Sponsorship of Spouses and Fiancees into Australia
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Biographical note

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Introduction

This paper considers the extent and nature of spouse/fiancee sponsorships in the late 1980s and early 1990s, within the context of the family migration component of the immigration program. Because the process of serial sponsorship highlights dramatically many of the issues involved in the growth of spouse/fiancee sponsorships, this issue is examined in some detail.

The paper suggests that the growth throughout the 1980s of spouse/fiancee sponsorship generally and serial sponsorship in particular is likely to continue throughout the 1990s, primarily due to economic conditions and a changed employment environment that will limit opportunities for permanent migration to Australia.

Background

The 1990s has seen a renewed interest by Government, Opposition Parties and the community in issues related to the sponsorship of spouses and fiancees into Australia. This interest has arisen for a number of different yet interrelated reasons.

There has been a considerable growth (at the rate of about 10 per cent per annum during the 1980s) in such sponsorships. There has also been an increase in the number of people applying to change their status from visitor or student to spouse while in Australia. Migrants entering under the spouse/fiancee categories or changing their status 'on-shore' made up 24 per cent of all permanent settlers in 1991-92 and are expected to make up more than one quarter of the total immigration program in 1992-93. With the increasing emphasis being placed on economic skills, and tightening up of the selective 'points' system for entry under the 'concessional family' category, increasing pressure is being placed on marriage as the last 'as of right' way of gaining permanent residence in Australia. There is, therefore, increasing concern (and mounting evidence) that a significant proportion of spouse/fiancee sponsorships involve sham marriages that are contracted purely for immigration purposes.

The preponderance of females over males being sponsored from the Philippines, and increasingly from Thailand and Indonesia (in the order of 5 to 1), and differences in living standards, suggests a strong

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1 Department of Immigration, Local Government and Ethnic Affairs (DILGEA), 1992.

2 DILGEA.
economic motivation for many of the women from these countries who marry Australian men. Concern and complaints have arisen because Australian men have been exploited - they have been dumped as soon as permanent residency has been obtained. There is much greater concern, and increasing evidence, of exploitation and abuse of the women who are in the more vulnerable situations in these relationships.

The 'Mail Order Bride' issue that received sensational press coverage in the 1980s (Australian males obtaining wives, mainly from the Philippines, through advertisements placed by introduction agencies), resurfaced in 1990 and 1991 in the equally sensationalised form of the 'serial sponsor'. 'Serial sponsorship' is the term applied to the practice of sponsoring for immigration into Australia a succession or series of spouses or fiancées, or encouraging a series of women to come on visitor visas. Serial sponsorship has emerged as a problem because of claims of violence in these relationships, and failure to provide maintenance for former spouses and children. While the numbers of serial sponsors may be small (estimates range from 50 to a few hundred), the issue has been highly publicised, including, recently, on Couchman Over Australia (ABC Television, 15 July 1992).

'Serial Sponsorship' has to an extent become synonymous with domestic violence, and the perception that the immigration program is being used to provide some Australian men with a series of women to be exploited or abused has caused considerable concern and outrage, particularly amongst women's and ethnic organisations. Coverage of the issue in the overseas (Manila) press has also raised concern that the problem has damaged Australia's image overseas. The issue is now of public concern and there is an expectation, within the media, State Governments and the broader community that the Commonwealth Government will 'do something' to address it.

**Human rights and immigration principles**

As long as a couple can prove their marriage or de facto relationship is 'genuine', even where it is suspected of being undertaken for immigration purposes, the couple seem totally mismatched and/or the motives of the sponsor appear suspect, immigration officials have little option but to accept and process the application, given that our rights and freedom to marry and our rights to privacy are supported by Australian and international conventions and covenants.

The right and freedom of Australian citizens to marry the person of their choice is enshrined in the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights, and the Convention on the Elimination of All Forms of Discrimination Against Women, which states that men and women have the same
right to enter into marriage and only with their full and free consent. The Human Rights and Equal Opportunity Commission (HREOC) Act defines 'human rights' by reference to International Covenants and empowers the Commission to deal with any act or practice that is inconsistent with or contrary to any human right. The Spent Convictions Act (1986) and the Privacy Act (1988) are similarly based on international (United Nations) principles and limit and safeguard the collection, storage, use and transfer of information about individuals by and between governments.

Immigration principles and regulations

Immigration Principles 4 and 5 state that:

- Immigration will respond to the needs of individuals by upholding family reunion and humanitarian assistance; and
- Immigration policy will be non-discriminatory on the grounds of race, colour, national or ethnic origin, sex and religion.  

For a spouse (married or defacto), Principle 4 is given effect in the provision of a permanent entry Class 100 visa under the Preferential Family category. The additional criterion for this visa is in Migration Regulation 44, which stipulates that the relationship must be a genuine, continuing one. A person who has travelled to Australia on a spouse visa is granted a permanent entry permit on arrival. The person immediately becomes a permanent resident of Australia and any marital breakdown has no impact on the person's residence status. Principle 4 is also reflected in the provision of a conditional Class 300 visa for three months temporary residence of a prospective spouse (fiance(e)). Fiance(e)s also enter in the Preferential Family category. The fiance(e) is required to marry the sponsor and apply for a confirmatory permit before expiry of the three month period. The additional criteria for this type of visa, in Migration Regulation 72 are that:

- there is no Australian legal impediment to the marriage;
- the parties are known to each other personally unless the marriage is arranged in accordance with legal custom;

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- the applicant establishes that they genuinely intend to marry and not later than three months after the applicant arrives in Australia; and

- the Minister is satisfied they intend to live in a genuine marital relationship.

