which I want to clarify. This morning Senator Crowley asked me a question about the new child-care planning system and the number of new child-care places that would be available over the next four years. I would like to table information which sets out the number of new places included in the forward estimates 1997-98 to 2000-01. I table that for Senator Crowley.

Senator BROWN (Tasmania) (5.20 p.m.)—For the edification of the committee and listeners, the clause we are dealing with here is one which lists a number of reasons why a parent or a person looking after children should lose access to child-care payments if the child has not been vaccinated. The point I am making here—

Senator Crowley—Mr Chairman, I raise a point of order. I think both Senator Neal and I would like to follow briefly that statement introduced by Minister Herron. It would be a matter of one or two questions before we returned to the immunisation matter. Senator Brown, I wonder whether we could have your tolerance to do that.

Senator BROWN—You have my absolute tolerance. Please go ahead.

Senator NEAL (New South Wales) (5.22 p.m.)—Minister, we understand from discussions with your advisers that there is a major difference with what you advised us in the chamber. I think it is worth putting on the public record the fact that the 7,000 places relate only to long day care places, not to all the other types of child care, in case anyone listening to this debate is misled by those earlier statements. I think it is worthwhile doing that rather than just tabling the statement, although we do appreciate the statement.

Senator HERRON (Queensland—Minister for Aboriginal and Torres Strait Islander Affairs) (5.22 p.m.)—I am happy to do that. That did refer to the long day care places. That is why I tabled that document, which will be across to you shortly, showing the break-up.

Senator Neal—Will you incorporate it?

Senator HERRON—Yes. I seek leave to incorporate the document in *Hansard*.

Leave granted.

The document read as follows—

Program Analysis

Taking account of initiatives in this Budget, new Commonwealth funded child care places forecast for the forward estimates period are:

Service type	1997-98	1998-99	1999-00	2000-01
Community centres	2,200	2,400	-	-
Privates	12,100	7,000	10,800	13,800
Family Day Care	3,300	1,400	750	750
Outside School Hours Care/Year Round Care	9,500	9,000	6,000	4,000

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Senator CROWLEY (South Australia) (5.22 p.m.)—I am pleased that you do provide us with a statement of those places, Minister, because I was misled. I am very pleased to have you correct the record because what you seemed to be suggesting to us was that there would be family day care outside school hours and long day care places all coming out of that 7,000. It is now clear that they are not; the 7,000 is for reallocation of long day care places. I very much agree with Senator Neal that if that had gone uncorrected there would certainly have been some pretty lively discussion. So we acknowledge that correction. At estimates I might ask a few more questions just to get it finally clear.

Senator BROWN (Tasmania) (5.23 p.m.)—The point of clarification I was making was that we are dealing here with an amendment by the Australian Greens which would enlarge the scope of reasons given by a parent or a carer of children for not having those children vaccinated, without them losing child-care payments. Already we know that it is legitimate for a parent or carer to have a conscientious objection to vaccination. It is also legitimate for there to be a medical reason as to why they are not to be vaccinated.

What I want to do, through this amendment, is allow for infants who have had rubella, chicken pox, measles or whatever to be certified by their medical practitioner as having had that disease and therefore being naturally immune so that they do not have to line up for an unnecessary artificial vaccination. I am happy to hear what Labor's contrary argument to this is, but it is important that this third reason be available so that we do not have natural immunity ignored as a valid reason.

Senator NEAL (New South Wales) (5.25 p.m.)—I indicated at the outset that the opposition would be supporting this amendment, but I did raise the fact that I thought there would be some difficulty ascertaining whether a child has natural immunity. As I understand it, the fact that a child has had a disease does not prove absolutely that they do have natural immunity. I am happy for your amendment but it may be a more complex process for a medical practitioner to certify natural immunity than you may think. That being as it is, we are happy to support your amendment.

Senator HERRON (Queensland—Minister for Aboriginal and Torres Strait Islander Affairs) (5.25 p.m.)—I indicated previously that the only way of detecting whether a child is immune or not is through further testing. If that is what Senator Brown and Senator Neal want, that will add further expense to it,

because that is the reality. On the other hand, if a child is naturally immune and is then immunised, there is no effect on the child. It is perfectly safe and it will not hurt the child.

For those reasons, we oppose the amendment: firstly, it will not achieve anything because if the child is naturally immune it will have no effect—it will not harm the child and it will have no effect because the child is naturally immune; and, secondly, as I indicated this morning, how can you prove it? Senator Brown was accepting a doctor's diagnosis. As I said to him then, bully for him. But to be precise and to know that the child is immune will require further testing. With respect, you cannot have it both ways—but he appears to be wanting that. We will be opposing the amendment. I think Senator Neal understands what is being done by supporting this motion. It just will not stand up in scientific terms.

Senator BROWN (Tasmania) (5.27 p.m.)—It does stand up at least as well as the assertion that vaccination is going to give you immunity. Again, I put to the committee the evidence that, in recent epidemics in Australia of some of the diseases we are talking about, the vast majority—over 90 per cent—of those who have contracted the diseases have been vaccinated, but vaccination did not help there. Sure, this is a difficult amendment, if people are going to be able to assert that there is natural immunity. But it is an amendment put forward by the community groups which are thoroughly versed in the arguments. It is one they want and, therefore, it has legitimacy with this committee.

May I, as a procedural matter, inform the committee that when we last considered the bill I moved amendments 3, 6 to 8, 11 and 14 to 16 on sheet No. 759. Some of these amendments were consequential. In view of the fact that the opposition's amendments to clauses 22, 23, 80 and 81 were agreed to, I need to change my consequential amendments. I therefore seek leave to amend four of the amendments I have already moved; these are amendments 7, 8, 15 and 16, and they appear in their amended form on sheet No. 759 revised. In addition to all of the amendments I have already moved, I seek leave to add amendments 17 and 18 on sheet No. 759 revised to that group. These are also consequential amendments.

Leave granted.

Senator BROWN—I move my amendments 7, 8, 15 and 16, as amended:

(7) Clause 43, page 38 (lines 14 and 15), omit the note, substitute:

Note: The alternatives to immunisations are set out in paragraphs 22(d) to (h).

(8) Clause 70, page 53 (lines 16 and 17), omit the note, substitute:

Note: The alternatives to immunisations are set out in paragraphs 22(d) to (h).

(15) Clause 96, page 73 (lines 13 and 14), omit the note, substitute:

Note: The alternatives to immunisation are set out in paragraphs 80(d) to (h).

(16) Clause 122, page 87 (line 15), omit "80(1)(d) to (f)", substitute "80(d) to (h)".

I also move additional amendments 17 and 18:

(17) Clause 23, page 27 (line 32), omit "(d)", substitute "(f)".

(18) Clause 81, page 66 (line 7), omit "(d)", substitute "(f)".

Senator HERRON (Queensland—Minister for Aboriginal and Torres Strait Islander Affairs) (5.29 p.m.)—I will respond to Senator Brown's previous statement. Senator Brown's clause says:

a registered medical practitioner has certified in writing that the child has recovered from the relevant disease,—

and Senator Brown is accepting that the diagnosis is correct by the medical practitioner in 100 per cent of cases—

has developed a natural immunity—

The doctor cannot certify that unless there is specific testing that immunity has been received. It is the very point that Senator Brown was making that vaccination may not produce an immunity. To finish that—

and does not require immunisation.

I think there is obvious confusion on Senator Brown's part. I understand his motives but, as I say again, it just does not stand up in scientific terms. The doctor cannot certify that the child has recovered from the relevant disease because he or she has no proof of

that. They will require testing to prove that they have developed a natural immunity, and consequently he or she cannot certify that the child does not require immunisation.

Senator BROWN (Tasmania) (5.30 p.m.)—Of course the doctor can certify that a child has recovered from a relevant illness. Of course a doctor can diagnose an illness. Of course a doctor can certify that therefore natural immunity has followed—and with more certainty, I might add, than if a vaccination is given that immunity has occurred, because vaccination has a very big chance of failing to provide any immunity at all. Of course a doctor is therefore able to say that this child does not therefore require immunisation.

Amendments agreed to.

Senator LEES (South Australia—Acting Leader of the Australian Democrats) (5.32 p.m.)—by leave—I move:

(2) Clause 22, page 25 (line 28) to page 26 (line 6), omit paragraph (d), substitute:

(d) the person has declared in writing that he or she has a conscientious objection to the child being immunised; or"

(3) Clause 22, page 26 (lines 7 to 14), omit all words after "person,", substitute "the other person has declared in writing that he or she has a conscientious objection to the child being immunised; or"

(4) Clause 23, page 26 (line 28) to page 27 (line 3), omit all words after "after", substitute "the person has declared in writing that he or she has a conscientious objection to the child being immunised; or".

(5) Clause 23, page 27 (lines 5 to 11), omit all words after "after", substitute "the person has declared in writing that he or she has a conscientious objection to the child being immunised; or".

(6) Clause 80, page 64 (lines 6 to 12), omit paragraph (d), substitute:

(d) the person has declared in writing that he or she has a conscientious objection to the child being immunised; or

(7) Clause 80, page 64 (lines 13 to 20), omit all words after "person,", substitute "the other person has declared in writing that he or she has a conscientious objection to the child being immunised; or"

(8) Clause 81, page 65 (lines 4 to 10), omit all words after "after", substitute "the person has declared in writing that he or she has a conscientious objection to the child being immunised; or".

(9) Clause 81, page 65 (lines 12 to 18), omit all words after "after", substitute "the person has declared in writing that he or she has a conscientious objection to the child being immunised; or".

These amendments are identical to Senator Brown's amendments. I thank Senator Brown for agreeing that I shall move them. I will briefly go over what they are seeking to do. It is just taking out the clause that requires parents or guardians of children to get a written certificate to say that she or he has discussed with a doctor the benefits and risks of immunising the child. We believe the requirement that is there already, the requirement that remains, is sufficient, that is, the guardian or parent declares in writing that they do object. We have already changed that amendment so that they have a better and clearer understanding of what that objection involves. We believe it is sufficient that the parent simply puts in writing his or her objections, and that there should not be what could be quite an expensive and delayed process of requiring a written acknowledgment that someone has talked to them about this issue.

Senator HERRON (Queensland—Minister for Aboriginal and Torres Strait Islander Affairs) (5.33 p.m.)—This is not supported. We appreciate that parents may have a conscientious objection to immunisation which is based on a misunderstanding of the nature of immunisation and the side effects associated with it. After hearing some of the debate today, I am not surprised at that. What these other parties voted for just flies in the face of all scientific evidence, but perhaps that is the standard we are at in this country. No wonder there are only 50 per cent of children immunised in this country.

It is critical that we ensure that parents are properly advised on the benefits and the risks of immunisation by an expert in the field, a recognised immunisation provider, so that they can make a fully informed decision on whether immunisation is in the best interests of their child according to their beliefs. The nature of the discussion over the risks and

benefits of immunisation is clearly set out in the National Health and Medical Research Council's *Australian Immunisation Handbook*, 6th edition. Immunisation providers are required to discuss both the benefits and the risks of vaccination with concerned parents.

If we want to go back to the dim dark ages we will say, 'Don't get immunised,' and we will have epidemics again. What we are attempting to do is to give information to parents to let them decide whether they do have that conscientious belief, and that requires them to see an expert in the field—not pseudo-experts or necromancers or soothsayers or people of that sort, because that is what we are getting into now. We are getting into magic. We want scientific evidence that this has been attested to and there is a requirement in the legislation that the parents be fully informed, and that includes the risks of vaccination.

Senator BROWN (Tasmania) (5.35 p.m.)—The difficulty for the minister is that he does not understand that there is scientific debate on this matter, that it is not all signed, sealed and delivered by any means. I know as a former general practitioner how very difficult it is, because you get conflicting information. If you take the wrapper from around a vial of immunisation material, a vaccine, you will see there a list of warnings, precautions and potential deleterious effects of vaccination. It is not just a matter of being signed, sealed and delivered; there are hazards involved. It is a right and proper thing that informed and intelligent parents be able to make a decision. What we have got here, though, is the presumption that those people who are concerned about their children being vaccinated are in some way unintelligent or they are in some way uninformed. It is just not so. In fact, very often they will be the people who have gone to the most trouble to find out what it is all about.

If we are going to be even-handed here, I feel it should be a valid argument to put to all custodians who have children in their care who are facing the question of immunisation that they read the drug companies' own documentation. If we are going to be scientific, let us be absolutely scientific about it and have people read through the immunisation documentation put out by the drug companies themselves before a vaccination occurs. Let us ensure that all parents are responsible, not just those who do not want vaccination or who are concerned about it, so that we just do not have lines of people with infants in arms being serially vaccinated without realising that there are consequences.

On balance it becomes a very difficult question. The difficulty is between a parent's concern for their individual child who may be put at some hazard by the immediacy of a vaccination and the argument that the community overall has to protect itself by putting some pressure on all parents so that we get universal vaccination.

I will leave aside the question of whether universal vaccination itself is a good thing. I have already said that in Sweden some forms of vaccination across the board have been withdrawn. Leaving aside that point, we have to accept that there are good reasons for parents to be concerned.