Provided the fiancee applies for a confirmatory entry permit in accordance with Regulation 142 of the Migration Regulations, that is that they have married the person they entered Australia to marry, then permanent residence is granted.

Trends

Recent growth in the sponsorship of spouses and fiancees is part of a trend for people from poorer, non-English speaking countries to make maximum use of the family reunion program to enter Australia. This trend has presented the Australian Government and the community with a number of dilemmas.

Over the majority of post-war migration, family reunion has been an integral component of migration policies and programs. Migrants have been encouraged to come and work and bring their families. Invitation to permanent settlement has been what has distinguished our immigration and settlement policies from the 'guest worker' systems of Europe. Only in the last few years has this pattern been seriously challenged. With the recession and the need for Australia to reposition itself in a 'new world economic order', there has been greater focus on the need for fewer, more skilled migrants, migrants who speak English, and migrants who will be able to contribute to Australia's investment and skilled workforce requirements very quickly. Recent initiatives aimed at discouraging potential family reunion migrants with low employment prospects reflect this focus.

Recent policy changes

Recent policy changes include placing greater emphasis on skills (including English language) in the points test for concessional family migration (1989); introducing a health levy ($822) and bond ($3,500) to ensure recovery of welfare benefits paid to some sponsored family reunion migrants under the 'assurance of support' scheme during their first two years in Australia (1991-92); introducing a 'user pays' (or user contribution) requirement to supplement the cost of English language training through the Adult Migrant Education Program (planned for 1992-93); and introducing a six-month waiting period before new arrivals become eligible for unemployment and sickness benefits (from January 1993). Coalition policy is to disallow eligibility for unemployment and welfare benefits for two years after arrival.
Measures similar to those outlined above have been introduced to discourage fraudulent marriages. Those applying to change their status from visitor to spouse or fiancee have, since April 1991, been required to wait two years, and to demonstrate their relationship is continuing before becoming eligible for permanent residence. Coalition policy is for those marrying off-shore to similarly be required to undergo a two-year waiting period, and test of genuineness, before gaining permanent residence.

On 3 August 1992 Minister Hand confirmed that immigration regulations had been amended to virtually suspend the spouse reunion program from China (introduced following the promise of political asylum to Chinese students in Australia by Prime Minister Hawke after Tiananmen Square). Only those students married before a cut-off date of July 23 1992 will be allowed to sponsor spouses to join them in Australia, and tests of genuineness will apply.

The migrant intake was cut by 15 000 to 111 000 in 1991-92. The current program seeks an intake of 80 000 in 1992-93, including a family reunion intake of 45 000, a skilled intake of 24 000 and a refugee/humanitarian component of about 10 000. The Shadow Minister for Industrial Relations, Employment and Training, John Howard, has recently stated that he wants the number of immigrants admitted to Australia to be dramatically fewer than the 50 000 to 60 000 previously suggested as a preferred target by the Shadow Minister for Immigration and Ethnic Affairs, Phillip Ruddock.

Issues and dilemmas

The core dilemma is that there appears to be no strong economic reason to encourage family reunion in the 1990s. However, there is widespread expectation, based on a tradition of forty years, that family migration will continue. Because of the increased proportion of spouse/fiancee sponsorships - about 50 per cent of the family reunion component in 1991-92 and projected to be 55 per cent in 1992-93 - family migration will in any event be difficult to contain.

There are strong social expectations, including amongst Members of Parliament, that Australians can bring their spouses to join them here, and that immigrants can bring their dependent children and parents with them. Migrant groups argue for continued and extended family reunion (non-dependent parents, brothers, sisters, nieces, nephews) on


anti-discrimination and human rights grounds. Other supporters of wider family reunion invoke the notion of a contract or bargain between Australia and its immigrants. That is, by admitting migrants to permanent residence, Australia has made certain explicit and implicit undertakings - including family reunion.

Despite the current lack of support on economic grounds for family reunion migration there is therefore a strong - and vocal - section of belief in the community that family reunion is morally and socially the best way to assist Australia to grow, and that it will assist us to develop economically (because we will be a more diverse, cohesive, and outward-looking society) in the longer term.

The dilemma highlighted by the issue of serial sponsorships lies in the conflict between the need to prevent abuse and exploitation of women sponsored into Australia as wives and fiancees, and the obligation to protect and respect individual rights, including the freedom to marry, and the right to privacy.

The 1990s

High levels of unemployment for people with limited skills are likely to continue during the 1990s, given increasing emphasis on international competitiveness in all areas of the Australian economy and increased emphasis on technology and high levels of skills to achieve this competitiveness. A Strategic Environment Working Group within the Department of Immigration, Local Government and Ethnic Affairs (DILGEA) has predicted an increase in temporary migration of professionals and skilled workers over the next five years as part of a worldwide trend towards increasingly mobile workforces. The group has predicted that permanent migration to Australia is likely to be maintained at its present level, given the size of the preferential family component and the difficulty of further reducing overall targets within a continuing immigration program. It has foreshadowed tighter targeting of skills, including English language, in individual and concessional family categories; continuing cost recovery measures and improved compliance measures to prevent fraudulent or 'unlawful' entry. It is therefore likely that pressure on spouse/fiancee sponsorships, as a relatively straightforward means of entry to Australia, is likely to continue.

Growth and nature of spouse/fiancee sponsorships

There was a total of almost 18,000 spouse/fiancee sponsorships to Australia in 1989-90 compared to just over 11,000 in 1982-83. It is estimated that 26,000 people will have entered Australia in the 1991-92 financial year in the spouse/defacto categories, or will change their entry status to spouse while in Australia.7

The growth in spouse/fiancee sponsorships (at the rate of about 10 per cent per year during the 1980s) is partly explainable in terms of increases in the immigration program, partly in terms of increased intermarriage due to a more mobile world population, and partly in terms of 'push' factors of poor living standards and political instability in migrant source countries.

Intracultural marriages

Intracultural marriages (between people of the same culture) between Australians and people in the 'home' countries have always occurred. Former immigrants to Australia or their descendants would return to Britain or Ireland, initially, and later to Italy, Greece, or Yugoslavia, for holidays, to visit family and friends and often to find a wife or husband. Pressure and expectation to marry within the ethnic group took its most extreme form in the proxy marriages which took place in the 1950s and 1960s as a means of finding a spouse in the homeland (especially Southern Europe) for someone in Australia.

As Australia's immigration program has widened, to encompass more countries, this trend has continued. Source countries from which spouse/fiancee sponsorships for intracultural marriage is currently important are the UK, the USA, Canada, the former Yugoslavia, Turkey, Vietnam, Lebanon, Fiji, India, Malaysia and Indonesia.8

While the majority of sponsorships appear to have been genuine marriages (Institute of Family Studies research and Australian Bureau of Statistics [ABS] data have not indicated unusually high divorce rates within any ethnic community9) reports have increased, including in the media, about marriages being organised for immigration purposes and about marriage rackets within some ethnic communities involving

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payment of considerable sums of money (between $2 000 and $10 000 appears to be the going rate). A newspaper article in May 1990 described a marriage industry operating out of Australia worth 'millions of dollars a year', at that time doing good business in a number of countries, including Hong-Kong, Fiji and some South American countries. A Hong-Kong publication reported this year that marriage rackets involving payments of considerable sums had been surfacing in China and Hong-Kong since 'Tiananmen Square' when Prime Minister Hawke promised an estimated 18,000 students political asylum. (These students have been granted four year temporary entry permits. A further 16 000 have sought refugee asylum since 20 June 1989).

Intercultural marriages

Intercultural marriages (between people of different cultures) also increased strongly during the 1980s, a trend described by Cahill and Hugo. Sponsorship by Australian men of spouses/fiancees from Asian countries appears to be the predominant pattern, and in the last ten years a body of literature has built up about such marriages. Student schemes, travel, tourism, as well as Australia's involvement in the Vietnam war, the springing up of introduction agencies and pen-pal systems, the growth of tourism and sex tours and the proliferation of bars and brothels have all played a role in increasing intercultural marriages from many countries in our region. The arrival of women from these countries has enabled informal networks to operate to facilitate the introduction of family and friends at home to other Australian men.

The following table shows spouse/fiancee sponsorships, by gender, over a three-year period (aggregated figures).

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11 'Crackdown on Marriage Racket'. Hong Kong Window, 14 August 1992.
14 Adapted from table prepared by Robyn Iredale, Centre for Multicultural Studies, from DILGEOA settler arrivals data by country of citizenship by sex by visa category.
### SPONSORSHIP: COUNTRY OF ORIGIN AND GENDER, 1988-89 TO 1990-91

<table>
<thead>
<tr>
<th>Country</th>
<th>Male</th>
<th>Female</th>
<th>Total</th>
<th>Ratio F/M</th>
</tr>
</thead>
<tbody>
<tr>
<td>UK</td>
<td>3,762</td>
<td>3,839</td>
<td>7,601</td>
<td>1.02</td>
</tr>
<tr>
<td>USA</td>
<td>1,036</td>
<td>1,275</td>
<td>2,311</td>
<td>1.23</td>
</tr>
<tr>
<td>Canada</td>
<td>484</td>
<td>537</td>
<td>1,021</td>
<td>1.11</td>
</tr>
<tr>
<td>Greece</td>
<td>405</td>
<td>308</td>
<td>713</td>
<td>0.76</td>
</tr>
<tr>
<td>Yugoslavia</td>
<td>835</td>
<td>173</td>
<td>1,288</td>
<td>1.54</td>
</tr>
<tr>
<td>Romania</td>
<td>390</td>
<td>807</td>
<td>1,197</td>
<td>2.07</td>
</tr>
<tr>
<td>Lebanon</td>
<td>1,549</td>
<td>1,554</td>
<td>3,103</td>
<td>1.00</td>
</tr>
<tr>
<td>Turkey</td>
<td>845</td>
<td>974</td>
<td>1,819</td>
<td>1.15</td>
</tr>
<tr>
<td>Indonesia</td>
<td>257</td>
<td>552</td>
<td>809</td>
<td>2.15</td>
</tr>
<tr>
<td>Malaysia</td>
<td>366</td>
<td>822</td>
<td>1,228</td>
<td>2.36</td>
</tr>
<tr>
<td>Philippines</td>
<td>1,098</td>
<td>5,267</td>
<td>6,365</td>
<td>4.80</td>
</tr>
<tr>
<td>Singapore</td>
<td>99</td>
<td>296</td>
<td>395</td>
<td>3.00</td>
</tr>
<tr>
<td>Thailand</td>
<td>192</td>
<td>1,001</td>
<td>1,193</td>
<td>5.21</td>
</tr>
<tr>
<td>Vietnam</td>
<td>1,859</td>
<td>4,278</td>
<td>6,137</td>
<td>2.30</td>
</tr>
<tr>
<td>India</td>
<td>424</td>
<td>776</td>
<td>1,200</td>
<td>1.83</td>
</tr>
<tr>
<td>Sri Lanka</td>
<td>268</td>
<td>617</td>
<td>885</td>
<td>2.30</td>
</tr>
<tr>
<td>South Korea</td>
<td>152</td>
<td>318</td>
<td>470</td>
<td>2.10</td>
</tr>
<tr>
<td>Fiji</td>
<td>616</td>
<td>1,173</td>
<td>1,789</td>
<td>1.90</td>
</tr>
<tr>
<td>Other</td>
<td>4,459</td>
<td>7,362</td>
<td>11,811</td>
<td>1.65</td>
</tr>
<tr>
<td><strong>TOTAL</strong></td>
<td>19,096</td>
<td>33,074</td>
<td>52,170</td>
<td>1.73</td>
</tr>
</tbody>
</table>