Where there are parents with concerns, it is fair enough that they be informed. But I do not think that they should have that onus put upon them any more than it is put upon parents who are willing to have medical procedures without wanting to know what the downsides are. I know there are many parents who do not want to know from doctors what the hazards are. They simply want the doctors or medical attendants—the nurses, as in this case they very often are—to make the decision. But there are a good many other carers and parents who do want the information for themselves and who do want to make a decision based on evaluation of the facts. And good on them.

But let us be even-handed, as I said. If it is science we are concerned about, what does the minister think about distributing, before the act of vaccination, the vaccination information material attendant on every vial of vaccine to all parents for consideration?

Senator NEAL (New South Wales) (5.39 p.m.)—I would like to indicate that the opposition will not be supporting these amendments. I understand the concern of some parents who do not believe that vaccina-

tion should be a requirement of being paid child-care assistance. A group of those people, who had obviously thought long and hard about the whole issue, came to see me. They seemed to interpret the present bill as saying that they had to convince the immunisation provider that they had a conscientious objection. Certainly, this is not my reading of the bill.

It seems to me only to require that a certificate is given that the benefits to be derived from immunisation have been explained to a parent. I think this is a precaution that should be taken before parents choose not to immunise their children. I know that in many cases parents who make that choice may well be fully informed and may have taken the care to have access to all the information. But I do not think you can make the assumption that it happens in all cases. I think it is worth while providing that information or ensuring that parents do have the information.

I believe that immunisation in most cases is beneficial to children and does protect them. Certainly, if a choice is to be made otherwise, I believe it is important that parents have the opportunity to have access to that information.

In relation to this fairness issue—if it is done for one group, it should be done for another—I believe also that, if doctors are immunising children, they should be explaining to the parents the full impact of that and the possible side effects. If doctors are not advising and not saying what possible repercussions there may be from immunisation, I do not believe they are acting properly. I would hope that is not occurring. I do not think it is within the guidelines of the AMA to perform medical procedures without advising the patient or their parents of the full consequences. I hope they are both being done, but I think it is proper that parents making a decision should be fully advised about the repercussions of immunisation and so I will not be supporting this amendment.

Senator HARRADINE (Tasmania) (5.42 p.m.)—I ask the minister to advise the committee as to what instructions are given to the immunisation providers for the purposes of ensuring that those providers do properly inform the parents of the benefits and risks of immunisation. What action is taken by the authorities to ensure that this takes place?

Senator HERRON (Queensland—Minister for Aboriginal and Torres Strait Islander Affairs) (5.43 p.m.)—The instructions are set out in the *Australian Immunisation Handbook*, 6th edition. Immunisation providers are required to discuss both the benefits and risks of vaccination with concerned parents. There is an overriding responsibility: every medical action is subject to the law in that regard. There is always redress in every medical decision that is made where the patient considers that there has been misadventure.

To answer your specific question, the immunisation providers are issued with the handbook and they are instructed to discuss both the benefits and the risks of vaccination with concerned parents. There is the overriding responsibility and there is a specific instruction in the handbook.

Senator HARRADINE (Tasmania) (5.43 p.m.)—I have another question. When you respond to the second question, could you also indicate what steps are taken by the health authorities to ensure that the immunisation providers do what they are required to do under the handbook? The second question I have relates specifically to this clause. It relates to what is required of the parent by clause 22(d)(i) and (b)(ii).

Under (d)(i) certain things are required, certain things should have occurred, namely:

> (i) a recognised . . . provider has certified in writing that he or she has discussed with the person the benefits and risks of immunising the child;

Could the minister inform the committee as to how exactly that will operate, who picks up the tab. Under your own legislation, is there any tab to be picked up? What is the cost, in other words, of a person exercising a conscientious objection?

Senator HERRON (Queensland—Minister for Aboriginal and Torres Strait Islander Affairs) (5.45 p.m.)—In terms of who picks up the tab, it is covered by Medicare as a medical service.

Senator HARRADINE (Tasmania) (5.46 p.m.)—In deciding whether or not to support the amendments as against the clauses as

printed, I have had to consider again this issue of the nature of a conscientious objection, because clause 22(d) does deal with the question of what is required of a conscientious objector prior to that objector being given an exemption under the legislation.

Obviously, the parent is the person who is deemed to have the conscientious objection and is acting on behalf of the child. If there is to be a conscientious objection and a decision—that is to say, an assessment of what is right and what is wrong, having regard to all of the circumstances—then it is important to have an informed conscience. It is no good just saying, 'I have a conscientious objection'; it has to be an informed conscience, I would have thought.

Under those circumstances, as with the government and Senator Neal, I feel that it would be appropriate for that information—that is, the risks and benefits—to be discussed with a relevant person, namely, the recognised immunisation provider. Under those circumstances I will be opposing the amendment and voting for the clauses as printed.

Amendments not agreed to.

Senator NEAL (New South Wales) (5.48 p.m.)—I seek leave to withdraw the original amendment to clause 2.

Leave granted.

Senator NEAL—by leave—I move:

(1) Clause 12, page 19 (after line 6), at the end of the clause, add:

(4) The payment commencement date will not be earlier than 27 April 1998.

(2) Clause 12, page 18 (line 20), omit "(2) and (3)", substitute "(2), (3) and (4)".

These amendments have been circulated on sheet 765. The second amendment takes up the suggestion put to me by the government, which was to allow them to take the necessary steps to prepare for implementation but at the same time not allow the implementation to take effect before 27 April.

I suppose that this ensures that we have the best of both worlds. I wish to confirm, bearing in mind some of the points raised in debate earlier, that there is nothing about this second amendment which prevents the government from deferring the implementation date to some time later than 27 April; it merely prevents them from giving effect to it or implementing the bill before that date. I think that was a matter of some concern raised by a senator. I am not sure exactly who it was at this stage—it may have been Senator Woodley.

Amendments agreed to.

Senator NEAL (New South Wales) (5.50 p.m.)—by leave—I move:

(4) Clause 37, page 36 (line 18), omit "13 weeks", substitute "6 months".

(10) Clause 90, page 71 (line 18), omit "13 weeks", substitute "6 months".

These amendments relate to allowing a retrospective claim for child-care assistance. Amendment (10) relates to retrospective claims for the child-care rebate. A provision has already been stated in the bill for a retrospective claim of 13 weeks. This amendment proposed by the opposition allows this to occur for a period of six months.

It may well be argued that there are not a large number of cases where this would occur, but it would occur, I believe, in some cases. I can see no good reason for preventing the parents of children who have already had their children cared for within a child-care centre or some other child-care place from actually obtaining the reimbursement for child-care assistance and the rebate some time down the track.

I really cannot see any reason or principle for that, other than the reason that is commonly thrown up by this government that they want to have everything the same. I do not think the reason of wanting to have everything the same overrides the general principle that a person who is entitled to a benefit and has done everything in order to obtain that benefit should be precluded just because they are a little tardy in taking action. In circumstances where there are major changes and there could be some confusion, I think we really should allow some leniency so parents can come forward and claim some time after they have actually incurred the expense.

Up until the date that this bill comes into effect, parents would have always had the

benefit of being guided by child-care providers. If I am any example, in many cases I was not aware of how all the details were worked out but I relied on the guidance and advice being provided by my centre. After these changes take place, parents will have to deal directly with Centrelink, and in many cases there could be difficulties, errors or oversights that I believe parents should be able to rectify some time into the future by claiming back for some period their child-care rebate and their child-care assistance. That is the effect of these amendments—to extend the period of a retrospective claim from 13 weeks to six months—and I believe that is justified in the circumstances.

Senator WOODLEY (Queensland) (5.54 p.m.)—I am trying to listen to the debate on these amendments. I am always inclined to want to give leniency to parents, particularly those who are faced with changes, so I am sympathetic to these amendments but I am trying to work out why six months would be better than 13 weeks. Obviously, it is a longer period, but is there any reason why it is six months and not 12 months? That is the issue I am wrestling with. I would also ask the minister whether there are any financial implications of these amendments that he can point out.

Senator NEAL (New South Wales) (5.54 p.m.)—Can I just answer that first question. The reason it is six months is that previously that was the time you had to make a retrospective claim for the child-care rebate. The minister pointed out that the claiming back period for child-care assistance is a much shorter period, but that was in a situation where you were dealing with child-care centres, who obviously employ professionals in the field, and you could expect them to comply pretty smartly. I would suspect that very few child-care centres are ever retrospectively claimed; I think it is more the reverse.

So if you are going to put the child-care rebate and child-care assistance in line for retrospective claims, my obvious tendency would be to go to the longer period, which is what the rebate was before—that is, six months—rather than shorten it to the time for the child-care assistance. That is really a standard applied to professional organisations—the child-care centres—rather than individual parents. That is the justification for having six months.

Senator HERRON (Queensland—Minister for Aboriginal and Torres Strait Islander Affairs) (5.55 p.m.)—There is a reason for having 13 weeks. Under the current child-care assistance scheme, the period is only one week. As Senator Neal quite rightly said, that was because there were professionals dealing with it in the centre.

The reason it is 13 weeks retrospectively and not six months, 12 months, et cetera, is that there are financial implications, because all other social security payments use 13 weeks retrospectively. It would be more complex for Centrelink to use six months, because Centrelink relies on family payment income information and family payment uses 13 weeks. So it is both logical and less expensive to link it in with family payments, as they are 13 weeks. They will then be kept in step because of that.

As Senator Neal also rightly said, there will not be that many who will be claiming back. Certainly, it is a distinct improvement from one week to 13 weeks, but we believe that six months is an excessive time to go back. Again, it would be administratively more expensive to go back and check that if somebody claimed six months retrospectively. In summary, the reason is that, firstly, we think 13 weeks is quite a reasonable time and, secondly, it links in with the family payment schedule.

Senator HARRADINE (Tasmania) (5.57 p.m.)—I have considered this. As has been indicated by Senator Neal and acknowledged by the minister, these matters were attended to by professionals when the legislation had one week retrospectivity in it. Now it is 13 weeks. Obviously the government has recognised there may be a difficulty because a busy parent may not be able to get the paperwork right on time. As Senator Woodley asked, why is it six months?

I have become increasingly concerned because I have seen situations arise where parents are harassed. There are harassed mothers who are working, picking up the

kids, coming home, doing the housework and then looking after an aged parent. They are doing an enormous job. I think Senator Herron has probably referred to that previously; certainly, he has a general understanding of that situation.

I saw in a newspaper last week an article by Carolyn Jones about the physical and emotional stress that is experienced by a lot of women in this situation. I for one am very conscious of that and I am sure many people around the chamber are as well. I see them nodding. I personally feel that six months is not too long and, under the circumstances, I will support the amendments.

I must say that Centrelink have computers, and they would be able to program the computers to ensure that they are able to operate with this particular period of time, although it may be different to other legislation which they have to implement. I intend to support the amendments.

Amendments agreed to.

Senator NEAL (New South Wales) (6.00 p.m.)—by leave—I move:

(5) Clause 73, page 56 (line 8), omit the penalty, substitute:

Penalty: 30 penalty units.

(6) Clause 74, page 57 (line 9), omit the penalty, substitute:

Penalty: 30 penalty units.

(7) Clause 75, page 58 (line 14), omit the penalty, substitute:

Penalty: 30 penalty units.

(11) Clause 125, page 90 (line 8), omit the penalty, substitute:

Penalty: 30 penalty units.

(12) Clause 126, page 91 (line 9), omit the penalty, substitute:

Penalty: 30 penalty units.

(13) Clause 127, page 92 (line 14), omit the penalty, substitute:

Penalty: 30 penalty units.

(20) Clause 221, page 158 (line 24), omit the penalty, substitute:

Penalty: 60 penalty units.

(21) Clause 222, page 160 (line 3), omit the penalty, substitute:

Penalty: 60 penalty units.

(22) Clause 223, page 161 (line 11), omit the penalty, substitute:

Penalty: 60 penalty units.

(23) Clause 225, page 164 (line 7), omit the penalty, substitute:

Penalty: 60 penalty units.

These amendments relate to the provision of penalties for a person who fails to comply with notices from the department to supply information relating to their child-care payments. To punish a person who fails to comply with this notice with six months imprisonment is quite severe. I think most parents would be shocked and horrified to think that they could be dragged off to gaol for six months if they did not comply with a notice telling them to provide the department with the necessary information in a certain time. If you look at some of the penalties handed out in crimes of violence in our community, you see that it is pretty much out of proportion to punish someone with this sort of penalty. I understand that it is a maximum sentence, but I do not believe that a prison term in these circumstances is suitable at all.

I have essentially replaced the six months imprisonment with 30 penalty units, which is equivalent to a fine of $3,000. I suppose it is always a matter of great debate within the community about how severe a penalty should be. I know the government has made much of the fact that it should cut down on fraud. When there is intentional dishonesty for the purposes of obtaining benefit from the Commonwealth, it may be another thing. But this is not this sort of situation. It is not about a person who has intentionally made a misstatement in order to obtain a benefit; it is about someone who has been a bit slow in responding to a notice for information. To punish someone with imprisonment in those circumstances is really quite harsh.