The largest source country is the UK (7,601), followed by the Philippines (6,365), and the third is Vietnam (6,137). The fourth largest source country is the Lebanon, where the sex ratio of spouse/fiancee arrivals of 1.00 suggests the flow is almost totally for intracultural marriages. The fifth and subsequent sources are the US, the former Yugoslavia, Turkey, Fiji, Malaysia, India, Romania, Thailand, Canada, Sri Lanka, Indonesia, Greece, South Korea and Singapore.

Over 60 per cent of sponsored spouses or fiancees are female. However, the ratio of males to female spouses and fiancees coming from different countries varies significantly. The low sex ratio indicates fairly equal numbers of males and females coming from the UK, Greece, the UK, Canada, Turkey, and Yugoslavia as well as Lebanon, and suggests a high level of intracultural marriage sponsorships from these countries. The highest female/male sex ratio for spouses and fiancees is from
Thailand, followed by the Philippines, Singapore, Malaysia, Sri Lanka, Vietnam, Indonesia, South Korea, Fiji and India. The imbalance in these ratios suggests a high proportion of intercultural as opposed to intracultural marriage.\textsuperscript{15}

The Philippines

Emigration has been important to the Philippines economy (remittances from emigrant workers is now the highest 'export earner' for the Philippines)\textsuperscript{16} and intercultural marriages have been particularly important in shaping migration to Australia from the Philippines. Already strong 'push' factors have been intensified by a colonial experience which has left a large proportion of the female population English speaking, pro-western and pro-migration in outlook, who view marrying an American or (second best) an Australian, as a socially as well as economically acceptable means of advancement.

Hugo illustrates this importance over the period 1982-83 to 1988-89 as follows:

Some 41.4 per cent of all female Filipino settlers entering Australia under the Family Migration category came as the spouses of Australia based males and another 31.8 per cent as their fiancées. The equivalent figures for all other birthplace groups entering Australia over the same period were 31.8 per cent and 9 per cent respectively.\textsuperscript{17}

The sponsorship of extended family members through preferential (dependent children and parents) and concessional (brothers, sisters, nieces, nephews) family categories of the immigration program resulted in the Filipino community being the most rapidly growing ethnic community in Australia in 1989. In that year there were 60 080 arrivals: 5 per cent of the total intake. In 1987-88, the Philippines was the largest source country for brothers and sisters and their accompanying dependents: 5 519 were issued with visas (compared with 5 361 for the UK and Ireland.)\textsuperscript{18}

\textsuperscript{15} Analysis of table prepared by Robyn Iredale, Centre for Multicultural Studies, as part of research into serial sponsorship commissioned by DILGEA.


\textsuperscript{17} Hugo, G. \textit{Immigration and Adaptation of Asian Women in Australia}. Paper prepared for Meeting on International Migration Policies and the Status of Female Migrants, organised by the UN Population Division, Italy, March 1990: 28.

\textsuperscript{18} Birrell, R. \textit{The chains that bind: Family Reunion Migration to Australia in the 1980s}. (Bureau of Immigration Research report) Canberra: AGPS, 1990: 16.
An estimated 15,000-20,000 Australian men now have Filipino spouses. At the 1986 census there were 2.2 times as many Filipino women as men in Australia, with a very marked gender imbalance in some age groups: in the age group 20-29 some 78 per cent were female and 22 per cent male; in the 30-54 age group, 76 per cent were female and 24 per cent male. In the under 20 age group the gender balance was even. However, spouse/fiancee arrivals decreased by 23 per cent between 1988-89 and 1990-91 (from 1,934 to 1,502 females and from 392 to 309 males).

Thailand

The strong imbalance of females over males coming from Thailand indicates a high level of intercultural marriage, and the rapid increase in sponsorships from Thailand in the last few years supports reports that the focus of the 'Asian Bride' market is moving from the Philippines to Thailand. Thailand has in fact emerged as the second major source, after the Philippines, of spouses/partners for Australian men.

Vietnam, Malaysia, Singapore, Indonesia

The preponderance of female spouses from Vietnam and Malaysia could at least partly be accounted for by the preponderance of Vietnamese males who escaped the aftermath of the war and of male Malay students in Australia. The length of time that has elapsed since the war in Vietnam suggests, however, that other 'push' factors are behind the recent increase and that intercultural sponsorships are also increasing. The imbalance between males and females coming from Singapore suggests an increase in intercultural marriage.

The level of intercultural marriage from Malaysia and Indonesia has traditionally not been high because of their Moslem cultures. However, a new source of 'Asian Brides', Kupang in West Timor, has emerged in the last few years, following the opening up of Kupang to oil rig workers.