Senator WOODLEY (Queensland) (6.03 p.m.)—The Democrats will be supporting these amendments—and I point out that they are actually the same as a number of amendments circulated in my name—for much the same reasons, although I can add a couple to what Senator Neal has just said. We canvassed this issue in the hearing that we had some weeks ago. I certainly was grateful for

the department clearing up the issue that these penalties—and I understand this is still so—really do apply to fraud; that that is the issue.

What I want to say to the government is that, in a sense, you have created the possibility of the fraud by changing the whole system. There was no possibility of parents defrauding the government when the payments were made to the child-care provider. Changing that system so that the payments are now made to parents has opened them up to this possibility. I think there is a bit of a catch-22 situation here and I agree with Senator Neal that we really do not want to project onto Australian families the possibility of gaol sentences for these kinds of misdemeanours.

I know the argument is that these penalties would then be the same as those for social security fraud, but I have raised on many occasions problems with penalties that apply to social security fraud. As Senator Neal says, there is no proportionality between many of the penalties that apply to people convicted of social security fraud and the penalties which are applied to classes of assault and what I regard as other much more serious crimes. We have raised this time and time again. What I would say is not that these penalties should be aligned with the social security penalties but that the social security penalties themselves should be reviewed as also being too harsh and out of proportion to penalties that are affixed to other crimes within the community.

I am obviously going to support these amendments, because they are the same as the ones I was going to move. Despite the explanation the department has given, and I appreciate the fact that the head of the department went to some trouble to get that information for me, I regard these penalties as far too harsh.

Senator NEAL (New South Wales) (6.06 p.m.)—If I might respond to a matter that was raised by Senator Woodley: I recall that, in response to questions raised by you, the department advised that they related to matters of fraud. But that is not strictly correct in relation to clauses I have sought to amend. Clause 73 says:

> The Secretary may give the person a notice that requires the person to inform the Department if:
>
> (a) a specified event or change of circumstances occurs; or
>
> (b) the person becomes aware that a specified event or change of circumstances is likely to occur.

It goes on to explain how notice must be given, that it can be sent by post and that it must be in writing. Subclause (7) goes on:

> The person commits an offence if the person refuses or fails to comply with the notice.

In my mind, having failed to comply with a notice to provide information is not an example of fraud. As I understand it, fraud requires an act of dishonesty that obtains some benefit for the person. That certainly does not seem to me to come within that definition, but I am happy to debate the issue.

Senator WOODLEY (Queensland) (6.07 p.m.)—That is very helpful. I thank Senator Neal for that explanation. I therefore, with her, seek a further explanation.

Senator HERRON (Queensland—Minister for Aboriginal and Torres Strait Islander Affairs) (6.08 p.m.)—I think Senator Woodley will have to give a further explanation because in his amendment he is asking for 120 penalty units, according to sheet No. 743, but in his speech he said that he thought the penalties should be lower. Senator Neal's amendment is for 30 penalty units. I wonder whether Senator Woodley could explain the disparity.

Senator WOODLEY (Queensland) (6.08 p.m.)—Yes, I can. Sorry, Minister; I have confused you. My original amendments have been withdrawn. I am supporting the ones that Senator Neal has now put forward as Labor amendments, but I would want to then move some subsequent amendments, which are the higher penalties. They come up later in this debate.

Senator Neal—But that relates to different sections.

Senator WOODLEY—To different sections, yes.

Senator HERRON (Queensland—Minister for Aboriginal and Torres Strait Islander Affairs) (6.09 p.m.)—The government will be opposing that. There are other items to be

covered in this in the sense that these penalties would ensue only after a trial, after it goes to court, after there is a conviction. It is not as if they are plucked out of the air.

The reason for the penalties was that they were set by the Attorney-General's Department to ensure consistency with penalties for comparable offences in other legislation such as, as Senator Neal said, the Social Security Act. The Crimes Act 1914 already provides for imprisonment where a person is convicted of offences against the Commonwealth, such as false pretences, false representations with a view to obtaining money, false statements in an application to obtain money and defrauding the Commonwealth.

The Child Care Payments Bill 1997 does not create new offences in this area. It does, however, empower the Commonwealth to recover moneys where a person is convicted under the Crimes Act and the offences relate to child-care payments. This power to recover is not covered by the Crimes Act.

However, the bill ensures that a person failing to repay such moneys will not be imprisoned. Imprisonment is just one of the options for offences committed under the Child Care Payments Bill 1997, such as improper use of protected information, failing to comply with a request for information or deliberate fraud. The courts are free to opt for a non-custodial sentence if a particular offence does not warrant imprisonment. In other words, we are leaving it to the courts.

It is not unreasonable that substantial penalties be available, however, to reflect the Commonwealth's serious obligations to protect the private information and taxpayers' money in its care. We are opposing this motion because this motion sends the very wrong signal that it is okay to defraud the Commonwealth.

Senator Neal—It's not fraud.

Senator HERRON—Well, it has to go before a court. In most cases overpayments will be recovered without recourse to the courts. These penalties will ensue only if a person were convicted of an offence, and the court would take that into account with regard to the penalty.

Senator NEAL (New South Wales) (6.11 p.m.)—I must say I am developing some irritation about this being continued to be called fraud. Clause 73 does not involve any fraud on the part of the person. It involves them only receiving a notice from the department requesting further information and their refusing to comply with it within the required time. In my mind, under the principles of law that is not fraud, and I do not think most of the general community would think that is fraud.

Senator HERRON (Queensland—Minister for Aboriginal and Torres Strait Islander Affairs) (6.12 p.m.)—I take Senator Neal's point, but the point is that, if the lack of providing advice is a mechanism by which fraud occurs, the two are related. We cannot dissociate the lack of providing information where fraud occurs if that is the consequence of the lack of provision of information and it is deliberate so that fraud can be perpetrated.

Senator NEAL (New South Wales) (6.12 p.m.)—In my mind, for a crime to be committed there must be an intention to commit the crime. This offence contained in clause 73 does not say that you are failing to provide that information with an intention of obtaining a benefit. It just says that you fail to provide it.

If someone is just a bit slack, a bit overcome by events, a bit inexperienced or not aware of how serious the matter is, they could go off to gaol when they could have been just a bit slow in responding because they are disorganised. I think that is a rather extreme response.

Senator HERRON (Queensland—Minister for Aboriginal and Torres Strait Islander Affairs) (6.13 p.m.)—Events have occurred where a person fails to provide information. For example, if a person has told the department correctly that his or her income is very low and then he or she gets a highly paid job but does not tell the department, then that, by definition, is fraud because in effect they are still taking a benefit to which they are not entitled—the benefit being that which is given to them because of the original low income that they were on. By failing to provide that

information and continuing to receive that benefit, that is received fraudulently.

Senator NEAL (New South Wales) (6.13 p.m.)—It may be perceived to be received fraudulently, but the commission of a crime requires two elements. As the minister did first-year law, I am sure he would be aware that it requires the act plus the intention to carry out the act. If you do it inadvertently, it is not a crime.

Senator Herron—I appreciate that.

Senator HARRADINE (Tasmania) (6.14 p.m.)—When we debated the previous clause I mentioned in passing that last week I had read a newspaper article by Carolyn Jones. I want to raise this question because I believe it is also pertinent to the matter under consideration. The article appeared in the *Australian* of Friday, 7 November 1997. It is entitled 'Caught in the middle—women are increasingly having to juggle the demands of work, children and their elderly parents. Carolyn Jones reports on the rise of the 'sandwich generation''.

If the laws of this country are pressing women into that particular area of becoming a sandwich generation, we ought to look at the foundations of the laws and also the foundations of our economic and family policies which result in what has been described by Carolyn Jones. We really have to look at the question of whether or not persons—she was talking about women when she spoke about the sandwich generation—have a true freedom of choice, whether working full or part time or caring for children and aged relatives full or part time.

I am very pleased that Senator Neal accepted amendments to her motion for this bill to go to a committee. Amongst those amendments that were accepted and then decided upon by the Senate, the Community Affairs References Committee would look at the impact on families, children and child-care services of families only being able to access child-care subsidies in the form of child-care assistance and the child-care rebate if their children are cared for by carers other than the parents. The committee would be looking at the effect of taxation, including but not limited to the family tax initiative, on parents and their ability and choice to participate in the paid work force or in the full-time care of their children. The effect of child-care subsidies in the form of child-care assistance and child-care rebate would be available only for families who contract out their child care to others and not for those who provide child care at home.

I am pleased that those points have been included in the committee reference. On the previous occasion we were discussing the time limits with respect to retrospective payments for the benefits under this legislation. The committee did accept the amendment that was put forward by Senator Neal to extend that from 13 weeks to six months. As was indicated when we were discussing that point, there was previously no problem with a week because professionals in the child-care centres were actually doing the paperwork, whereas under this legislation, because the payment will be going direct to the parents, the parents will be doing the paperwork. Thus, we recognised that and extended the limit beneficially to the beneficiaries. I think the same ought to apply to this clause. I will be supporting Senator Neal's amendments.

Amendments agreed to.

Senator NEAL (New South Wales) (6.20 p.m.)—by leave—I move:

(14) Clause 145, page 109 (lines 19 and 20), omit subclause (3).

(15) Clause 146, page 110 (lines 8 to 10), omit subclause (3), substitute:

(3) The amount by which each payment of the person's *child care payment is to be reduced is worked out as follows:

Amount of payment x 0.14

(16) Clause 147, page 111 (lines 16 to 18), omit subclause (3), substitute:

(3) The amount by which each *group payment made to an operator is to be reduced is worked out as follows:

Amount of payment x 0.14

These amendments relate to where parents are required to repay overpayments of child-care assistance or the child-care rebate. The way the bill is presently structured, it would be necessary for the parents to forgo all their child-care assistance and rebate until the money is repaid, so essentially it is a with-

holding rate of 100 per cent. It is interesting to note that consistency across all aspects of payments is important when it benefits the Commonwealth financially but not so important when it benefits the individual.

The normal withholding rate when there are overpayments of the social security payment is 14 per cent. I just think it would be unfair to require parents to repay it at a 100 per cent rate because it may well mean that for whatever period it is—a couple of weeks or maybe longer—they would have no funds to assist them with their child-care costs at all.

I am amending the bill to make the withholding rate 14 per cent, which means that the maximum that can be repaid each time from child-care assistance and the child-care rebate would be 14 per cent. That would continue until the full amount of the other payment had been repaid. This would allow parents to repay the funds but at the same time still have some help with their child-care costs.

Senator WOODLEY (Queensland) (6.21 p.m.)—The Democrats are certainly inclined to support these amendments. I understood that the Minister for Aboriginal and Torres Strait Islander Affairs (Senator Herron) made reference to this in his speech on the second reading and I thought he was agreeing that the social security rate was 14 per cent.

The minister may remember—or at least I will draw it to his attention—a debate we had with the Minister for Social Security (Senator Newman) about the undesirability of withdrawing these kinds of supporting payments in total. It is far better to withdraw them at a percentage rate and spread the repayments over a longer time, because we are talking about people who are often running very close to the bone. It virtually becomes the difference between parents having some support for their children—and therefore being able to access child care—and having to drop out of child care. It is still difficult for parents if they are going to have a significant reduction such as 14 per cent; nevertheless, it gives them some chance of rearranging their lives and perhaps still accessing child care. The minister did refer to this in his speech on the second reading, so I presume he is supporting these amendments as well.

Senator HERRON (Queensland—Minister for Aboriginal and Torres Strait Islander Affairs) (6.23 p.m.)—No, that is not correct. This is what I said in my speech on the second reading:

> If an overpayment occurs, Centrelink can simply adjust future payments by a small amount until the debt is recovered. The withholding rate for this method of debt repayment will be limited to 14 per cent, the standard social security withholding rate, unless a customer wishes to erase the debt more quickly.

As I said, it is the standard social security withholding rate. Families can elect to pay more than the 14 per cent if they wish to discharge their debt more quickly, and that would not be possible under Senator Neal's amendment. In the case of very large debts, it is preferable to have the flexibility to withhold at a lower rate. So it is both ways, and that would not be possible if this amendment were passed.

We seem to have this peculiar disparity in that, somehow, parents are not seen as taxpayers. The Commonwealth has a responsibility to the taxpayer. The previous amendment that was passed makes it easier to commit fraud and sends the wrong signal, and now these amendments, which have lesser requirements on repayment where overpayment has occurred, again send the wrong signals. We will be opposing the amendments.

Senator NEAL (New South Wales) (6.24 p.m.)—What the Minister for Aboriginal and Torres Strait Islander Affairs said is quite incorrect, that a 14 per cent withholding rate would prevent parents from repaying a debt more quickly. That is quite preposterous. He would well know, and I am sure the department would well know, that on many occasions social security recipients choose to repay their debts more quickly. The same provisions apply there.

I have never seen or heard of a situation where the recipients have been told they cannot repay it. All these amendments do is prevent social security from withholding more than 14 per cent of their present payments to repay it. The person who has been overpaid can always say, 'Here's some money. I want to reduce that overpayment immediately.' It is just that they will have to use a slightly

different method. It is quite absurd and misleading for the minister to suggest that these amendments would bar people from repaying the debt more quickly.

Senator HERRON (Queensland—Minister for Aboriginal and Torres Strait Islander Affairs) (6.25 p.m.)—There is no intent to mislead. The facts speak for themselves under the amendments. Senator Neal has not responded to the situation where flexibility is required to withhold at a lower rate, which is not possible under her amendments.

Senator NEAL (New South Wales) (6.26 p.m.)—That, again, is completely misleading. It is a maximum of 14 per cent. I really do not appreciate the minister continuing to misconstrue the amendment in order to take it to perverse extremes.

Senator HERRON (Queensland—Minister for Aboriginal and Torres Strait Islander Affairs) (6.26 p.m.)—It does not say 'maximum'. If it said 'maximum', I would be happy; but it does not. The amendment reads:

> The amount by which each *group payment made to an operator is to be reduced is worked out as follows:
>
> Amount of payment x 0.14

There is no word 'maximum' there. Maybe Senator Neal can point it out to me, but I can only go on the amendments as circulated in the chamber.

Senator WOODLEY (Queensland) (6.27 p.m.)—While Senator Neal is looking that up, it would help me, too, if the word 'maximum' was there. It would make it clearer. I am suggesting to Senator Neal that that is a useful suggestion by the minister.

The TEMPORARY CHAIRMAN (Senator Hogg)—Would it help the various parties if this particular clause were deferred for later consideration so that the parties may clarify that particular issue?

Senator HERRON (Queensland—Minister for Aboriginal and Torres Strait Islander Affairs) (6.27 p.m.)—I am happy to do so, as long as Senator Neal withdraws the imputation that I am attempting to mislead.

Senator Neal—I am happy to withdraw it.

Senator HERRON—Thank you. I am happy to defer it to a later hour.

The TEMPORARY CHAIRMAN—We will now move on to opposition amendment No. 17.

Senator Neal—Would it be improper of me to respond to the question that was raised in relation to the 14 per cent or would you prefer that I go on to amendment No. 17 and come back to it?

The TEMPORARY CHAIRMAN—We have deferred that to a later time in the debate such that the various people involved in the debate can come together and sort out whether or not the word 'maximum' should be inserted. That will also give you the opportunity to respond to the remarks made by the minister and also by Senator Woodley.

Senator NEAL (New South Wales) (6.29 p.m.)—I move:

(17) Clause 192, page 142 (after line 8), at the end of the clause, add:

(2) For the avoidance of doubt, it is hereby declared to be the intention of the Parliament that the requirement for a *child care assistance service to hold an allocation of *child care assistance hours per fortnight applies only to new child care assistance services approved under this Act.

The effect of amendment No. 17 is to ensure that the requirement for the allocation of child-care assistance hours applies only to new centres and does not apply to existing centres. I think the minister indicated in questioning earlier in the committee stage on general matters that it was not the intention of the government to require the allocation of hours to apply to existing centres. This amendment ensures that that is included within the legislation.

Senator WOODLEY (Queensland) (6.30 p.m.)—It would be useful if we had an explanation from the minister. Senator Neal is inferring that the government is prepared to accept this amendment. That is what I need to know.

Senator HERRON (Queensland—Minister for Aboriginal and Torres Strait Islander Affairs) (6.30 p.m.)—No, Senator Woodley, we will be opposing the amendment. The point is that we need to allocate hours to all

existing services to ensure that they do not expand the number of places in their service during 1998 and 1999 without satisfying the planning requirements for expansion of existing services. This will enable the government to locate all new places in areas of high need, as I said previously, and to limit the number of new places in 1998 and 1999 to 7,000. This amendment, if passed, would create an inconsistency in the act, as section 177(2) requires the approval of all services, new and existing, to include an allocation of child-care assistance hours.

Senator WOODLEY (Queensland) (6.31 p.m.)—I thank the minister for that. I should have indicated that we are inclined to oppose opposition amendment 17. This whole business of planning is very complex but very important. I am not inclined to want to make the government stumble at the point when they are actually trying to work out a system which will achieve what we all want—that is, some planning in the midst of the chaos that we have seen in the unplanned proliferation of child-care centres in some areas.

I think that we will also need the government to be able to look at both existing and new centres. I am sure that the government is going to monitor this very closely, and they can come back to us if they are finding large anomalies in the planning. I want them to have the opportunity at least to work through it before we start to put stumbling blocks in the way. So we are opposing the amendment.

Senator HERRON (Queensland—Minister for Aboriginal and Torres Strait Islander Affairs) (6.32 p.m.)—Senator Woodley, I have given that assurance on a number of occasions. It is obvious that the government needs to monitor what is ging on because of the rapid changes in the work force and the requirements of the work force. I am happy to give that reassurance again about the monitoring process.

Senator NEAL (New South Wales) (6.32 p.m.)—I must say that the position being put by the minister is completely different from the position which has been put in debate till now. In questioning at both the committee level and here, it was always indicated that the planning provisions were to apply to only new centres, not to existing centres. It has actually been a very big concern of the child-care industry, around the whole introduction of this bill and the debate, that in fact it would apply to existing centres.

What we at least have gained from this particular amendment is an understanding of the government's true position. I do not believe that it is appropriate that the provisions of planning should apply to existing centres. They are established under the existing regime. I think it is unfair to them that the government should step in and apply this new system to them. But I do not think we will gain from further debate, so I will sit down and allow the amendment to be put.

Senator HERRON (Queensland—Minister for Aboriginal and Torres Strait Islander Affairs) (6.33 p.m.)—I am happy to explain that. The senator does not seem to understand. The planning relates to all existing services. It would be illogical to do your planning only for new services. We have to monitor that the existing services do not expand and that the allocation of hours encompasses all existing services. So it would be illogical to do your planning just for new services.

Amendment not agreed to.

Senator NEAL (New South Wales) (6.34 p.m.)—While I have it fresh in my mind, I want to go back to amendments 14 to 16, which were deferred.

The TEMPORARY CHAIRMAN (Senator Ferguson)—If you want to.

Senator NEAL—I have had a look at that amendment as it is framed and the word 'maximum' is not contained in it. That being the case, I would like to seek leave of the chamber to insert, within both amendments 15 and 16, where there is the word 'substitute'—

The TEMPORARY CHAIRMAN—Senator Neal, I might make a suggestion. We are obviously not going to finish the committee stage of the bill tonight, and I have advice that perhaps there is a need to slightly redraft the amendment.

Senator NEAL—I do not think so. It just requires the insertion of a word.

The TEMPORARY CHAIRMAN—I am advised that there may be some consequences of the amendment. I am only acting on advice, Senator Neal. As the debate is not going to finish tonight, I am wondering whether you would like to give it a little bit more time. We have already deferred it.

Senator NEAL—I am quite happy that there are no repercussions, but if there is an opportunity to go over it and double check it, I would be happy to do that.

The TEMPORARY CHAIRMAN—Thank you, Senator Neal.

Senator NEAL (New South Wales) (6.36 p.m.)—I move:

(18) Clause 200, page 145 (after line 15), at the end of the clause, add:

(5) A determination under this section is a disallowable instrument for the purposes of section 46A of the *Acts Interpretation Act 1901*.

Clause 18 requires that any provision made for restricting regional allocations be a disallowable instrument and come back before the parliament. As the Senate would be aware, the bill allows the minister to determine particular regions. I have to say that it is very uncertain at this stage exactly what a region is or what the boundaries will be.

Once that is determined, the minister can then determine that a certain number of places will be allowed for child-care assistance within that region. I am very concerned that these sorts of restrictions can be applied without reference to the parliament. The purpose of this amendment is to make that determination a disallowable instrument and therefore allow parliamentary scrutiny of that decision.

Senator WOODLEY (Queensland) (6.37 p.m.)—The Democrats are inclined to support this amendment. I know that it irritates the government when we do these kinds of things, but I have to say that this whole planning issue is one that the Democrats are very much committed to. This simply allows the parliament—it is not saying we are going to necessarily disallow it at any point—the opportunity to also keep a monitoring role in terms of the whole planning system. So we would support this amendment.

Senator HERRON (Queensland—Minister for Aboriginal and Torres Strait Islander Affairs) (6.38 p.m.)—We will be opposing the amendment mainly because it delays the process. The identification of areas is a technical assessment of demand for work related care, and including areas in a disallowable instrument would require the regular tabling of new instruments.

The process is that, after the planning requirement is done, where it is determined that new places can be allocated that will be advertised. It will be subject to regular review with adjustments to the list of areas, both additions and deletions, based on take-up by the private sector. So those regular reviews will inevitably be delayed if it is required to be a disallowable instrument. We think that the process as it stands in the legislation is much quicker and more flexible. By putting it as a disallowable instrument, it militates against both those effects.

Amendment agreed to.

Senator NEAL (New South Wales) (6.40 p.m.)—The opposition opposes chapter 6, part 1, division 2, subdivision 3 (lines 1 to 27). This particular provision allows the government to cap the number of new family day care places and occasional care and outside school hours care places again without recourse to parliament. Again, I am of the view that it is important that where the allocation of child-care places is to be restricted by the determination of the minister it should be subject to parliamentary scrutiny and, therefore, should be brought back before the parliament. That is the effect of this particular amendment.

Senator HERRON (Queensland—Minister for Aboriginal and Torres Strait Islander Affairs) (6.41 p.m.)—The government will be opposing the amendment because there has always been a limit on the number of places funded by the Commonwealth for family day care, outside school hours care and occasional care. The new planning provisions will enable new places to be located in areas of highest need. To make this planning system effective, it is necessary to ensure that existing services do not expand without approval. It is for that

reason that we will be opposing this amendment.

Senator WOODLEY (Queensland) (6.41 p.m.)—I am trying to listen to the debate on this one. It is very hard to work out the effect. I presume when you say 'without approval', Minister, that the government really would be seeking to make sure—and this is the question really—that approval would be withheld in an arbitrary way that does not really relate to need but relates to the government's budgetary requirements. That is always my question. I would want some assurance that approval really is about making sure of the best outcome.

Senator NEAL (New South Wales) (6.42 p.m.)—In relation to comments made by the minister and Senator Woodley, this amendment moved by the opposition does not actually prevent the number of places being capped. If that is the concern of the minister, it is unfounded. All it does is ensure that, when that cap is put in place, it comes back for scrutiny by the parliament.

I do not think that is unreasonable in a situation like this. Obviously a lot of members of the community are going to be affected and where the criteria which will be applied are not really clear, whether it be need or the budget of the Commonwealth, I do not think it is unreasonable for the parliament to have the opportunity to examine the decision. That is the only consequence of this amendment. It does not actually prevent the capping occurring. It just ensures the parliament has the opportunity of scrutinising it.

The TEMPORARY CHAIRMAN (Senator Ferguson)—Senator Neal, we have to be careful because we are not dealing with an amendment. We are dealing with opposition to subdivision 3.

Senator HERRON (Queensland—Minister for Aboriginal and Torres Strait Islander Affairs) (6.43 p.m.)—There is already a cap on the number of hours. It exists at present. All the government is saying is that an existing service cannot extend the number of hours without notification.

The TEMPORARY CHAIRMAN—The question now is that subdivision 3 stand as printed.

Question resolved in the affirmative.

Senator NEAL (New South Wales) (6.44 p.m.)—The opposition opposes clause 255, page 186 lines 3 to 9. The provisions of this particular section specify that, when determining issues in relation to child care, the objectives of the Social Security Appeals Tribunal should be as listed in the section. It is the view of the opposition that the general objectives that apply to the decisions of the Social Security Appeals Tribunal should not be different for child care than for any other decision of this tribunal.

The general objectives relate to procedural fairness rather than strict criteria on child care. It is unfair to have different provisions of procedural fairness apply to decisions on child care and not to all other decisions of the tribunal. I think it is improper to amend it in this way.

Senator HERRON (Queensland—Minister for Aboriginal and Torres Strait Islander Affairs) (6.45 p.m.)—I have been advised that this is a standard clause relating to the operation of the Social Security Appeals Tribunal. Therefore, I would ask Senator Neal: what is the difference? I have been informed that the objectives of providing a review are that it is fair, just, economical, informal and quick. That seems reasonable and the wording is identical. So I ask Senator Neal: in what way does it differ?

Senator NEAL (New South Wales) (6.46 p.m.)—I have not brought with me the objectives of the Social Security Appeals Tribunal. I assume that your advisers would have that. I think that if you compare them you will find there is a difference. My recollection is that the terms 'economical' and 'quick' tend to imply that you make a quick decision rather than making sure it is fair. That is different from the general objectives of procedural fairness contained in the legislation that sets out the general objectives of the tribunal.

Senator HERRON (Queensland—Minister for Aboriginal and Torres Strait Islander

Affairs) (6.47 p.m.)—I will read out the general objectives of the tribunal:

The SSAT must, in carrying out its functions under this Act, pursue the objective of providing a mechanism of review that is fair, just, economical, informal and quick.

I am happy to provide a photocopy of that for Senator Neal. The bill has those words in it; it is identical. We see no reason for the amendment.

Senator Neal—I will be happy to have a look at that. If that is the case, I will not need to proceed.

Senator NEAL (New South Wales) (6.48 p.m.)—It is as you say, Minister. I suppose that begs the question: if it is exactly the same, why is it necessary to include it again in this bill?