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Characteristics of Filipino/Australian marriages

There have been continuing reports of high levels of exploitation, abuse and alcohol-related violence in marriages and relationships between Australian men and Asian (particularly Filipino) women, since the early 1980s.\textsuperscript{21}

Stereotypes

Women in Australian/Filipino marriages have been portrayed in the media as either naive, religious, middle-class, high school educated and family orientated or as bar/hospitality girls, often with undisclosed marriages and/or children, and using older and gullible men to obtain residence in Australia and money for themselves and for their families. The men have been portrayed by women's refuge workers and community groups as uneducated, with inadequate personalities, socially isolated and incapable of establishing 'normal' relationships, physically unattractive, having psychiatric or physical disabilities, histories of problems with women, violent and on invalid pensions or of low earnings.

Research findings

The Jackson report \textit{No Filipinos in Manilla}, produced independently but subsidised by DILGEA, aimed to dispel some of the myths and misconceptions surrounding Australian/Filipino marriages.\textsuperscript{22} Rather than being young bargirls, Jackson et al showed that the average age of Filipino brides was 31, that they were on average better educated than their spouses (though often unemployed or on low incomes), that many (15 per cent) had been married before. He found divorce rates to be lower than average (one in three Australian marriages end in divorce, compared with one in eight Australian/Filipino). While the desire to migrate may have been a factor in the decision to marry (and may have heightened the desirability of the Australian male overseas), the majority of marriages were genuine and had proved satisfactory to both parties. Most of the sponsored women he surveyed were happy with the choice they had made.


\textsuperscript{22} Jackson, R. and Flores, E. \textit{No Filipinos in Manilla: a Study of Filipino Migrants in Australia}. Townsville: James Cook University, 1989.
Most Filipinos have settled in Sydney, Melbourne and Brisbane. However many have settled with their husbands in rural and isolated areas and their presence is obvious in remote centres like Alice Springs, Mt Isa, and Broken Hill. Research has suggested that Filipino women, especially those living in remote areas, may have a lower than average awareness and usage of welfare and social services. Research has also suggested that women living in remote and rural areas are more likely to be victims of domestic violence. While there is no hard evidence to support community perceptions that domestic violence in Filipino/Australian marriages is any higher than in other Australian marriages, this has been attributed to reluctance to report to authorities. 23

Family reunion

Development of family reunion policies

Examination of the development of family reunion policy in the 1980s indicates the extent of influence that has been exerted in this area by Australia’s ethnic communities and the extent of commitment of a significant proportion of the population to continuing family migration.

In the mid 1970s, the rules were quite tough: family reunion was confined to spouses, fiancees, dependent children and aged or dependent parents. In 1978 eligibility was broadened to include parents whose 'balance of family' was in Australia. In 1980 brother and sister sponsorships were granted (bonus points were given under the point system.) In 1981 there was further relaxation of requirements for siblings and non-dependent children and the 'balance of family' restriction was removed for parents. In the mid 1980s, while there was some tightening to make it more difficult for low skilled, poorly educated brothers and sisters to migrate, concessions were extended to nieces and nephews.

By the time of the Review of the Committee to Advise on Australia’s Immigration Policies (CAAIP or 'Fitzgerald' Review) in 1988, the family reunion category had grown from 29 per cent of total arrivals in 1977-78 to over 60 per cent in 1985-86, while the skilled labour and business category had reduced, from 30 per cent to 13 per cent.

Submissions from ethnic communities to the CAAIP Review strongly supported expansion of family reunion, and ethnic communities lobbied strongly against application of the points test for family members. The CAAIP Report, however, recommended a much stronger economic focus for the immigration program with targeting of applicants with relevant skills (including English language), and further restriction of family reunion. It nevertheless stated:

The importance of the family and immigrant networks and communities in facilitating settlement is critical and should be encouraged.24

In the face of the consternation of ethnic communities, the Government restated its commitment to multiculturalism and undertook to consult widely before deciding on the CAAIP recommendations. The Government's decision was that there would be no significant shift in the future balance of family, economic and humanitarian intakes. Of the targeted intake of 140,000 in 1989-90, family reunion was to comprise 71,000, economic migration 54,000, humanitarian 14,000 and special eligibility 1,000. The family migration quota has since remained set at or not too far above half the total immigration target. At 45,000, it currently comprises about 56 per cent.

Despite their strong lobbying, the longer-settled ethnic communities have made little use of family reunion migration over the last decade. This has been attributed to higher living standards in the European source countries reducing the desire of family members to migrate. The newer, smaller ethnic communities, including those from countries in our region, have however been active family sponsors.

The family migration program - off-shore sponsorships

Among the chief critics of the family migration program has been Bob Birrell, of Monash University (and member of the National Population Council since 1988). In his 1991 study *The chains that bind*..., he argued that the program has been 'hijacked' by people from poorer non-English speaking countries, with consequent chain migration further decreasing skill levels and employment prospects in these communities. He argued that despite tighter skills focus for concessional family migration, growth of spouse/fiancee and other preferential family sponsorships is likely to mean decreasing scope to target economic migrants.25

24 Committee to Advise on Australia's Immigration Policies. *Immigration: A Commitment to Australia*. Canberra: AGPS, 1988: XIII.

Birrell pointed out that while many who have come under the Family Reunion program have been categorised as skilled or qualified, they have often been unable or ill-equipped to work, and their qualifications have often not been recognised. In the case of those who enter under spouse/fiancee and other preferential family sponsorships, work opportunities have often been irrelevant.

His thesis has been supported to some extent by research on workforce participation and unemployment levels. In 1989/90, 50 per cent of 'skilled' family (preferential and concessional) were not in the workforce. Over 27 per cent of the Philippines-born (the great majority of whom have come as family migrants), have no income, compared with 11.1 per cent of the total population, despite the fact that a higher proportion of the Philippines-born (49 per cent) had qualifications than the Australian population (32 per cent).

The claims that family and chain migration from poorer countries is lowering skills levels and our economic outlook in the longer term is strongly disputed by other commentators and proponents of multiculturalism. Among their arguments is that expansion of our Asian communities is increasing our range of languages, entrepreneurial skills and capacity to trade, is broadening our outlook, and will assist us to integrate economically with the countries in our region.

Change of status - on-shore marriages

As well as increasing numbers of people applying to migrate as spouses or fiancees under the Family Migration program, increasing numbers have come during the 1980s as visitors, and applied to change their status to permanent resident on the grounds of 'on-shore' marriage to Australians. In 1989-90, 11 435 applications were lodged by temporary entrants for permanent residence on spouse/fiancee grounds.


29 DILGEA.
The level of approved changes of status in Australia has been high compared with the USA or Britain, despite the vast volume of visitor movements in all countries. This has been attributed to more careful vetting of visitor visas and monitoring of movements, to conditional (two year) visas and to strict checking of bona fide before change of status on the grounds of marriage has been conferred in these countries.\footnote{30} Fifty to 60 per cent of visa applications are currently rejected at posts designated 'at risk', including Manila, because of fears of intention to stay, perhaps illegally. DILGEA does not generally approve applications from women whose intentions of complying with visitor visa conditions are perceived as questionable, e.g. where the sole stated reason is a relationship with an Australian man and they do not otherwise meet visitor criteria, i.e. no relatives in Australia, no visible means of support or return, and a high incentive to stay.

Migration Act amendments proposed for December 1989 were intended to introduce restriction of provisions for those with visitor or temporary entry status to remain in Australia similar to those in force in the USA and Britain. Marriage or de facto relationships were no longer to be grounds for change of status unless there were other compassionate or humanitarian circumstances. The changes were intended to prevent circumvention of immigration procedures by making it unprofitable for people to avoid the processing of their application as fiancee or spouse.

Opposition from community and women's groups to the proposed amendments resulted in transitional arrangements being implemented, allowing change of status pending review. Reviews by both the National Population Council and the Joint Parliamentary Standing Committee on Migration Regulations concluded that total prohibition of change of visitor to permanent resident status was too tough, but advised that stringent rules were required to prevent abuse of the system.

In January 1991 new regulations were announced whereby visitors and other temporary entrants are able to apply for permanent residence on the basis of marriages or de facto relationships. However:

- those whose relationships are assessed as genuine are given conditional resident status for two years. At the end of this period permanent residence will be granted if the relationship is assessed as permanent and continuing, and

\footnote{30 Birrell, R. The chains that bind: Family Reunion Migration to Australia in the 1980s. (Bureau of Immigration Research report) Canberra: AGPS, 1990.}
Sponsorship of Spouses and Fiancées into Australia

- those applying on the grounds of a de facto relationship must demonstrate their relationship is already of six months duration.

Coalition policy is for two-year conditional residence visas to be applied to off-shore as well as on-shore marriages, and to those applying on the grounds of de facto marriages. The Coalition has also flagged that it would amend the Sex Discrimination Act to exclude the Migration Act and Regulations, so as to exclude sponsorship of homosexual partners.  

Serial sponsorship

While the majority of spouse/fiancée sponsorships would appear to be for genuine marriages, potential exists for Australian residents to exploit their position of power to enable migration, and for the practice of serial sponsorship to further expand the number of people entering Australia under the preferential family component of the immigration program. Potential also exists for a series of women to be exploited by the same man.

Extent of serial sponsorship

There is no accurate record of the total number of serial sponsors of spouses or fiancées into Australia. DILGEA estimated in 1990-91 there were between 20 and 50. One hundred and ten were recently identified by Robyn Iredale, in recent research commissioned by the department. She claimed however that this could be a 'gross underestimate', as her surveys and consultations did not cover large parts of all states and territories and were limited to a couple of months. Iredale et al confirmed other reports (from women's and ethnic groups) that serial sponsorship is increasing, both in the form of 'off-shore' spouse/fiancée sponsorships, and encouragement of women to come on tourist visas, with view to change of status should marriage transpire.  

The maximum number of repeat sponsorships by one man of which DILGEA is aware is seven.


Nature of serial sponsorships

A number of serial sponsors may be operating to help people circumvent the immigration system. Sponsors may be motivated by concern to help women who want to get out of poverty by migrating to Australia. People may have failed to get into Australia under the points or family categories and may be prepared to pay an Australian to marry them. The research by Ireland suggests that this appears to be happening from Fiji, especially since 1989, as a means of assisting Fiji Indians to enter Australia. Once permanent residence has been achieved the immigrant sponsors their former spouse or family. Other countries where similar schemes seem to be operating are Pakistan, Lebanon, the former Yugoslavia, Thailand and Indonesia. Iredale refers to an Indonesian Radio Australia broadcast in December 1989 which reported on a racket whereby people in the Indonesian community in Melbourne were sponsoring Indonesians who wanted to migrate to Australia for a fee of $10 000. After one year divorce would be filed for and the process would be repeated.33

The focus of concern so far, however, has been on the exploitative and often violently abusive nature attributed to many serial sponsors. While the issue is not confined to the Philippines, it has to date been examined in the context of Filipino/Australian marriages and Filipino migration.