Senator Herron—I am informed there was never an appeals provision in the Child Care Act and it is now being inserted so that there is an appeals provision.

Senator NEAL—It may be a drafting quirk, but it would seem to be that if you said, 'The decisions under this act can be appealed to the Social Security Appeals Tribunal,' the normal objectives of procedures contained in that act would then apply to that appeal. I do not understand why, if they are identical, it is necessary to restate them.

Senator HERRON (Queensland—Minister for Aboriginal and Torres Strait Islander Affairs) (6.49 p.m.)—I am informed that it was a matter of drafting. It could have been done that way, but they decided to put it in the Child Care Act so that at least it was in the act. It was up to the draftsmen to do that, and that is what they have done. It achieves the same objective. The wording is the same as the Social Security Act.

Progress reported.

DOCUMENTS

The DEPUTY PRESIDENT—Order! It being 6.50 p.m., we will now move to the consideration of government documents.

Native Title Tribunal

Senator DENMAN (Tasmania) (6.50 p.m.)—I move:

That the Senate take note of the document.

I seek leave to continue my remarks later.

Leave granted; debate adjourned.

Pharmaceutical Benefits Pricing Authority

Senator WEST (New South Wales) (6.51 p.m.)—I move:

That the Senate take note of the document.

I want to address a particular aspect of pharmaceutical pricing that this government seems hell-bent on introducing: that is, therapeutic groupings. I want to express grave concern about this. Initially, there were six groups of pharmaceuticals in their classifications. There was a number of groups for the treatment of hypertension—beta-blockers, ace inhibitors and calcium channel blockers. There was one group for depression, and one group for the treatment of ulcers and similar conditions. I have a mental block on the sixth group, but there were six groups.

It is proposed that the cheapest drug of this group will be what is subsidised by the government, and if people are prescribed a different drug that is more expensive they will have to pay the difference. Also, the cheapest drug price will be used in the calculation of their safety net. There has been somewhat of a campaign about this, certainly by the pharmaceutical manufacturers, as you would expect, but also by a number of doctors and specialists, particularly specialist physicians with whom I have had consultations and discussions. They have expressed concerns about this because, although the drugs might be classified as working on a similar principle, the drugs are not necessarily the same. The price of the drugs can vary and the efficacy of the drugs can vary considerably as well. You also have to take into account the idiosyncratic reactions of individual people to those drugs.

Since the campaign has started, beta-blockers, one of the antihypertensives, have been removed from the list; but I have grave concerns that there are still a number of others on the list. I have been advised by specialist cardiologists that there are a number of those drugs—one or two of those drugs at least—that do potentially have some nasty

side effects, and they happen to be the cheaper drugs of those groups.

I have also had correspondence and representations from a number of constituents who have multiple system medical problems and who, after a great deal of trial and error with their physicians, have been able to come up with a combination of drugs that will treat their hypertension, their high cholesterol levels and maybe their depression or their gastric ulcer in combination. It has often been after a significant amount of trial and error that the best drug for that particular individual has been settled upon. These people now, if they are on a pension, will be facing increased payments.

I know that the department and the government will tell me that for most of these it is only one or two dollars a prescription extra. But people with multiple system problems can be on three or four drugs. It might only be three or four dollars a prescription extra or an additional three or four dollars a week that they are having to pay, but when you are on a pension you have no discretionary payments. You have no discretionary income that you can expend. I am sure that there will be people who will be endeavouring to get the cheapest drug prescribed for themselves, but this may not be the most efficacious drug for them in the medical sense and they could well be putting themselves in danger.

This is a very false and hasty move by the government. We know from research done overseas that, where therapeutic groupings of drugs have been tried, there has been an increase in the rate of use of acute hospital beds because people are not getting the same results they were with the best drug for their disease and for them as an individual. This is causing the utilisation of a greater number of acute hospital beds which, when this government has already cut its funding to the states for hospitals, is bad. I seek leave to continue my remarks later.

Leave granted; debate adjourned.

Nuclear Science and Techology Organisation

Senator STOTT DESPOJA (South Australia) (6.56 p.m.)—I move:

That the Senate take note of the document.

I rise to make a few comments about the ANSTO annual report. This report sets out the considerable amount of work that has been done by the organisation over the past year. However, I wish to refer briefly to one particularly hot issue: the new reactor.

The government's decision to build the replacement nuclear research reactor at Lucas Heights has been a significant and rather controversial issue over the past year. The $300 million which has been allocated for that very purpose is the biggest ever commitment by a government to science and technology in Australia. It is the largest single financial commitment in our entire political history to science and technology.

The concerns that I and the Australian Democrats have about the need for and suitability of a reactor will be discussed at other times and places, of course. I do note also that the Economics References Committee is due to report on 8 April on this very issue. So, just briefly, I would like to talk about the commitment of this funding, the magnitude of this funding and the lack of consultation surrounding this important science initiative.

I note that the former Minister for Science and Technology, Mr Peter McGauran, failed to consult with either the Chief Scientist or the Australian Science and Technology Council in deciding to spend this $300 million on the new reactor. I think it is extraordinary that those two vital bodies—the council and the Chief Scientist—were not consulted about the allocation of this funding. I consider this a particularly dark day for science and technology in Australia.

Peter Pockley's revelation in *Nature*, the science journal, about this story—the fact that these people were not consulted—was a shock to me and, no doubt, to many other people, certainly in the science and technology field. I believe it is an indictment on this government. It is a slap in the face for our scientists and their contribution to the significant science issues in Australia today.

Scientists must be included in the decision making processes, especially in relation to those that have such large funding allocations. The decision to allocate this money involved

a huge commitment of funds, and not only those in the particular groups to which I referred—namely, the Chief Scientist and the Science and Technology Council—but a range of scientists should have been consulted. There should have been extensive consultation on this matter. It is extraordinary that the Chief Scientist should have been overlooked in this decision making process.

I hope that the new minister will consult the science community and recognise that they are a good source of advice about issues, of course those which directly affect them in particular. I note that the $30 million will probably blow out to a lot more over the period of the reactor's construction, and I think a commitment of this magnitude highlights the need for many other funding commitments to other areas of science and technology in Australia. I ask whether the government will be making some kind of similar commitment of funds to other key areas of science because, as we all know, science really holds the key to solving not only the problems of today but also those of tomorrow. It could be a wonderful wealth generator for this country, and I urge the government to recognise this once and for all and to make similar contributions in respect of funding to science and technology initiatives in this country. I seek leave to continue my remarks later.

Leave granted; debate adjourned.

Agriculture and Resource Management Council

Senator BARTLETT (Queensland) (7.01 p.m.)—I move:

That the Senate take note of the document.

The Agriculture and Resource Management Council of Australia and New Zealand is an important body which is basically made up of ministers in the primary industry area and related fields around the country. It covers a wide range of issues of great importance to Australia. One of those which I do have an interest in, as I indicated earlier today, and will be commenting on from time to time is animal welfare issues, and this report does cover a couple of issues relating to animal welfare codes of practice that I would like to comment on. However, having been otherwise preoccupied for most of today, I have not had a proper chance to examine this report. That being the case, I seek leave to continue my remarks later.

Leave granted; debate adjourned.

Refugee Review Tribunal

Senator McKIERNAN (Western Australia) (7.02 p.m.)—I move:

That the Senate take note of the document.

This is a document that I usually look forward to reading because of my deep and abiding interest in refugee matters. This year I have had a particular interest in awaiting the delivery of this report. That particular interest arises from some evidence that was given to the Senate Legal and Constitutional Legislation Committee when it was examining the Migration Legislation Amendment Bill (No. 4) 1997 and the Migration Legislation Amendment Bill (No. 5) 1997. When we took evidence in Melbourne, we got very disturbing evidence that the independence of the tribunal was being threatened. A Mr Michael Clothier, a former senior member of the Immigration Review Tribunal, gave evidence to the committee. I will quote one small part of what he told the committee:

He—

the Minister for Immigration and Multicultural Affairs—

stated quite clearly that he was going to keep an eye on the set-aside rate of the members of the Refugee Review Tribunal. The Law Council of Australia wrote to him about that. That is a pretty outrageous thing to say, particularly as you are the person who is appointing members of the tribunal.

Various members of the tribunal were up for reappointment in the latter part of last year, in the period covered by this report. Mr Clothier provided the committee with some very disturbing evidence about the set-aside rates of tribunal members in Sydney and Melbourne and the national set-aside rates.

The committee took that evidence at face value and had the department give a view on it. That was later done by the deputy secretary of the department, Mr Mark Sullivan, who disputed the set-aside rates Mr Clothier had given. He categorically disputed them, par-

ticularly the allegation that the RRT rate in Sydney was as low as one per cent and that it was two per cent nationally. Mr Sullivan went on to give what he purported to be the correct figures, that in fact for the month of April this year the set-aside rate was 2.1 per cent in Sydney and 6.3 per cent in Melbourne, with an overall national rate of 3.7 per cent.

The disturbing part of this is that Mr Sullivan's comments and the department's comments to the committee actually add weight to the argument being offered by Mr Clothier, that the very public statements by the Minister for Immigration and Multicultural Affairs, Mr Ruddock, were indeed having an impact upon the decision making within the Refugee Review Tribunal. Although the figures Mr Clothier quoted were given for May—he claimed that the appointment process was happening in May—the appointment processes, as Mr Sullivan and Mr Des Storer were later to confirm to the committee, were actually happening in April. There was a very low set-aside rate, particularly in Sydney, during the month of April.

The committee, on hearing this conflicting data, sought to get clarification from Mr Clothier in accordance with the normal procedures of committees such as Legal and Constitutional. Mr Clothier admitted in his response, which is included in full in the minority report which is attached to the Legal and Constitutional Legislation Committee's report, that there was some discrepancy in the earlier evidence that he had given. He had given the evidence from his head rather than having the paperwork in front of him, and he apologised to the committee for that. He went on to say this:

> In these statistics the Sydney set-aside rate for that month was 2.1 per cent and my evidence on this was correct. It had declined from 7.49 per cent the previous month and much higher set-aside rates the previous year. However, I stand corrected on the set-aside rate for Melbourne, which was in fact 6.4 per cent, down from 14.9 per cent the previous month and again down from the much higher set-aside rates previously, and not 3 per cent, as I stated to the committee. The national average was 3.7 per cent and not 2 per cent as I thought.

It is very disturbing if an independent tribunal such as the Refugee Review Tribunal, which is a body that is held in great esteem by this Senate and by this parliament, may be succumbing to pressures put on it by government. I hope that is not the case. I look forward to detailed questioning of the tribunal when it itself appears before the committee on Thursday.

Question resolved in the affirmative.

TASMANIAN WILDERNESS WORLD HERITAGE AREA

Senator ALSTON (Victoria—Minister for Communications, the Information Economy and the Arts)—by leave—(7.08 p.m.)—On behalf of Senator Hill, I seek leave to have the following statement incorporated in *Hansard* and to table the return to order.

Leave granted.

The statement read as follows—

The Senate resolved that there be laid on the table by me documents that were the subject of a freedom of information request from the office of Senator Bob Brown, namely:

1. the assessment by the Department of the Environment of the Tasmanian government's cost benefit analysis on the Mt McCall Road;
2. the department's advice on the environmental consequences of closing or retaining the Mt McCall Road; and
3. any legal advice relating to the Mt McCall Road between 1 January and 12 May 1997.

The department's advice to me relating to both (1) and (2) above was provided to Senator Bob Brown's office on 31st October, 1997. There were not two separate documents of advice prepared by the Department of the Environment in relation to those matters—information was provided in a single consolidated advice.

The document was provided with some deletions based on an assessment of the document carried out by my department in accordance with the *Freedom of Information Act* 1982. The deletions were the subject of thorough legal advice.

Those exemptions were made if the matters were:

. the subject of legal professional privilege (section 42);

. Commonwealth relations with a State (section 33A); or

. internal working documents (section 36).

The document provided to Senator Brown is tabled with this statement.

The third type of document identified in Senator Brown's resolution related to legal advice. My department identified two relevant documents which were not provided to the Senator's office on the basis of legal profession privilege. I am not providing those documents to the Senate on the same grounds.

Robert Hill

Minister for the Environment.

11th November, 1997

ADJOURNMENT

The ACTING DEPUTY PRESIDENT (Senator Ferguson)—The consideration of government documents having concluded, I propose the question:

That the Senate do now adjourn.

Women's Round Table

Senator FERRIS (South Australia) (7.08 p.m.)—Last week in Adelaide I had an opportunity to consult with a group of women who represented a broad range of organisations committed to the interests of women. They included representatives from the business community, from education, from health, from welfare, from housing, from communications, from older women and, importantly, from women from regional areas around the state.

There were three important themes which emerged from this round table. I would like to discuss them briefly here tonight. The first theme was very clearly the tragic subject of domestic violence. It was a topic which was raised at the table consistently and not just by those whose work is involved directly with the victims of this tragic circumstance.

Many women expressed concern that support services currently available are only working with what they described as 'the tip of the iceberg'. They said that many women affected by domestic violence chose to remain silent for the sake of their children or for reasons of dignity and personal security.

'Partnerships against domestic violence', the statement of the Prime Minister (Mr Howard), has already addressed a number of the issues raised by the women. The partnerships program is worth $25 million over the next 3½ years, and programs will be developed in conjunction with the states and territories and will focus on prevention, protection and, very importantly, community education.

My own state of South Australia has five projects that will be funded as a result of the Prime Minister's announcement last Friday. The sum of $211,000 will be spent for the remainder of this financial year on community projects, to help those who have already suffered domestic violence, to provide increased resources to help multi-cultural communities, to provide additional training courses for counsellors who are already working in the field, to develop a peer education model and, importantly, for additional funding for the 35 domestic violence action groups around my state of South Australia.

There were several participants at the round table who represented organisations working directly with breast cancer prevention—the Breast Cancer Support Service and the Anti Cancer Foundation, for example. A number of others, including the Country Women's Association, the Dale Street women's centres and the Older Women's Network, also discussed the importance of raising community awareness about the need to have regular examinations for breast cancer and discussed the need to promote this very important initiative.

The recent launch by Jocelyn Newman, our Minister for Social Security, of the very special breast cancer stamp by Australia Post is just one part of a national campaign to raise awareness about a disease which kills one in 25 women—a very frightening statistic. However, optimistically, as Jocelyn Newman pointed out at the launch of the stamp, 100,000 women with breast cancer are still alive today. We are working very hard to increase that number.

The third important issue raised quite consistently by participants at the round table was superannuation and the issue of superannuation for women. It provoked quite animated discussion. That was led by the very active group in South Australia, Women in Superannuation, as well as Enterprising Women in South Australia and the Australian Federation of Business and Professional Women. The discussion covered issues such

as how superannuation should be treated in divorce, the need to eliminate fear of contributing to a superannuation fund as an individual, access to superannuation and income security in retirement. Each of these concerns raised by the women were echoed in a recent speech by the Minister for the Status of Women, Judi Moylan, when she encouraged more public debate about saving through superannuation to enable women to improve their personal security and dignity in retirement.

The government has already announced measures to help women increase superannuation contributions. These include tax rebates for contributions on behalf of a low income partner, contributions that may continue up to 70 years of age if people are employed for 10 hours or more each week and an undertaking to resolve the issue of splitting superannuation on divorce. That was a very frequently raised issue. Sadly, with marriage breakdown running at its current rate, it is an issue which is going to increase in its importance as the years go by.

At the end of our round table there were two very special participants who shared with us the personal anguish of relinquishing children as babies and the enduring grief that they have suffered for the rest of their lives. Theirs was a very moving and emotional story, and we were all very privileged to hear it.

The round table provided a very valuable opportunity for me to listen to issues of concern raised by South Australian women as they go about their ordinary lives. It was interesting for me to see that, when the women came together, the three issues I have outlined tonight recurred quite consistently during the debate. I was very grateful to them for sharing those concerns with me.

Tasmania: Ferry Services

Senator O'BRIEN (Tasmania) (7.15 p.m.)—As you well know, Madam President, I represent an island state. I come to the Senate tonight to talk about islands that are part of that island state. Bruny Island is off the south-east coast of Tasmania and is joined to the main island by a vehicular ferry service. Flinders Island is off the north-east coast of Tasmania and is serviced by an irregular, roll-on roll-off vessel which is the only one to provide a regular service to that island.

Currently, an industrial dispute is affecting the Bruny Island ferry. I have to say that the employees who work on that ferry are members of the union of which I was previously the secretary—the Liquor, Hospitality and Miscellaneous Workers Union. During the dispute it has emerged that the Tasmanian government and the Department of Transport have taken the only regular vessel servicing Flinders Island and moved it to Bruny Island to use it, I guess, for the purpose of attempting to break a strike.

To me, that is quite a remarkable occurrence, given that in today's *Mercury* we hear from Mrs Mason, the Mayor of Flinders Island, that no notice was given to the residents of Flinders Island that they were going to lose their regular service. It says in today's *Mercury* that she rang the transport department to find out what was happening and that she was told, 'Oh dear yes, we should have rung you.'

That vessel is the only one, as I said, that provides a regular service, and there were 400 sheep and 40 cattle which were ready for delivery—I guess it was to the mainland but it could have been to the island of Tasmania. So a special vessel had to be organised. Other cargo, according to the *Mercury*, including groceries and an urgent wool consignment to Launceston's December wool sale, will need to be shipped on another vessel. So, in attending to its industrial relations problem, the government has deprived Flinders Island of its regular vessel service—its own regular vessel contact—and has put the island at a great deal of disadvantage.

There are about 800 residents on Flinders Island. On Bruny Island there are 520, and they are equally deserving of a regular service. In fact, they have received an excellent service over the years. However, the Tasmanian government has objected to providing a subsidy for that service. They say that the service loses approximately $250,000 each financial year. There is no way of taking a vehicle onto the island without the services of

a vehicular ferry. There may be other ways of getting there but, to take a vehicle onto the island, you need to use a vehicular ferry.

That service has been provided by the Tasmanian government for many years, and has been using a crew of nine regular seamen with the assistance of one relief master engineer. That crew operates for seven days of the week on 12-hour-a-day shifts to provide that service.

It seems to me an act of gross stupidity by officers of the department or the government to complain about a loss-making venture such as this, which is effectively providing a sea road to those islands when, on the other hand, the Tasmanian government and various Tasmanian premiers have called on the Commonwealth government for assistance through the Tasmanian freight equalisation scheme on the basis that the island of Tasmania is disadvantaged by its separation from the mainland by sea and that there is additional cost in providing a service which enables the carriage of cargo—be it roll-on roll-off or cargo other than bulk cargo.

But, in this case, in its own backyard the Tasmanian government is effectively saying—because they are talking of privatising and, I guess, of doing away with the subsidy that is effectively paid by the government—that they do not want to do this in relation to their own operation. That seems to me to be, as I said, a gross act of stupidity which puts them in a difficult position in arguing with the Commonwealth about the Tasmanian freight equalisation scheme. It is a position I certainly do not agree with.

In relation to the dispute—and I must say that it is extremely unfortunate that it has come to this—I understand that the employees concerned have withdrawn their labour because, effectively, they were told that tenders had been accepted and a decision was about to be made in consideration of tenders to privatise the service. In fact, they had been told in writing that there would be no redundancies paid and, basically, that they would be put on the unattached list or that perhaps they might get jobs with whoever won the tender. I am talking about long-serving employees who have worked for many years providing a valuable service to the community on Bruny Island.

It is my understanding that the residents of Bruny Island—or at least a great many of them—give support to the Bruny Island ferry crew because of their work over the years in ensuring that the service has been provided to the residents. When the government sought to increase the charges to residents in the past, the operators, the crew of the ferry, lent their support to the community who objected to the raising of the charges, particularly to the residents, on the basis, of course, that this was the residents' only means of vehicular access to the island. It seems that, having been denied the opportunity to raise additional revenue by slugging the residents, this department is now seeking to extract the additional money needed by privatising the service and throwing these employees to the wolves.

Frankly, I am alarmed by some of the things which are being said by the secretary of the department in relation to this crew. For example, it is reported that he has told the public that this is a vessel with the largest crew to berth ratio—and I emphasise the word 'berth'—of any ship. I think he really is taking a liberty there. This is not a vessel on which there is any overnighting. There are no berths. There is a crew of four which operates the vessel on a day-by-day basis. They operate seven 12-hour shifts and then they rotate to another crew who operate seven 12-hour shifts. It is not comparable to a traditional maritime operation. There is no crew to berth ratio but, for the purpose of the propaganda exercise, it appears he is prepared to mislead the public in that regard.

He has also told the public of Tasmania that the extraordinary rates of pay the crew have achieved of between $13 and $17 an hour—and I emphasise they are rates that he has described as extraordinary—were achieved by industrial action. I know that was not the case during my period as the secretary of the union. I also rang the previous president of the union, who had been involved with the union since 1955, and he was not aware of any occasion on which the rates of pay or the conditions were established as a result of industrial action. Rather, they were estab-

lished through negotiation with the department and with the assistance of, firstly, the Tasmanian industrial boards and, subsequently, the Tasmanian Industrial Commission.

I emphasise that these employees work a fairly small crew on a vessel which provides an important service. They work 12-hour shifts seven days on and seven days off. All they have been asking for is some certainty. When they were faced with the proposition that their livelihood would be removed and there was no guarantee of a proper negotiation on redundancy or on their future, they took what I consider to be the expected action to see what they could establish to preserve their livelihood for the future. Given what the secretary of the department has been telling the public—in misleading the public—I do not think he is fit to hold that position. If he wants to convince the public that what he is saying is correct, he had better come up with the facts. If he cannot, he ought to resign or be removed.

Genetic Privacy and Non-Discrimination

Senator STOTT DESPOJA (South Australia) (7.25 p.m.)—Tonight I wish to discuss the issue of genetic privacy and genetic discrimination. I believe that the rapid developments in genetic technology have changed the basic identity of individuals so it is actually now possible to distinguish between individuals on the basis of their genetic material—that is, the sequent codes that make up genes and chromosomes in every cell of our bodies. This achievement is particularly significant, but it has the potential to provide considerable benefits through improved medicine and the treatment of diseases. It is an issue to which I have referred previously in this place; however, I have also referred to the fact that these advances also bring the need to develop new laws to deal with the new possibilities to make sure we achieve the full benefit of these new technologies.

Genetics has been investigated and reviewed by the parliament in legislation and has been before the various parliamentary committees. I note that the report of the House of Representatives Standing Committee on Industry, Science and Technology in February 1992 recommended that a parliamentary standing committee be given responsibility for examining and monitoring complex issues involving the overlap between technology, law and the protection of human rights. The Privacy Commissioner also prepared a discussion paper in September 1995 which set out a range of issues but it did not make any firm recommendations. At the time the Privacy Commissioner, Kevin O'Connor, stated:

> I hope that the general publication of this paper will provide an impetus for a wide and informed debate.

But this debate has not occurred in Australia—certainly not in any detail—and I think we are at risk of being left behind if we do not start debating some of these issues at a parliamentary level and in the community more generally.

In the United States, President Bill Clinton has clearly set out guideposts for science into the next century. These recognise a commitment to human values, a good society and a basic sense of right and wrong. The various legislatures in the United States have introduced legislation—and in some states actually passed legislation—that limits the applications of health sciences and recognises these basic human values. I believe we should do the same thing in Australia—that is, make sure that communities derive the benefits of new technology, especially the benefits of genetic technology. There is a need for this debate and I believe it should be led by the parliament.

The exponentially increasing number of genetic conditions which may be tested and the huge range of genetic information that will be available from the human genome project will make genetic information a reality for many in our community. In fact, it is estimated that there may be 3,000 to 4,000 genetic hereditary diseases and conditions, and their identification at the gene level is now possible or soon will be. Each person probably carries a number of non-functioning genes—often lethal genes—and most probably—

Senator O'Chee—We know that's true of the Democrats; there's quite a lot of non-performing genetics.

Senator STOTT DESPOJA—Senator O'Chee, this is a very serious issue. I would like to see you actively involved in this serious debate on the ethics of this particular issue as well as the benefits, not making snide remarks. My goodness!

Senator O'Chee—I am indeed. I am all ears.

Senator STOTT DESPOJA—I was saying that each person probably carries a number of non-functioning genes—often lethal genes—and most probably a larger number of genes which actually place the individual at risk of developing some kind of condition. The potential for genetic science to actually treat and ameliorate these particular conditions is substantial and is an issue to be addressed by this parliament through health care funding, access to health services and a sympathy throughout the community to the use of technologies.

The existing and the future applications of this science and technology do require a framework of legislative protections for both privacy and discrimination to ensure that the information which becomes available can be obtained and used but with the certainty that it cannot be misused. Without the certainty that that personal information is safe, I believe our communities will continue to be reluctant to adopt the great potential that genetic technology and genetic advancement offers.

Personal information and personal genetic information are different. The key difference between personal information and personal genetic information is that genetic information is a permanent part of our lives and those of our biological relatives. This is often shared personal information which requires some procedures and some special measures to protect.

In Australia, the National Health and Medical Research Council has addressed privacy under section 95 of the Privacy Act 1988 with its guidelines for the protection of privacy in the conduct of medical research. These guidelines are excellent, but they are actually restricted in terms of their application. Where the genetic information is not being collected by a Commonwealth agency, the guidelines may be helpful, but there is no requirement to apply the guidelines. That is one of the deficiencies in our privacy laws—they apply to Commonwealth and public agencies, but they do not apply to the private sector. So if that information is not collected by the Commonwealth, that information is not safe. Clearly this leaves a gap in the measures and protections afforded to our community which should be addressed.

Genetic technology also opens up the possibility for discrimination on the basis of the information made available about a person's genes. Genetic discrimination describes the different treatment of individuals and their family based on presumed or actual genetic differences and may be distinguished from discrimination based on having symptoms of a genetic disease. I believe that this kind of discrimination should be unlawful, unless the community sanctions particular forms of discrimination which are clearly set out in legislation, such as in employment and insurance.