Concern about the potentially exploitative nature of Filipino immigration, such as is exemplified by 'mail order brides' and serial sponsorships, has been expressed by Philippine authorities, by the Filipino community in Australia, by the media and by women's groups throughout the 1980s. During 1989 and 1990 in particular there were a number of reports in the media, and by women's refuge workers, of men exploiting and/or violently abusing a series of Filipino women, whom they had sponsored as fiancees or wives or encouraged to come on visitor visas. Domestic violence against Filipino women was said to be increasing, and linked to serial sponsorship. As examples:

- June 1989 report - refuge worker describes cases where men have married three or more women, abused each and caused deportation;
- April 1990 report - domestic violence against Filipino women described as of 'plague proportions' and serial sponsorship increasing;

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Sponsorship of Spouses and Fiancees into Australia

1991 Report from SA Migrant Women's Emergency Support Service. Had helped five 'Filipinos' married to one man and knew of another man who had married six;

May 1992 report of eleven violent deaths of Filipino women over a five-year period. In most cases husband convicted and charged and 'many' of cases were serial sponsorships.34

Robyn Iredale has repeated claims made by women's and community groups that the majority of serial sponsorships involve physical and psychological abuse and exploitation of the women involved. While some of the women involved see the men merely as a means of getting into Australia and have little intention of remaining with them, she describes most of the women as staying as long as possible in these relationships because of fear of the men, fear of being on their own, lack of knowledge of their rights, lack of knowledge of services, shame at having to admit failure and an unwillingness to cut off support to their families.35

Ireldale's findings, however, like those of earlier research and media reports, are based on anecdotal and reported accounts of incidents and perceptions of relationships, because of the difficulty of obtaining objective and first-hand information in an area of such sensitivity. While her research confirms that there are strong perceptions amongst sections of the community that the majority of serial sponsorships are abusive, there is, as yet, no hard evidence to show that this is in fact the case.

The international context

From 1989 to 1991, Australia was the third major country of destination of Filipino spouses and fiancees, absorbing 4,203 (or 11%) of the overall total of 39,749 Filipino citizens who migrated under that category.36 While migration from the Philippines to other countries has been greater (from 1975 to 1991 77% of Filipinos who emigrated

34 DILGEA files.
as spouses and fiancées went to the U.S., and 11% went to Canada) the incidence of marriage involving Filipino women and Australian men is four times as high as those involving Canadian or American men, if measured on a per capita basis.37

Both the USA and Canada have reported problems with fiancée and marriage fraud as well as some serial sponsorship, but the lack of literature on the topic suggests that serial sponsorship is a newly emerging issue. In neither country is there legislative means of preventing repeat sponsorships and, like Australia, the onus is on the applicant to prove genuine intentions.

Philippines government requirements

Since August 1989 all Filipino women intending to accompany foreign spouses abroad have been required to undergo counselling at the Philippines Centre for Filipinos Overseas. A 1989 bill to require foreign men proposing to marry and sponsor Filipino women overseas to produce a certificate of good moral character, adequate income and trade qualifications has not been enacted into Filipino law. Legislation was passed in April 1990 banning the 'mail order bride' industry and advertising, although this has reportedly been difficult to enforce and lower profile 'pen pal' businesses are still said to be operating fairly openly in Manila.

'Mail Order' advertising in Australia

Outrage by women’s groups (and Senator Margaret Reynolds, then acting Minister for Immigration, Local Government and Ethnic Affairs and Minister Assisting the Prime Minister on the Status of Women) in the late 1980s at the exploitative and degrading nature of advertisements in the print media for Asian brides led to advice being sought from the Attorney General’s Department on possible ways of preventing such advertising and controlling the activities of introduction agencies.

State and territory governments, under whose jurisdiction the activities of introduction agencies fall, have not however so far supported the imposition of regulatory controls. While the social issues are recognised, the volume of complaints about introduction agencies and their advertising has not been considered sufficient to warrant the introduction of regulatory action.

Procedural context and counselling

Applications to sponsor a wife or fiancee to Australia are lodged directly at overseas posts. Requirements that a couple must know each other personally are enforced by DILGEA through the requirement to produce evidence, e.g. photos or passports showing travel in the Philippines. DILGEA checks the medical and personal backgrounds of the women proposed to be sponsored (as with all immigrant applications), but not those of their sponsors. It checks men's citizenships, and checks that they are not already married. Extended use of the IRIS (Immigration Records) data base since 1989, together with the MAL (Migrant Alert) record system, are used to identify repeat and otherwise suspect sponsors. Where the sponsors are identified as repeat sponsors, the women they propose to sponsor are individually counselled and warned of possible risks. However, according to Embassy staff, in no case has this changed their minds.

Calls by community groups for 'improved' information or 'more' counselling (e.g. by posting Filipino/Australian social workers to Manila) have been advised against by Embassy staff, on the grounds that information provision and counselling are as comprehensive as they can be under the circumstances. Extra resources have been advised against as possibly counterproductive - they could create (or reinforce) an exaggerated impression of the problem Australia has with domestic violence.

Community demands and responses from the Department of Immigration, Local Government and Ethnic Affairs

The groups that have been pressing the Government to change the way that it deals with serial sponsors have primarily been pushing for additional counselling and the mandatory provision of personal information such as criminal records, health certificates, marriage histories, employment records and social security entitlements to DILGEA by intending sponsors for provision to the intending applicant.