The commercialisation of genetic tests will lead to more widespread testing and increase the dangers of genetic discrimination. I think this argument is best illustrated by a particular example. A healthy young woman goes to her doctor for a routine check-up and mentions that her sisters have been diagnosed with the BRCA-1 gene. This is an issue to which I have previously referred in this place. That particular gene has been linked with breast cancer. This may be recorded on her medical record. It would be open to an employer, an insurance company or some other person to use that information in order to treat her differently.

It is estimated that a woman carrying the BRCA-1 gene will have an 83 per cent chance of getting breast cancer by the time she reaches the age of 70. Until they develop the cancer, the person may be healthy. They may never suffer breast cancer. To treat a person differently because she has a sister with the BRCA-1 gene or has the BRCA-1 gene herself is unfair. Even though it may lead to cancer, it is still unfair. This form of discrimination should not be allowed and this must be outlawed by the parliament.

However, there may be some forms of genetic discrimination that we might deem acceptable. For example, an employer may use genetic information about an employee or a potential employee's susceptibility to a condition to protect that person—say, from exposure to mutagenic or teratogenic factors. Therefore, it may be acceptable to differentiate if the use of genetic information does not restrict any right or benefit of an employee or prospective employee.

The impact on insurance of genetic information is substantial and we believe it should be controlled. The insurance providers in Australia have taken steps towards addressing the use of genetic information, and the Democrats and I acknowledge that these steps are commendable. However, there are no measures to prevent genetic discrimination. Genetic information should not be used to discriminate for the purposes of insurance, unless the person actually suffers from the condition the genetic information relates to.

Although there are no reported cases in Australia of genetic discrimination, and I acknowledge that worldwide the data is limited as well, such discrimination probably already occurs. A survey of 322 people with genetic disorders in 44 of the states in the United States found that 22 per cent were refused health insurance and 13 per cent were denied or dismissed from a job as a result of their genetic information. These figures suggest that genetic discrimination is an issue which should be considered. I seek leave to incorporate the rest of my speech into *Hansard*.

Leave granted.

The speech read as follows—

The collection of genetic information about individuals is central to the advancement of our understanding of genetics. I recognise the inherent dangers in limiting the availability of information collected for research purposes on the potential of that information as a resource for further research. However, this must be balanced against the privacy and non-discrimination rights of individuals.

The wealth of this new information made available by genetics must be recognised and put towards the benefit of our communities.

Christian Brothers

Senator HERRON (Queensland—Minister for Aboriginal and Torres Strait Islander Affairs) (7.35 p.m.)—I was educated by the Christian Brothers and I stand tonight as a representative of the hundreds of thousands of boys and men grateful for the education that they received from the Christian Brothers during their formative years. The Christian Brothers were founded by Edmund Ignatius Rice, who was born near Callan, in county Kilkenny, Ireland, on 1 June 1762. Edmund married in 1785, but his wife died suddenly in 1789 during a hunting trip. This event was a turning point in Rice's life. He provided for his only daughter and gave up his business career in order to dedicate himself to the service of God.

He decided that his vocation was among the oppressed, poverty-stricken and uneducated Irish Catholics. He successfully petitioned Pope Pius VII to permit the adoption of the rule of the Christian Brothers, founded by St. John Baptist de La Salle. He was then elected the first superior general of the Irish Christian Brothers. When he retired in 1838 the congregation had 22 houses in Ireland and England. Later it spread to Rome, South America and throughout the English-speaking world. The Presentation Brothers also recognise Rice as their founder.

I do that as a preamble because last Friday night Br Steve McLaughlin, the provincial leader of the Christian Brothers in Queensland and the Northern Territory, was delivering the speech at the Nudgee College speech night. He said:

I have thrown away the speech I was going to deliver this evening. I have thrown away, also, advice from some of my closest confidants, mainly Christian Brother Past Students whom I respect without exception. Old Boys who have responded to the serious crisis we are currently facing, and of their own volition, say to me "Brother, we're here, what can we do to help"

I have thrown all this away because, tonight, I want to speak to Nudgee's community from my heart. Because I think what I have to say needs to be said and I could think of no better place to say it . . . a place where I feel supported and understood.

. . . Because you, our supporters, need to know we are facing an orchestrated campaign where a few individuals are systematically targeting and attempting to destroy the hard won reputations of Brother after Brother, . . . a case of pick a Brother, any Brother. And now it has recently moved to include some of our long serving lay staff. It seems to me to be a concerted effort to belittle us as a group—to publicly disgrace and discredit us, to undermine us through flimsy allegations and innuendos. It's simply a case of if you throw enough mud some will stick.

Some have advised me to say nothing. They say to simply stay quiet about what is happening to us. They fear people will tend to believe allegations they hear and that it is better if we don't acknowledge any of this and pray that it will go away.

While respecting their advice and the very genuine basis for it, I none the less feel somewhat differently.

I think that people who know and strongly support us need to understand the truth of what we are facing at the moment. They—and indeed the broader community—deserve more than silence when it comes to such an important issue.

As such tonight in these familiar surroundings, I have decided to speak publicly for the first time about something we have been battling for most of this year. A serious situation with potentially perilous consequences, yes I want to share the burden of what has been said and what will continue to be one of the roughest times I have ever faced as a Christian Brother and as a leader.

Some of you would be aware that there have been some pretty dreadful, no some say very dreadful allegations, made by a handful of individuals out there who are targeting the broader Church and certainly the Christian Brothers with child abuse allegations from the past.

These individuals are not necessarily claiming to be victims themselves. They are people who spend their days on telephones filing through list after list of historic class names and photos, ringing Old Boys at random, giving the suggestion they are supported by the police . . . on some occasions even suggesting they are working for me.

Brother Steve McLaughlin is a worthy successor of Ignatius Rice. He said in the final part of his speech, which I wish to incorporate in *Hansard*:

On behalf of my Brothers, I make this promise—I give you my word.

Right will be done. The Christian principles of our Founder Edmund Rice will be followed and justice will prevail for all, regardless of who they might be.

We will endeavour to deal with all that comes our way with dignity and integrity.

In recent months there have been many occasions when I've wanted to be anyone other than Steve McLaughlin, Christian Brother.

But now I want to fight because I know that it is the right thing to do.

Fight for the Christian Brothers because of who we are and because of the good men who have gone before us and who have left us a legacy to share with the youth of today. Because of what we are called to become and because of what we have to do to make this a better, more just and compassionate world—more than ever before in our history we need you to walk with us on this journey and to support us during this time of real need.

Thank you and God bless

I seek leave to incorporate the speech.

Leave granted.

The speech read as follows—

Nudgee College Speech Night 30 October l997

by Br Steve Mclaughlin

Province Leader, Christian Brothers (Queensland)

Br Harney, Distinguished Guests, ladies and Gentlemen and men of Nudgee

If there's one place beyond all else that's home to me, it is right here.

. . . it's Nudgee.

Nudgee has always been and always will be the family home, the spiritual heartland for countless Christian Brothers throughout this Province. Certainly for me the 10 years I was privileged to serve here were very special and formed me beyond measure. Everywhere we go, every place we go, everything we Christian Brothers do, is special to us.

. . . but there's only one Nudgee.

And I want you to understand that I know how grieved and sad some of you—perhaps most of you are—to know that as of 1999 a lay Principal and not a Christian Brother will head our Nudgee College.

But I want you to know, most of all, that my personal grief matches yours because for the full life of this College to date the leader of this community has been a vowed member of our Congregation.

Yes! I did say earlier this year that we would have a Christian Brother Principal as the next head of Nudgee.

But that is not to be the case. We could not do anything else. In the end there was really no option

open to us. Our limited personnel resources and our wider commitments could no longer be ignored.

Also our deeply held conviction that along with our Brothers there are so many competent, enthusiastic and suitable lay leaders willing and able to take Nudgee into the new millennium.

I congratulate Mr Mike Senior on his appointment as the Acting Principal from Term 2 next year. Michael's generous preparedness to step into the leadership at short notice is deeply appreciated by the Brothers. This will allow us to advertise the position and put into place a professional selection process for the leadership in 1999 and beyond. I have had the privilege of knowing Michael for 17 years and respect him for his commitment and dedication to the Christian Brothers and the Nudgee family. Nudgee will be very well served by his leadership and I thank him for accepting this responsibility.

There will be other opportunities to express my appreciation to Br Peter Harney on his 5 years of energetic service as Principal of Nudgee. However, at this point I would like to place on record my congratulations and best wishes to him as he completes his term here and prepares for his time of Sabbatical next year.

Br Peter has made a significant contribution to the life of this College during his time of leadership—the various Reports tonight are testimony to the wonderful success Nudgee enjoys. Such does not happen by accident and is indicative of the quality of leadership enjoyed by this College.

Thank you Br Peter for your enthusiasm and commitment,

I have thrown away the speech I was going to deliver this evening. I have thrown away, also, advice from some of my closest confidants, mainly Christian Brother Past Students whom I respect without exception. Old Boys who have responded to the serious crisis we are currently facing, and of their own volition, say to me 'Brother, we're here, what can we do to help.'

I have thrown all this away because, tonight, I want to speak to Nudgee's community from my heart. Because I think what I have to say needs to be said and I could think of no better place to say it . . . a place where I feel supported and understood.

. . . Because you, our supporters, need to know we are facing an orchestrated campaign where a few individuals are systematically targeting and attempting to destroy the hard won reputations of Brother after Brother, ... a case of pick a Brother, any Brother. And now it has recently moved to include some of our long serving lay staff. It seems to me to be a concerted effort to belittle us as a group—to publicly disgrace and discredit us, to undermine as though flimsy allegations and innuendos It's simply a case of if you throw enough mud some will stick. Some have advised me to say nothing. They say to simply stay quiet about what is happening to us. They fear people will tend to believe allegations they hear and that it is better if we don't acknowledge any of this and pray th it will go away.

While respecting their advice and their very genuine basis for it, I none the less feel somewhat differently.

I think that people who know and strongly support us need to understand the truth of what we are facing at the moment. They—and indeed the broader community—deserve more than silence when it comes to such an important issue.

As such tonight in these familiar surroundings, I have decided to speak publicly for the first time about something we have been battling for most of this year.

A serious situation with potentially perilous consequences, yes I want to share the burden of what has been and what will continue to be one of the roughest times I have ever faced as a Christian Brother and as a leader.

Some of you would be aware that there have been some pretty dreadful, no some very dreadful allegations, made by a handful of individuals out there who are targeting the broader Church and certainly the Christian Brothers others with child abuse allegations from the past.

These individuals are not necessarily claiming to be victims themselves. They are people who spend their days on telephones filing through list after list of historic class names and photos, ringing Old Boys at random, giving the suggestion they are supported by the police . . . on some occasions even suggesting they are working for me.

They name individual Brothers and people who work with us as possible abusers and throw these allegations around as if they had no more significance than a takeaway food wrapper. The names frequently change. The allegations never do.

The allegations of suggested physical or sexual abuse are always put in the context of the distant past and presented in the guise of fact with no suggestion they could be false. They have been made quite directly—in recent months—to numerous Old Boys. Many of these Old Boys who have contacted me have been bewildered and then angry at the wild statements being made and at the reputations potentially destroyed.

I am very grateful for the support and vigorous defence of the Brothers and our staff these past students have mounted in response to these spurious claims. Old Boys who have moved, almost as one, to defend the Brothers and our staff.

They have responded this way not out of some blind sense of systemic loyalty. . . . and not because they think such things can never happen.

. . . and most certainly not because allegations of child abuse don't revile them absolutely.

But because the men named in these telephone calls where their teachers—men who, for all their person foibles, they knew only as decent and upright individuals.

People they couldn't imagine, despite the persuasive allegations levelled against them would ever be capable of such things.

But beyond that positive response, there has been a degree of shock and anxiety within our Congregation and the wider Church. This campaign of unsubstantiated allegations has caused a high degree of insecurity and fear. Fear because we wonder who will be next targeted. Fear because this campaign is so malicious, so driven, so random and so grossly damaging to the lives and families of the people named. Fear because we are concerned that our response will be seen as the actions of guilty people simply trying to confuse or cover up the facts. And fear, because in the current climate as our society comes to terms with the very real evil of child abuse, ordinary people find it almost impossible to distinguish genuine allegations from false ones.

Most media outlets have not touched the information supplied to them by these people. Information naming people who have never been put on trial. People who have never even had cause to be investigated by police. Decent, good living genuine people whose whole lives are testimony to their integrity with previously unblemished records over multiple decades. As I said earlier when mud is thrown some always sticks and people who have spent a life time educating young Australians are being maliciously targeted by individuals hell bent on destroying their reputation.

Most journalists have resisted the stuff of sensationalist headlines. . . not prepared to risk their professional reputations and possible law suits on information that is untested and unsubstantiated.

So-called evidence—if you can stretch to call it that—taken by untrained people, mostly by people with some sort of agenda known only to themselves, evidence even some of the so called complainants deny and reject. Evidence collated by individuals who may include I am told a person with a documented history of violence and mental instability

Some media have found the temptation of publication irresistible. In a couple of grossly pointed articles they have taken it upon themselves to impute guilt leaving their readers with no other option but to presume their articles report substantiated fact and undeniable truth.