On the basis of this information, they suggest that the Department check and reject sponsors on the grounds of 'bad' character and/or check sponsors and hand 'negative' references over to prospective partners. Some have attempted to have serial sponsors with a violent history 'blackbanned' by DILGEA. Alternatively they have supplied information to the Philippines Embassy in Australia in the hope that such people will be denied entry to the Philippines. As well as suggesting more or compulsory counselling, they have suggested that DILGEA conduct 'spot checks' on couples after marriage and make it mandatory for women to report to a welfare agency on arrival in
Australia for future monitoring. Other suggestions have included requiring all spouse/fiance(e) sponsors to pay assurances of support and bonds, and requiring those applying to sponsor a second or subsequent time to undergo additional tests of the genuineness and continuing nature of the marriage or relationship, and of the full and informed consent of prospective partners.

In response to this growing pressure DILGEA has pointed out that it cannot, beyond ensuring bona fides, prevent intercultural marriages. Nor can it prevent violent marriages in Australia through immigration policies. It has also pointed out the concept of closer scrutiny raises questions of confidentiality, access to private records of other agencies and the rights of the individuals concerned.

Prior to commissioning the Centre for Multicultural Studies to conduct research on serial sponsorship earlier this year, the Department's efforts have focussed on community education, primarily to counter negative stereotypes (and perhaps downplay concern about violence) by encouraging media reportage about successful marriages, successful Filipino immigrants and the positive contribution made by Filipino women. It has also (in 1989-90) seeded newspapers and magazines such as Post, Pix and the Mt Isa Courier (i.e. those likely to be read by prospective sponsors) with cautionary articles aimed at dispelling myths about the passivity and domesticity of Filipino women.

DILGEA has encouraged and monitored (through its grant schemes and regional offices) the development of Filipino community and support organisations in Australia. It has monitored Filipino women's access to settlement services and has assisted other departments to target services appropriately to Filipino and other 'vulnerable' women. The National Domestic Violence Committee has implemented a special sub-program for non-English speaking background women.

Solutions

Given the community and Government support for close family reunion, especially for spouses and fiancees, the role that a migration authority could play in preventing abusive serial sponsorships, for example by imposing additional impediments to entry or denying visas in certain cases, is complex and problematic.

Government policy

The Government is awaiting advice from DILGEA before deciding what is an appropriate response to the problems arising from serial sponsorship, in particular whether a legislative response to amend migration regulations is warranted.
As previously discussed DILGEA has indicated that it may be inappropriate, beyond ensuring bona-fides, to intervene in serial relationships per se, whether intercultural or not. Only in cases where sponsors are proven perpetrators of criminal behaviour may it be appropriate or possible to intervene via the immigration system.

Recommendations from the research contracted to the Centre for Multicultural Studies were developed in cooperation with a steering committee which comprised DILGEA personnel and a Filipino community representative, and focus on dealing with serial sponsors who have a record of abuse or exploitation of women. They include extension of measures already being undertaken in the department, such as development of procedures to identify serial sponsors of concern, staff training and counselling of applicants. New measures recommended for consideration include requiring provision of personal information on the backgrounds of criminally abusive serial sponsors to applicants as a condition of sponsorship, and requiring payment of bonds by 'at risk' sponsors to cover costs of crisis services in case of abuse or abandonment of wives or fiancées. Should broader measures be required the researchers have suggested a number of options for future consideration, including imposing a two-year residency requirement for those marrying off-shore as well as on-shore before permanent residency is conferred, a less stringent approach to determining the existence of abuse/exploitation in previous relationships, imposing a limit - of perhaps one - on the number of sponsorships permitted and/or requiring different processing of second and subsequent applications.38

Coalition policy

The Coalition has announced that it would introduce a two year conditional residency period for people entering Australia as spouses and fiancées. It has also flagged the possibility (subject to legal examination) of limiting the number of times an Australian citizen or permanent resident could sponsor a spouse or fiancée into Australia to, say, once in five to eight years; and restricting the ability of a sponsored spouse who has separated or divorced their Australian partner to sponsor a third party from off-shore also for a period of between five and eight years.39


Conclusion

While the number of serial sponsors may be small, they appear to be increasing. And while Australia is only the fourth largest destination of Filipino spouses and fiancées (behind the USA, Canada and Japan), the issue of serial sponsorship is more prominent here. This perhaps reflects tighter restrictions which have operated over such sponsorships in other countries. It also perhaps reflects the effectiveness of the national level structures and institutions which provide a voice for ethnic community concerns in Australia.

The issue of serial sponsorship is of particular interest to sections of the media because of its associations with domestic violence, and there is currently widespread expectation that the problem of abusive serial sponsorships should and will be addressed through government action. The issue is also of interest because it highlights many of the dilemmas currently confronting immigration planners.

Immigration planning in the early 1990s would appear to have become an act of balancing a number of competing forces. The immigration program is being called upon to target and compete for (increasingly temporary) migrants for economic development. It is also required to accommodate the rights of residents to marry and is being called upon to satisfy ethnic communities' desire for family reunification at a time of a reduced overall migration target. It is required to respect the rights of individuals to form families and their rights to privacy. It is also being required to restrict fraudulent family sponsorships and other abuses of the immigration system at a time of increasing global population movement and strong 'push' incentives to migrate from some countries, including some in our region.

An increasing proportion of a reducing permanent migrant intake is being composed of spouse/fiancée sponsored settlers. Any policies developed and implemented within the context of the competing claims described will therefore be of considerable importance and interest not only to individual spouses/fiancées and their sponsors, but to the wider Australian community.
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