It is true that some of the shameful things done by some of our number in the past, leave all Christian Brothers as easy and obvious targets for such treatment The shameful, sorrowful, appalling examples of trust betrayed and children violated in the past by a few unscrupulous Church people have meant we do not receive the benefit of the doubt any more.

I can understand that. Indeed I accept that.

I don't believe that I harbour any anti-media paranoia. While the power they hold and the lack of certainty over whether or not you will be fairly and accurately represented is awesome, those who know me know I have never blamed the media for their part in uncovering past abuses. Even when, as the, ABC's 'Media Watch' has shown, some stories were grossly unfair and inaccurate. The media have a job to do. I respect that and applaud when they do it with integrity.

In fact I have long appreciated the media's role in holding members of the various Churches accountable, particularly for previous abuse. They have helped bring justice to victims. Media scrutiny helped change the way we acted and dealt with these matters. It has taken us out of our comfortable zone and called us to change and to action which matches our rhetoric.

The Christian Brothers in this State accept there has been some past abuse. We do not resile from addressing that and we will continue to address all genuine allegations of abuse with openness, compassion and justice. We will always put genuine victims first.

People who don't know the Christian Brothers might easily make negative presumptions. That is part of the price we expected to pay for the failure of those few of our number who have offended. We know, however, that time and information and action will eventually change that. Jesus reminded us that the truth will set us free—no matter how painful that truth—one learns to deal with it. Indeed it is only by dealing with the truth that we will earn the respect of the people we serve.

We are in the business of caring for kids. I can assure you as parents that we have put in to place measures to ensure that your children can grow and develop in an environment that is healthy and secure.

Here are some facts.

* Our child protection policies are the equal of any in this country. Not my assessment but that of nationally and internationally regarded experts in - the field. The kids we educate today have never been safer.

* On top of that we helped formulate and adhere to the Catholic Church's policy for dealing with sexual abuse and exploitation.

* We teach students how to recognise potential trouble and to protect themselves.

* We seek to educate parents about child protection.

* Our schools have counsellors and psychologists available for students and other family members.

* We have established an independently staffed access telephone line, so that people who may find direct contact with the Brothers' daunting may use this option.

And wouldn't you know it, the access line has had a number of calls. But to date mostly calls from parents and long-left past students throughout Queensland asking to pass on their regards to particular Brothers and long term staff members and thanking the Brothers for their education and the opportunities which have subsequently flowed to them in their lives.

Certainly that was not the reason for the establishment of this line, but it has helped provide some small semblance of balance to all that has been happening.

If we could write this whole situation off as a few people seeking to do harm to our Congregation by shooting down the reputations of individual Brothers and staff members I would feel easier. If it wasn't child abuse, I'm sure it would be easier.

But the consequences of such allegations are broad ranging and paralysing.

. . . The grievous nature of the allegations is such that we dare not and cannot ignore them no matter how they are presented.

In line with our promise of accountability and action—which I have repeatedly made public—all allegations must be explored. Such allegations require immediate contact with appropriate authorities, both Church and statutory. Even when the accusations seem malicious. Even when the allegation comes to us by people with axes to grind, people with a dislike and distrust of mainstream Church.

When I became the Province Leader I pledged that there would be no cover-up in relation to these matters.

At that time they were only words. Heartfelt and firm. But untested by the hard realities of real life.

These words have now been tested and I tell you tonight we have not deviated one inch from that pledge. Because justice needs to be done.

When I apologised for the abuses of the past perpetrated by a few Christian Brothers or our co-workers I meant it.

I can equally assure you that our treatment of allegations which come to us is meticulous and exhaustive.

Ask the police how we have acted in this regard—from the Commissioner to the Head of the Argos Task Force, and all the way down the line!

Ask Norm Alford, the Children's Commissioner!

Ask even the Editor of our major daily Newspaper, who told me during a meeting that he believed the Christian Brothers have handled abuse issues in as good a way as possible!

My personal pledge has been tested. And all those who deal with us in these matters know it is firmly in place.

It is high time the broader community, including you, our very loyal supporters, got to hear some of the day-to-day substance of our claims of vigilance, seriousness and activity in addressing child abuse and child safety situations.

You need to know that our actions are right. You need to know our system will not cover-up for anyone. You need to know these things because we need your support now more than ever.

Even a matter of weeks ago I was too scared to speak up against the rumours currently being spread. Scared, most of all, that people would think here is a Christian Brother and automatically believe my comments were defensive—a way of covering up or of denying the truth.

At they end of the day, however, people will draw their own conclusions. There will be some people who because of preconceived ideas or misinformation will never trust the Christian Brothers again and that is their prerogative.

I believe that the 10,000 families represented in our schools and for that matter the public of Queensland simply need to k know that we are galvanised to address this worst of all crimes—the abuse of a child: that we are conscientious in referring any allegations at all to the proper authorities.

You need to know that the lessons of the past have been well learned. That while the very essence of human nature means that no one can give an iron clad guarantee that child abuse can never happen. You can be sure that all our staff, Brothers and lay alike will treat your children with genuine respect. You can likewise be assured that they are well versed in the protocols far protecting children and for reporting any manner of abuse.

This leaves me to restate my most important message to you tonight please do not be deluded into believing untested allegations.

We have and believe in a due process of law. Due process must be allowed to run its course.

And if guilt is the finding, appropriate punishment will be metered out in courts of law. You and I know that.

Society cannot afford to presume guilt, no matter what the media reports. To do that is to subscribe to promoting uncertainty and destroying people's confidence in our societal structures.

It would be very easy during these testing times to allow our vision to be infected by the sickness of those who promote gossip and lies. This in turn would make our own outlook bleak and our ministries ineffective. To undermine the good things of our past, to blight our present and even to destroy our future. We could just sit still and let the poison run through our veins my we are dead.

Be quite sure that such allegations are devastating not only to the accused but to the entire community, you people included. We are all lessened by them. They are a very effective way of sapping energy from the Christian Brothers, our loyal staff and all who support us in our ministries.

But be equally sure of this.

We will come through this. We will hurt, and we will cry. . . we have cried. We will rage against it, we will bemoan it, we will struggle. But we will prevail. And we will prevail because we are a community of good men, striving to live the

optimism of the Gospel and supported by a community of wonderful people on our staff, held together by the surrounding communities of all our families.

However we will not be silent—for silence is so often interpreted as guilt. To be silent would be a betrayal of the upright people who belong to our Congregation and a betrayal too of the community of students and parents we seek to serve.

We will prevail because of places like Nudgee. Because of the essence Nudgee and all Christian Brothers Schools embody. Because of the spirit and the integrity and the honesty of people like you and all of those Brothers, past students and parents who have worked tirelessly to make this wonderful the place it is.

On behalf of my Brothers, I make this promise—I give you my word.

Right will be done. The Christian principles of our Founder Edmund Rice will be followed and justice will prevail for all, regardless of who they might be.

We will endeavour to deal with all that comes our way with dignity and integrity.

In recent months there have been many occasions when I've wanted to be anyone other than Steve McLaughlin, Christian Brother.

But now I want to fight because I know that it is the right thing to do.

Fight for the Christian Brothers because of who we are and because of the good men who have gone before us and who have left us a legacy to share with the youth of today. Because of what we are called to become and because of what we have to do to trade this a better, more just and compassionate world—more, than ever before in our history we need you to walk with us on this journey and to support us during this time of real need.

Thank you and God bless

Remembrance Day

Republic

Senator O'CHEE (Queensland) (7.40 p.m.)—Tonight I wish to raise two matters before the Senate. One is a topical matter that arises from today and another is a completely unrelated matter. The first matter is that today is Remembrance Day, a day on which we recall the sacrifice of some 62,000 young Australian men out of some 300,000 who went away to First World War who did not return—62,000 young men from a recently born country of just five million.

That was the horrific price this nation paid for peace during the First World War. We paid a similar price in the Second World War and paid again for the principles this nation held true in places like Malaya, Korea, Borneo and Vietnam. What honourable senator, what member of the House, what Australian can go to the War Memorial and not be moved? Who can gaze on those names standing mutely on the wall and not shed a tear?

It seems that there are some people who maybe do not feel the same way that I do. I was dismayed to see today an attack made upon the Minister for Veterans' Affairs (Mr Bruce Scott) and indeed an attack on the government by certain people in the media who claimed that we had forgotten our First World War veterans. Nothing could be further from the truth. This government, like previous governments, is committed to upholding the promise that was given to that generation and subsequent generations when they went away to serve this country that they would be cared for, that they would be remembered, that their widows and orphans would receive our care.

For the 79 years since the end of the First World War successive Australian governments have kept that promise, but now a small group of journalists who are never seen discussing these matters at any time but Anzac Day and Remembrance Day take a thoroughly despicable opportunistic chance to

attack the government and to politicise an important day like this.

The truth is that this government gives extensive free health care services—including medical and hospital treatment, community nursing, and optical and dental treatment—to our veterans. Our First World War veterans are given particular care and very flexible care because this government understands that they are the last remaining link between those of us who are Australians now and those 300,000 who forged the legends which we hold dear.

I say to those journalists who took this opportunity to politicise Remembrance Day that they should maybe shed a tear not just for the fallen, not just for those who did not return but maybe for their own fallen sense of morality that they should stoop so low on a day like today.

I am also saddened to see that Mr Peter Yu of the Kimberley Land Council took the opportunity to politicise Remembrance Day by saying that we should stand for 30 seconds silence to remember the so-called 'lost generation'. Remembrance Day is a day when we recall the sacrifice of people who paid a price for our freedom. It should not be used for political purposes. It should not be used as a platform to raise other causes. It is a day when we should remember, and remember with gratitude and humility, people who have had to fight wars which fortunately my generation has not. That is why I believe that people should understand that Remembrance Day is an important national day and not seek to politicise it.

Tomorrow I will be at the War Memorial to join with a group of forgotten Australian veterans—veterans of Chinese-Australian ancestry—who will recall veterans who served in both the First and Second World Wars and later wars who have been forgotten. They will be laying a wreath not for a political purpose but to show that everybody in this country has an equal debt of gratitude and that everybody in this country in previous years and previous wars has served with a sense of utmost commitment to this nation. That is the sense of commitment that some of the people who have attempted to politicise Remembrance Day should bear in mind.

In the brief moments remaining, I wish to raise an unrelated matter—that is, the frequent calls that we hear for a republic in these shores. It has become the battle cry of certain elements of this community whose motives one may or may not question. But there is one thing which is not open to question—that is, that it is an inevitable consequence of creating a republic in this country that we will weaken, if not destroy, the independence of the states. Let me explain why that is so. The governors in each of the states are representatives of the Crown in just the same way as the Governor-General federally is a representative of the Crown. If you like, because there is that link with the Crown that is shared by both the Commonwealth and the states, there is a constitutional parity between the states and the Commonwealth limited only by the provisions of section 51 of the constitution.

What will happen if we create a republic here in Australia? I will tell you what will happen. If we get the amendment of the constitutions of each of the states, we would have governors not representative of the Crown but representative of Canberra. We would make the states—each and every state in this country—subordinate to the wishes and the political imperatives of the government in Canberra. We could say farewell forever to the political independence of Queensland. I know that Senator Herron values the independence and freedom of Queenslanders as much as I do.

We could say farewell forever to the opportunity of Western Australia, South Australia or Tasmania to express a will of its own, because while ever you have governors who are appointees of the government in Canberra or some president in Canberra, the states will be subordinate to the wishes of the central government and the people of the smaller states and the people of the outlying areas will never have good government because they will forever have to go to Canberra on bended knee.

That is what the republicans do not tell you. That is the truth. That is what will happen but that is not what they are putting before the

people. I say that it is important that all Australians, when they consider their vote at this Constitutional Convention, consider seriously the consequences for the states and the government of this country. *(Time expired)*

Senate adjourned at 7.49 p.m.

DOCUMENTS

Tabling

The following government documents were tabled:

Agriculture and Resource Management Council of Australia and New Zealand—Records and resolutions—

10th meeting, Canberra, 6 June 1997.

11th meeting, Darwin, 8 August 1997.

Audit Act—Australian Nuclear Science and Technology Organisation—Report for 1996-97.

Australian Horticultural Corporation Act—Australian Horticultural Corporation—Report for 1996-97.

Governor-General Act—Office of the Official Secretary to the Governor-General—Report for 1996-97, including a report pursuant to the Equal Employment Opportunity (Commonwealth Authorities) Act 1987.

Native Title Act—National Native Title Tribunal—Report for 1996-97—Addendum.

Pharmaceutical Benefits Pricing Authority—Report for 1996-97.

Refugee Review Tribunal—Report for 1996-97.

Tabling

The following documents were tabled by the Clerk:

Civil Aviation Act—Civil Aviation Regulations—Civil Aviation Orders—

Amendment of section 95, dated 5 November 1997.

Exemption No. CASA 20/1997.

Remuneration Tribunal Act—

Determination Nos 13 and 14 of 1997.

Report No. 1 of 1997.

Superannuation Act—

Superannuation (CSS) Employer Component Payment (AMLC Superannuation Fund) Determination No. 3.

Superannuation (CSS) Employer Component Payment (Snowy Mountains Engineering Corporation Superannuation Plan) Determination No. 4.